EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African
Legislative Assembly

5TH SITTING - FOURTH ASSEMBLY: SECOND MEETING – FIRST SESSION

Tuesday, 30 January 2018

The East African Legislative Assembly met at 9:30 a.m. in the Chamber of the Parliament of Uganda in Parliament Building in Kampala, Uganda

PRAYER

(The Speaker, Mr. Martin Ngoga, in the Chair)

(The Assembly was called to order at 9.30 a.m.)

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable Members, I want to welcome you back from a long weekend. It was deliberately made long because the possibility to squeeze it and make it shorter was also there. However, we decided to give you time to rest, having in mind that when we conclude this Plenary, we may not have enough time before we embark on the next activity. Therefore, it was deliberately decided that you have time to rest so that you prepare for the next intensive activity. Welcome back – (Applause).

As for colleagues who travelled to Arua to participate in the celebrations of the Liberation Day of this great country, thank you very much. That was a very colourful event with a befitting message from the Head of State to the people of Uganda and the people of East Africa. Therefore, we thank the Republic of Uganda for having accorded us an opportunity to be part of those celebrations – (Applause).
We thank our colleagues from the Uganda chapter who facilitated the logistics for our safe stay. We also thank colleagues who stayed behind but kept us in their prayers for safe travel – *(Laughter).*

On a lighter note, I want to congratulate the new fathers - not new as such, but those who have brought into the world new citizens of East Africa, hon. Namara and hon. Adan Nooru. Congratulations! *(Applause)*

Hon. Colleagues, I am adjusting the Order Paper. I will ask the Clerk-at-Table to proceed.

**APPOINTMENT OF MEMBERS TO STANDING COMMITTEES**

**Ms Florence Jematiah Sergon** (Kenya): On a point of procedure. I stand to seek your guidance regarding Section 5(1) (a) of the Administration of the EALA Act, 2011, which says:

"*Members of the Commission shall be elected as soon as the Assembly is constituted.*"

I am here to ask whether we have completed that procedure because in the Commission we have Members who had completed this procedure when we did nomination of Members to the Commission.

Rule 17(2) of the Rules of Procedure says,

*Any item of business standing on the Order Paper on any particular day which has not been completed or reached on the interruption of business under the relevant provision of these Rules, shall on priority basis be placed on the Order Paper for the next Sitting.*

I seek your guidance.

**The Speaker:** Thank you hon. Florence. I am aware of the existence of some vacancies in the Commission. The collective item is about elections. Therefore, we are in order because we will deal with the constitution of committees, which is a component in the bigger item of elections. I will ask the Clerk to place the item on filling of vacancies in the Commission in the next Order Paper. Thank you.

**Ms Susan Nakawuki Nsambu** (Uganda): Rt. hon Speaker, I just want to seek your guidance because according to the Administration of EALA Act, Section 4, it is the Commission that is supposed to nominate Members of these Committees. We have the pending business of filling up vacancies in the Commission. I understand that there are Members from one Partner State who have to be formalised because they are attending the Commission before being elected on the Floor of the House. I am wondering whether it would be procedurally right for us to go ahead with the constitution of committees before we do elections of commissioners so that the Commission is fully formalised. I beg your guidance.

**The Speaker:** Thank you hon Members. I will beg your indulgence on this. In principle, the Commission was elected, because we have Commissioners working. Those who were invited and are not elected Commissioners should know that it was under the powers that the Speaker has to invite anyone he thinks can help in the business of the Commission on that particular day. This is just a matter of programming. Elections will require a bit of logistics, which we have not put in place for now. However, as I said, the next Order Paper will include that item. Therefore, we are in order.
MOTION
FOR A RESOLUTION TO APPOINT MEMBERS TO STANDING COMMITTEES (RULE 79, 80 & 83)

Ms. Maryam Ussi Yahya (Tanzania): Thank you Rt. hon Speaker. I would like to move a Motion for a resolution to appoint Members to the Standing Committees in accordance with Rule 79, 80 and 83.

The Speaker: Thank you hon. Ussi. Seconders.

(Hon. Makame, hon. Abdikadir, hon. Kasamba, hon. Maghembe, Dr. Kalinda and all the Members standing)

MOTION TO SUSPEND RULE 80(6)

“THAT, This House do resolve to suspend Rule 80(6) of the Rules of Procedure of this House to enable the Assembly establish its Committees”.

Ms Fancy Haji Nkuhi (Tanzania): Rt. hon Speaker, I would like to move a Motion for the resolution of the Assembly to suspend Rule No. 80(6) on the number of Members to be appointed to Standing Committees. I beg to move.

The Speaker: Thank you hon. Fancy. Seconders.

(Hon. Musamali, Dr. Woda and all the Members standing)

Mr Speaker, this House is being asked to suspend Rule 80(6) of the Rules of Procedure of this House to enable the Assembly to establish its Committees.

Whereas Rule 79 of the Rules of Procedure of the Assembly provides that the Assembly shall appoint relevant Committees necessary for the efficient discharge of its functions and cognizant that the Assembly intends to proceed with this exercise as it is stated in the order of business;

And whereas Rule 80(5) of the same Rules of Procedure makes provision for each elected Member to serve on two Committees; provided that a Member may serve on three Committees to reflect equal representation by Partner States;

Noting what Rule 80(6) of the Rules of Procedure establishes the membership of each Committee to be fifteen (15), which, negates the principles laid down in Rule 80(5). There are six Partner States represented in the Assembly and for each Member to belong to at least two (2) Committees, the Membership as provided in the Rules will not achieve this;

Further noting that Under provisions of Section 4 of the Administration of EALA Act and Rule 83(4) (b) of the Assembly Rules of Procedure, the Commission is charged with the responsibility of nominating Members of Standing Committees; and aware that during the nomination process, the Commission took note of the limitation of Rule 80(6) which can only be cured through its suspension;

Aware that Rule 84(1) affords Members the opportunity to move Motions seeking to suspend any Rule in its application;

The Speaker: Thank you hon. Fancy. Members, I will now propose the question.

(Question proposed)
Before we proceed, hon. Fancy, according to the copy I have, you have not read the resolutions you want us to pass.

Ms Nkuhi: Hon. Speaker, now therefore this Assembly do hereby resolve as follows:

1. To suspend the provisions of Rule 80(6) to enable the Assembly establish its Committees in line with the enshrined provisions of the Treaty and the principle of each Member belonging to at least two (2) Committees.

2. To refer the suspended Rule to the Committee on Legal, Rules and Privileges for further scrutiny and amendment therefrom.

The Speaker: The question is already proposed and the debate is open.

Mr Abdikadir Omar Aden (Kenya): Thank you hon. Speaker. I stand to support the Motion. I think this is straightforward. The joining of our brothers from South Sudan has made it necessary for the amendments that have been proposed here be dealt with and the resolution recommended be passed and implemented.

Going by our rules, that each Member belongs to two Committees, it will be mathematically difficult to say that this rule be applied unless we make changes to Rule 80(6).

I like Resolution No. 2, which refers this matter to the House Committee on Legal, Rules and Privileges. With your permission, I request that this becomes the first agenda for this particular Committee so that we dispense with it immediately. What we have done today is to suspend Rule 80(6). However, we need to deal with it as an amendment to our rules so that this becomes permanent and not a temporary thing. For that reason, I do not think I should spend time on this. This is a straightforward matter. My request will be that the Committee deals with it and hopefully, before we leave Kampala, we can consider this as one of our first work done by making an amendment to our rules.

I thank you and I support the Motion.

The Speaker: Thank you hon. Abdikadir. Clearly, this is a Motion that will pave way for the next exercise that we intend to do pending substantive amendments to our rules. I think I should proceed and propose a question now.

(Question put and agreed to)

(Resumption of Motion for a resolution to appoint members to Standing Committees (Rules 79, 80 & 83)

Hon. Maryam, you had already moved your Motion. Now, proceed and justify.

Ms Ussi: Thank you Rt hon. Speaker. Whereas Article 49(2) (e) of the Treaty provides that the Assembly may for purposes of carrying out its functions, establish any Committee or Committees for such purposes, as it deems necessary;

And whereas Rule 79 of the Rules of Procedure of the Assembly provides that the Assembly shall appoint relevant Committees necessary for the efficient discharge of its functions;

And whereas under Rule 80 of the Rules of Procedure of the Assembly, the House established six Standing Committees; which are:
(a) Committee on Accounts  
(b) Committee on Agriculture, Tourism and Natural Resources  
(c) Committee on Communication, Trade and Investment  
(d) Committee on General Purpose  
(e) Committee on Legal, Rules and Privileges  
(f) Committee on Regional Affairs and Conflict Resolution

Noting that, in accordance with the provisions of Rule 80(3) of the Rules of Procedure, the Members of the Standing Committees shall be nominated from among the Members of the Assembly and shall serve for a term of two and half years;

Further noting that in accordance with the provisions of Section 4(b) of the Administration of EALA Act, 2012 and Rule 83(5)(b) the Commission nominates Members of Standing Committees;

Aware that the Commission at its meeting held on Tuesday 19th December 2017 did nominate Members to the various standing Committees;

Now therefore this Assembly do hereby resolve as follows:

1. That, the following Members be appointed to the respective Committees as nominated by the Commission.

   (A) ACCOUNTS COMMITTEE

   1. Hon. Muhia Wanjiku  
   2. Hon. Aden Omar Abdikadir  
   3. Hon. Kalonzo Musyoka Kennedy  
   4. Hon. Lemoyan Josephine Sebastian  
   5. Hon. Dr. Maghembe Ngwaru Jumanne  
   6. Hon. Nkuhi Fancy Haji  
   7. Hon. Garang Allaak Gabriel  
   8. Hon. Dr. Arol Garang Aher Gabriel  
   9. Hon. Ayason Mukulia Kennedy  
  10. Hon. Gasinzigwa Oda  
  11. Hon. Rwigema Pierre Celestin  
  12. Hon. Barimuyabo Jean Claude  
  13. Hon. Akol Rose  
  14. Hon. Namara Dennis  
  15. Hon. Nakawuki Susan Nsambu  
  16. Hon. Rurakamvye Pierre Claver  
  17. Hon. Nduwayo Christopher  
  18. Hon. Burikukiye Victor

   (B) AGRICULTURE, TOURISM AND NATURAL RESOURCES COMMITTEE

   1. Hon Nooru Adan Mohammed  
   2. Hon. Ali Ibrahim Fatuma  
   3. Hon. Oburu Oginga  
   4. Hon. Lemoyan Josephine Sebastian  
   5. Hon Eng. Mnyaa Mohammed Habib  
   6. Hon. Kimbisa Adam Omar  
   7. Hon. Dr. Leonardo Itto Anne  
   8. Hon. Dr. Arol Garang Aher Gabriel  
   9. Hon Dr. Woda Odok Jeremiah  
  10. Hon. Bahati Alex  
  11. Hon Rwigema Pierre Celestin  
  12. Hon. Uwumukiza Francoise  
  13. Hon. Kasamba Mathias  
  14. HonOpoka-Okumu Christopher  
  15. Hon. Mugyenyi Mary  
  16. Hon. Nsavyimana Sophie  
  17. Hon. Ahingejeje Alfred
18. Hon. Karerwa Mo-Mamo

(C) COMMUNICATION, TRADE AND INVESTMENT COMMITTEE

1. Hon. Aburi Mpuru Lawrence
2. Hon. Mbugua Nganga Simon
3. Hon. Sergon Jamatiah Florence
4. Hon. Kimbisa Adam Omar
7. Hon. Thoar Gatpan Gideon
8. Hon. Deng Gai
9. Hon. Dr. Woda Odok Jeremiah
10. Hon. Rutazana Francine
11. Hon. Bahati Alex
12. Hon. Barimuyabo Jean Claude
13. Hon. Mukasa Mbidde Fred
14. Hon. Musamali Mwasa Paul
15. Hon. Kasamba Mathias
16. Hon. Kurakamvye Pierre Claver
17. Hon. Nsavyimana Sophie
18. Hon. Burikukiye Marie Claire

(D) GENERAL PURPOSE COMMITTEE

1. Hon. Aden Omar Abdikadir
2. Hon. Nooru Adan Mohamed
3. Hon. Sergon Jamatiah Florence
5. Hon. Dr. Makame Abdullah Hasnuu
6. Hon. Usii Yahya Maryam
7. Hon. Gatkek Dut Thomas
8. Hon. Duop Kim Gai Ruot
9. Hon. Ayason Mukulia Kennedy
10. Hon. Dr. Kalinda Francois Xavier
11. Hon. Gasinzigwa Oda
12. Hon. Uwumukiza Francoise
13. Hon. Namara Dennis
14. Hon. Odongo George Stephen
15. Hon. Opoka-Okumu Christopher
16. Hon. Muhiirwa Jean Marie

(E) LEGAL, RULES AND PRIVILEGES COMMITTEE

1. Hon. Ali Ibrahim Fatuma
2. Hon. Kalonzo Musyoka Kennedy
3. Hon. Muhia Wanjiku
4. Hon. Lugiko Happiness Elias
5. Hon. Usii Maryam Yahya
6. Hon. Lemoyan Josephine Sebastian
7. Hon. Dr. Leonardo Itto Anne
8. Hon. Deng Gai
9. Hon. Duop Kim Gai Ruot
10. Hon. Ndagiza Fatuma
11. Hon. Kalinda Francois Xavier
12. Hon. Rutazana Francine
13. Hon. Mukasa Mbidde Fred
14. Hon. Musamali Mwasa Paul
15. Hon. Nakawuki Susan Nsambu
16. Hon. Ahingijeje Alfred
17. Hon. Karwera Mo Mamo
18. Hon. Burikukiye Marie Claire

(F) REGIONAL AFFAIRS AND CONFLICT RESOLUTION

1. Hon. Aburi Mpuru Lawrence
2. Hon. Dr. Oburu Oginga
3. Hon. Mbugua Nganga Simon
4. Hon. Dr. Maghembe Ngwaru Jumanne
5. Hon. Dr. Makame Abduallah Hasnuu
6. Hon. Nkuhi Fancy Haji
7. Hon. Thoar Gatpan Gideon
8. Hon. Gatkek Dut Thomas
9. Hon. Garang Alaak Gabriel
10. Hon. Ndagiza Fatuma
11. Hon. Rwigema Pierre Celestin
12. Hon. Rutazana Francine
13. Hon. Muyenyi Mary
14. Hon. Odongo George Stephen
15. Hon. Akol Rose
16. Hon. Muhiirwa Jean Marie
17. Hon. Burikukiye Victor
18. Hon. Nzyeyimana Leontine

I beg to move.

The Speaker: Thank you hon. Maryam. Hon. Members, I now propose a Motion.

“That, in accordance with the provisions of rules 79 and 80 of the Rules of Procedure of this House do appoint the following Members to serve in the Standing Committees.”

(Question proposed)

Ms Josephine Sebastian Lemoyan (Tanzania): Hon. Speaker, I seek to be enlightened with regard to part 14 on the Committees of the Assembly Section 8(5) where it is indicated that each elected Member shall serve in two Committees provided that Member of the Commission shall serve in three Committees to reflect equal representation of Partner States.

When I went to the list of Members, as it had been submitted, I realized that the name of hon. Happiness appears only once. I would like to be enlightened on that.

The Speaker: Is that the case? Maybe I could make a small comment as we proceed to discuss this. We tried the best we could to accommodate Members according to the proposals from the respective Chapters. However, it was not envisaged that a Member would be in one Committee. Can this be clarified? Is there anyone who can clarify this?

(Loud consultations)

If I may ask the Members from the United Republic of Tanzania. Which other Committee was hon. Happiness supposed be in? Accounts? Could you check and advise us, Tanzanian Chapter?

Ms Ussi: Thank you Rt. hon Speaker. For hon. Lugiko to appear in one Committee, that could be a typo-error because every Member, according to the Rules of Procedure is supposed to be in two Committees. Members of the Commission are supposed to serve in three Committees. Hon. Happiness Lugiko will be in the Accounts Committee and in the Legal, Rules and Privileges Committee.

Dr Abdullah Hasnuu Makame (Tanzania): Thank you hon. Speaker. If we add hon. Lugiko to the Accounts Committee, then that means that the Membership of the Committee will move to19. I would like to know who will be removed from the Accounts and once we remove somebody’s name, will we not have a similar problem to the one we are trying to solve?

Rt. hon. Speaker, I beg that we consult for probably five minutes because there could be a name that is appearing in three Committees. We should make appropriate alterations then we come back. You will accept that is retrospective. If that is okay, we will submit the names - (interruption) -

The Speaker: There is a proposal that the Tanzanian Chapter made to us. Could you consult very quickly and advise us on where we went wrong in terms of what you had proposed? That seems to be a simple exercise.

Ms Nakawuki Susan Nsambu (Uganda): On a point of information. It appears Lemoyan Josephine is in three Committees instead of two. She is in Accounts, Agriculture, Tourism and Natural Resources and in Legal, Rules and Privileges.
I remember when we sat as a Commission, hon. Ussi made that clarification and removed hon. Josephine from Accounts so that she remains in the Committee on Agriculture, Tourism and Natural Resources and that of Legal, Rules and Privileges.

**The Speaker:** Hon. Josephine, is that the correct position according to what we discussed?

**Ms Lemoyan:** Hon. Speaker, I would like to reiterate the reflections that we had in our Chapter. I understand that there are more than two or three people appearing in three Committees.

I had volunteered to be in the Accounts as well as the Agriculture, Tourism and Natural Resources Committees. I requested to be removed from Communication, Trade and Investments Committee. However, It seems as if I have also been placed in the Legal, Rules and Privileges Committee which I had not requested. I will beg that either we convene as the Tanzanian Chapter to come up with a stand on this issue or my name be removed from the Legal, Rules and Privileges Committee.

**The Speaker:** What do you prefer? That we give you time or remove you from one Committee?

**Mr Nooru Adan Mohamed** (Kenya): Rt. Hon. Speaker, hon. Happiness is in the Legal Rules and Privileges Committee. Therefore, removing Josephine from there does not make any sense because she cannot appear twice in one Committee. Therefore, I think Josephine has to sacrifice and move from either of the two Committees.

**(Loud consultations)**

**The Speaker:** Hon. Members, we want to place Members in the Committees of their preference as it was proposed to us by the Chapters. Unfortunately, there is this situation where we may have made a mistake. Since I cannot ask one Chapter to go out and consult because that will raise an issue of quorum, I am suspending the House for ten minutes.

Tanzanian Chapter, please sort out that problem by the time we come back. The House is suspended.

*[The House was suspended at 10.20 a.m.]*

*[The House resumed at 10.30 a.m.]*

**Ms Ussi:** Rt. hon. Speaker, Sir, we have consulted as you had directed and made the following changes. In the Accounts Committee, No.4 previously read; hon. Lemoyan Josephine Sebastian. No.4 will now read hon. Kimbisa Adam Omar.

The other amendment we have made is that hon. Happiness Lugiko will be in the Committee of Communications, Trade and Investments replacing No.4, hon. Kimbisa Adam Omar. We have made those changes.

I beg to move.

**Mr Jean Marie Muhirwa** (Burundi): Thank you Mr. Speaker for giving me a chance to speak. The Burundi Chapter also converged and came up with the following changes. In the General Purpose Committee, No.16, hon. Muhirwa Jean Marie will be replaced by hon. Mo-Mamo Karwera. In the Legal, Rules and Privileges – *(interruption)*
**The Speaker:** Hon. Muhirwa, could you go slow so that the proposals are recorded properly?

**Mr Muhirwa:** Okay. I will repeat. We made some changes in the General Purpose Committee. No. 16 where there is hon. Muhirwa Jean Marie, this will be replaced by hon. Mo-Mamo Karerwa. When we go to Legal, Rules and Privileges Committee, No.17, hon. Mo-Mamo Karerwa has been replaced by hon. Jean Marie Muhirwa.

**The Speaker:** It appears as if there is no other Member willing to debate the Motion. I will now proceed and put the question.


The Speaker: Hon. Members, I think there is no Committee that we skipped. I want to thank you. Congratulations for the successful conclusion of this important exercise. As we all know, the Assembly conducts its business through Committees. Therefore, before we constituted Committees, we were not a complete Assembly. Now, we are a complete Assembly.

ANNOUNCEMENTS

The Speaker: Hon. Members, you have received an administrative memo that was circulated to you designating the venues we will converge right after this to elect the respective Committee Chairpersons. This will be done according to the rule of rotation. That same administrative memo indicates to you, which Partner State is supposed to hold the Chair of a particular committee. We established the arrangement from the way the Committees were constituted in the previous Assembly. The principle of rotation is continuous. The Republic of South Sudan will chair one Committee left. Therefore, I hope that you have read the memo.

I will soon be adjourning the House so that we converge at the designated places and proceed to elect Committee chairpersons.

Hon. Members, you are also aware that the induction programme will continue this afternoon. At this moment, I am glad to recognise the presence of hon. Dr. Odette Nyiramilimo, who is from Rwanda and was chairing the Committee on General Purpose and hon. Valerie Nyirahabineza who in the Third Assembly was chairing the Committee on Agriculture, Tourism and Natural Resources. (Applause)

Members in those Committees you have very important resource persons here. They will speak to us during our induction programme. As you know, other previous committee Chairpersons are also invited to be with us in the course of this week. We will be interacting with them.

ADJOURNMENT

The Speaker: Hon. Members, I now adjourn the House until 7th February at 9.30 a.m. right here in the Chambers of the Ugandan Parliament.

The House stands adjourned.

(The House rose at 11.00 a.m. to reconvene on 7th February 2018)