



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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Wednesday, 25 March 2015

The East African Legislative Assembly met at 2:38 p.m. in the Chamber of Deputies, Burundi National Assembly in Bujumbura, Burundi.

PRAYER

(The Speaker, Mr Daniel F. Kidega, in the Chair.)

(The Assembly was called to order)

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT ON THE EAC SINGLE CUSTOMS TERRITORY

The Speaker: Chairperson of the Committee on Communication, Trade and Investment.

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt Hon. Speaker. I rise because a number of other Bills are coming, but I wanted to raise an issue, which has been outstanding.

The Council of Ministers, sometime in August, 2013, requested for the adjournment of the debate on The Disaster Risk Reduction Bill, 2013 and promised to bring it back to the Assembly at the end of the year.

When it reached that time, we brought it back, exactly like today, and then they requested for a further adjournment and promised to bring it back within six months.

Rt Hon. Speaker, I have engaged with the former Chair, Council but we never get any response as to when this Bill will be brought back.

So, while taking into account the matter at hand and the objective of that Bill, I would request that the Bill either be reinstated on the Order Paper for resumption of the debate or the Council gives us a good answer as to when exactly that Bill will be re-tabled in the House. Thank you, Rt Hon. Speaker.

The Speaker: Thank you, Hon. Patricia. Chair, Council of Ministers, you remember your undertaking to this Assembly? That Bill is very important to this Assembly and the people of East Africa and remember that it was already in the House. It was on your request that debate was adjourned.

Can I kindly find out from you what commitment you are giving to this House on that Bill?

The Assistant Minister for East African Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr Abdallah Saadalla Abdalla) (Ex-Officio): Thank you, Mr Speaker. I agree that this special Bill was withdrawn by the Council but currently I don't have any updates. I, however, take the commitment of going to follow up and come back and inform this august House in the shortest time possible.

The Speaker: Thank you. I think Hon. Chair, Council of Ministers, this House would require a more concrete and distinctive response from you.

Benefiting from the knowledge I have that Council will be sitting in April, and you undertook to bring back the Bill to the House, I would direct that in the next Meeting, in Arusha, you give this House a very concrete position on that Bill. Thank you so much. (*Applause*)

Dr Saadalla: I agree with that, Sir.

The Speaker: Thank you, Chair, Council of Ministers. Before the procedural issue came up from the Hon. Patricia, I had already called the Chairperson of the Committee on CTI, Hon. Fred Mukasa Mbidde to move under Order 2.

The Chairperson of the Committee on Communication, Trade and Investment (Mr Fred Mukasa Mbidde) (Uganda): Thank you, Rt Hon. Speaker, the motion is that the report of the Committee on Communication, Trade and Investment on the oversight activity on the EAC Customs Territory be adopted. I beg to move.

The Speaker: Seconded by Hon. Mulengani. Chairperson, you can proceed and present the report.

Mr Mukasa Mbidde: Thank you, Rt Hon. Speaker. The report was laid on table on the 24th October, 2014. The report is available for reading before the august House for refreshment of their memory.

Mr Speaker, Sir, members of the business community are engaged in cross-border trade within the East African Community countries although businesses are severely hampered by inefficient trade facilitation systems. In bid to implement the EAC Customs Union Protocol, EAC Partner States have embarked on fast tracking the Single Customs Territory (SCT) whose framework was adopted by the EAC Summit of Heads of States in November 2013. The Summit directed that the SCT commences on 1st January 2014 and that all operational requirements be finalized by June 2014.

Under the SCT arrangement, the EAC member states have adopted a destination model of clearance of imports whereby the assessment and collection of tax revenues on such consignments are done at the first point of entry. This allows free circulation of goods within the single EAC market, with variations to accommodate exports from one Partner State to another. In this regard, Customs administrations in destination states retain control over the assessment of taxes. This crystallizes the gains of regional integration characterized by minimal

internal border controls and more efficient institutional mechanisms for clearing goods out of Customs control.

Pursuant to Article 49 (2) (e), "the Assembly may for purposes of carrying out its functions, establish any Committee or committees for such purposes as it may deem necessary to exercise both legislative and oversight functions on all matters within the scope of the EAC through meetings, studies, workshops; tours, on spot assessment activities, to mention but a few"

In order to exercise its oversight mandate the EALA Committee on Communications, Trade and Investment has found it imperative to undertake on spot assessment on the Tanzania Ports Authority (TPA) and Tanzania Revenue Authority (TRA) to engage Ports and Customs Authorities, and Tanzania Freight Forwarders Association on the implementation of EAC SCT, since these stakeholders play a significant role in the operationalisation of the Single Custom Territory to improve business environment in the EAC region.

1.1 Objectives of the On-Spot Assessment

The objectives of the on spot assessment were to;-

- (a) Understand the state of play for the operationalisation of the Single Custom Territory;
- (b) Find out the operations and processes that will be involved in the implementation of the EAC Single Customs Territory;
- (c) Identify the expectations, fears/challenges that are involved and recommendations to address them;
- (d) Visit Ports and Customs Authorities site installations and facilities to acquaint themselves with cargo handling and clearance procedures.

1.2 Methodology

The Members of the Committee on Communications, Trade and Investment held meetings from September 29th to 2nd October 2014 with various stakeholders. Amongst them were Tanzania Revenue Authority (Customs), Tanzania Freight Forwarders Association, EAC Secretariat, Tanzania Ports Authority (Tanga Port). The Committee also carried out a guided tour on site installations and facilities in place including cargo handling and clearance processes and procedures. From these visits and meetings, the committee took stock of the observations and recommendations.

2.0 FINDINGS

2.1 The status of Implementation of the EAC Single Customs on the Central Corridor

The Committee was informed that, in January 2014, Tanzania Revenue Authority started its involvement in preparations for SCT implementation and TRA has set aside an additional budget of TZS 1,668 billion to support SCT implementation. This is an initiative that cuts across different Government and private sector stakeholders. At regional level, coordination has been done by EAC Secretariat and at National level, there is a Steering Committee under the Ministry of Finance.

The Committee was made to understand that the Standard operating procedures covering most of the key Customs procedures and control mechanisms have been developed and tested and the meeting of the EAC Commissioners of Customs took place in Dar Es Salaam on 28th – 29th

August 2014 to consider and adopt the standard operating procedures. The Amendments to East African Community Customs Management Act, 2004 for smooth SCT implementation have been drafted and submitted to EAC Secretariat for processing.

2.1.1 Customs Systems Interconnectivity

In terms of Customs Systems Interconnectivity, Tanzania's ASYCUDA++ was interfaced with ASYCUDA World of Rwanda, Uganda and Burundi and Simba of Kenya to allow piloting of SCT that commenced in June 2014. Through this interface, manifests and declarations with subsequent release order information is exchanged electronically and the Information Technology experts are currently working out to fine tune to enable electronic transmission of Exit Notes, declaration and risk selectivity lane, and this is done through emails.

Below is the status of customs systems interconnectivity between Tanzania and other Partner States.

s/n	Revenue Authority	Customs System	Asy++ Interface Status
1	Uganda	Asycuda World	Done
2	Burundi	Asycuda World	Done
3	Rwanda	Asycuda World	Done
4	Kenya	Simba	End of Sept 2014

2.1.2 Interface with Tanzania Customs Integrated System (TANCIS)

TANCIS is a robust system that was introduced to replace Asycuda++ currently working with SCT server. The Committee inspected the Control room where TANCIS is operated and members were informed that Automation started since 1997 in Tanzania by introduction of ASYCUDA 2.7 and later migrated to ASYCUDA++ system in 2005. When users' needs and technological developments evolved over time, several weaknesses were identified in the system. In 2012 TANCIS was developed and implemented in 2 Phases. Phase I - for main customs clearance business and Phase II - other customs functions/modules.

TANCIS was developed to resolve ASYCUDA++ weaknesses, automate Manual Clearance Processes, and to re-align operations and processes to conform with laws, regulations and best practices.

Tanzania Revenue Authority engaged a Consultant in August 2014 to develop a new interface between other Partner States Revenue Authorities Customs Management Systems with TANCIS. Major Benefits of TANCIS include the following:-

1. Simplified and transparent cargo clearance procedures;
2. Reduction of cargo clearance time;
3. Trade facilitation with a view of reducing cost of doing business;
4. Improved/strengthened controls where necessary;
5. More effective / efficient use of resources including staff;
6. Overall improved quality of services;

2.1.3 Review of Legal Framework

Draft Amendments to the East African Community Customs Management Act, 2004 to provide for the legal backing of the SCT initiatives have been developed and submitted to EAC Secretariat for initiating the approval process. The main areas covered include Refunds of duty, Transfer of goods, and security bonds among others.

2.1.4 Capacity Building and Change Management

Workshops and seminars at national levels were conducted by TRA in April, May and June, 2014 to provide awareness and understanding of the procedures to various stakeholders such as Customs Staff, Clearing and Forwarding Agents (CFA). Customs and Excise Department has been availed with additional staff and 50 recruits completed Customs basic training in August 2014.

In addition, sensitization to selected groups of trading communities was done in the regions and border stations of Kagera, Mwanza, Mara, Arusha, Kilimanjaro, Tanga and Dar Es Salaam.

In addition to seminars and workshops, other sensitization programs were also conducted by Tanzania Revenue Authority and EAC secretariat in April, June and July 2014 for major stakeholders including the Clearing and Forwarding Agents in Dar Es Salaam, Kabanga/Kobelo and Rusumo.

Training programs are on-going exercises and therefore more training programs are yet to be conducted. In this regard, 82 Tanzanian Clearing & Forwarding (C&F) agents trained by Rwanda Revenue Authority (RRA) on the use of RRA ASYCUDA World, while 37 Tanzanian Clearing and Forwarding agents and 29 TRA staff trained by Kenya Revenue Authority (KRA) on the use of Simba, and 45 Kenya Revenue Authority staff and 141 Kenyan Clearing & Forwarding agents trained by Tanzania Revenue Authority on the use of Tanzania Customs Integrated System (TANCIS).

2.1.5 Enforcement and Compliance Procedures

Groundwork on a regional framework for interfacing national electronic cargo tracking systems and one for operating a regional Customs bond has been done. Customs and Excise Department (CED) is working with COMESA Secretariat and insurance companies on adopting the Regional Customs Transit Guarantee Scheme (RCTGS).

2.1.6 Inter-Agency Coordination

1. Tanzania Ports Authority and Tanzania international Container Terminal Services (TICTS) have established direct links with Rwanda Revenue Authority (RRA), Burundi

Revenue Authority (OBR) and Uganda Revenue Authority (URA) in clearing cargo destined to these countries;

2. RRA and OBR have stationed their officers at the Port of Dar es Salaam;
3. TANCIS will be interfaced with Kenya Ports Authority system;
4. TRA deployed its officers in Nairobi and Kenya Ports Authority in Mombasa in September 2014;
5. Kenya Ports Authority is expected in Dar es Salaam for the interface task in October 2014.
6. National SCT Steering Committee incorporating all key stakeholders is functional since July 2014.

2.1.7 Piloting the SCT

1. SCT Piloting with Rwanda

The SCT piloting with Rwanda Commenced in June 2014 under Wheat grains and Petroleum Products as shown below; -

S/N	PRODUCT	QUANTITY	NUMBER OF TRUCKS
1	Wheat grains	1650 Mt	54
2	Petroleum Products	38,958,752 Lts	1,064

More products which have been agreed upon to be included in the pilot products include duty paid Maritime trade such as rice, sugar, motor vehicles while products for Intra- Regional trade include cement, sugar and salt.

2. SCT Piloting with Uganda

Products were selected from Ugandan manufacturers such as Mukwano Industries, BIDCO, and MOVIT and also Wet cargo (Petroleum products) are discharged at Dar es Salaam Port cleared under SCT since 1st August 2014.

S/N	Product	Quantity	Conveyance
1	Petroleum Products	770,515 lts	20 tankers
2	Rice	438,000 kgs	3 Vessels
3	Cotton seed Cakes	896,000 Kgs	3 Vessels
4	Fertilizer	85,000 Kgs	1 Vessel

5	Spices/cinnamon	1,770 Kgs	1 Vessel
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3. SCT Piloting with Burundi

Below is the table showing the products that are being piloted under SCT arrangement for Burundi; -

S/N	Product	Quantity	No. of Trucks
1	Wheat	5,368 Mt	181
2	Beer Malt	1,530 Mt	51
3	Phosphorous Acid	17 Mt	1
4	Silicon Dioxide	17 Mt	1
5	Cement	459 Mt	14

4. SCT Piloting with Kenya

The table below indicates the products that are being piloted under the SCT arrangement between Tanzania Ports Authority and Kenya;-

S/N	Product	Quantity	Transactions
1	Laundry Soap	5,600 Cartons	4
2	Cooking Oil	3,959 Kgs	2
3	Galvanized Steel Pipes	1,331 Pcs	1

In addition, it was mentioned that arrangements are underway to extend SCT implementation to Tanzania-destined cargo arriving at Mombasa Port and the deployment of Tanzania Revenue Authority staff has been done.

5. SCT Coordination at National Level

The Committee was further informed that the National SCT Steering Committee was inaugurated on 9th July 2014 and it comprises all key Government Ministries and Agencies involved in cargo clearance chaired by the Permanent Secretariat Ministry of Finance.

SCT implementation schedule and roadmap for Tanzania has been developed and recommendations have been made to the Ministry of Works on limiting to three, the frequency of weighing trucks transporting SCT-cleared cargo.

A Task Force has been established to come up with mechanism to identify trucks transporting SCT-cleared cargo (Police, Immigration, TANROADS & TRA) and recommendations have been made to the Police and other security organs to carry out any necessary inspections of trucks transporting SCT-cleared cargo only at the designated weigh bridges.

TANROADS has been requested to expedite the process of harmonizing axle load legislation and the Attorney General Chambers to lead agencies involved in cargo clearance in reviewing their respective legislations in line with the agreed SCT framework.

2.1.8 Tanzania Ports Authority (Tanga Port)

The Committee visited Tanga port and the following observations were identified; -

1. Tanga port is one of the six major ports operated by Tanzania Port Authority (TPA) in Tanzania along other major ports, which are Dar es Salaam and Mtwara (along the Indian Ocean), and Mwanza, Kigoma and Kyela on Lakes Victoria, Tanganyika and Nyasa respectively.
2. It is a Government owned parastatal established by the Ports Act of 2004 and operates under the Ministry of Transport of the United Republic of Tanzania
3. The port is located between two deep sea ports of Dar es salaam (Tanzania) and Mombasa (Kenya)
4. Tanga port is the oldest port in the coast of East Africa as it was constructed in 1891. It is currently provided with two shallow water berths with a total length of 380m.
5. It is a lighterage port due to its draft limitation, which range between 3.5 meters and 4.5 meters at low and high tides respectively. Vessels of 1200 GRT capacity can be handled along the quay. Its draft limitation demands for specialized logistics operation at stream that involves process of cargo discharge from vessels anchored offshore, transport it to shore or a pier using tugs, discharge it and stack it for hinterland logistics and vice versa.
6. The Port is connected with ICT applications such as 24 hour accessible website and Internet banking.
7. TRA is also in the process of linking the port with Asycuda++ to facilitate cargo clearance.
8. There is also a Disaster Recovery site project located in Bandari house.

Tanga Port is faced with the following challenges:-

1. Operation of deep sea vessels at stream which Leads to double handling of cargo and affects productivity in terms of speed of loading/offloading and vessel stability.
2. Ineffective inland transport system as there is no Railway transport therefore all cargo cleared are transported by road.
3. Increase physical capacity through constructing the new port at Mwambani to be linked with a new railway line from Arusha to Musoma (Lake Victoria) and by lake to Uganda is costly.
4. Shipping technological changes whereby ships growing bigger in size with no gears and the Port requires dredging and procure equipment to handle bigger ships.

Despite the challenges, Tanga Port has got future prospects which include:-

1. Implementation of TPA Port Master Plan (2009 – 2028) which includes among others the development of the new port at Mwambani;
2. Prospects for mining activities within the region including Red Nickel, Sulphur, Magnesia, Bauxite, Soda Ash, and the new cement factory in Tanga;
3. Growth of Agricultural activities in the Region especially coffee, forestry products which may contribute to growth in cargo;
4. Completion of road Upgrading Minjingu/Babati/Singida road as an alternative to railway connection to Lake Zone may attract more cargo through Tanga port;
5. M Road construction plan for Tanga /Pangani /Bagamoyo, Mkata /Handeni /Mvomero (Morogoro);
6. Declaration of land for development of Economic Processing Zone in Tanga;
7. Government declaration of the Northern region as conducive for Foreign Direct Investments.

3.0 CHALLENGES AFFECTING THE SCT IMPLEMENTATION

1. Information Technology interconnectivity: there are still transmission challenges in terms of information and data sharing in all the Revenue and Port Authorities;
2. Non-compatibility and difficulties in data sharing under different Electronic Cargo Tracking Systems by Partner States;
3. Compatibility of Revenue Authorities IT systems with Port Authorities;
4. Fears and concerns by Clearing and Forwarding agents in Tanzania and Kenya of losing business and employment;
5. Absence of the EAC Regional Removable Bond to facilitate clearance of goods to warehouse and exempted goods;
6. Difficult processes by Revenue Authorities to grant access and rights to Clearing and Forwarding agents and Customs Officers;

7. Non-implementation of the EAC Common Market Protocol. For example unharmonized work permits' requirements in the EAC still hindering the business people to operate in any country of their choice;

4.0 RECOMMENDATIONS

1. Capacity building and sensitization programs undertaken to various stakeholders such as Clearing and Forwarding Association, Revenue Authority staff and Other Government Departments on the operations and processes involved in the SCT should be continuous and given timeframes;
2. Fast tracking the finalization of the Draft Amendments to the EAC Customs Management Act, 2004 to ease the SCT Operationalisation;
3. Efforts should be made to fully implement the East African Common Market Protocol to enable free movement of people, goods, capital and services to enable the full operationalisation of the SCT;
4. EALA to come up with pieces of legislations that support the implementation of SCT such as those that provide for the health and education insurances, immigrations, and vehicle registration for staff working in different Partner States;
5. Roll out of more products both intra-regional and maritime goods should be undertaken under Single Customs Territory arrangement;
6. Revenue Authorities need to streamline the process of granting access/views rights to C&F agents and Customs Officers;
7. Fast tracking the finalization of the utilization of the Single Regional Customs Bond by EAC Secretariat;
8. Effective and effecient Systems interface networks should be put in place to address the interconnectivity and data/information challenges.

5.0 ACKNOWLEDGEMENTS

1. The Committee wishes to express its utmost appreciation for efforts and commitment made by EAC Partner States in process of fast tracking the EAC Single Customs Territory.
2. The Committee is also indebted to all stakeholders who spared their precious time to participate in this activity and also for their support and cooperation throughout the activity period.
3. Special thanks go to EALA Management for the tireless efforts in mobilizing resources and all logistical arrangements to make this activity a reality.

The Speaker: Thank you, Chairperson. Hon. Members, the motion before the House is that the report of the Committee on Communication, Trade and Investment on Oversight Activities on the EAC Single Customs Territory be adopted. Debate is open

Honourable Members, before you take on the floor, this report has been with us for some time and I would like to thank the Chairperson of the Committee for eloquently presenting it in spite of the fact that the report was prepared by his predecessor when he was not even a member of that Committee. So, I thank him for doing that. *(Applause)*

Also, if you realise - I hope no Member will rise on a procedural matter on the list of members attached based on the earlier appearance. These were members who were then members of the Committee. Some of them may not be current members including myself who is highlighted here.

Based on that, debate is open but I will allow a few Members to contribute such that we save time and I propose the question.

Mr Bernard Mulengani (Uganda): Thank you very much, Mr Speaker. I would like to thank the Chair for ably presenting the report, as you noted, Mr Speaker.

I am also a member of the Committee and I have only a few issues to supplement on what my Chairperson has raised. One of the issues is the eminent inefficient trade facilitation systems. I am just hopeful that having recently passed the Bill on the Elimination of Non-Tariff Barriers, some of these inefficient trade facilitation systems will be curbed.

Why I am raising this is that the Bill comes in time to maybe address some of these challenges that are being faced by our traders in the region.

Mr Speaker, on page 3, the Committee raises issues to do with the Customs System interconnectivity; Tanzania's Asycuda system was interfaced with Asycuda World. Now the point I want to raise here is these are processes that are being taken in different Partner States to ensure that systems are efficient.

I would kindly, again, request the Council, in the same vein that they thought that bringing a legal framework, to enable ease the issue of Non-Tariff Barriers even in the area of Customs, maybe you may need to come up with a legal framework or a policy that is well clear; that is uniform by creating processes that are almost similar in all the five Partner States so that in terms of reprimanding, sanctioning – putting sanctions on a Partner State that is not complying to the processes and the legal frameworks available can be followed to the letter.

This is the same thing that I would raise on the Customs Systems. For us being a region, I don't see why each Partner State - maybe the three are doing the same thing, that is, Uganda, Burundi and Rwanda; we operate Asycuda; Kenya is on Simba and then Tanzania is on TANSIS.

Why don't you as Council, really sit down because in terms of procurement of these systems also, it would be cheaper for the Council and the Community if we are using similar systems and procuring them in bulk. It would give us a benefit in terms of costs and maintenance of the system across the region.

Mr Speaker, the other point I wish to raise is on page 8 where my Chairman is saying that there are national steering committees which are chaired by Permanent Secretaries of Ministries of Finance who have given recommendations to the Ministry of Works on limiting to three frequencies of way bridges. They have also instructed Police and other security organs to carry out operations.

These things again have processes that are not written anywhere that, maybe Council, may also want to consider to formalise procedures and processes and to clarify on who is meant to do what.

You find that in other countries you find roadblocks doing different things. One roadblock is for security reasons because of rebels and another is for security reasons because of cargo and another roadblock is for area security issues and you end up finding about eight roadblocks.

But each roadblock addressing different issues. And since it is a track on the road, it will still have to stop at all those roadblocks. So, it is very important that these processes are written down so that we can be able to follow things in order.

Lastly, Mr Speaker, on page 11, under recommendations, this is a very serious matter that I am raising again. I have kept on raising it time and gain and I am raising it again this time round.

I have kept on raising this matter since the Second Assembly. I raised it again when we were debating the NTB Bill; and it has come back again this report. This is the issue concerning vehicle registrations for staff working in different Partner States.

Mr Speaker, on this one I want the Council in this very Meeting to tell us what Council is doing because I highlighted it the other time that restrictions on movement of cars of Institutions and Organs of the Community is a Non-Tariff Barrier. They should be allowed to move because if I am moving in my own country in a car registered with the country I am in, I will only be stopped for checks on issues to do with traffic rules if there is a roadblock and not why the number plate I am driving in that country is foreign.

Now, Institutions of the Community; Organs of the Community; staff of the Community; members of Parliament of the Community, we are being disturbed left and right because the cars we are driving are registered in Tanzanian diplomatic number plates.

Others in the institutions that are in Kenya, Uganda, Rwanda, Burundi and wherever are being disturbed when they cross over to go and do Community work in another Partner State. I think these are Non-Tariff Barriers and they should be waived. They should be waived so that these cars can operate freely in the region with the cars of the staff.

There is no reason as to why because we have said that there are no boundaries but when the cars that are supposed to operate in the Community are being refused entry into other countries.

The other alternative would be, Mr Speaker, for Council to think about – (*Interruption*) –

Mr Mwinyi: Clarification.

The Speaker: Clarification from Hon. Mwinyi.

Mr Mwinyi: Thank you, Mr Speaker. I just want to seek clarification from Hon. Mulengani in relation to the number plates. I would like to know where the problem was, where the numbers were issued or where the driving takes place.

Mr Mulengani: Thank you very much, Hon. Mwinyi for seeking clarity. It is both ways in this sense; for those that are issued in Tanzania, they are disturbed in other Partner States and for those that are issued in other Partner States, they are disturbed in Tanzania.

I will give an example, when cars of Lake Victoria Basin Commission enter Tanzania, they will have time limits for which they will have to stay, and otherwise they have to first drive back to the border to seek more time to stay in the country. For a staff who has come from Lake Victoria Basin Commission to transact Community business will be disturbed. That is the import of my debate on this issue.

So, Mr Speaker with those few comments, I beg to support the report. Thank you very much.

The Speaker: Thank you so much, Hon. Mulengani. Hon. Members, before we proceed, I have a special announcement to make. We are this afternoon joined by our good friends and partners, staff from the National Assembly of the Republic of Kenya. We welcome you and recognise your presence. They include the following: L. Akedi (Leader of the Delegation), Phillip Parikeni, Moses Kairuki, Alex Rwizi, Alice Wambui and Beatrice Auma. You are most welcome. *(Applause)*

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I want to join my colleagues in thanking the Chair. But before I do that, Rt Hon. Speaker, allow me to welcome aboard our colleague, Hon. Martin to the House.

From my personal observation, I just want to say that he has hit the road running and he is a good swimmer because he started in the deep end but he managed to get a float. So, he is already engaging well both in the plenary and in the Committee. I want to say that you are part of a big family and we will support you and work with you in realising the dream of the East African integration. *(Applause)*

Rt Hon. Speaker, my observations and interventions are on page 10 under challenges and recommendations. I want to thank the Committee for these challenges that they raised and the recommendations that they made.

Indeed the Single Customs Territory is something we need to be proud of. We need to support all processes to ensure that we realise it because with it we get direct benefits to the ordinary people as we move forward to implement the Common Market Protocol.

We need to put a lot of emphasis here as a Parliament working with ministries, departments and agencies of Partner States to ensure that we move forward.

Rt Hon. Speaker, there are fears and concerns by clearing and forwarding agents, not only in Tanzania and Kenya, but in all Partner States, that there are certain developments that are being undertaken by the Community and yet whatever is being undertaken is for the good of the people and for the good of the entire East African Community.

Therefore, Mr Speaker, it is important that capacity building and sensitisation programmes are undertaken to various stakeholders including the wider private sector - manufactures and traders alike. When you go out to interface with some of these stakeholders, they seem to have reservations about the integration agenda based on perceived fears of losing business; of losing jobs; and even of competition. Some simply don't want to compete.

There are certain members of the private sector who want the status quo to remain because they don't want to compete. They don't want the market to be opened up for other competitors to come and encroach on what they call their space. And yet all we need as a region is to ensure that we get quality in terms of products; efficiency in terms of production; and lower costs of doing business so that at the end of the day the products are competitive in terms of prices and, therefore, benefit the people.

It doesn't do any harm to me whoever is doing the production. If someone came to Uganda and produced items at a cheaper cost and made them flood the market at a cheaper price to the Ugandan people, regardless of where that person comes to me it doesn't do any harm. So, we really need to ensure that this aspect of sensitisation is done to be able to move in the same direction with all the stakeholders ensuring that what we are doing is a collective good for the region.

Rt Hon. Speaker, the second aspect that I would like to look at is the non-implementation of the EAC Common Market Protocol. Definitely if you look at the rate of implementation, it is a bit worrying. There are many aspects that are not given due attention as it were in terms of timeframes; in terms of urgency; in terms of focus; and even in terms of importance. And yet the full implementation of the Common Market Protocol is something that will be of great benefit to our people.

For example, when they talk about un-harmonised work permits as part requirements in the EAC hindering business people to operate in countries of their choices, I think we are not doing good service to the East Africans. If we do have a Common Market Protocol, let us implement it both in spirit and letter and facilitate movement of people, residence and the interactions at different levels.

I want to salute certain initiatives that are being undertaken at bi-lateral levels where work permits have been removed for Partner States members in given countries like Rwanda, something has been worked out along those lines, Kenya; Uganda is also on board. Those arrangements are the kind of tangible benefits that we need to give to the people in order for them to appreciate that the agenda of integration is relevant and useful to them.

So, whatever needs to be done should be followed to ensure that we undertake that. In the interest of time, Mr Speaker, I just want to leave it at that by supporting and thanking the Committee for coming up with this very important report.

I believe that the Chair, Council will appreciate where we are coming from and our contribution to ensure that the integration agenda is on track and the East African people benefit from the same. I beg to support.

Dr James Ndahiro (Rwanda): Thank you, Rt Hon. Speaker. I am a member of this Committee and, therefore, I am in total support. I would just like to mention two things that are not contained in this report, maybe, for the House to consider later.

But before that, Mr Speaker, I want this House to join me in thanking the Community. Really this is an area that we have, as a Community, registered a lot of achievements. *(Applause)* Everybody involved in the Customs area is very happy. The cost of doing business in this region – you can check- has reduced dramatically; it has reduced over 30 percent in just one year. *(Applause)*

That is because now our citizens can file and clear without leaving their gates at home. They can transact internationally; they can transact regionally; they can have their goods delivered to them without even making a phone call. I think that is an achievement, which we should thank and commend the Council for the good work they are doing in that area. *(Applause)*

Mr Speaker, as CTI, we have interfaced with stakeholders all over the East African region and at this point, I would like to suggest that the Committee on Legal should put in their plan of action, at least, to hear from these stakeholders the legal challenges they have and the kind of legislations they would like to see in place. *(Applause)*

I think as CTI, we have done our work, we have got the facts and they are here with us. So, I think another team should look into the areas that we were not able to visit.

Three, Rt. Hon. Speaker, you know this region is now entering into negotiations with other African countries to establish a free trade area. That was the idea that once we establish a Customs Union, then the next stage, we were supposed to establish a free trade area. But, Hon.

Members, if we have to engage in a free trade area, we have to consolidate our Customs Union properly.

Now, there are still some challenges; you remember there are so many resolutions of this House and recommendations which required our Partner States to establish a Single Customs Authority. Probably, with the advancement in technology, we might achieve the objectives of the Authority without necessarily setting up offices and other things. But still have to consolidate into a Single Customs Union and then later open and engage in a free trade area.

Now, the problem we are going to face, if we are not careful, we might sign onto the free trade area before we consolidate and then the Customs Union procedures, those old ones will be compromised. Or sometimes, we shall find that we shall be contradicting our own standards and regulations. So, we have to be careful and I think this a matter that the Council should fast track.

Lastly, Mr Speaker, there is an issue of education. Some people like saying, “capacity building” et cetera, but I don’t believe in capacity building. (*Laughter*) I believe that it is high time that our ministries of Education and those who are engaged in business and related studies should incorporate these things in their curriculum at all level. This is because one of the challenges that our people have is that these Customs regulations are technical and they are very difficult.

So, they need simplification and the Council of Ministers can find a way of simplifying the Customs regulations and procedures in a language and a format that is easily under stable by an ordinary person. (*Applause*)

They should also go ahead and engage with these institutions of higher learning to make sure that they train people – students – in customs regulations, related laws and principles so that when they graduate and are employed, they are able to advance the business as they are required to. Thank you, Rt Hon. Speaker. (*Applause*)

The Speaker: Thank you. I will pick the Hon. Bazivamo, Hon. Dora and finally Hon. Celestine and then I will put the question. Please, be brief.

Mr Christophe Bazivamo (Rwanda): Thank you, Rt Hon. Speaker. I support the report. I am also happy with what has so far been done even though we would wish to see more work done.

Movement of goods normally goes with movement of people. Here I have, maybe, it is for the Chair of the Council of Ministers to give information as to how far the East African Community passports have gone and what is the status of East African Community visa? Thank you.

Ms Dora Byamukama (Uganda): Thank you, Rt Hon. Speaker. Yesterday I was in a hurry and very engaged and omitted to add my voice to those who have congratulated Hon. Martin Ngoga. I would like to say that some of us – of the same legal profession- are delighted to have our numbers increased and we also know that from his background as a prosecutor, amongst others, he will add incredible value to this House. (*Applause*)

Mr Speaker, Sir, I have three points. I was a member of this very good Committee and I must say, I am very proud to be associated with this report because it captures very important aspects, which we must continue to follow up on.

My first comment is on page 1, which has a point which was alluded to by my brother, Hon. James Ndahiro. I would like to defer a little and let me make the quotation, it states that: “*Under the Single Customs Territory arrangement, the EAC Member States have adopted a destination*

modal of clearance of imports whereby assessment and collection of tax revenues on such consignments are done at the first point of entry.” And then it goes on to say, *“It allows for free circulation of goods within the Single EAC market with variations to accommodate exports from one Partner State to another.”* Now, my concern is on this sentence.

In this regard, Customs administrations in destination States retain control over the assessment of taxes. I have a challenge with this. If Customs administrations in destination States retain control over assessment of taxes, how are we sure that the mechanisms they are using to assess taxes are harmonised? I would like to hear from the Chair, Council of Ministers on this very point.

I would like to agree with Hon. Ndahiro that there is need for laws to put in place a mechanism to harmonise assessment of taxes.

I would, though, like to defer on one point, which he made on the issue of having an EAC Customs Authority. I believe and I trust, if my memory serves me correctly, that the East African Customs Union Management Act has a provision, which obliges us to set up an East African Customs Authority.

This Authority has not been set up and as long as it has not been set up, the issue of having a common external tariff as well as having free movement of goods and services remains hindered.

Associated to this, Rt Hon. Speaker and Hon. Members, is the fact that the alternative sustainable financing mechanism for the EAC has, as one of the options, to peg financing of the EAC on our Customs collections. Therefore, by not having this Authority and by not harmonising how we assess and collect taxes, this avenue for funding the EAC will remain constrained.

I would like to move on very quickly to what was pointed out as challenges. I would like to go straight to No. 7; non-implementation of the EAC Common Market Protocol, for example, un-harmonised work permits. *“Requirements in the EAC still hindering people to operate in any country of their choice-”* This issue of work permits does not only hinder business people. It also hinders professionals. We know that in some Partner States, professionals and others are required to pay thousands of dollars. How can we preach integration – free movement of services, goods and people when we are still requiring East Africans to pay for work permits? *(Applause)*

This issue – *(inaudible)*-

Mr Sebalu: Thank you so much, Hon. Dora. Just to underscore the issue you are raising of work permits, it even becomes very disturbing when it gets to the staff of EAC having to renew work permits annually even at the level of the Secretary General. *(Applause)* The Secretary General of the Community; working in the Community where we have headquarter obligations and he has got to renew his work permit every year. I thought I would share that with you so that you package it with your over all good argument.

The Speaker: Hon. Sebalu, you should have continued to say even the Rt Hon. Speaker. *(Laughter)*

Mr Sebalu: For purposes of protocol and issues of decorum – but the point has been taken. *(Laughter)*

Ms Byamukama: Thank you very much, Hon. Sebalu. If I didn't know you better, I would think your other profession is to be a mind reader. (*Laughter*) Thank you for that information.

I wanted to say that in the near future, Mr Speaker, Sir and Hon. Members, I would like to introduce a Bill on immunities and privileges under Article 138 of the Treaty. I believe this will have the support of the Council of Ministers because as we stand now, our protocol on immunities and privileges has already been assented to at the highest level and, therefore, should cure one aspect of it. But now, we are talking about the people whom we represent. The issue of work permits must be dealt with.

I would like to make one final point on the issue of fears and concerns by clearing and forwarding agents. Rt Hon. Speaker and Hon. Members, clearing and forwarding agents are a very big group of East Africans. They have been using this trade to make money to feed their families. But now with technological interconnectivity and in particular when we looked and what TANSIS has, TANSIS has a very advanced technology, actually the best in Sub-Saharan Africa. (*Applause*) It is the very best. It means that these people who are in their thousand and maybe even more, have been left out because of this new technology.

It is not about only opening up space; it is about new technology which allows anybody track their cargo from wherever they are in the region to wherever the cargo should be. So, I would like to say very quickly that the issue of capacity building, although my brother may not like to use the word, is very important because these days it is not only about training or understanding what is happening in the East African Community, but it also requires retooling.

These people need to be retooled; they need to be exposed to being skilled for other types of occupations in order for them to move on because apart from those who will be able, for example, to track using electronics, there will be others who will be completely out of employment. So, it is a very important aspect for the revenue authorities to take up.

I am glad to say that when we were in Dar es Salaam, the Tanzania Revenue Authority has done very well. We found that they were training some of these people – (*Applause*) - and that there were efforts to even retool them. So, there is need for all the revenue authorities to make sure that these East Africans do not add onto the numbers of those that are unemployed.

With those few comments, I would like to fully support this report and congratulate the new Chairperson of the Committee, Hon. Mbidde for ably representing our opinion. Thank you. (*Applause*)

Mr Leonce Ndarubagiye (Burundi): Thank you, Rt Hon. Speaker. I rise to support the report and to congratulate the Committee.

I wish to say something about TANSIS as it was developed to resolve ASycuda 2 Plus and looking at the benefits that have been shown, it would be wise to make a recommendation from this House that TANSIS is spread to the five Partner States for economic gains and for the benefit of modernising the system. So, I beg to ask the House or the Committee to add that recommendation to those that have been made in this report. Thank you.

The Speaker: Thank you. I would like to invite the Chair, Council of Ministers, if he has any comments to make on the issues raised or he just took note.

Dr Saadalla: Thank you so much, Mr Speaker, Sir. I will start with the issue of TANSIS. It is true, within the Community there are different types of systems used in transactions or which help in the tracking of movement of goods and trucks from the ports to the points of destination. And TANSIS is among those that are greatly improved systems.

But I would just like to give this information to the House that all the five Partner States are now harmonising and getting links to the TANSIS system and are also improving on their respective IT systems. So, there is a bit of reciprocity.

Furthermore, staff from other Partner States are being sent to Dar es Salaam so that they can acquire more training, skills and be able to improve on their systems, which are to be linked to track their goods and trucks from the ports to their destinations.

About the issue of work permits, there are three countries which have agreed to waive their work permits. But it is true that it hinders movement of professionals and businessmen. However, it is within the regulations of our annexes of the free movement of labour. It is Article 6 (1), (2) and (9) that Council should sit down and bring about the issues of waiving or standardisation or whatever of these work permits. *(Applause)*

It is only recently – two to three days ago- that we sat down with the Secretary General to reconvene this Council Meeting so that we take on board issues of standardisation or harmonisation of work permits.

Standardisation can be whether by waiving them or harmonising the fee or agree at which level, maybe, we can have free permits – waived permits for those jobs agreed within the annex of the EAC. This is on board and I think it is going to be on the agenda of the next Council Meeting. *(Applause)*

Honourable Bazivamo asked about a passport. The issue is very simple, we all agreed that we are going to have e-passports and the launching and internationalisation of these e-passports is scheduled to be either late this year around November, December or 1st of January, 2016 but it is going to be in the near future depending on the finalisation of the legal procedures.

The e-passports will have security identification signs of each Partner State although the face will look almost alike.

About the visa, it is a single custom – I think he meant a single tourist visa. What did you mean here?

Mr Bazivamo: Rt Hon. Speaker, if I may, I was requesting to know if anything has been done towards establishing the East African Tourist visa. Thank you.

The Speaker: Yes, Chair, Council, have you concluded?

Dr Saadalla: No, Sir. About the East African Visa, we are still studying it. Council directed the Secretariat to carry out studies on how we can manage this but the study is not yet concluded and adopted by the Council. I don't have much more information on that.

Hon. Dora talked about issues of taxation at the points of destination. Did she mean- because according to the Single Customs Territory, cargo is assessed at the point of entry and everything is paid at the point of entry. Taking, for example, at the Port of Dar es Salaam, we have even

have customs officers and managers who assess, evaluate and send documents to the point of destination, how much should be paid for that specific cargo.

So, if there is further taxation at the point of destination, then I agree that it isn't proper - *(Interruption)* –

Ms Byamukama: Mr Speaker, Sir, I actually read the second paragraph of the report, which is clear. *“We have adopted a destination modal whereby taxes are done at the first port of entry.”* My concern is that in this regard, Customs administrators in destination States retain control over the assessment of taxes.

My challenge was retaining control and at the same time not having a harmonised system and at the same time not having an Authority that is called the East African Customs Authority, which should be in place.

The Speaker: Maybe, Hon. Minister, before you take on the floor, for those who were with the Committee remember that the different Customs or Revenue Authorities from all the Partner States are sharing the same venue and retaining may not mean being done in the country but at that point of entry by personnel from the country of destination. I thought that was important.

Dr Ndahiro: Thank you, Mr Speaker. I would like to give information to Hon. Dora that tax is still a monetary instrument in our Partner States. It is not harmonised and we cannot subject it or we cannot use the Customs Union to harmonise taxation in the Partner States. That is a Monetary Policy issue and it is still under consideration.

Probably, what we could ask the customs officials, is a question of efficiency otherwise, each country now bases its budget – its planning – on taxation and harmonising taxation is in the third pillar of integration, which is still ongoing. Thank you.

Dr Saadalla: Thank you so much, Hon. Ndahiro for making things clear. So, I think I have to stop here on that issue of Hon. Dora.

I think I am done. All the rest are just to do with information and recommendations. We shall take them on board. I just want to inform this august House that all Partner States are for the Single Custom Territory. We are in the different processes of implementing it and with time, we are going to have one policy and one authority. Thank you so much. *(Applause)*

The Speaker: Thank you so much. I now invite the Chairperson of the Committee, Hon. Mukasa Mbidde to reply.

The Chairperson of the Committee on Communication, Trade and Investment (Mr Fred Mukasa Mbidde)(Uganda): Thank you very much, Rt Hon. Speaker. Honourable Members, mine is to first of all thank the Committee members, particularly the former and the current members and my predecessor for the work well done. *(Applause)*

Rt Hon. Speaker, if I had the capacity, I would crossover and equally thank you but in the event that I have not done so, they will bear me witness. I feel I am overloaded with the weight to do so.

The Speaker: Thank you.

Mr Mbidde: Honourable Members, operationalisation of a Single Customs Territory - I thank you so much for the contributions. This is a simple idea. You are only declaring East Africa one country for customs purposes. This is the way to go.

It is Chapter 11 of the Treaty for the Establishment of the East African Community. The Treaty is self-executing as a law. It does not matter how slowly you begin to move but that is the end of the road. And we must take that road, Hon. Members.

I did not see, Mr Speaker any mention of the Revenue Authorities digital data programme, which was launched also to harmonise and which was also given as the first step towards regionally managing customs data and operations, free flow of customs, data among Partner States, elimination of multiple preparation of suds. The report did not indicate these.

But I expected also the Chair, Council to tell us at what stage Radex has reached because it is one of the best programmes towards this direction.

I am happy that as East Africans, we are beginning to look at ourselves as one. We must continue and I support the report personally as Chairperson of this Committee, for purposes of further sensitisation because the only we are going to be East Africans is when members are sensitised to think they are one.

The Assembly has already moved to create one East Africa for legislative means. We would want tax authorities to do so. There are still conservationists. A conservative is that person who for some time does not even reason why they conserve what they are conserving but just for purposes that it must continue to sound the same and be the same just for the love of it.

One day, and this is the end, Rt Hon. Speaker, I was confronted with a story of a man who had just bought a Lexus vehicle. He loved it so much that when one day a lorry rammed into it and removed a door, he stared shouting to the top of his voice calling policemen and when they arrived, he was still shouting saying, this cannot be repaired; this is a Lexus vehicle. So, when the policemen started laughing at him, he again got so angry still shouting at the top of his voice.

Now they told him that they were laughing when his Lexus vehicle had lost its door because instead of thinking about anything else he had lost, he was focusing on the vehicle and that is when he was told that even his arm had been knocked off his body.

When the man recognised that the arm was not on, he said, are you sure even them? How about my Rolex watch. Now, he started thinking of the Rolex watch - *(Laughter)*.

So, we have East Africans who are conservative in nature. Even when there is no justification for what they are conserving. So, sensitisation becomes the major way through which we shall remove and redeem East Africa into becoming one country.

I thank the following Members who have contributed: Hon. Mulengani, Hon. Sebalu, Hon. Dr Ndahiro, Hon. Bazivamo, Hon. Dora and Hon. Celestine. The Hon. Chair, Council should be equally thanked. I thank you so much, Hon. Members for the support given to this report.

The Speaker: Honourable Members, the motion before the House is that the report of the Committee on Communication, Trade and Investment on oversight activities on the EAC Single Customs Territory be adopted. I now put the question.

(Question put and agreed to.)

MOTION

REPORT OF THE COMMITTEE ON LEGAL, RULES, AND PRIVILEGES ON THE RULES OF PROCEDURE OF COMMITTEES OF THE ASSEMBLY, AND THE CODE OF CONDUCT FOR MEMBERS OF THE ASSEMBLY

The Chairperson of the Committee on Legal, Rules and Privileges (Mr Peter Mathuki):

Thank you, Rt Hon. Speaker. I stand to move that report of the Committee on Legal, Rules and Privileges on the Rules of Procedure of Committees of the Assembly and Code of Conduct for Members of the Assembly be adopted.

The Speaker: Seconded by Hon. Leonce, Hon. Maryam, Hon. Taslima and all those standing. Chairperson, proceed and present the report.

Mr Mathuki: Thank you, Rt Hon. Speaker. The report was laid on table on the 18th March, 2015. It is my hope that Members had time to interact with the report. I, therefore, proceed that the Committee on Legal, Rules and Privileges is established under rule 80 (2) (b) of the Rules of Procedure of the Assembly (2015 Edition) and derives its mandate under rule 81 and Annex 5 (B) of these Rules.

On Wednesday 21st January, 2015 during the 4th Meeting of the 2nd Session of the 3rd the Assembly held in Arusha, Tanzania the Assembly debated and adopted its new Rules of Procedure. The Rules of Procedure however finally took effect at the 5th Meeting of the 3rd Session in Bujumbura, Burundi on Tuesday 17th March, 2015, following a Motion moved by Hon. Dora Byamukama to suspend rule 95 that bring the new Rules of Procedure into immediate effect. The Motion for the transition period was moved to allow for quality control, re-packaging and publishing of the Rules of Procedure by the Committee on Legal, Rules and Privileges.

At its 4th Meeting of the 2nd Session of the 3rd the Assembly held in Arusha, Tanzania the Assembly during debate of the proposed new Rules adopted the Committee on Legal, Rules and Privileges' recommendation, which urged it to expedite the process of making the rules of procedure of its Standing Committees for effective and efficient discharge of their mandates as per Article 49 (2) (g) of the Treaty for the establishment of the East African Community (EAC).

During its sitting on Monday 26th January, 2015, the Committee on Legal, Rules and Privileges resolved to implement the aforementioned recommendation by establishing a Sub-Committee comprised of six Members to among other things:

- (a) develop the Committees Rules of Procedure as per Article 49(2)(g) of the Treaty for the establishment of the Community; and
- (b) develop Code of Conduct for Members of the Assembly.

Following this decision, the Sub-Committee undertook this particular activity for five-days from Sunday 1st February, 2015 to Saturday 7th February, 2015 in Nairobi, Kenya. Thereafter, the draft Committees Rules of Procedure and draft Code of Conduct for Members of the Assembly developed by the Committee were considered and adopted by the whole Committee in Bujumbura, Burundi from Friday 13th to Saturday 14th March, 2015.

1.0 OBJECTIVES

The objectives of this activity are to cater for growth of the Assembly and its membership; provide for technological advancement; and address unforeseen incidents and developments

3.0 EXPECTED OUTPUT

- (a) growth of the Assembly and its membership catered for;
- (b) technological advancement provided for; and
- (c) unforeseen incidents and developments addressed;
- (d) new Committees Rules of Procedure of the Assembly and the Code of Conduct for Members of the Assembly considered and adopted.

4.0 METHODOLOGY

While undertaking its mandate, the Committee employed various methods, which included:

- a) reviewing global literature on Codes of Conducts, Ethics and Integrity;
- b) reviewing of the EALA Rules of Procedures 2015 Edition and the Treaty for the Establishment of the EAC;
- c) reviewing Partner States' National Parliaments' Rules of Procedure including Committees Rules of Procedure and Code of Conducts;
- d) reviewing regional parliaments Rules of Procedure similar to EALA;
- e) holding a Committee Meeting in Bujumbura, Burundi from Friday 13th to Saturday 14th March, 2015 to consider the Sub-Committee draft Rules of Procedure of the Assembly and draft the Code of Conduct for Members of the Assembly; and
- f) considering and adopting the Committee report for onward transmission to the House for debate.

5.0 THE PROPOSED COMMITTEES RULES OF PROCEDURE OF THE ASSEMBLY AND THE CODE OF CONDUCT OF MEMBERS OF THE ASSEMBLY

Arising from the activity undertaken above, the Committee developed Committees Rules of Procedure of the Assembly and Code of Conduct for Members of the Assembly herewith attached as Annexes I and II respectively.

6.0 CONCLUSION AND RECOMMENDATIONS

6.1 Recommendations

In light of the Committee proposed developed Committees Rules of Procedure of the Assembly and Code of Conduct for Members of the Assembly, the Committee recommends to the Assembly and urge the House:

- (a) to adopt the Committees Rules of Procedure of its Standing Committees for effective and efficient discharge of their mandates as per Article 49 (2) (g) of the Treaty for the establishment of the EAC; and
- (b) to adopt the Code of Conduct for Members of the Assembly to foster posterity, smooth and its proper functioning.

6.2 Conclusion

The process of developing the Committees Rules of Procedure of the Assembly and Code of Conduct for Members of the Assembly was highly academic, technical, political and participatory and involved wide consultation of various literature on the subject matter through intense research. As such, what is contained in the developed Committees Rules of Procedure of the Assembly and Code of Conduct for Members of the Assembly is a reflection of best practices elsewhere in the sub-region, region and beyond.

Mr Speaker, sir, I beg to move - (*Applause*).

The Speaker: Thank you so much, Chairperson of the Committee of Legal, Rules and Privileges. I would suggest that we proceed this way; you received this; you have been having it and I presume that you perused through it. It will be proper if I allow some general debate on the report, which includes also the details attached to it, for a short time and then we go straight into - because we have received a number of amendments.

If we mix the amendment process with the debating, it will be very difficult for me to guide. But it is proper that I allow some debate- I will be noting those amendments- and then I will say, Members who had earlier on indicated for amendments can now move. It is then that we shall move on the rules, one by one.

We are borrowing this from our processes of dealing with Bills to create orderliness in how we operate. So, with that guidance, we can move on. I saw Hon. Ogle up.

Mr Ogle: Thank you, Mr Speaker. I was seeking a clarification and you have guided since it was around the point you have just made.

Mr Speaker, you are aware that these rules and the development of the Code of Conduct is of such huge importance to this House. You are also aware of our history as an Assembly, you know where we came from and the near paralysis we had about the interpretation and translation of some of the provisions of these rules.

I am also aware of Rule 37 (8), which does not allow Members to contribute more than once to a motion. In the circumstances, I was suggesting that we go through these rules with precision because of the importance it means to us now and for posterity.

Could I, therefore, kindly request, Mr Speaker that you allow this House to be collapsed into a Committee so that we go through the entire provisions of the rules and the Code of Conduct, one by one; line by line so that we can possibly agree on them?

I am also aware of the fact that the current rules are very silent on how we need to go about a matter of such importance. Thank you, Rt Hon. Speaker.

The Speaker: Thank you so much, Hon. Ogle. You are not very far from what I actually guided. What we shall do – there are people who have general comments on the report as read by the Chairperson, ranging from the principles of having a Code of Conduct for Members to rules of the Committee and the methodology used. That general debate is healthy for this report.

Then after we have seen that the general debate is gone enough, we will still go ahead and go back to the draft rules as presented and we go one by one. If you have comments, you raise them. I hope that deals with your concern. Thank you.

Now, that be the case, debate is open generally on the report as presented by the Chairperson, Legal.

Ms Judith Pareno (Kenya): Thank you, Rt Hon. Speaker. I rise in total support of the report as read out by the Chair of the Legal Committee. I was not in the sub-committee but we ended up as a whole committee and considered this report together with the Code of Conduct and the Rules of Committees.

From the onset, Rt Hon. Speaker, I want to say that first of all, the sub-committee did a great job in terms of how they have developed these Rules of Committees and how they have developed the Code of Conduct making reference to precedents; making reference to other practices in our National Assemblies and even in other regions that have an Assembly that is similar to ours.

So, I think a lot of good work has gone into development of these rules and development of the Code of Conduct and I think it is a good piece that this House can really approve as it is.

Looking at even what we have done, Rt Hon. Speaker, some of these things are things we have – when it comes to the procedures of the Committees - been practicing some of these things. It is only that there was really no rule to guide us. But in practice, we have done a lot in terms of how we have been managing our Committees.

Like when you look at the election of the Chairperson of the Committee, vacation of office of the Chairperson and the quorum, these are things that we have been practicing as an Assembly but we didn't have rules.

I want to say, you know, once bitten, twice shy, we were really caught not ready last time when we had to sit as a Legal Committee and this House referred the investigations of the Speaker on the impeachment motion to the Legal Committee. And we realised that we didn't have rules that even guide us on how to conduct such an exercise.

So, this has really come in to address such lapses so that we don't end up having no rules of Committees.

But I want to say that as these Rules of Committees are developed, it is a template for each and every Committee in this House. They are not designed to suit the Legal Committee or any other particular Committee. They are a template that can be used by all Committees. Then you will suit yourself as a Committee.

When it comes to – there is a provision that has been made for purposes of investigation. We can now do another process other than this particular one when it comes to the general sittings of a Committee.

So, these rules have come in handy; they have come in handy because we did suffer because we did not have Rules of Committees and yet Article 49 of the Treaty, actually, says that we as an Assembly, should make our own rules and those of Committees. So, I think this is just in furtherance of the provisions of the Treaty.

When it comes to the Code of Conduct, we all know what happened. We do not want to be caught once again without proper rules or proper guidance as to how we conduct ourselves; as to how we relate to ourselves; as to how we perform among ourselves in the Assembly.

So, I think the Code of Conduct as drawn, having been drawn from our own experiences in our National Assemblies and what is happening in other Regional Assemblies is a good Code of Conduct that can help us.

I think that is it. I support it and I ask that we adopt them as they are. I in fact say that looking at the work as done, this is a Committee of the House. We should immediately be able to pass it.

Again, let us not delay the approval of this Code of Conduct as well as the rules because it means delaying the implementation of our own rules. These are annexes to our own rules. Our rules may not be as good as they should be or even as conclusive as they should be without these appendices because these are meant to conclude the operations of our rules and it is important that we approve them. Thank you so much, Rt Hon. Speaker. *(Applause)*

The Speaker: Thank you so much, Hon. Pareno.

Mr Fred Mukasa Mbidde (Uganda): Thank you very much, Rt Hon. Speaker. I stand to support the report. *(Applause)* Rt Hon. Speaker, I am a member of the Committee on Legal, Rules and Privileges.

But I am the happiest when I find the House under of course the Committee leadership of my brother, Hon. Mathuki, given the history of this House, Rt Hon. Speaker, where we have had a lot of articulations elsewhere - in all fora – almost at loggerheads.

Rt Hon. Speaker, this is a process that must be followed very urgently and today. And I support it, Rt Hon. Speaker, reason being, when you look at Article 49 of the Treaty, *“The Assembly shall be the Legislative Organ of the Community,”* but particularly 49 (2)(g) reads: *“The Assembly shall make its Rules of Procedure and those of its Committees.”*

Now, shall, when you are considering mannerisms of legal interpretation that is a provision that applies with equal force. It almost has no alternative. The Assembly has to have its Rules of Procedure and the Rules of Procedure of Committees.

Rt Hon. Speaker, I am very happy because I am one of those that were instructed. I was instructed one time by my client, Mbidde Foundation to even go to court. *(Laughter)* And Rt Hon. Speaker, the argument was that in the absence of Rules of Committees, then the House has no Rules of Procedure. And that was one of the leaves of the arguments presented before court. *(Laughter)*

The other leave was that such rules as being utilised by the Assembly were not formally adopted, accordingly there were no rules being used. And in my opinion, Rt Hon. Speaker, this is the correct direction this House needed to take way back.

I am very happy when such a matter is being handled. The meaning is that we are reducing as much as possible – in fact this House will go down in history as the kind of Assembly that; one, gets problems; two, identifies them; three, knows how to solve them; and four, begins to live a life as if there was never of the first three. (*Applause*)

So, in my opinion, I support this process; I support the report and I congratulate the Chairman of our Committee for the work well done. Thank you. (*Applause*)

The Speaker: Thank you, Hon. Mukasa Mbidde.

Mr Zein Abdullah (Kenya): Thank you, Mr Speaker for giving me this opportunity to contribute to this report.

From the onset, allow me to say that I strongly support the efforts of the Chairperson of this Committee and its members in the work contained in this report.

Secondly, Mr Speaker, Sir, like what Hon. Mbidde has said, over and above the powers that we have under 49, in the Treaty we further have Article 6 (d).

I know some people might be getting tired of this particular reference to 6(d) but allow me, Sir, to read what (d) provides for: *“The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include: good governance, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of the human and people’s rights in accordance with the provisions of the African Charter of Human Rights and People’s Rights.”*

Mr Speaker, Sir, the efforts to increase the integrity levels of this Assembly is a clarion call to also the Partner States’ Assemblies. We seek to increase levels of integrity; levels of transparency; levels of accountability because as an Assembly we know and recognise that if we become a House of honour, dignity and integrity then it will put us in good stead to hold others accountable and to provide oversight over others.

Only this week, we were looking at the Accounts of the Community. With these rules, both for the Committees and with the Code of Conduct, and some of us will be moving a few proposed amendments, so that we can make this Code of Conduct and the rules full proof and also make them a framework under which all Members will be reminded that we are called honourable, not because we were just elected, but because it is expected that in the transaction of our conduct and business in this House, we shall do it with honour and dignity. (*Applause*)

Mr Speaker, Sir, it is absolutely critical for us to pass efficiently the Code of Conduct so that we can be guided on how we extend our personal conduct in and outside the House. This is absolutely critical because, unlike many parliamentarians, this Parliament is a unique one, it enjoys immunities and privileges, not only those accorded to Parliaments, but it enjoys privileges and immunities that are accorded to us by virtue of office in the Community.

So, we have diplomatic status and being given these two types of immunities, we are ordinarily outside the accountability mechanisms within the Community as well as within the Partner States.

Therefore, it beholds upon us to hold each other accountable. In other words, this is a framework for self-regulation. Where people are outside the normal accountability

mechanisms within a country and within a Community, this House is saying, here now and today, we shall hold each other accountable.

Let me make two quick points and then sit down, Sir. This is a challenge to myself and to the Hon. Members of this House. I say, when we adopt this Code of Conduct, not if, because I have belief in each and every Member of this House that you want to do the right thing. So, I use the words “when we adopt this Code of Conduct” then we have a duty in law under morality and under God to, then uphold, respect and implement this Code of Conduct. *(Applause)*

It will be a great disservice to the Community, and an unfortunate affair, if we pass it knowing very well that we are not intending to implement it.

I know it may be difficult, we may be dealing with friends; we may be dealing with people with whom we share a meal with, but it is duty that demands that we implement it.

Lastly, Mr Speaker, Sir, I believe, like those two who spoke before me, that this could be part of our legacy and your legacy. *(Applause)* We are sending a message to the Community; to Partner States; and to future generations and future Parliaments in EALA that we are ready, able, willing and determined to increase the levels of integrity in this House and from today, henceforth, we shall not look back.

I know one of my brothers once talked about the biblical traditions of the man who looked back – the man who said don’t look back but the lady looked back and turned into salt. So, I quote that gentleman. It will be a day that we shall not look back. We shall always look forward.

Let me apologise in advance to my colleagues, my bosom friends that if I fall short of this Code of Conduct, please tally along and report me so that action may be taken against me. *(Applause)* But I also promise you if you do the same, I will hurry along to go and report you so that action might be taken. I thank you, Mr Speaker.

The Speaker: Thank you so much. I think Hon. Zein and Hon. Mbidde have set very good stage for us to move on; considering the two annexes of our Rules of Procedure, that is, the Code of Conduct and the Rules of Procedure of the Committees of the Assembly.

We will, as earlier on communicated go rule by rule according to the draft; one by one until we complete them and if you have got any amendment to move, when I go to one, you can stand up and move your amendments, we debate them and dispose them of.

I prefer that we shall pronounce ourselves on these rules, one by one and then generally at the end of it all.

I also want to encourage Members that our rules are an organic document that is not cast in stone. The Committee of Legal, Rules and Privileges is always open to receive major comments and recommendations for further amendments at their level and the House shall consider that. So this is not an end in itself. I thank you so much.

With that, we go to Annex 1 of the report, which is Rules of Procedure of the Committees of the Assembly.

Proposed Rule 1: Application; is there any Member who thinks there is need for improvement on these proposed Rule No. 1? If there be no person who has that kind of opinion, I now put the question that the proposed Rule 1 become part of the draft rules.

(Question put and agreed to.)

Proposed Rule 2: Interpretation; yes, Hon. Christophe.

Mr Chris Opoka-Okumu (Uganda): Rt Hon. Speaker, I think that the interpretation should be numbered and not just left like that.

The Speaker: Can you, please come clearer?

Mr Opoka: The interpretation in these rules, unless the context otherwise requires one, committee means this; (b) meeting means that; you know they should be numbered.

The Speaker: Honourable members, I would suggest that the technical drafting and numbering shall be done by our technical draftspersons and aligned as per the required standards of drafting. Hon. Zein, are you saying something?

Mr Zein: Thank you, Rt Hon. Speaker. The point I wanted to make was one, I am supporting Hon. Chris on this matter. But in terms of the clarification that Hon. Ogle raised and I think it is a concern of a number of Members here, wouldn't it be in order for you to be in the Committee stage with the Clerk so that we can go and amend these things together? Or would he be walking you and down to you?

The Speaker: Honourable Members, what I guided earlier is that we are not going to go through the traditional stages. This is a report of the Committee of Legal. We debate the report and amend it as a report and pass it. Immediately we pass it, it exactly becomes part of the rules as we treated the main rules. Thank you.

Mr Zein: I am guided.

The Speaker: Thank you. Now, proposed Rule No. 2, which is interpretation, I now put the question.

(Question put and agreed to.)

The Speaker: Proposed Rule 3: Election of Chairpersons.

Mr Zein: Thank you, Rt Hon. Speaker. I would like to propose a new 3, which reads, "Membership of Committees:

- (1) Members of Committees shall be appointed in accordance with the Rules of Procedure of the Assembly;
- (2) (a) A member of a Committee in his or her absence may arrange for his or her place to be taken at meetings of the Committees by another member provided the substitute is from the same Partner State. The name of the substitute shall be notified in advance to the Chair and the Clerk of the Committee;
- (b) A substitute member is allowed to fully participate in Committee proceedings including decision making and voting;
- (c) A substitute member shall be allowed to sit sub-committees under the same conditions." I beg to move.

The Speaker: Honourable, if you have it ready, for ease of reference, just pass it to one of our officers to pass it over hear.

Mr Zein: It was given to the Clerk and the Clerk circulated it all Members.

Mr Kiangoi: Thank you, Mr Speaker. I was thinking and I stand to be corrected but the establishment of Committees is provided for in the main Rules of Procedure of the Assembly and not in the Rules of Committees. It is there in the main Rules of Procedure of the Assembly.

The Speaker: Yes, Hon. Kiangoi you are very right. Our main rules – the rules of the House provide for all the Committees and how the members are appointed. The proposed Rule No. 3 to this draft is election of chairpersons of the Committees.

Mr Zein: Mr Speaker again that is why Hon. Ogle had raised the question and I had also sought a clarification. In ordinary circumstances, a Member is free to move an amendment and if seconded, that Member is given an opportunity to justify. And it is only after justification that such a clarification can be given. Now, are you asking me to make a justification?

The Speaker: Honourable, I had given you total free flow to give your justification and defend your amendment and Hon. Members will either take it or not. But I also want to take cognisance of the fact that the provision of this proposal is on election of chairpersons.

Mr Zein: Thank you, Rt Hon. Speaker for your guidance. The import of this provision - let me start with why I think it is absolutely necessary.

Mr Speaker, Sir, you know very well that Committee work is the cornerstone of parliamentary democracy. It allows for proper scrutiny, extensive and detailed work to be undertaken by Parliament.

Currently each Member of EALA serves in at least two Committees. Each Committee has at least three activities that feed into six plenary sittings.

The EALA Strategic Plan envisages increased effectiveness of the Assembly, which will include increased activities and scope of work by the Assembly as well as the Committees.

Further, given our desire to fast track the activities of the Assembly to secure the legacy of the Third EALA, we need to explore alternative ways of organising that will give us optimal results.

The provisions of the substitute clause will allow us to: one, have greater flexibility in the EALA Calendar of Activities; two, allow for flexibility in the organising and timing of Committee work; three, to ensure attainment of quorum as well as critical mass in representation and participation in Committee and other business of the Assembly; four, allow for flexibility in representing the Assembly in other activities including honouring invitations to conferences, inter-parliamentary work, other activities of the Community including those of other Organs and Institutions of the Community; and five, cater for an availability of a Member due to personal matters including illness.

An example of a jurisdiction where a substitute membership is allowed is the European Parliament, which is closer terms of mandate to EALA. They have such provision and it is provided for under the European Parliament under their Rules of Procedure; Rule 4 (3) and Rules 43 and 44.

Now, as to the first part, which deals with members of Committees, Mr Speaker, Sir, it looks very odd for Rules of Committees to start with elections of the Chairperson. The Chairperson is also referred to in our main rules. But if you start the Rules of the Committee and you just refer to election of Chairperson, in my humble submission, it looks not very elegant.

I think coming from the school of thought of participation, as sovereignty of the people, I believe you start with members. And then that membership gives rise to the Chairperson. But if it is the will of this House not to be elegant and not to refer to membership, I will concede that point.

What I am not willing to concede, Sir, is my proposition that there should be allowing of a substitute member. I will make two points and then sit down.

One, we envisage that our work will grow and in the next financial year, we may have at least five activities per Committee. That means that you will have 10 activities. It will be absolutely impossible not to have clashes and overlaps of Committee work. And if you don't allow for substitutes, you would be taking away the right of a Member from participating.

You will be making a Member choose, like I have been made to make that choice before, which Committee they should attend since both will be happening simultaneously. There has been this very uncanny coincidence of such a clash between the Regional Affairs and General Purpose and I have had to make that decision.

I would have preferred that there was another Member from Kenya who I could nominate to go in my place to contribute to the activities of that Committee.

The last point that I would like to make. For me, if we are really doing what we are doing now, which is detailed work, and I commend this Committee and the sub-committee that developed this work. Can you imagine if one of the members of the sub-committee was unable to attend, what does it harm for that member to be able to nominate someone to go and represent them to do this critical work and bring it before us?

So, it doesn't add any extra cost to this Assembly or to this Community but it enhances its effectiveness. I submit, Sir.

The Speaker: Thank you so much, Hon. Zein. But I would like to give just simply guidance in two ways here; one, is that the substantive Rule 80 is clear on how our Committees are constituted and the membership and otherwise.

Secondly, if you went to the proposed – I am not debating this motion but I am just giving guidance on proposed 14, as a proviso also for invitation of any other persons to attend the Committee.

Thirdly, I am sure you also - (*inaudible*)-

Ms Pareno: Thank you, Rt Hon. Speaker. You have just stated one of things I wanted to say in as far as our Rules of Procedure are concerned, specifically 80 that establishes Committees and the membership.

I wanted to just say one thing, what we have here is Rules of Procedure of Committees. What procedure? Procedure in the proceedings as you sit in the Committee. Now that you have constituted the Committee, you want to sit and start your business. This is why we are doing these rules. So, you cannot bring in issues of membership in the procedures of noble business of a Committee.

So, to me, the first proposal by Hon. Zein that we insert a section that talks about membership might not fit here because it is already covered under 80 of our main rules and I want us to just know that what we have here are rules of proceedings while you are sitting as a Committee.

So, we should focus on when we are sitting as a Committee, how do we elect our Chair? When we are sitting as a Committee when there is a vacancy of a Chair, how do we proceed? When we are sitting as a Committee, what do we address in as far as the issues of quorum are concerned? It is about how we are conducting the actual business of a Committee while we are sitting. So, that is the little difference that I wanted to bring.

Then when it comes to the issue of whether a Member can represent another, I think that is of no harm. Considering that we have already a provision that any Member can attend any Committee. So, I think that is in order.

But on the issue of membership, it is already catered for under 80 and it does not fall under issues of procedure as you proceed in sittings.

Mr Fred Mbidde (Uganda): I am also adding to the deliberations of Hon. Pareno. You look – for purposes of the proposed amendment under 2 where a member of a Committee in his or her absence may arrange with another, this kind of process is so private that it cannot be guided and guarded by rules of a Committee and they cannot be invited in the operations of the House.

This is taken care of under Rules 8 of the same Rules of Committees on quorum. That if you are absent, so be it, but where quorum is realised, business continues other than trying to say that private persons appoint each other to Committees merely because of contemplated absence. That cannot be guided by the House.

The Speaker: Thank you so much for the information. Hon. Valerie and then I go that side.

Ms Nyirahabineza: Thank you very much, Mr Speaker. Mine is just another piece of information I want to give. Let us envisage the case whereby a Committee is not sitting at such but it is doing oversight. Let me give an example, a Committee is going to Brussels or any other place, like me who has never been to Brussels, can I ask my colleague to just nominate me even if he or she doesn't have any reason for his or her absence? That is just a private arrangement, which cannot operate; it cannot operate really. There is no way we can provide for such an arrangement in these rules. I thank you, Rt Hon. Speaker.

The Speaker: Honourable members, I invite you to look at the administrative Pandora Box you are trying open in this debate. Look at the administrative aspects of it. Thank you so much.

Mr Kiangoi: Thank you, Mr Speaker, I rise again to say that these Rules of Committees do not stand on their own. They flow from the Rules of Procedure of the Assembly so that if something has been provided for in the Rules of Procedure of the Assembly, we do not have to repeat it for the sake of it.

If you look at the interpretation section that we just passed, you will see that the Committee has just provided for interpretation of two words and the rest has been left to what is provided for in the Rules of Procedure of the Assembly.

The Committee's first duty upon being appointed or nominated by the Assembly is to appoint a Chairperson. That is why the Committee chose to begin with the election of a Chairperson. Therefore, I find that I am not able to agree or support the proposal that we make a provision for the establishment of the Committee.

On the issue of nomination, this will somehow lead to abuse of the process because Members are elected or appointed to the Committees. Members should be committed to their work and we don't want a situation where somebody will perpetually nominate other people because

there will be no limit as to the number of times you can nominate somebody. They will perpetually dodge their work and nominate people to attend on their behalf. So, Mr Speaker, I again find it difficult to support the proposal. I thank you.

The Speaker: Thank you. Hon. Sebalu and then I come to Hon. Kessy.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I appreciate the import of this amendment from my friend and my disagreement with his proposal does not explain why I shifted a bit. *(Laughter)* It was not because of that. I just found that I had to confide in my other colleague on something.

On top of the guidance you have given us, Rt Hon. Speaker, which is very thorough in terms of appreciating Committee constitution and operations and the dynamics, because we are all Members of Parliament. We all have interest in different subject matters where we can't be, but it is clear that we can attend but don't have certain rights when it comes to decision making.

The Committee, as understood in the Rules of Procedure reserves the right to make decisions. So, you can attend; you can enrich it; you can bring all your expertise and other information to the Committee and it benefits from your interaction but it reserves the right to vote.

The nomination has issues. You know the power to nominate becomes a negotiated activity. This time round you are nominating X and the other Y. There are issues of institutional memory within the Committees themselves and so it can be difficult to manage. It can really create situations that are difficult. What if two people come claiming they were nominated by one person?

But on top of that, it is working well in the EU, as per the explanation of my very much respected friend, because the MPs of the European Parliament are resident in Brussels. But for us we have situations where there are Committee activities and you have to come in from the Capital. So, definitely that will have a cost that may be difficult to harmonise at some point.

If a Member is already committed, say, on another Committee activity, and then there is nomination that has to be made, situations will arise where you find that the cost of managing may not easily be controlled within those dynamics.

Rt Hon. Speaker, the Committee as constituted within the main Rules of Procedure is known - 15 members and the terms are quite clear. So, we are looking at a situation where they have to constitute leadership for them to operate. And I think that is logical and perfectly in order. The first business of any Committee is definitely to ensure that they constitute their leadership and they go on to undertake their mandate.

So, Rt Hon. Speaker, I am a little constrained to go with my brother on this one. I believe we can sufficiently do a good job with the arrangement as is.

Dr Kessy Nderakindo (Tanzania): Thank you, Rt Hon. Speaker. I would like to support the amendment of Hon. Zein but with precaution.

Here the how we normally do the procedure is that we bring amendments and then we justify them. In this case, I think that it would have been better if we had to set the hypothesis first and then come to the conclusion. But normally we do that; we start with the end result. That the end result we want this amendment and then we justify. That is what we normally do. But in

this case, I can see the amendment that our colleague is bringing is to bring efficiency in working in the Assembly.

Unfortunately, we do not have the mechanism which is called tracking of where the Member is. That is what is bringing a lot of fears that it might get out of control. For example, despite that we are all called honourable, let us assume that there is an honourable who is very corrupt, he has got a lot of money.

He will always nominate others to represent him or her in the Committees and he or she would not be doing anything. He or she would just be working by remote; please, represent me here; represent me there. But this is because we do not have the tracking system to make sure that a Member could only do that in the case they are two meetings that he or she is supposed to attend. We do not have that mechanism and, therefore, it brings a problem.

But at the same time, Hon. Zein said that in case there is an intersection of two or three meetings one has to attend, then there should be that provision. So, I can see the problem is that we do not have the mechanism of tracking to make sure that that amendment will not be abused. But for the efficiency of the Parliament, knowing that we are going have more activities, we need something that will enable us to work efficiently and not to lose the chance of working in the other Committee. Thank you, Rt Hon. Speaker.

The Speaker: Thank you so much, Hon. Kessy. For the purposes of record, it should be clear that the Office of the Speaker, apart from knowing what Committee activities are going on, and the Office of the Clerk, who is also represented by the Clerk Assistant at any given time of the Committee activity, must be reported to if a Member is absent.

The Chairperson of the Committee is actually designated the powers, which the Speaker would have ordinarily had when the House is sitting. So, at any given time, normally, it must be known why a Member is not part of a certain activity of the Committee and where he or she is by dully informing the Chairperson of the Committee or the Clerk to the Committee as to where they are. That is the clarification I wanted to make.

Mr Chris Opoka (Uganda): Thank you very much, Rt Hon. Speaker. I think, as stated by Hon. Kessy, what Hon. Zein is trying to bring is efficiency in the work of the Assembly.

The fears, as expressed by Hon. Kiangoi, that there is no limit as to how many times somebody can nominate, I think you can limit that by creating a proviso here that a Member will not nominate more than two times in a Session persons to substitute them. And that will sort out the problem.

Certainly, there are occasions where somebody is genuinely unable to attend because of a clash of Committee work, what do you do in that particular situation and yet there is a Member from that person's country that could attend? I think this is a good amendment. Thank you.

The Speaker: Thank you. Before Hon. Dora, honourable members, you know that Parliament operates through quorum, as Hon. Mbidde has mentioned. There can never be a time when you have 100 percent membership of the Plenary or of the Committee. This is something I also wanted to amplify to you as we debate.

Ms Byamukama: Mr Speaker, Sir and Hon. Members, I have no problem with the first proposal by Hon. Zein whereby he would like us to talk about membership. But at the same time, I would also like to allude to what Hon. Pareno has said, these are rules of a sub-committee. So, obviously, the first matter should be to elect a Chair but it would be harmless, and maybe, more elegant if we adopt the fact that Members shall form that Committee and thereafter go into the election. I think that is okay.

Secondly, on the second proposal he has made on the issue of Committees and substitution, a lot has been said and I would like to add that his point has credence in that in some instances where there is a clash of Committee activities, then some Members have no choice but forfeit attending those particular activities or make a choice in that particular matter.

Having said that, the problem may be coming in on the increased number of activities. This is a good thing but at the same time it can have administrative challenges. So, I would like to implore Hon. Zein to concede that we should leave this to the administration because what he wants to cure is to ensure that when a Member is on a Committee, at any one time, that Member is able to attend to that Committee's activities without any inhibition.

So, what we would like to do here is, maybe to cure it, by saying that the administration of the Clerk's office and under your directives, Rt. Hon. Speaker should ensure that when Committee activities are programmed, there is no such clash and, therefore, I would like to implore him to take this into account so that we can also proceed bearing in mind what has been said before. I thank you.

The Speaker: Thank you so much, Hon. Member.

Mr Zein: Thank you so much, Rt Hon. Speaker. I was quiet and keenly listening to the Members. Sir, you will recall that I am one who listens keenly and that I hear very well. And gauging the mood of the House, I would like to withdraw the amendment. *(Applause)*

The Speaker: Thank you, Hon. Zein. I now put the question that the proposed Rule 3 be part of the draft rules.

(Question put and agreed to.)

The Speaker: Proposed Rule 4: Function of Chairpersons.

Mr Ogle: Thank you, Mr Speaker. I would like to suggest the deletion of 4 (1) (c).

The Speaker: Just for guidance, I think under 4, which is functions of chairpersons there is a typo; another 4 on absence or inability. I think that 4 should be 5. So, kindly change that to be 5 for clarity and then the 4, as is, is 4 (1), (2) and (3). Yes, proceed, Hon. Ogle.

Mr Ogle: I was talking about 4 (1) (c) where the functions of a Chairperson are; "The Chairperson shall perform the functions and exercise the powers assigned to the Office of the Chairperson by the Rules of Procedure of the Assembly, jurisdiction of the Assembly and legislation of the Assembly and shall be a spokesperson of the Committee." Now, that particular provision of "spokesperson of the Committee" is what I am seeking to delete.

The Speaker: This needs proper clarification from the Chair of the Committee. Yes, you say the Chairperson of the Committee in his or her function should also be its spokesperson.

Mr Mathuki: Thank you very much, Mr Speaker. I think this was not a clarification. I think Hon. Ogle is proposing that we delete this but I think the point here is, and I think this is what members thought, that indeed when you are chairing the Committee, for example, the way you are chairing this Assembly, you become their automatic spokesperson. You take responsibility and whatever comes out- whatever is deliberated in the Committee becomes your responsibility, on behalf of the members, to Communicate to the Office of the Speaker and that of the Clerk.

Therefore, we felt that it is an automatic responsibility. Even to avoid confusion in whatever we have agreed in our Committee, a member would run and say, this is not what we discussed and they give their own version. So, I think that was the thinking of the members of this Committee and that was how we felt then. So, this gives the Chairperson responsibility of matters being discussed at the Committee level and you take responsibility as Chair. That was the import unless Hon. Ogle has something that is very different from what members of the Committee felt.

The Speaker: Let us first discuss the Hon. Ogle proposal to delete 4 (1) (c).

Ms Hajabakiga: Thank you, Rt Hon. Speaker. I think we have only one spokesperson for the Assembly and that is the Speaker. I think there is nobody who will stop the Chair from speaking or giving the media a report. But also other members have a right, in case they ask you, you can also respond on issues depending on what the subject matter is. So, I am afraid we shall have so many levels of authority to the extent that it will be very difficult to distinguish between who speaks for who.

I would, therefore, support the proposal that we delete and we keep doing it the way we have been doing without necessarily legislating on it.

Mr Taslima: Thank you, Mr Speaker. This point of the Chairperson of the Committee being a spokesperson of the Committee, we should first ask ourselves, when someone is called a spokesperson, what does it mean? What does it entail? How is he or she going to fulfil that particular assignment?

As far as I am concerned, a spokesperson is a person from whom anyone who wants to get authentic information from that Committee should go to. That means that when you come to (b), that is why, he is the one who is assigned – *(Interruption)*

Dr Ndahiro: Rt Hon. Speaker, I wanted to inform my colleague that really, if someone wants to come to a Committee and receive information, authoritatively, that means that is an information based on a certain profession or technical knowhow, it does not necessarily mean that the Chairperson has the technical knowhow. A member might be more placed to provide such technical information. Thank you.

Mr Ogle: Mr Speaker, I think Hon. Ndahiro didn't follow what I exactly intended to say. What I am saying is about the ways of conducting business of that particular Committee. I am not talking about legal so that you go into the legalities. No, I am talking about the ways of conducting the matters before that particular Committee.

As we have said, actually everywhere else, I was pointing out 4 (1) (b) which says the Chairperson is the one to present to the House reports of the Committee. It means that he or she is the one who is speaking on behalf of that Committee.

4 (1) (c) is there to expand that whoever wants to get information from that Committee should go for authoritative information from that Chair. So, I think we should go by – *(Interruption)*

Ms Hajabakiga: Thank you, Rt Hon. Speaker and thank you, Hon. Ogle for giving way. Probably I didn't explain myself very well. The information I want to give is that the Committees are Committees of the House. They only do the work on behalf of the House and report back and it is only the House, which has got the authority to clarify on the matter when it is adopted.

Whatever we shall be saying at the Committee level is my own. And this is because the decisions of the Committee only become the decisions of the House once they have been adopted. So, I am afraid that we shall be creating even contradictions. Supposing you give an authoritative position on something, because you are supposed to be a spokesperson of the Committee and when it later on comes to the House, the proposal is rejected. What will happen?

The Speaker: Thank you.

Mr Taslima: I am sorry. I didn't expect to go this long, Rt Hon. Speaker. But it is dangerous to think both ways; to think about the Committee business and at the same time think about the House business.

When we are talking about the Committee, I am talking about the Committee and indeed we are discussing the functions of the Chairperson as far as that Committee is concerned only.

What I am saying, if I can put it in a participle tense, if Rt Hon. Speaker wants to have information from that particular Committee, he cannot just call any one. If he calls some member of that Committee and asks him something, which was discussed by that Committee, and leave aside the Chair, what is that going to be seen as?

The Speaker: Hon. Taslima, naturally I think any sensible Speaker will not refer to a member when there is a leader.

Mr Taslima: Yes, and the leader is the Chairperson. Thank you.

Dr Ndahiro: Thank you, Rt Hon. Speaker. I also want to support the amendment moved by Hon. Ogle because the position of a spokesperson normally doesn't present any benefit at this level.

A Committee of the House is using delegated powers. Now, with delegated powers you want to officially mandate them with another role, which doesn't belong to them.

Speaking as a Chairperson is embedded in that attribution of a Chairperson. And speaking also as a Member of Parliament is embedded in my mandate. Nobody can stop me from speaking. We are elected here differently. *(Interruption)*

Ms Byamukama: Mr Speaker, Sir, I would like to inform Hon. Ndahiro that indeed no one can stop him from speaking, it is a fundamental human right for a person to have freedom of expression and this is particularly very important for Members of Parliament.

So, in view of this, I would like us, maybe, to constructively propose how we can capture what the Committee wanted to cure by proposing an amendment rather than completely deleting it. So, the information is that, actually, it is a fundamental human right for a person to freely express themselves and that access to information is also now a right worldwide. So, with this in mind, we may have to find ways of helping each other to move. Thank you.

The Speaker: Proceed, Hon. Ndahiro so that I can go to Hon. Martin and put the matter to vote.

Dr Ndahiro: Thank you, Hon. Dora for the information. But you used my time now to move an amendment.

Hon. Speaker, I think the proposal from Hon. Ogle to delete this amendment really should stand because – unless the Legal Committee can tell us what kind of mischief they intended cure. They have not told us.

Now, even if there is, because these people are using delegated powers, we can instead bring it up to the rules and then the Speaker - (*inaudible*) -

Members, we should leave the Chairpersons of Committee to perform their duties. They have enough mandate to perform; to speak and to deliver on their mandate without even adding these sentences. Thank you, Rt Hon. Speaker.

Mr Ngoga: Thank you very much, Rt Hon. Speaker. I don't know to what extent the public or the media normally interacts with or is interested in whatever comes out at the Committee level. But given what Hon. Dora has said, it is a right for the public to know what we deliberate even at the Committee level. So, we have the obligation to communicate.

When you are given a responsibility as a Chairperson, it is indeed a responsibility. During deliberations, everyone has their own position. It may as well happen that the Chairperson could be having a position that ends up being a minority decision.

But in his capacity as the Chairperson, he or she would have to communicate the official version of the Committee. (*Applause*) That would not stop other members of the Committee from expressing their personal opinions. But only the Chairperson can communicate the authentic position of the Committee. And he or she will have to forfeit his or her opinion if it ended up being a minority view during deliberations. So, there would not be a situation where everyone is talking and the public doesn't know which position is authentic and which one is not. (*Applause*)

So, my view is that we should keep it as it is because we have an obligation to communicate to the public at any level of our discussions. As it is, there would not be any confusion between the position of the Committee and that of the Assembly because the distinction is very clear. But we cannot have a situation where every member is talking authentically. (*Applause*)

Mr Mwinyi: Thank you very much, Rt Hon. Speaker for giving me an opportunity to add my voice to this important deliberation.

Mr Speaker, I think what is clear is the differences in how different parliamentary systems operate. In the Westminster modal, as Hon. Dr Ndahiro has stated, a Committee is a delegate of the whole House and the manner and the rules in relation to how the Committee proceeds are similar to how proceedings in the whole House take place. Nobody can speak on behalf of the Assembly. The Assembly pronounces itself from motions and resolutions. That is how an Assembly pronounces itself.

This is exactly what happens in Committees. There are going to be discussions in Committees. Once this is done, Committees are recorded, agreements are set up and as Chair, and you read them out. But you are not a spokesperson.

So, it is the same with the role of the Rt Hon. Speaker in this House. If the Assembly doesn't pronounce itself on a motion, no one else can. So, in view of that, I agree with Hon. Ambassador Ogle that this element should be deleted and I don't think it adds any value to this. I thank you. (*Applause*)

Mr Kimbisa: Thank you, Rt Hon. Speaker. My only concern is why the big deal? It is only the Chairperson who is there legally. He or she didn't appoint herself or himself and I was wondering, especially when people go for oversight activities, who is going to speak there on behalf of the group? It is the Chair.

Just like when we went to different places, the person who was speaking was always the Chairperson, representing the Committee.

Now, assume the wings of the Chair are cut and then when everything is finished, we start looking at each, looking for who has long beards to speak on our behalf. That cannot be an organised group; it will be a group of, not hooligans but something else. (*Laughter*)

We need somebody who can speak on our behalf and that is somebody who is legally constituted. We can't keep on appointing each other whenever we go to point A, we appoint Kimbisa; at point C, we appoint Maryam; at point D, we appoint somebody else. I mean, unless there is something, which is cooking here is more serious than that. But the way I see it, it is so obvious and so natural that it doesn't need debate. Maybe I need to be guided.

The Speaker: Hon. Member, it is our work method that we work through debating. So, every matter here can be debated.

Mr Ngenzebuhoro: Thank you, Mr Speaker. I think that we must distinguish between two things; the whole House and the Committee. What we are doing now is to provide for the Committee and not for the whole House.

I would like to link 4 (1) (a) to (c); the Chairperson is entitled to preside over the meetings of the Committee. Let me practical. If you are in the field, for example, and the Chairperson has to preside over a meeting there and there is the press, are you going to say you have nothing say when you are talking about visibility of EALA? (*Applause*) I can't understand that.

The purpose of the order in the Committee is that the person heading the Committee should be able to address the press. That is why we say, he or she is the spokesperson of the Committee but nothing to do with the whole House.

Secondly, if it is that he or she is not able to express himself or herself on an issue, they will always designate someone else to talk about it. And that is why this should remain here because we need order in the Committee. Thank you.

Ms Mumbi: Thank you, Mr Speaker. I would like to say right from the onset that I rise to support Hon. Ogle. I am coming to a position where I am now afraid that we are going to regulate everything.

The work of a Committee is not owned by the Committee until it is adopted by the House. (*Applause*) So, there is no way that we are going to have a spokesperson for the Committee but we have a Chair and we have been doing it even when we go to visit on oversights and we are required by the media in the Partner State to comment. From amongst ourselves, we look for the Chairperson of the Committee to address the media. That is what we have been doing.

But I think we are getting to a point where, Rt Hon. Speaker, we want to do your work; we want to regulate how you work in your office; who to send and who not to send. Sometimes it is becoming too much. I second Hon. Ogle's proposal that we delete No. 1 (c) and let Members flow like we have been flowing. If there is need, let the Committee Chairperson give a press statement.

But, Mr Speaker, let the Committee understand that the work is not theirs and until it comes to the Assembly and we have adopted it that now it becomes your own communication. You can direct anybody else to communicate to us.

Remember, we are politicians and some of us have this media ting that every time they see cameras, they want to communicate like it is the Committee communicating. I beg to support, Hon. Ogle. Thank you.

Mr Sebalu: Thank you very much, Rt Hon. Speaker. I have a question that what value does it add but I can also ask that what value does it take away? It doesn't take away anything because for me, the Chair, actually does that and the provision is simply putting it in perspective. It is not doing anything different.

If the Chair has been doing it and the Committee is simply regularising it, what is the problem? Because I really don't see – Mr Speaker, I am being harassed by – I think the Committee was trying to add value in terms of getting us more organised even at Committee level in terms of communicating and engaging outer publics.

Like when we go for public hearings and interactions outside, even when they bring petitions, if someone is bringing a petition, these people assist them to go to the Speaker and they ensure that this work is done.

This office of a Chairperson of a Committee is an office which is within our structure as Parliament. It is provided for and once it is – (*Interruption*)

Mr Ogle: Thank you, Mr Speaker and thank you, Hon. Sebalu for giving way. I just want to remind him and give him this information that the word spokesperson has a dictionary definition, which is that: "*The person who relates to the media and communicates on behalf of...*" Now, no Chairperson has got that mandate.

I will give you an instance, Hon. Sebalu, during the controversial audited report that was presented to this House in Arusha, I had on many occasions been personally been called by the media to respond to those things and yet I am not a member of the Committee on Accounts.

I was always responding to those things in my own right. I did not require any authority from Hon. Straton, then, to respond to those issues. So, trying to legislate and bring some regulatory powers that it is only the Chairperson, I would have not told the media that I don't belong to that Committee, talk to Hon. Straton and he is in the background there. So, that is the import of this thing. Thank you. (*Laughter*)

Mr Sebalu: My understanding is that the Chair has a much more authoritative position on matters relating to that Committee. And a Chair, being a spokesperson does not mean that he is the one who is going to speak all the time. A Chair can easily say, on a matter X, Hon. Ogle will be the right person to do it.

It is coordinating how information goes out and that is something that is done very well because even in Government, we have Government Spokespersons but you even have a sector; you have Ministry of Foreign Affairs, Ministry of Internal Affairs coordinating at a sectoral level.

So, what we are trying to bring here is to have the overall – the Speaker can mandate any one to respond to any matter on behalf of the Assembly. If at a Committee stage, it would be natural and logical for the Chair to coordinate and manage the way the Committee relates to the wider public.

For me, I find it to be a wise innovation by the Committee which should be supported. *(Applause)*

The Speaker: I will give Hon. Zein and Hon. Mbidde and then I put the matter to vote.

Mr Zein: Thank you, Rt Hon. Speaker. I stand to support the motion to amend by Hon. Ogle to delete. I would like to a little bit extend the philosophy that was articulated by Hon. Mwinyi in terms of what Committees of Parliament are designed and meant to do.

Committees of Parliament do not have executive authority. Executive authority reposes in the Plenary where all Members are located.

Committees enjoy devolved or donated power. And this donated and devolved power does not extend to decision making. No Committee of the House, no matter what is its name, can purport to have the authority to execute decisions.

The minute you establish, and my supposition is that because in the rules we have a spokesperson of the House, who is the Speaker, now we want to mirror that and put it in the Rules of Committees.

Let me predict, Mr Speaker, Sir what the future looks like if you leave this 1 (c) standing. Scenario one, it is only human nature that when you put an interdiction for a violation to follow and the opposite is true. When you put in a power, a human being will want to exercise that power. So, I predict if this thing remains here, brace yourself for more controversies in the newspapers.

Two, brace yourself for reduction of democratic space in the Committee.

Three, brace yourself for more interactions of the negative kind between Members both in the Committee and in the House. I, therefore, support the deletion of this section. *(Applause)*

Mr Mbidde: Thank you very much, Rt Hon. Speaker. I was extremely hesitant to stand because as the rules demand, I am an interested party. *(Laughter)* So, I must declare this interest immediately. So, Rt Hon. Speaker, what we are talking about here is the House trying to put into order its ability to responsibly devolve powers. *(Applause)*

Where there is a notable absence of the Speaker but there is a group of Members from this Assembly performing an official duty, the rules of this House envisaged that there would be a Chairperson.

Now performing actions and activities that would have in effect been performed by the Speaker; we are here not so big that such functions had to be performed by another.

Now, Rt Hon. Speaker, I think the Assembly needs to do one major thing; one, first of all elect the best Chairperson. A person who can be a spokesperson – what is the role of a spokesperson? It is to manage and create and generate uniform decision and stand of the Committee.

The dictionary meaning of a spokesperson by the Advanced Learners Dictionary is “*A person who speaks for another or for a group.*” I was talking with my friend, the Chairperson and I was saying, maybe, we add the word “Chief spokesperson” because Members think that the establishment of a spokesperson is the removal of a right from others to talk. No, this one is only merely intended to present an official position. And there must be responsibility for a position presented.

I can give you an example, Rt Hon. Speaker, matters to do with integration are very sensitive matters to which you might find that before a Committee takes a decision, each members almost has their own view. If two countries within East Africa here, advance armies close to their borders and the Committee of Regional Affairs, which when I was still a member, was chaired by my friend, Hon. Zein. He chaired it properly.

If you allowed members each from the distinctive Partner States to give their position on the matter of armies that have been extended closer, you will find varying opinions. But what does the Chairperson do if given the powers as a spokesperson? Only the position taken by the Committee can be aired. *(Applause)*

So, it is only seeking to establish order as opposed to sentimental positions taken and that is why the Chairperson is given these powers.

Finally, Rt Hon. Speaker, Sir, if you seek - and with this one I would really like to really appeal and persuade my brother, Hon. Ogle to retrieve the intended amendment because if you amend (c), the meaning is that you must amend (b) and remove it also because there is no reason why the Chairperson should again present a report when all members were there. You may as well need to delete (a). So, the meaning is that the whole function of a Chairperson is also put at stake. So, in my opinion, let us maintain it.

The Speaker: I give Hon. Kessy the chance to speak as the last person to speak on this matter.

Dr Nderakindo: Thank you, Rt Hon. Speaker. I would like to support the amendment. In any group or maybe be say, like in this Organ, we have our own language. That is why we even have the duties of the Speaker of the House. Otherwise, other people who are not in this Organ will think that the Speaker- if you just take the literally meaning of speaker, this is someone who speaks. But the Speaker of this House is not speaking on behalf of us. He is just leading us.

Therefore, in order to do this, probably as some of my colleagues talk about the power of the spokesperson, it means the spokesperson has some powers.

In this Parliament or our Organ, we don't have the definition; we have not come up with a definition of what it means for someone to be a spokesperson because we have been referring to the powers which come with that. So, we are actually discussing something which actually doesn't exist. Thank you.

Ms Hajabakiga: Thank you, Rt Hon. Speaker. What I see as a definition is that “*A spokesperson or a spokesman or spokeswoman is the one engaged or elected to speak on behalf of others.*” I am afraid that we only elect a Chair but don't elect another to speak on our behalf. *(Laughter)*

The Speaker: Hon. Kessy, the floor is still yours.

Dr Nderakindo: I thank Hon. Patricia for helping me out because she just added to what my argument is all about. My argument is that we don't have that definition and we do not have that position in this Organ.

Actually, if we have to talk about it, then we have to create it first and define what a spokesperson is in this House and give the powers of that position and then someone assumes it. As far as we know right now, we don't have it and we do not need it. Thank you. *(Applause)*

The Speaker: Thank you so much, Hon. Members. Before I put the matter to vote, I would like to state the following principles: one, we are all elected Members of the Assembly. We represent constituencies. You have rights to speak on behalf of the East Africans.

We have leadership from the Speaker to the Chairpersons of Committees. Chairpersons of Committees enjoy certain powers of the Speaker in the absence of the Speaker. *(Applause)* It may not be that it is written in any rule anywhere but it is a practice of Parliament that you are taking leadership.

So, some of these are practices that Parliaments world over don't have all their rules, practices and traditions written. Others are just traditions that are supposed to be followed.

So, with those few points, let us vote on this matter. That is the only way we shall conclude it.

I now put the question that those in favour of Hon. Ogle's motion to delete 1 (c) say, aye, and the contrary, nay.

(Question put and was not clear)

The Speaker: Honourable Members, I have not put a ruling on this matter yet. *(Laughter)* And I am going to evoke part of our rules that can allow us vote by other ways of doing it because "aye" and "nay" are almost balancing. So, let me consult the Clerk.

(The Members voted by a show of hands)

The Speaker: Okay, let me ask those in favour of the motion as moved by Hon. Ogle to put up their hands so that the Sergeant-At-Arms can ascertain.

Those who support that 1 (c) be deleted as moved by Hon. Ogle, put up your hands.

(The Members for the Motion put up their hands)

The Speaker: Those who are against the motion, also put up your hands.

(The Members against the Motion put up their hands)

The Speaker: Hon. Members, voices can be misleading. The "Ayes" are 7, and the "Nays" are 20. So, the "Nays" have it. *(Applause)*

The Speaker: Honourable Members, can I now put the question on the proposed Rule 4 to be part of the draft rules?

(Question put and agreed to.)

The Speaker: We now go to Rule 5. You remember Honourable that I corrected the numbering. Yes, Hon. Patricia.

Ms Hajabakiga: Thank you, Rt Hon. Speaker. I have an amendment, which I have already forwarded on Rule 5 that we replace the “Chairperson shall designate another member” with “The Committee shall elect a temporary Chairperson to preside over,” and then we can delete the last one, 5 (2).

The Speaker: Thank you, Hon. Member. You have been supported. Can you justify your amendment?

Ms Hajabakiga: Thank you, Rt Hon. Speaker. The whole issue is the aspect of democracy and that is why we elect a Chair. In the absence of that Chair, it is upon the members to elect who they would want to lead them in the interim period. So, it should not be an individual who just decides that they want somebody to chair.

I have also seen that sometimes it has not worked very well in other places where I have been. So, I want the members to have their democratic right to again elect a temporary Chair especially that it is already provided for. Even at the beginning the Speaker never delegates Chairpersons but they are elected by the members themselves. So, I propose that we delete that part. Thank you.

The Speaker: Honourable Taslima, unfortunately the person you want to give information is off the floor. You will have to give a substantive debate on that.

Mr Opoka: Thank you, Mr Speaker. I support Hon. Patricia’s amendment but I want to add is that since our system or the Committees are rotational, I think it would be important to elect from the same country. It will be fair to do that. Thank you.

The Speaker: Thank you so much. Hon. Chris Opoka, are you substantively amending her amendment to say apart from electing, we elect from the same country where the Chair comes from?

Mr Opoka: Correct, Mr Speaker - *(Inaudible)*-

Ms Byamukama: Mr Speaker what we are trying to cure a time when there is absence of a Chairperson. Now, what Hon. Patricia is questioning is the mode of getting this Vice Chairperson. If the first mode in the first instance, the Chairperson came in through an election, I think it is proper that the Vice Chairperson who comes from the same Partner State also comes through the same mode.

Beyond any choice here is because you have three people from a Partner State and so the choice is limited. But this notwithstanding, I think it is better that we don’t talk about designation in such instances. This may lead to patronage and favouritism.

I would further like to say that the Treaty also talks about the issue of the absence of a Speaker whereby we elect an interim person to preside over the House. So, we could follow the same principle. And I would like to crave the indulgence of the Committee and in particular the Chairperson that this is not defective or will not defeat the purpose.

The purpose is to fill in the position of a vacuum created by the absence of a Vice Chairperson. The only difference here is the mode and I would plead that this be accepted. Thank you.

The Speaker: Honourable Members, take cognisance of the amendment moved by Hon. Chris Opoka on the amendment of Hon. Patricia that the elected Chair should also come from the same Partner State as the Chair.

Mr Ogle: Thank you, Mr Speaker. I also stand to support the amendment of Hon. Patricia and not that of Hon. Opoka. Other than the point which was raised by Hon. Dora about favouritism and patronage, it also reminds me of some unnecessary increased powers to the Chair again by simply going out somewhere and delegating to somebody of his or her choice to chair the Committee in his or her absence. We do not want to vest those kind of powers in a Chair. So, in the circumstances, I tend to agree with what she has suggested but I do not want us to go to that parochial nationalistic cocoons of a person from the same Partner State. Let the best person chair. *(Applause)*

Mr Taslima: Thank you, Mr Speaker. If you look at sub-rule 2, it says, with your permission, “In case no member has been designated under sub-rule 1, the Committee members present shall elect a member to chair the meeting or perform such duties of the Chairperson.” Now, I support the amendment by Hon. Patricia and the one which has been made by Hon. Opoka.

But then, having looked at what we have under sub-rule 2, we can have something holistic instead of having two of them, we can have one, which will be saying, “In the absence or inability of the Chairperson to perform the functions and duties of his office, the Committee members present shall elect a member to chair the meeting or perform such duties of the Chairperson.”

We can also add, if need be, which I know you are very much against that “bearing in mind the principle of rotation.” But with that one I am not very hard about it.

Mr Speaker, I am not so sure whether you have heard what I have said.

The Speaker: I have.

Mr Taslima: So, with 1 and 2, we can just come up with one, which says in case of the absence, then members present will elect.

The Speaker: It is clear that when the amendment takes the day, the other one falls by the wayside, Hon. Taslima. Okay Hon. Zein, then I come to Hon. Nengo and Hon. Maryam

Mr Zein: Thank you, Rt Hon. Speaker. I am going to be very brief. The difference between the two, and I support the Hon. Hajabakiga on this, is that; one, demonstrate the will of the Chairman and the other one will have the will of the members. Therefore, I support strongly, the position taken by Hon. Hajabakiga and I will kindly request the Committee to affirm the will of the people, which is demonstrated by the people themselves electing who should chair them.

Mr Nengo: Thank you, Mr Speaker. I think when we are elected as Members, we are equal and we are all capable of doing all the things. When we say that if a member or a Chairperson is not around, it is better to elect a member from that country because when I listen to some Members, they are neglecting others assuming to be more capable than others. *(Applause)*

No, they are not because in each country there is a Member who can preside over a Committee. I end there. *(Applause)*

The Speaker: Thank you, Hon. Member. Hon. Nengo is emphasising the amendment as proposed by Hon. Chris Opoka.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much, Rt Hon. Speaker. I rise to support Hon. Patricia's amendment but I have a problem with Hon. Opoka's amendment because as we know, the quorum the Committee meetings really doesn't rely on the Members of the Partner States, for example, three Members from one country can be missing during a Committee meeting and yet it will have quorum. And this has so far happened so many times.

So, if we say that we go with the principle of rotation, we might find ourselves in a difficult situation of lacking representation from one country and we cannot perform the Committee functions. Thank you. *(Applause)*

The Speaker: Thank you so much, Hon. Maryam. Hon. Patricia, I would like to put a question on Hon. Opoka's amendment to your amendment. May those in favour of Hon. Opoka's amendment that the elected should come from the same country say, aye and those against say, nay?

(Question put and negatived.)

The Speaker: I again put a question on Hon. Patricia's amendment that in the absence of the Chair, an interim Chair gets elected by the members present in the Committee.

(Question put and agreed to.)

(Rule 5, as amended, agreed to.)

The Speaker: We now go to the proposed Rule 6, which is vacation of office. I am reminding you again that we changed the numbering because of the double writing of 4. So, 5 becomes 6; vacation of office.

I put the question that the proposed Rule 6 be part of the draft.

(Question put and agreed to.)

The Speaker: Honourable Members, we go to proposed Rule 7 to be part of the draft rules. I can see somebody has submitted something; 7 which is in bold. It reads 6 in the original document but I am on 7 now.

I put the question that Rule 7 be part of the draft rules.

(Question put and agreed to.)

(Rule 8, agreed to.)

The Speaker: Honourable Members, I would like to once again remind you that if you have written something, I may not know who has written it and if I reach the rule, if you don't rise, we will proceed.

There is a proposal on Rule 9 regarding quorum. Hon. Chris Opoka.

Mr Opoka: I propose that in Rule 1, it should be clear that the quorum of the Committee shall be half of the members of the Committee other than just leaving it as members, is it members of the Assembly? Thank you.

The Speaker: The proposal is that an addition of “of the Committee” be made.

Dr Nderakindo: Thank you, Rt Hon. Speaker. In this Annex 1, the definition of member is written as “means a member of the Committee.” So, we don’t need to change it.

The Speaker: Thank you. I put the question that those in favour of Hon. Opoka’s amendment say, aye, and those against say, nay. The nays have it.

(Question put and negatived.)

(Rule 9 agreed to.)

The Speaker: Draft Rule 10- sub-committees. I put the question that draft rule No. 10 be part of the rules.

(Question put and agreed to.)

(Rule 11 agreed to.)

The Speaker: I put the question that draft Rule 12 be part of the draft rules.

Mr Mwinyi: Mr Speaker, I have a draft rule from Dr Ndahiro on reports though I am not sure if this is the appropriate position but it relates to reports.

The Speaker: But Hon. Ndahiro through Hon. Mwinyi, you have to be explicit. We are dealing with procedure of the Committee – you are talking about reports- but just move it.

Mr Mwinyi: Rt Hon. Speaker, on behalf of Hon. Dr James Ndahiro, there is the following proposal: “Any member who attends an official engagement shall submit a written report to the Speaker.”

The Speaker: Pardon me?

Mr Mwinyi: “Any member who attends an official engagement shall submit a written report of that engagement to the Speaker.”

The Speaker: Oh! I have got the import of the amendment that any Member of the Assembly who attends any other meeting, which is official shall submit a report to the Speaker.

Mr Zein: Thank you, Mr Chairman. I agree that this is a very important provision but not for the Committees. This should be -if I may Dr Ndahiro; I am still on my feet. I will say my piece – I will support Hon. Ndahiro so that we take this to the Committee on Legal as an amendment to the Rules of the House so that it becomes binding –should I sit down? I can see very many people up.

The Speaker: No, Hon. Zein. It is only the person who catches the eyes of the Speaker that speaks and you are the only who has so far caught my eye.

Mr Zein: Thank you for your confidence, Sir. So, I suggest that it is a very good one but it is all encompassing because many a time people don’t go on behalf of Committees but go on behalf of the whole House. Even when they do it on behalf of Committees- if we do it in the main rules, we can say, it also applies to Committees. So, I will suggest that we pack this one for transmission to the Committee on Legal.

The Speaker: I think let us first allow Hon. Ndahiro justify his amendment as moved for him by Hon. Mwinyi and then you will give information, Hon. Frederic.

Dr Ndahiro: Thank you, Rt Hon. Speaker. First of all, I would like to say that I concede and I will take the advice from my honourable friend, Hon. Zein. *(Applause)*

But before I sit down, Mr Speaker, the reason for that amendment is first of all to ensure that this House benefits from all those meetings and conferences that Members attend. When they come back, they keep quite and we never get to know what exactly they have done.

We, therefore, lose out on the information and knowledge that they gather through those meetings and conferences or other official engagements. That was the reason, Rt Hon. Speaker. Otherwise I concede.

Mr Ngenzebuhoro: Thank you, Mr Speaker. The information I would like to give is that that concern has been provided for in the main rules. Section 89 (1) provides as follows: *“Within 21 sitting days of return by an officially organised parliamentary delegation or a delegation with some Members and staff of the Assembly, the head of delegation or any Member acting on his or her behalf, shall present a report to the House on the activities of the delegation.”*

89 (2) *“After tabling of the report under sub-rule (1), a limited debate may ensue.”* I think that is all.

But for the Committee, it must remain as a Committee and not the House.

The Speaker: Thank you so much. Your information was very useful but the mover has already withdrawn. Which is good enough.

But Hon. Members, let us not amend the rules through this route.

I now put the question that Rule 12 as proposed be part of the draft rules.

(Question put and agreed to.)

The Speaker: Rule 13 on minority reports. I now put the question that Rule 13 as proposed be part of the draft rules.

(Question put and agreed to.)

(Rule 14 agreed to.)

(Rule 15 agreed to.)

(Rule 16 agreed to.)

(Rule 17 agreed to.)

The Speaker: Rule 18 on matters not provided for.

Mr Opoka: Thank you, Mr Speaker. Since rule 18 is about – for the avoidance of doubt, I think it should be made explicit in the rule that the Rules of the Assembly shall take precedence over the Rules of the Committee because as it is, it simply says that “The Rules of Procedure of the Assembly shall apply to any matter not expressly provided.” I wish that it should be stated that they take precedence.

Ms Byamukama: Thank you, Mr Speaker, Sir and Hon. Members. I think if we capture what Hon. Opoka has said, we shall not be adding any value because the Rules of the Assembly apply, anyway.

But what we are trying to do here is to cure a lacuna - to cure that gap where there may be absence and in that case, "For avoidance of doubt, the Rules of the Assembly shall apply on a matter not expressly provided for under these rules." So, the lacuna we are curing is such that in such a case, then the rules automatically apply. I implore him to understand it this way so that we can move. I thank you.

The Speaker: Thank you so much because I think it is a given that the rules take precedence over these and then this is an annex. And also that seems like going into interpretation. I see like Hon. Chris Opoka has conceded. Thank you so much.

I put the question that Rule 18 as drafted be part of the main draft.

(Question put and agreed to.)

The Speaker: Hon. Members, we shall proceed to Annex II, which is the Code of Conduct for Members of the Assembly. I put the question that the proposed Code of Conduct 1, which is Purpose of Code be part of the draft.

(Question put and agreed to.)

(Code of Conduct 2, agreed to.)

(Code of Conduct 3, agreed to.)

The Speaker: Hon. Members, I put the question that Code of Conduct 4, Duties of Members be part of the Code.

Mr Ndarubagiye: Thank you very much, Rt Hon. Speaker for giving me the floor. I would like to add an amendment to the duty of Members, which can be 4(5) to read as follows:

"(1) Every Member has a duty to attend and participate in the sittings of the Assembly, Committees or other scheduled activities of the Assembly subject Rule 93 of the Rules of Procedure of the Assembly;

(2) A Member who is absent from a sitting of the Assembly, a Committee or another scheduled activity of the Assembly shall forfeit the subsistence and sitting allowance requisite for such a sitting *-(Applause)-* notwithstanding the fact that such nonattendance was limited under Rule 93 of the Rules of Procedure of the Assembly."

The Speaker: You have actually been seconded and it is a very popular amendment. You can go ahead and justify.

Mr Ndarubagiye: This regular absence of some of our Members must come to an end. Coming for two or five days and then running away with an envelope – *(Laughter)* - full of per diem is stealing. Thank you very much. *(Applause)*

The Speaker: Hon. Leonce, I know you have a right to your choice of words but it is not very honourable to refer to a Member to have stolen but I take your concerns very seriously.

Mr Ndarubagiye: I retrieve the word "stealing" it is taking away. *(Laughter)*

Ms Pareno: Thank you, Rt Hon. Speaker. I have a problem with that. Though well intentioned, I have a problem with the proposal No. 1 as compared with 93 (1) of our rules, which says, “*Every Member shall during the session of the Assembly or any special sitting attend the sittings of the House unless leave of absence has been granted to him or her by the Speaker,*” while this one says, “Every Member has a duty to attend and participate in the sittings of the Assembly, Committees or other scheduled activities of the Assembly subject to Rule 93 of the Rules of Procedure.” So, it is just repeating the same thing.

So, I was thinking that since we have a substantive provision about this in 93 (1) we only take what he has proposed in 2 because 93 already takes care of what he has proposed in 2. If we could amend that way and carry No. 2 that would be good.

Mr Ogle: Thank you, Mr Speaker. What Hon. Leonce intends to achieve in his amendment is very timely and very necessary amendment. (*Laughter*) This is to provide an enforcement mechanism. Rule 90 as it has existed in the Rules of Procedure is just very general in nature.

In fact I want to go further and suggest 3 of that amendment to read as follows: “Notwithstanding the provisions of section 2, a Member ought to be forfeiting his or her per diem and in the event that that doesn’t work there shall be provisions for prosecution.”

The Speaker: Hon. Members, there are two amendments to the amendment moved by Hon. Leonce. Let us start with the first one. Yes, Hon. Dora first.

Ms Byamukama: Mr Speaker, Sir and Hon. Members, what Hon. Pareno has moved I think is not detrimental? This idea was captured at the *Kamukunji* and I must confess I was one of the people who put it in writing assisted by our parliamentary legislative draftsman.

When you look at 93, the whole of it talks about leave of absence. So, you can read it broadly to be subject to the whole provision on leave of absence. But if you want to be specific, which is okay, you can say Rule 93 (1).

Likewise, in the second paragraph, you can go ahead and say, the reference to Rule 93 (2). That is all.

I think there is no harm because the whole point is that 93 provides for leave of absence in its totality. That is where it is coming from.

Ms Pareno: Sorry, there is something I have noted, which I had not seen. When you look at 2, it says, “A Member who is absent from a sitting of the Assembly, a Committee or of another scheduled activity of the Assembly shall forfeit the subsistence and sitting allowances requisite for such sittings notwithstanding that such nonattendance was permitted.” This takes away the powers of the Speaker to give leave. So, we cannot make a rule that takes away the powers of the Speaker if you say, “... notwithstanding that such nonattendance was permitted.”

Rule 93 gives the Speaker powers to allow absence. So, you cannot again say 93 allows the Speaker and then you come and take away the powers of the Speaker to give leave of absence. So, I am suggesting that we do away with No. 1 but maintain No. 2 but delete “...notwithstanding that such nonattendance was permitted.” Otherwise we shall be fettering the powers of the Speaker and we shall not function as an Assembly.

The Speaker: Yes, I think this is a question of drafting, and there are two issues here ... (*inaudible*) ...

Mr Mwinyi: Hon. Speaker, I can sympathise with my honourable sister but I do not see a clash between 1 and the principle rules. The principle rules deal with leave of absence and the sub-rule in the Code of Conduct deals with payments. They are two separate things. You can get leave of absence but it does not entitle you to be paid during your absence. That is the question.

Per diem and sitting allowance is not a salary. (*Applause*) So, when you are given a leave of absence by the Speaker you can proceed but you can't take the per diem and sitting allowance and proceed with them.

The Speaker: I think the matter is very clear that the drafting in 2 is intended. It is not a contradiction. It is clear that per diem and sitting allowance are not an income. It is supposed to facilitate you do that work. You cannot be facilitated while absent and that is the intention of the drafting. (*Applause*) Unless there is something to the contrary, we should proceed.

Mr Zein: Sir, I would like to associate myself with the comments made – may I say this, I would like to associate myself to the noble comments made by Hon. Mwinyi.

But also, I would like help our elder brother, Hon. Leonce, the parliamentary language that we require is that “somebody who is taking money illegally.” That is the term that you are referring to which the Hon. Speaker rightly guided that somebody who is taking money from the House illegally.

I would like to suggest, Sir that it is absolutely critical for this rule, once it is passed, to be applied very strictly by your office, Sir and the Office of the Clerk so that it also takes into account those who come, take money and go. They have to pay back for the days that you miss and yet you were facilitated to be, for example, in Bujumbura and you are elsewhere. The record will show and then you will be required by that rule to pay back the money.

The Speaker: Thank you, Hon. Zein. Can I have Hon. Ngoga?

Mr Ngoga: Thank you, Rt Hon. Speaker. I support this amendment only that I will stand to be corrected by those who are more comfortable in English than I am. I wonder whether “forfeit” is the right term to be used here because it is kind of suggestive of some voluntariness on the part of the person absent. I think it should be that this person would not be entitled to it and not that he would forfeit it. He will not be entitled to it.

On the proposal to delete No. 1, I can see, yes, it is kind of repeating what is already provided for under 93, but it provides a good flow and it puts it in a better picture for one to understand No.2. So, I would suggest to keep it as it is. (*Applause*)

The Speaker: Thank you so much, Hon. Martin.

Mr Taslima: Thank you, Rt Hon. Speaker. I agree with what Hon. Martin has just said and I would suggest that in No. 2, because we already know that the Speaker can authorise somebody's absence, and that person - I am thinking of a circumstance where I come here on Sunday and receive all the money for the 14 days and then on Tuesday, the Speaker gives me an assignment to may be go to South Africa. And when I leave, I have the money on me. So, I am not even present the following week.

Now, I would like to add that – since we have agreed to delete “notwithstanding” – add the words “Unless the absence has been authorised by the Speaker.”

The Speaker: Honourable Members, there is one thing which is before us, once you have been sent on another duty elsewhere, you are still on duty of the Community and facilitated. So, there is nothing like absence in that case. Thank you.

Ms Byamukama: Mr Speaker, Sir, you have said it. The second clarification I want to give to my learned brother, the Hon. Martin Ngoga is that we have used the word “forfeit” purposely because per diem is not an entitlement. So, by virtue of the fact that you are absent, then you automatically forfeit that which would have facilitated you to be present.

Therefore, in this case, I would implore you that we cannot use the word “not be entitled.” Yeah, he concedes. I thank you.

The Speaker: Thank you. Yeah, I can see Hon. Martin conceding.

Ms Pareno: I now understand with the better interpretation by Hon. Mwinyi but I still have a problem with 2, the “notwithstanding” part of it. I want to give an example of a time when, I think I was here and I was sent by the Speaker to go to South Africa to represent the Speaker at a parliamentary function.

Because we had already received the per diem here, we went there and that is what we used there. We were not given any other allowances there. So, I am wondering when –

The Speaker: Hon. Pareno, I had already guided here that when you are in session and the Speaker sends you on another duty elsewhere or you are already on schedule for that duty, you are still in service of the Assembly. So, you don’t need to worry about that.

Ms Pareno: Okay, then I concede.

Mr Rwigema: Thank you, Rt Hon. Speaker. I rise to support this amendment and I am very concerned about it because if someone is given a business class air ticket and he comes here to only pick money and disappear, it should not be just a matter of per diem but also refund the ticket given. (*Applause*) Thank you.

The Speaker: Thank you. Hon. Members, I need your help on this matter under Rule 93. When you are here working and then, maybe, one day, two days or four days to completion, you approach the Office of the Speaker that I have got an emergency, like losing a mother; the spouse is sick; the child is like this this and I grant you permission, must I ask you that please, can you take that balance to Accounts?

I think we need to have some flexibility here. The principle is understood but there is need to be a bit flexible.

Mr Mathuki: Thank you very much, Rt Hon. Speaker. I just want to give information and possibly remind members of the Committee and now Members of this House that the time we were putting this, we had foreseen circumstances like the one you have just given.

We had seen that supposing now you a Member and you have gone for a mission after collecting your per diem and your sitting allowances. You have gone to pay for your hotel for the next 14 days. You have paid at such because once you get, you go and pay and once you pay in advance for your stay, on your second or third day, you get an emergency like either you fall sick or get something else. Are you then supposed to go and possibly collect the money you had paid because sometimes they may not even give it back?

This is what we had seen as a Committee and I wanted to help Members to appreciate what we had in mind as members of the Committee. I agree it is very important for purposes of discipline but I just wanted to give this information for Members to appreciate as they debate. Thank you.

Ms Byamukama: I would like to give information to my brother, Hon. Mathuki with whom we share the same passion. This is the Labour Movement.

First and foremost, there is what they call compassionate leave and they actually give you money and, maybe, you can provide for it. But in this case, whereby you are now leaving it to the Speaker to determine that you have to leave and, therefore, you cannot come back for all the two weeks because you have lost someone close, then you have a problem of audit.

You have taken per diem and you have taken sitting allowance and because you have lost somebody, you are using that cover not to be able to attend. I know it sounds harsh but I think we can find some room for this kind of issue because let me just say it clearly, we have had in this House people who have lost aunties, uncles, cousins, step grandmothers and step mothers. We are actually protecting your office.

The Speaker: Are you saying the relatives are about to get finished?

Ms Byamukama: Since we do an oversight function, we would also want to protect you from the problem of favouritism and patronage, which have caused problems in the past. Thank you.

Ms Hajabakiga: Thank you, Rt Hon. Speaker. First and foremost, let me thank Hon. Leonce for having brought up this important amendment. It is so critical at this point in time, especially coming from where we have come from.

It is going to indicate how this Assembly has become of age and credible that we are going to take this decision today, in our Code of Conduct. *(Applause)*

Rt Hon. Speaker, both per diem and sitting allowances are a facilitation for you to be in that place to do that particular work.

Initially, I had wanted to give an example. I might have a very important issue, which makes me go back to Rwanda. If there was a Congress of RPF, I would seek permission from the Speaker to go but that place where I am going, I am facilitated by another organisation. So, there is no reason why – the Speaker may give me permission but I don't have to take the money. I have to refund what I did not use.

As my honourable friend, Hon. Dora has said, if we put too many exceptions in the legal framework, it becomes very difficult for the person administering those exceptions to deal with. It is very important that we preserve those people whom we have put in those offices so that they don't get caught up by thinking that you favour Patricia. You may have to analyse whether she has lost that aunt because some people lose 10 aunties in a week. *(Laughter)* They have lost a person every other time. We have big families. So, how do you determine whether one is very close and the other is not very close unless we come out and categorise and say unless you have lost your father, mother and a child?

Otherwise, it brings in an aspect of abuse and therefore, if we have to legislate, let us legislate and maybe it is time that we go for those aspects of compassionate leave as Hon. Dora said. Here even those whose relatives or parents die while they are not in session, can also be supported because it should not only be limited to you because you are in session. Somebody else who is at home who has lost a mother has also lost and who will assess them? Thank you.

The Speaker: Thank you. Honourable Members, this is just guidance. I think it is clear that per diem is not a condolence fund for people who have lost their dear ones. If we are taking the principle that per diems and sitting allowances are facilitation for you to do your work, then let us take the principle.

You are being facilitated to do the work and you must be at that place of work. And since you are being paid sitting allowance, you must be present and in sitting. Those are the principles. *(Applause)*

Mr Mbidde: Thank you very much, Rt Hon. Speaker. Rt Hon. Speaker and Members, this Assembly has powers to make rules and we are utilising these powers.

Being given powers to make rules is the equivalent of being given a rope. So, you decide on what to do with it. You either may a swing and have fun or make a noose and commit suicide with the rope. But it is just one thing given to you.

Now, when I look at Article 61 of the Treaty for the Establishment of the East African Community, where there are powers, privileges and immunities of the Assembly and its Members. When you peruse it, you discover that for purposes of what you do anywhere under your services, you are immune to all legal actions. Particularly this does not apply here. But the principle applies. This one extinguishes the proposal by Hon. Ogle that anyone can be prosecuted.

But this explains the character of persons to be contemplated to be elected Members of this Assembly. They are not the kind of persons that require these kinds of regulations you are proposing. Persons who come, allege to have lost persons and have run away. Those who are remunerated at a level of over US \$ 400 and go to hotels of \$ 10, I thought, if you are to establish a kind of this Code of Conduct, we must be in position to even account.

Rt Hon. Speaker, there are Members who even do not utilise official transport because the transport does not reach where they are. So, I think let us give ourselves this benefit of the doubt. The problem is that this has been abused and I understand where you are coming from. There are people who have consistently abused the idea.

But what we are trying to do is a vote of no confidence in; one, in the Speaker having the capacity to utilise Rule 93 fully because under this rule, then a person who has not received this kind of leave can be subjected to the kind of Code being proposed.

For me, I think, Rt Hon. Speaker, the Members I see here are very big men and women, wherever they come from, if there are those who do not subscribe to that level of measurement, I am sorry. But that is what I see. Probably I have a wrong eye sight and a poor weighing scale.

We are again passing a vote of no confidence into the Members. I don't know how we are going to again administer a rule of accountability because there must be accountability measures established for purposes of fulfilment of this Code so that a person who has entered a hotel – we have been sharing it with my Chair – and accordingly paid for 14 days but immediately goes away, there must be a mechanism of telling us whether that per diem has been substantially paid for or not or any other. Where are the privileges? Where are the immunities?

Honourable Members, we are very big fellows. If they pay you per diem, it does not mean that it is actually enough for the lifestyle that you are leading while here in the Assembly. For me it is not enough.

So, I can tell you that I do not want people who want to think about this as an income of some sort. I leave my law firm in Kampala and I can't certainly be coming here to make more money than I do in Kampala. *(Applause)*

So, Hon. Members, I am inviting you to just look at the other side. This is the equivalent – even Jesus got stuck one time – *(Interruption)*

Mr Mwinyi: I am just rising to seek clarification from my honourable friend in that, is the per diem an issue of whether it is enough or not or is it a facilitation for a particular role or an activity? Whether it is enough or not, I don't think it is the realm of this discussion. It is an issue of – you have understood.

Mr Mbidde: Okay. Whether it is enough or not was a mere imponderable. What I was asserting is the character of the kind of persons subjected to this Code and I was inviting you to look at it. Even Jesus got stuck one day when he found people stoning a prostitute until he told all of them stop and anybody who has never done it cast the first stone. The records show that nobody else did, not even Jesus.

So, I can tell you that Hon. Members, while trying to enact a Code of this nature, highly have regard to first of all, the plight of Members, the character of persons that are here – *(Interruption)*

Mr Ndarubagiye: Thank you very much for giving way. The discussion about this is a matter of principle. We cannot have moral authority to go and audit the Secretariat and give a string report when we ourselves are dealing in the same money from the same source and in the same way. *(Applause)*

Someone can come and justify that, as Hon. Dora has said, someone used to justify that he had lost someone. So, I asked the Member one day how come they were losing so many people in their family. *(Laughter)* The Member told me that it was a cousin of their uncle.

So, that reminds me of a joke where a man came rushing in the village and said there was a lion threatening to kill them. But when he was asked as to whether he had seen the lion, he said no, he had just seen the man who had seen the man who had seen it. So, that is the kind of family that people pretend to have in order to be absent. *(Laughter)* Thank you so much.

Mr Mbidde: Finally, I first of all entirely agree with Hon. Leonce though my take is different. For you to follow an established rule, role or procedure, is not a moral matter. You cannot turn around to say you are morally correct only because you are following rules.

You can only be morally right when there are no rules but you are doing the correct thing. For me that is my take on this. So, I agree with Hon. Leonce but my take is that may the House assume that this can be done in a different manner administratively. That is what I was thinking about. I thank you.

Ms Mumbi: Thank you, Rt Hon. Speaker. I find myself in a difficult position because we are dealing with honourable Members. But the reason why this is coming in – if you asked Members to tell you by name – we know ourselves by name and we know ourselves from which Partner State we come from. And if I was asked, this is not a matter to be put under this.

For example, if I must receive per diem and sitting allowance, there are Members who will come and sit here for only five minutes and go back to their hotels to sleep. It has happened. We end up not having quorum when people have gone back to bed.

When we were discussing this matter outside the House, somebody educated me that when a parliamentary procedure is introduced in the House, it becomes a part of that House.

We were given an example of the Second EALA where the Speaker, Rt Hon. Abdi from Kenya, had kind of introduced a take of where the days that you did not participate would be deducted from -

The Speaker: Honourable Members, I think it is important we avoid mentioning names of persons who may not be having capacity to defend what is being referred to. But Hon. Dora has information, will you take it?

Ms Mumbi: Yes.

Ms Byamukama: Thank you, Hon. Mumbi for giving way. I just want to say that this principle and this administrative action, which was taken by Hon. Abdi was not personally taken. It was taken by the then House Business Committee. And I am seeing here Members who were members of that Committee; Hon. Leonce, Hon. Mwinyi, Hon. Patricia and I were members of that Committee.

Now, this actually fortifies the point I was making. The minute the Speaker operationalises an administrative action that action ceases to be the Commission or the House Business Committee decision. It now becomes that individual person's action or that Committee or Commission's action. This idea came from the *kamukunji* which we had at the beginning of this session; this idea was very much welcomed and like you asked, Rt Hon. Speaker, I captured what was discussed in that *kamukunji* and that is how the Hon. Member came up with this proposal.

So, I would like to say very clearly, yes, we are honourable, yes, you may go to the washroom or you may go back to the hotel for certain reasons but discussing these matters, for example, in the precincts of Parliament is very well known but we need to be exemplary. If we are talking about the correction of an image, then we must – personally I think when we support this principle, we shall in effect be considered as very serious people and people who are committed to undertaking our work without fear or favour and those who are capable of doing oversight work. So, Mr Speaker that is what I wanted to say.

The Speaker: Thank you so much. Honourable Members, Hon. Mumbi is on the floor. That was just information and she is the last person debating on this matter so that we can put the question to vote because, really, I am constrained by the rules, which you passed and you know what time it is now.

Ms Mumbi: Thank you, Rt Hon. Speaker. The information was important but English is our second and third language, what I meant was implemented. The operationalisation of that was a House Business Committee or whatever, it amounts to the same thing.

I think what we need to do is to – if we were bold enough to come to giving that sub-committee a leeway to come to you and name the Members so that you don't have to punish the whole House to do an exercise. For example, let me just give an example, fortunately I don't have young children but supposing a Member gets a sick child in another Partner State and they have to leave? That per diem is the one that they probably have to use to buy a ticket to rush home. All I am saying, can you be given, as our Speaker, a leeway to listen to some of those Members who will have genuine concerns?

I am not condoning in any way. A Member who comes speaks and leaves; a Members who comes and stays in a hotel and does her thing. But I think that you should be given an opportunity to listen to all of us and know what is happening. You can ask Mumbi, why you buried your mother last week and today is your daughter and yet the other day it was your grandmother? I think we should give a leeway for it to be done administratively.

My last take is, let us not do things that will come back to haunt us and also put you as our Speaker in a position where we tie your hands so much that even in a very genuine case, you are not able to take a decision using your own discretion. I beg to just leave it like that. Thank you.

The Speaker: Honourable Members, this matter affects us and it is ... (*inaudible*)...

If it best for this House, we shall proceed with it the way you wish it to be. I would like to put the question to this amendment as provided by Hon. Leonce.

(Question put and agreed to.)

The Speaker: Proposed Code 5 on personal conduct. Honourable Members, I know we are beyond this thing but I would like to beg for your patience that we dispose of this report and then we adjourn. I am going to try to move as fast as we can.

(Question put and agreed to.)

The Speaker: Proposed Code of Conduct 6. Hon. Zein

Mr Zein: Thank you, Rt Hon. Speaker. I have an amendment for Rule 6 (d). Rule 6 (d) as currently constructed reads: "A Member who is a party to or is a partner in a firm or company, which is a party to any contract or undertaking of any nature with the Community shall in any proceedings in the Assembly or Committee relate to the contract or undertaking of any nature declare his or her interests on that, of the firm and the company and shall not vote on any question relating to that contract or undertaking." 6 (d) is followed by (e) consequentially.

So, I have an amendment to propose deletion of that section and in its place I propose to move "(d) (i) Any Member who has a personal interest in any proceedings in the Assembly or Committee of the Assembly shall declare his or her interest and shall not take part in or try to influence the proceedings relating to that matter;

(d) (ii) The declaration of the personal interests made by any Member shall be entered into the record of the Assembly or the Committee; and

(d) (iii) Failure to comply with the requirements of 6 (d) (i) and (ii) constitute serious breach of this Code of Conduct. "

I also propose that personal interest to be defined under this Code of Conduct as to include any advantage and or reward that may accrue to a Member, his or her family or friends." Can I go on and justify?

The Speaker: I think so.

Mr Zein: Thank you, Mr Speaker, Sir. This rule as currently constituted deals with the question of personal interest but limits this personal interest to somebody who owns a company. I think, it is time to expand it. Not many people here own companies but what happens when the self-interest has nothing to do with a company but has more to do with you?

What if that personal interest has nothing to do with a company but has something to do with your wife or husband?

What if that interest has nothing to do with a company but has something to do with your friend?

So, I am suggesting that it is absolutely correct and right to expand the definition and the understanding of what personal interest is. And Sir, this is the well-known embraced expansion by many Parliaments in the world including some, which have informed some of these provisions, which have learned from other practices.

I suggest, Sir, if you limit it to a company, or that a person is a partner in an established company, then you lose control of complete oversight of personal interest. I beg to submit.

Dr Ndahiro: Thank you, Rt Hon. Speaker. I also support the amendment but I want to plead with my friend, Hon. Zein that we delete the last part of the friend because the definition of a friend is wide and it is relative.

We can put a full stop on relatives but friends, Hon. Zein, I think it would be very difficult to administer. Thank you.

The Speaker: Thank you so much. I think Hon. Zein, friend might be difficult.

Mr Zein: I concede and withdraw the last part that deals with friends.

The Speaker: Thank you so much. Honourable Members, this amendment does not principally disagree with this provision. It is just clarifying it and giving it more strength.

(Question put and agreed to.)

(Code 6, as amended, agreed to.)

(Code 7 agreed to.)

(Code 8 agreed to.)

(Code 9 agreed to.)

(Code 10 agreed to.)

Dr Nderakindo: Thank you, Rt Hon. Speaker. This is just a general concern that to complete this Code of Conduct, though there is a place that Hon. Chris Opoka had questioned whether we should say which has the precedence over the other; whether the Rules of Procedure or this Code of Conduct, I would like to see that there is a reference to it in the Rules of Procedure.

When you go to the Rules of Procedure, you find that they refer to Annex 1 up to 5 or something more than that. But here we also have Annex 1 and 2. So, I would think that they should be a link – a reference from the Rules of Procedure about what we are passing here today.

The Speaker: Thank you so much. There will be a drafting proviso to refer to the annexes as attached to the rules as stated there.

Honourable Members, I will call the Chairperson of the Committee, Hon. Peter Mathuki to make his comments in summary before I put the question for the report to be adopted by the House.

The Chairperson of the Committee on Legal, Rules and Privileges (Mr Peter Mathuki) (Kenya): Thank you very much, Rt Hon. Speaker. Let me start by thanking you, Rt Hon. Speaker and the Members of this House for their contributions to this report.

Of course I am sure going forward in the reports, as we said, it is adding value; it is strengthening this institution; it is strengthening our own standing as Members. Therefore, for all of you, Members, who have contributed, I stand to thank you very so much.

In the debate itself, the motion before we started amending, I know three Members contributed. I want to thank Hon. Pareno, Hon. Mbidde and Hon. Zein and all of you, Members for this. *(Applause)*

I think, Rt Hon. Speaker, when we are legislating, we may have to be very careful in terms of balances. And I want to support and stand with Members. But we must also apply other principles – international conventions – that of course we are supposed to respect. Therefore, understanding the pain and the experiences Members have gone through – that is why we had services of a CTC, maybe. We would have seen how we would have been advised on particularly this one of payments. I don't want to revisit it.

But my experience as an HR expert is that if we look into the international conventions - I am trying to summarise this- and, therefore, Rt Hon. Speaker, I thank you and thank all Members for this. Thank you very much.

The Speaker: Thank you so much. Honourable Members, the motion on the floor is that the report of the Committee on Legal, Rules and Privileges on the Rules of Procedure of the Committees of the Assembly and the Code of Conduct for Members of the Assembly, be adopted. I now put the question.

(Question put and agreed to.)

The Speaker: Honourable Members, I would like to congratulate you upon this piece of work. I would like to congratulate you because you have put your feet down to set toll for rightful behaviour of leaders in this region. *(Applause)*

I would like to congratulate the Chairperson and the Committee of Legal, Rules and Privileges for the work well done. *(Applause)*

I would like to make this abundantly clear that the Rules of the House are an organic piece of rules. They are not cast in stone. We are the ones living with them. If there is need for revisiting, the Committee on Legal will always receive provisions or suggestions and we shall revisit them. *(Applause)*

They are organic to the extent that they should facilitate us do our work and make our work easy, good and efficient. I thank you so much for the work well done.

I would like to make two quick announcements; one, on the Parliamentary Commission. A member of the Parliamentary Commission, Hon. Christophe Bazivamo who was elected as a member of the Commission from the Republic of Rwanda has resigned not for bad reasons because he has been elected as the Chair of the Committee on Agriculture, Natural Resources and Tourism replacing Hon. Abdul Karim Harelimana who left the Assembly as you are aware. *(Applause)*

I am, therefore, declaring that there is a vacancy in the Commission. But please, do me a favour that since Hon. Bazivamo is from the Republic of Rwanda, don't express your interest if you are not from Rwanda. *(Laughter)* This vacancy shall be filled tomorrow morning when we resume.

Lastly, I got communication from the Chair, Council of Ministers informing me about the issue of the Counsel to the Community that ever since his contract expired, the Council of Ministers sat and appointed an acting CTC who is helping in the absence of the substantive one. So, you should not be worried at all that in case you need some legal services from the Office of the Counsel to the Community.

I thank you so much, and the House is now adjourned to 10.00 O'clock tomorrow.

(The House rose and adjourned until Thursday, 26 March 2015, at 10.00a.m.)