



## EAST AFRICAN COMMUNITY

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### IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

#### The Official Report of the Proceedings of the East African Legislative Assembly 33<sup>RD</sup> SITTING - THIRD ASSEMBLY: FIRST MEETING – SECOND SESSION

Wednesday, 28 August, 2013

*The East African Legislative Assembly met at 2.45 p.m. in the Chamber of the East African Legislative Assembly, EAC Headquarters in Arusha, Tanzania.*

#### PRAYER

*(The Speaker, Dr Margaret Nantongo Zziwa, in the Chair.)*

*The Assembly was called to order.*

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**The Speaker:** Proceed on to the next one.

#### MOTION FOR A RESOLUTION TO DECIDE ON THE ISSUE OF ROTATIONAL SITTINGS OF THE ASSEMBLY IN PARTNER STATES

**Mr. Peter Mathuki (Kenya):** Thank you very much, Madam Speaker for the opportunity to move the motion and I beg to move that this Assembly do resolve to decide the issue of rotational sittings in Partner States of the East African Community by the whole House. I beg to move.

**The Speaker:** Seconder? Hon. Ndahiro, hon. Kidega, hon. Odette, hon. Bazivamo, hon. Abdul Karim. Proceed, hon. Mathuki.

**Mr. Mathuki:** Let me say thank you once more, Madam Speaker, for the opportunity and thank you most sincerely for your leadership demonstrated wisdom in giving leave to have this – *(Interruption)*-

**The Speaker:** Hon. Mathuki, proceed with the motion.

**Mr. Mathuki:** *'WHEREAS Article 55(1) of the Treaty for establishment of the East African Community states that the meetings of the Assembly shall be held at such time and places as the Assembly may appoint*

*RECOGNISING Rule 11(7) of the Rules of Procedure of this Assembly stipulates that the Assembly may, on a resolution adopted by a majority of its Members, decide to hold one or more sittings elsewhere within the Partner States other than at its seat*

*NOTING THAT the Commission approved the calendar of activities for EALA for the Financial Year 2013/2014*

*RECOGNISING THAT Members raised their concern about the rotational sittings as have a laudable practice of the Assembly and supported by all the Heads of State of the East African Community and no individual group has challenged that issue*

*AWARE THAT the rotations capture the spirit of the aspirations of the Summit Members going by the previous interest to the Assembly and through their addresses they have guided the Assembly that rotational sittings are good for the people of East Africa*

*FURTHER AWARE THAT interactions with Heads of States and Speakers of respective national assemblies of the Partner States whenever we rotate gives an opportunity to understand the aspirations and concerns of the citizens of East Africa*

*MINDFUL THAT the budget of the Assembly for the year 2013/2014 is based on rotational sittings*

*AWARE THAT the matter has attracted media attention, speculation in all the Partner States thus misguiding the public which has adversely affected the integrity of the whole House*

*This Assembly do resolve as follows:*

- 1. To decide that the Assembly shall have rotational sittings in all the Partner States.'*

I beg to submit Madam Speaker, thank you.

**The Speaker:** You were supported by hon. Dr. Ndahiro so proceed to give your justification.

**Mr. Mathuki:** Thank you very much, Madam Speaker and indeed I was saying this again to repeat for the integrity we all swore to protect to defend, to uphold the Treaty of this Community and going by the spirit of the Treaty and the spirit of integration, I thought it is only fair that we had this matter dispensed.

It was causing a lot of public outcry all over in all the Partner States and I felt we could not risk putting the integrity of this House at risk or at the will of everyone and therefore it is very important that this House takes time to make a decision on this very important matter.

I say this because based on the experience that we have gone through during our rotations for the past year, given that the Heads of State and the latest being the Chairperson of the Summit telling

us we should go out there and become disciples and prophets of the integration, that would not be done in any other way than agreeing that we rotate so that we get the opportunity to interact with the citizens of East Africa and therefore tell them what we are supposed to do and that can only be done by us as Members and as leaders of this Community.

That is why I felt it was raising a lot of issues, we were being called by the media all over and everywhere, our constituents were asking us about this matter and therefore the only fair way was instead of speculating, it is important that a firm decision is taken by this House and this of course is going by the Treaty itself and Rules of Procedure which grants this Assembly that privilege and not anyone else.

Therefore once it is debated and a decision is taken, we shall be upholding tenets of democracy that the Treaty promotes and we are all committed as an Assembly to uphold this. That is why I thought it is an urgent matter of public concern and therefore important to have it debate in this House. Thank you, Madam Speaker.

**Dr. James Ndahiro (Rwanda):** Thank you, hon. Speaker. I also want to support this motion on three grounds. One, every action normally is premised on three things. One is either the law, two is the practice and three is the tradition.

Article 55 of the Treaty gives us guidance. It seems that the framers of this Treaty rightly considered that there would be a need for this House to sit in different locations. There is that guidance under Article 55.

The practice of rotation has made other Organs and Institutions of the Community to go nearer to the people and they have all adopted the practice and the feedback we have as a House is always positive. That is why when we go to Partner States sometimes from the Secretariat when you said, I work with the Community they say, EALA? This is because they appreciate and understand. There is no cost you can attach to that proximity and access to people.

We have been privileged at any sitting in our Partner States to get an address from a Head of State. That address cannot be equated to money and even if you tried, I do not know how much you can allocate to that.

I support this motion again because our tradition as a Community is sending signals of integration to the grassroots and because this is a people centred integration; we cannot afford to be away from them.

It is unfortunate that speculations or media people have written what they want, they have been writing things that we have not discussed as a House which means that it was necessary or us to have a position on this and as a House make a decision because it is within our mandate as a House.

Some of us are disappointed that actually this issue was not resolved by all the commissioners and probably at a later stage or at another opportune time, we should give you a team that is capable of giving you support and elected by this House because it seems the commissioners are not doing their work properly.

The issue of rotation to me is the principle we should agree with as a House and other details of numbers; of how many to me are secondary, they are administrative and you can handle them with your office and your commissioners but let us agree on the principle of rotation and the rest we can deliberate on and afford to wait until the commissioners agree. If they fail, we shall come again and make the decision on their behalf.

Hon. Speaker, I support the motion. Thank you.

**Mr. Abdullah Mwinyi (Tanzania):** Thank you very much, hon. Speaker for giving me an opportunity to contribute on this very pertinent subject before the floor of the House.

The Rules of Procedure and the Administration of EALA Act provide very clearly the roles and functions of the Commission and the standing committees respectively. They are very clear. The rules, conventions and practices are clear on that particular note.

The Commission which is a creature of the Administration of the EALA Act is vested with the administration of this House thus the function of the Commission. I must state very frankly that I am very disappointed with the manner in which the Commission dealt with this matter. *(Applause)*

The Commission should have dealt with this in-house and communicated strongly the position and the current predicament that we find ourselves in here today is in large part contributed by indecision within the Commission. As a result of these indecisions, we have had rumours, corridor talk and many statements in media which frankly speaking as a second term Member of this House; I have never seen this in the previous Assembly. We have had disagreements, all the decisions of the previous Commission of the House Business Committee were never universally accepted but we found a mature and productive manner in which to deal with the issues and proceed.

Second Madam Speaker, I would like to put it on record the role and importance of the seat of the Speaker. I would like to speak about the speakership itself and not the incumbent. It is exceedingly important that the Speakership is respected. The person of the Speaker is the very personification of this House. Respect to the Speaker equates to respect to this House and ultimately respect to ourselves as Members of this House. What has transpired in the last few weeks, in my personal opinion has not fallen into that standard. I would like to urge all colleagues to fully respect our office because by doing so, we are respecting the House and ourselves. That is our duty.

Finally Madam Speaker, the very last point that I wish to make, as alluded previously, we had a House Business Committee in the previous Assembly. It was never the most popular committee. We made decisions that were not universally accepted but they were respected. Why so? Because we have a tradition in this House of dealing with our disputes in a mature manner! What has taken place in the last two plenaries frankly Madam Speaker has brought shame to this House. I am talking about the dangerous precedent of talking the action of walking out of this House as a result of disagreements. That is extremely dangerous.

We are never going to have universal acceptance of anything in this House. If every Partner State or if every group for whatever reason are not happy with the decision of the day, they park up their bags and walk out, we are going to have a farce in this House.

With those remarks Madam Speaker, the Tanzania Chapter would like to protest the manner in which groups within this House walked out as a result of disagreement. We are making the point go home by doing exactly the same thing as everyone else has done in this House. We will be stepping out of this Assembly in protest in the manner in which Members of this House deal with disagreements. Madam Speaker, I beg to move.

*(Mr. Mwinyi and some honourable Members from Tanzania walked out of the Chamber)*

**Mr. Dan Kidega (Uganda):** Rt. hon. Speaker. I rise to speak on this motion as a legitimate elected Member of this House. Disagreements are very healthy but it will remain healthy only depending on the manner in which it is resolved - *(Interruption)*-

**The Speaker:** Hon. Makongoro is seeking either clarification or guidance.

**Mr. Makongoro:** Madam Speaker, according to the Rules of the East African Legislative Assembly Rule 13 in concern with the quorum, it states in 13(1), *“The quorum of the House of the Committee of the Whole House shall be half of the whole half of the elected Members provided that such quorum shall be composed of at least three of the elected Members from each Partner State.”*

Madam Speaker, I am observing that from my Partner State I stand alone. Please let us have your guidance, thank you Madam Speaker.

**The Speaker:** Yesterday I was reminded about this Rule and I called upon the Counsel to the Community, who is the Counsel to the Speaker and Counsel to this House, to give his wisdom on it – *(Loud consultations)* - Can we have some order? Proceed.

**The Counsel to the Community (Mr. Wilbert Kaahwa):** Madam Speaker, this House stands to be guided by Rule 13 of the Rules of Procedure of the House. Paragraph 1 of Rule 13 provides that, *“The quorum of the Committee of the whole House shall be half of the elected Members, provided that such a quorum shall be composed of at least three of the elected Members from each Partner State.”* I want to underline the words ‘elected members’.

Paragraph 2 states, *“If at any time – I also want to underline those four words ‘if at any time’ - of sitting or when the House is in committee any Member objects that there is no quorum present, the Speaker or the chairman shall on ascertaining it to be true, suspend the proceedings of the House for an interval of 15 minutes during which a bell shall be rung.”*

Paragraph 3, *“If on resumption of proceedings after the expiry of 15 minutes, the number of Members present is still less than half, the Speaker or the chairman as the case may be, shall adjourn the House of the Committee of the Whole House without a question put.”*

Madam Speaker, the number of elected members of this August House is 45 therefore when you translate the requirements of paragraph 1, half means 23. Of those 23, for purposes of realising a quorum, there should be at least three from each of the Partner States. If at any time like this time when it is brought to Madam Speaker's attention like it has been done by hon. Makongoro Nyerere, that quorum as required is not present then Madam Speaker, you are obliged by paragraph 2 of Rule 13. Upon ascertaining it to be true, to suspend the proceedings for an interval of 15 minutes and that is how I advise you to proceed, Madam Speaker. I thank you.

**The Speaker:** Thank you very much. I can go through the other tedious exercise of roll call, but I think at this juncture I am going to request that we have a register at the door because yesterday as I was going through the roll call, there were Members who were allegedly absent and they were present and there were others who were present and they were allegedly absent by the ticking of the Sergeant.

Since this has been a culture in all Commonwealth Parliaments, and personally I have been a Member of Parliament for the last 15 years in Parliament of Uganda and I have always signed a register. We will have a little book with a desk there so that this constitutes part of our decision. Otherwise like hon. Makongoro said, I can see him in the House and no other Member so, the House stands suspended for 15 minutes.

*(The House was suspended at 3:08 p.m. for 15minutes, and on resumption at 3.24 p.m., the Speaker presiding\_)*

**The Speaker:** When we adjourned on the issue of quorum, the Tanzania chapter was less than three Members. Perhaps I should invite the Sergeant to bring the book so that I can effectively take a roll call.

Hon. Bucumi Emerance

Hon. Mossi Hafsa

Hon. Ndahayo Isabelle

Hon. Ndarubagiye Leonce

Hon. Nduwimana Martin

Hon. Nengo Emmanuel

Hon. Ngendakumana Jeremie

Hon. Ngenzebuhoro Frederic

Hon. Nsabimana Yves

Hon. Abisai Nancy

Hon. Abubakar Zein – I got an apology from him and permission was granted.

Hon. Bonaya Talaso  
Hon. Peter Mathuki  
Hon. Ng'aru Mumbi  
Hon. Nkanae Ole  
Hon. Ogle Abubakar  
Hon. Ombasa Joseph  
Hon. Judith Pareno  
Hon. Bazivamo Christophe  
Hon. Hajabakiga Patricia  
Hon. Harelimana Abdul Karim  
Hon. Dr. Ndahiro James  
Hon. Ndikuryayo Straton  
Hon. Dr. Nyiramilimo Odette  
Hon. Rwigema Pierre Celestin  
Hon. Nyirahabineza Valerie  
Hon. Bhangi Shy-Rose  
Hon. Kimbisa Omar  
Hon. Kizingha Angela – there is an apology there also.  
Hon. Murunya Bernard  
Hon. Mwinyi Abdallah  
Hon. Kessy Perpetua  
Hon. Nyerere Makongoro  
Hon. Taslima  
Hon. Yahaya Ussi is on maternity leave  
Hon. Dora Byamukama  
Hon. Kidega Daniel

Hon. Mukasa Mbidde

Hon. Mulengani Bernard

Hon. Nakawuki Susan

Hon. Opoka-Okumu Chris

Hon. Sebalu Mike

Hon. Tiperu Nusura is in hospital

For purposes of the record I can also record the ex-officio members present.

Hon. Bageine Shem

Hon. Kaahwa

Hon. Dr Sezibera Richard

Hon. Sitta Samuel

Hon. Nzeyimana Leontine

Hon. Kandie Phyllis

Hon. Dr. Abdallah Saadalla

For purposes of the record, we are 33 in the Chamber, but the Tanzania Chapter has only one Member, so House stands adjourned until tomorrow, at 2.30 p.m.

*(The House rose at 3:30 p.m. and adjourned until Thursday, 29 August 2013 at 2.30 p.m.)*