



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 70TH SITTING - THIRD ASSEMBLY: SECOND MEETING - THIRD SESSION

Tuesday, 18 November 2014

The East African Legislative Assembly met at 3:41 p.m. in the County Hall, Parliament of Kenya in Nairobi.

PRAYER

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

(The Assembly was called to order)

PROCEDURAL MOTION

The Speaker: Hon. Twaha Taslima.

Mr. Twaha Taslima (Tanzania): Madam Speaker, I beg to move that this House, pursuant to the provisions of Article 55 (1) of the Treaty and Rule 11 of the Rules of Procedure, do resolve to hold sittings in Nairobi, in the Republic of Kenya.

The Speaker: Seconded by hon. Nakawuki, hon. Ussi, and hon. Mumbi. Proceed, hon. Taslima.

Mr. Taslima: Resolution of the Assembly to hold sittings in the Republic of Kenya:

WHEREAS Clause 1 of Article 55 of the Treaty provides that the meetings of the Assembly shall be held at such times and places as the Assembly may appoint;

AND WHEREAS Rule 2 of the Rules of Procedure provides that the seat of the Assembly shall be at Arusha in the United Republic of Tanzania;

AND WHEREAS Sub-Rule 7 of Rule 11 provides 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;

NOW THEREFORE, this Assembly do resolve as follows:

- (i) *THAT pursuant to the provisions of Sub-Rule 7 of Rule 11 cited above, the Assembly shall hold sittings in the Chamber of the Kenya National Assembly County Hall from today Tuesday, 18th November, 2014 up to Thursday, 4th December 2014.*

Madam Speaker, I beg to move. (*Applause*)

The Speaker: Thank you very much. Hon. Members, the motion on the floor is that this House, pursuant to the provisions of Article 55 (1) of the Treaty and Rule 11 of the Rules of Procedure do resolve to hold sittings in Nairobi in the Republic of Kenya. Debate is open.

(Question proposed)

(Question put and agreed to.)

Clerk: Communication from the Chair

The Speaker: I will do that at an appropriate time. Proceed to the next item.

The Speaker: Honourable Members, amidst us today is Rt. hon. Justin Muturi, the Speaker of the Kenya National Assembly (*Applause*) I have, in accordance with the provisions of Article 54 of the Treaty, invited him to address this Assembly and to welcome us to the Parliament of Kenya and Nairobi.

I would now like to make the following proclamation to welcome his presence, in this Assembly:

PROCLAMATION

WHEREAS Clause (1) of Article 54 of the Treaty provides that the Speaker of the Assembly can invite any person to attend the Assembly notwithstanding that he or she is not a Member of the Assembly; if in his or her opinion the Business of the House renders his or her presence desirable.

AND WHEREAS in the opinion of the Speaker, the attendance and presence in the Assembly of the Speaker of the Kenya National Assembly is desirable in accordance with the Business now before the Assembly.

NOW THEREFORE, It is with great pleasure and honour, on your behalf Hon. Members to welcome the Rt. hon. Speaker in this Assembly. (Applause)

ADDRESS BY THE RT HON. JUSTIN MUTURI, SPEAKER OF THE KENYA NATIONAL ASSEMBLY

Welcome Remarks by the Speaker of EALA

The Speaker: Rt. Hon. Justin Muturi, the Speaker of the Kenya National Assembly, hon. Phyllis Kandie, the Chairperson, Council of Ministers of the EAC, hon. Ministers and Members of the Council of Ministers, the Secretary General of the East African Community, hon. Members of the East African Legislative Assembly and Members of the Kenya National Assembly, Distinguished Guests, Ladies and Gentlemen, I wish to first of all thank the Rt hon. Speaker, Justin Bedan Njoka Muturi, Speaker of the Kenya National Assembly, and indeed the entire Government of the Republic of Kenya for accepting to host us in the precincts of the Kenya National Assembly once again. (*Applause*)

I wish to thank Rt. Hon. Muturi for his utmost support towards EALA in particular, and towards the integration process in general. Rt. hon. Muturi continues to be an active Member of the fold of the EAC Speakers' Forum, the political bureau of the Speakers that sits regularly to deliberate on the progress of the integration at the EAC. As the Speakers' Forum, we have benefited immensely from his knowledge, advice and experience. Last August, all the Speakers of the Parliaments of the EAC Partner States held their meetings under your Chairmanship. We congratulate you on this very important achievement. *(Applause)*

We laud the Kenya National Assembly for establishing the Committee on Regional Integration, which is a very vibrant Committee. *(Applause)* It has been instrumental in pushing forward the integration agenda, and it closely collaborates with us. I am happy to note that the Speaker continues, in his wisdom, to prioritize the Committee's business, and this further attests to his support for the integration dispensation. I thank you, Rt. hon. Speaker, for your utmost support and for the dedication, zeal and enthusiasm which you attach to matters of integration.

Allow me to mention that I vividly recall that when Rt. hon. Muturi took over the mantle of leadership in March 2013, it was at a unique time when the legislature had a fundamental role in enacting legislation aimed at anchoring the then newly promulgated Constitution of Kenya. I recall, at that point in time, when asked of his dreams and aspirations for Kenyans, his response was intelligible and spot-on. Allow me to quote what he said : *"As your Speaker, I will do all what is lawfully and humanly possible to facilitate the process of implementing our Constitution, passage of the balance of the governance laws, and setting the pace for the sustained economic growth and development of our beloved country, Kenya. That way, without doubt, plenty will be found within our borders."*

The 11th Parliament, indeed, has, over the last one and a half years, continued to record tremendous progress. The Speaker has fervently preserved the powers, privileges and immunities of this House, without which, optimal performance would not have been achieved.

I am further delighted to note that it is during your tenure in the life of Parliament that you and the Rt. hon. Speaker of the Senate, the Rt. hon. Ekwe Ethuro, have championed joint participatory approaches by engaging with citizens from all walks of life to enable them to comprehend the work of the Legislature. The successful Parliamentary week held some time ago mid this year is a true testimony of this move. In many ways, you have succeeded in demystifying the notion of Parliament being positioned as just a legislature to that of a representative of the voice of the people. This is definitely commendable. *(Applause)*

Rt. hon. Speaker, I have also noted that you are keen to carry out the reforms, which your predecessor had spearheaded. A good example is found in the operations of the House where Speaker Muturi has encouraged the use of technology when debating and through electronic voting. This is a good measure and we want to salute you. *(Applause)*

The relations between the Kenya National Assembly and EALA are cordial and at an all-time high. I am proud that both Assemblies continue and collectively learn from each other as they build ties across the Community. The relations cut across in many sectors in legislative work, committees and even in the inter-parliamentary games.

Rt. hon. Muturi has graciously offered us the use of parliamentary facilities over the next two weeks, and we are truly grateful for his warm gesture and magnanimity. At this moment, we are aware that the Kenya National Assembly and the Senate are both in session. I lack the right words to indeed fully describe such generosity of spirit. Perhaps, let me borrow the words of Marlene Dietrich, a singer and poet who in 1901 said “*It is the friends you can call up at 4 a.m. that matter,*” may come close to what Rt. hon. Muturi has done. Or better still, the words of Henry David Thoreau, an American author and philosopher, who once said, “*The language of friendship is not words, but meanings.*” I have to thank you, Rt. hon. Speaker for exhibiting this sign of true friendship and commitment to EALA. *(Applause)*

Despite the official persona of Rt. hon. Muturi, let me also mention that hon. Muturi is a radiant personality and a very heart-warming person who speaks volumes when he talks to you. On the reverse side of the coin and in line with his extensive legal and legislative expertise, the Rt. hon. Speaker has demonstrated and made numerous presentations on leadership, democracy, conflict management and peace keeping, both on local and international fora. One could just say about the Speaker that we need an opportunity to interface with you a little more.

Perhaps let me put this at rest on that point and say that we are honoured, once again, for your presence. We are honoured for the honour you have accorded us and for accepting us in the precincts of Parliament.

With these few remarks, I now take this opportunity to invite you, Rt. hon. Speaker of the Kenya National Assembly, to make your remarks. *(Applause)*

The Speaker of the Kenya National Assembly (The Rt. hon. Justin Muturi): The Speaker of the East African Legislative Assembly, Rt hon. Margaret Zziwa, the Chairperson of the EAC Council of Ministers, hon. Phyllis Kandie, hon. Members of the East African Legislative Assembly, hon. Ministers, here present, the Secretary General of the East African Community, members of the Media, here present, Ladies and gentlemen, let me first take this opportunity to warmly welcome you to Kenya and to Nairobi in particular. *(Applause)*

The government and people of Kenya are always proud and happy to host Members of the East African Legislative Assembly. *Karibuni! (Applause)*

In our spirit of “*One People One Destiny*”, I want you to know that Kenya will always be your home. Thanks to the wise decision of this Third Assembly, EALA rotational sitting in the Partner States has continued to draw the attention of and to engage the citizens of East Africa on the progress being made in achieving the objectives of the East African Community integration in general, and the performance and visibility of EALA in particular. *(Applause)*

Madam Speaker and honourable Members, there is no doubt that EALA as an institution has done commendably well in its core function of legislation. Since 2002, EALA has passed over 60 Acts and Bills, which are at various stages of operationalization or consideration. The Assembly, as one of the Organs of the Community, continues to be a central pillar in building an economically, socially, and politically stable and sustainable East African Community.

In less than a decade and a half of its existence, EALA has demonstrated that it can ably shoulder the responsibility bestowed upon it by the Treaty. It is indeed at the centre of finding

solutions to the challenges facing the Community in order to strengthen the East African Community integration.

In this regard, I wish, therefore, to congratulate this Assembly following the successful hosting of the latest Inter-Parliamentary (Nanyuki VIII) Seminar in Kigali, Rwanda early this month at which you addressed the challenges of terrorism and how, as a Community, we can jointly take action to address this global threat. *(Applause)*

It is my earnest hope that the Assembly will not only strengthen the implementation of the resolutions of the forum but also continue to strengthen the linkages between the regional Assembly and the Partner State national assemblies. This way the representatives of the citizens of East Africa can effectively relate with and understand the functions of EALA as they take the message of integration to the people of East Africa. *(Applause)*

Honourable Members, the powers given to this institution by the fathers of the Treaty for the Establishment of the East African Community clearly shows the confidence and trust they had presupposed of the membership of EALA being of men and women of honour and integrity, an Assembly for men and Women who would make sacrifices and decisions in the interest and good of the citizens of East Africa. *(Applause)*

Indeed, I believe it is because of this presupposed trust that the East African Legislative Assembly remains distinctive as the only regional Parliament across Africa with full legislative powers. *(Applause)* I am sure, therefore, that other regional parliaments are watching with keen interest the progress being made by this Assembly as an institution with which to benchmark on its best practice. *(Applause)*

Madam Speaker and hon. Members, we continue to regard regional integration as an important strategy for expanding economic opportunities for East Africans and for the welfare of our people. I can assure you of Kenya's support, and particularly that of the Kenya National Assembly in promoting EAC integration so that we may effectively compete with other regional blocs in this global arena.

Honourable Members, having acknowledged the critical role this Assembly has played in the building of the Community to date, there is no doubt that it has also been going through some turbulent times this year. The failure of EALA to conduct plenary business uninterrupted since March this year is a matter of grave concern that if not urgently addressed has the real potential to destroy the whole Community with its organs and institutions, given the critical role that the Assembly is expected to play in the running of the Community. *(Applause)*

I am sure you all believe, as I do, that the people of East Africa have invested so much resources, energy and hope in the future of the Community to let it go down without doing all it takes to address this threat. I wish to plead with you to be sensitive to the aspirations and best interests of the 150 million East Africans as you consider the best way forward in resolving whatever challenges that the Assembly currently faces. *(Applause)*

The challenge that the East African Legislative Assembly currently faces, threatens not just the functioning and existence of the Assembly, but the Community as a whole, and the foundation upon which the East African Community is grounded.

Madam Speaker and hon. Members, as we move forward, hon. Members, I wish that we all recall the history of the collapse of the EAC in 1977. Many have largely apportioned the blame on the failure of leaders then, to address their differences in order to save the Community. That is indeed why the revived Community is supposed to be a people centred integration. We should, therefore, ask ourselves whether in all that we do, we are promoting the spirit and aspirations of the People of East Africa. As leaders you have an onerous task and responsibility to see to it that East Africa remains united, and knowing that the East Africa Community is bigger than all of us. *(Applause)*

It is with a lot of reluctance that I am constrained to wade into this matter having due regard and respect to the principle of separation of powers. But as national leaders, we are, on the one hand, well aware of the need to respect the independence of the regional Assembly, while on the other hand, it has also become impossible to ignore the current stalemate in the Assembly, which has the potential to paralyze the whole Community. *(Applause)*

I believe hon. Members would appreciate the pressure that the Members of Summit have to put up with when taken to task by their citizens and national constituencies to respond to the continued funding of the activities of the East African Legislative Assembly when it is unable to transact its core business. I wish to plead with this august Assembly to put emotions and personal interests aside and do what is best for the people of East Africa. *(Applause)*

Madam Speaker, hon. Members, as leaders within the Partner State institutions, we are indeed not in a position to give directives to an independent Organ of the Community on how it should conduct its business, but we can humbly plead with you to listen to the voices of East Africans and act in their best interest. *(Applause)* There is no doubt that as the Community grows, there will be many challenges that the current Treaty provisions may not effectively address.

Similarly, we understand that there is need for the Assembly to equally prioritize a reconsideration of the House Rules of Procedure to make them be in tandem with the growing needs and realities of the Assembly's functions. Indeed, I am informed that the Assembly is already in the process of amending its Rules of Procedure. It is my hope that you can carry out the exercise in the spirit of unity, good will and good faith that is devoid of emotions because the rules must be for posterity. *(Applause)*

Hon. Speaker and hon. Members, with these few remarks I wish you a fruitful and successful meeting in Nairobi. Long live the East African Community. God bless the East African Community. I thank you. *(Applause)*

The Speaker: Thank you very much, Rt. hon. Speaker. The wisdom, which you have imparted to us, I would like to pray that it bears fruits.

In a way of appreciation, and on behalf of all of us, allow me to invite hon. Leonce Ndarubagiye to express our words of appreciation.

Mr Leonce Ndarubagiye: The Rt. hon. Speaker of EALA, I stand here to give a vote of thanks to the Rt hon. Speaker of the Kenya National Assembly, Justin Muturi.

Rt hon. Speaker, the Chairperson of the Council of Ministers, hon. Ministers, hon. Members, it is an honour and pleasure for me to stand here on behalf of the Members of EALA to

express our gratitude to you, Rt hon. Speaker, and through you, to H.E. President Uhuru Kenyatta and his government and the people of Kenya for hosting our sitting here in Nairobi. *(Applause)*

Your presence at this opening ceremony of our Third Session of this Third Assembly is a source of pride and joy. We are all aware of your importance, as the third personality of the Republic of Kenya in the hierarchy of authority. *(Applause)*

We also know very well that you achieved much for your country and your people before being elected the Seventh Speaker of the Parliament of Kenya.

Rt hon. Speaker Muturi, you were a magistrate for 15 years and that during that time, as the Chairman of the Judges/ Magistrates Association, you are well known all over Kenya and throughout our Region. We congratulate you, Rt. hon. Speaker.

Our presence and suiting in the Republic of Kenya is always a source of happiness and appreciation because of all the achievements that Kenya has made. Whenever we come back, we find new infrastructure, new factories and new realisations and achievements. *(Applause)*

As an Organ of the EAC that sits on a rotational basis in the region, we wish to assure you, Rt. hon. Speaker, that the relationship between Kenya and the other four Partner States are excellent. *(Applause)*

We take this opportunity to salute your contribution, Rt. hon. Speaker on the electoral laws when you were the Chairman of the Centre for Multiparty Democracy here in Kenya. *(Applause)*

The reason for our joy and appreciation of this country, Kenya is due to several reasons but let me belabour on only two; the Port of Mombasa serves all the five countries.

The goods that pass through Mombasa to Kenya, Uganda, Rwanda and Burundi are well known to each of us.

The volume of trade between our countries and yours since the revival of the East African Community is very well known in your statistics and ours.

The second reason for our appreciation is the railway project, which will start from Mombasa up to Bujumbura in Burundi and will eventually make a network to other cities in East Africa. *(Applause)* We appreciate it very highly.

I wish to say that with those few remarks. We thank you very much for coming, Rt. hon. Speaker Muturi. Thank you. *(Applause)*

The Speaker: Thank you very much, hon. Leonce. Just to add that Rt. hon. Muturi had to open his plenary sitting at 2.30 p.m. but because of the importance he attaches to EALA and the EAC Integration, he said we would at least spare us some time to come over. So, we thank you again for being here with us. *(Applause)*

Hon. Members, perhaps before we adjourn, I want to acknowledge that we do have some Members of the Kenya Parliament in the gallery, and we do have hon. Members from

Parliament of Uganda in the gallery. I have seen hon. Bakireke Nambooze, you are most welcome. *(Applause)*

Before we conclude, I want also to mention that before we conclude, we need to appreciate these very important remarks, which I should have made at the beginning, but let me just make them for purposes of seeing how we proceed.

As you are aware, I received a letter dated 22nd October vide which some members of the Commission notified me that they had resigned from the Commission. I called for the Commission meeting yesterday, Monday 17th November 2014 to consider and approve the programme for the Third Meeting currently underway here in Nairobi. Unfortunately, we could not raise the quorum.

In the circumstances, and to be able to proceed, the Speaker, with due consideration, decided to invoke the provisions of Rule 8(1) and 18(2) of the *Rules of Procedure* of this House and has now directed that we shall transact business in this Meeting.

According to the demands of this House, I have prioritised the amendment of the Rules of Procedure. And indeed as per the initial motion moved by hon. Nakawuki and hon. Zein and later revised by hon. Jude Pareno, I want to say that we shall initially proceed in an informal retreat way starting tomorrow, Wednesday, 19th November, 2014 at 10.a.m.

We shall have the services of two experts to assist us provide technical assistance by Westminster Foundation and the meeting will take place here, in the County Hall.

We shall resume our normal plenary business on Tuesday, 25th November, 2014 at 2.30p.m. The clerk will circulate the new programme to you.

With those announcements, I wish to adjourn the House to Tuesday, 25th November, 2014 at 2.30p.m.

(The House rose at 16:16 p.m. and adjourned until Tuesday 25th November, 2014 at 2.30p.m.)