



## **EAST AFRICAN COMMUNITY**

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### **Official Report of the Proceedings of the East African Legislative Assembly**

#### **31<sup>ST</sup> SITTING - FIRST ASSEMBLY: FOURTH MEETING – SECOND SESSION**

**Thursday, 24 July 2003**

*The East African Legislative Assembly met at 2.00 p.m. at the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha*

#### **PRAYERS**

*[The Speaker, Hon. Abdulrahman Kinana in the Chair]*

*The Assembly was called to Order.*

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#### **BILLS SECOND READING**

**The Laws of the Community  
(Interpretation) Bill 2003**

**The Chairperson, Standing  
Committee on Laws, Rules and  
Privileges (Mr Jared Kangwana  
(Kenya):** Mr. Speaker, sir, I beg to  
move:

THAT, the laws of the  
Community Interpretation Bill  
be now read for a Second Time.

Mr. Speaker, sir, I stand here with a lot of trepidation because I know that the fire of this House is normally directed in this direction. I hope the House will spare me that ordeal today as I take the House through this Bill that is before it.

Before I make my introductory remarks, I would like to point out that this House still suffers from many problems. As it was pointed out - and rightly so - yesterday on the Floor of this House, the Community still suffers from constitutional, legal and administrative difficulties, and that has in some cases created conflict between the various organs.

Mr. Speaker, sir, this House also suffers from a severe shortage of manpower. I am aware that during debate on the Budget that was approved in Nairobi in June this year, honourable members pointed out that the entire Community needs to be equipped properly, not only in terms of being given sufficient funding, but also in terms of adequate manpower to man its various departments and organs so that the Community can deliver the goods.

Mr Speaker, sir, the Bill we have brought before the House has largely been drafted by Members of the Standing Committee on Legal, Rules and Privileges, with the assistance of Hon. Marando and a draftsman who was lent to us by the Republic of Uganda, a Mr. Obel. On behalf of the Committee, I would like to thank those two gentlemen for the work they did.

Mr. Speaker, sir, I regret to inform this House that our Committee is unable to deal with a Bill that is before it because we do not have a draftsman. We requested for one to be seconded to this House, but we have got none so far. I wish to acknowledge that the offices of the Speaker and that of the Clerk of this Assembly have assisted in trying to source for these people, but they are not always at our disposal. Sometimes they are busy when we want them. We are hopeful that one will be available soon in the course of this week and early next week, when we will be dealing with the other Bill, which we are handling as a Committee.

Taking all these into account, this House, therefore, needs, as a matter of urgency, a draftsman. This is a matter, which cannot be delayed any longer. I know that other Committees of the House have got Bills that they would want to draft and bring to the House for debate, but they have been hampered by the lack of a draftsman.

Mr. Speaker, sir, the problem we have in this House is the inability of the Council of Ministers to bring Bills to this House. Consequently, the members of this House have been forced to bring Bills for debate in the House in order to put the operations of this Community on a proper constitutional and legal footing. By so doing, the Community will function

with laws that have been passed by this Assembly.

Mr. Speaker, sir, there are many Bills that should have been brought to the House for debate. It is a matter of serious concern and regret that the Council of Ministers has not seen it fit to bring a single Bill up to this time, putting the Community in a legal quagmire. I would like to appeal to the Council of Ministers that the Council attends to this important task, which they are charged with by the Treaty.

Having made those introductory remarks, I would now like to go to the comments I have on the Bill that is before the House.

Hon. Speaker, on behalf of the Standing Committee on Legal, Rules and Privileges, I have the honour to present to the House, the Report of the Committee on the Bill entitled the "Laws of the Community (Interpretation) Bill, 2003.

Mr. Speaker, sir, the main functions of this Committee are broadly to receive, review, scrutinize and investigate complaints against legal entities within the East African Community in accordance with the provisions of the Treaty. On the other hand, Rule 79 of the Rules of Procedure of this House gives, in very broad terms, mandates to various Standing Committees. These mandates include: to examine, discuss and make recommendations on all Bills laid before the Assembly; to initiate any Bills within its respective mandates; to assess and evaluate the activities of the Community; to carry out relevant research in their respective mandates; to examine policy matters affecting their subject areas; to initiate or evaluate action programmes under those subject areas and to make appropriate recommendations thereon;

to examine the Community's recurrent and capital budget estimates and report to the Assembly on their functions.

It is in regard to these functions that the Committee on Legal, Rules and Privileges considered it prudent to initiate this Bill, and also, the fact that the Assembly was already in place and has in fact passed some Bills made it mandatory that these Bill be brought at this stage. In view of this, it was discovered that there would be ambiguities and lacunae in interpreting the laws of the Community in the absence of an interpretation statute.

Mr. Speaker, sir, this piece of legislation lays the foundation for the laws of the Community that we have already passed, and those that we shall be passing. It sets out the general provisions and the details of certain words that could be used in the Acts of the Community.

The principal objects of the interpretation statute are said to be three, namely:

1. To shorten and simplify written laws by disabling needless repetition.
2. To promote consistency of form and language in written laws while including standard definitions commonly used.
3. To clarify the effect of laws by enacting rules of construction.

Mr. Speaker, sir, the benefit of shortening the bigger statutes by general interpretation provisions are very important and cannot be overemphasized. The opacity of written laws will increase year after year, and the "Laws of the Community (Interpretation) Bill" makes a useful contribution in keeping this in check.

The power of individual members or Committees of this Assembly to initiate Bills is enshrined in Article 59(1) of the Treaty and operationalised by Rule 64 of the Rules of Procedure of this House.

Mr. Speaker, sir, the Committee held its sitting on 23 July 2003 and considered in detail, clause by clause, the Bill, and proposed some amendments. I will, at the appropriate stage move those amendments.

Mr. Speaker, sir, Part II of the Bill contains a list of definitions of all the words that we envisage to be used in the Acts of the Community that will be enacted by this Assembly, and those that have already been enacted. This will make it easier for honourable members, other citizens of East Africa and the rest of the world, when reading the Community laws, to understand the various meanings assigned to particular words.

Mr. Speaker, sir, Part III provides for definitions of rules of interpretation in an enactment which apply to the construction of provisions of any Act. This also details the grammatical forms that Acts should take, and what the rules relating to gender and the numbers will look like.

Mr. Speaker, sir, Part IV provides the details of numbering the Act, words of enactment as provided for in the Treaty, how the sections should be divided, publication of Acts and commencement of the Act. This Bill also provides for the procedure to be followed in the passing of Bills. That procedure, as of now, is basically derived from the Treaty and the Rules of Procedure. What we will do is to provide an enabling Act that will give details of how Bills become law.

Mr. Speaker, sir, Part V provides for the procedures for the preparation of assent copies for submission to the Heads of State for their assent.

Mr. Speaker, sir, Part VI of the Bill provides for subsidiary legislation. This refers to the publication of subsidiary legislation, its commencement retrospectively and construction of subsidiary legislation. The rest of the Bill provides for matters like enactment and operation of enactment, amendments, repeals and their effects, statutory powers and duties, time, distance, computation of time and general provisions regarding legal proceedings and penalties.

Mr. Speaker, sir, this is by far the longest Bill that the Committee on Legal, Rules and Privileges has brought to this House. I requested honourable members during the previous meeting to take their time and go through it. I hope they did so because we realize that this is a short sitting today. It is our hope that the House will pass this Bill today.

Having considered and deliberated on the Bill in detail, the Committee on Legal, Rules and Privileges wishes to present this Bill and the schedule of amendments annexed thereto to this House.

In conclusion, I would like to record my gratitude and that of the Committee to you and the House for allowing me to introduce this Bill. Thank you.

**Mr Said Jecha (Tanzania):**  
Seconded.

*(Question proposed)*

**Mr Daniel Ogalo (Uganda):** Mr. Speaker, sir, this appears to be another Bill, which has been brought privately. It does not emanate from the executive arm of the Community.

Mr. Speaker, sir, as Hon. Kangwana has stated, there has been no provision for a draftsman in this Community, and this matter has not been given much attention. This morning I was going through the *New Vision* newspaper and I came across an article, which stated that the Speaker of the Parliament of Uganda was yesterday officiating in a ceremony in which Members of Parliament of Uganda were being awarded diplomas and certificates by the International Law Institute of Kampala in Legislative Drafting.

The Speaker is quoted in the newspaper as saying that he hoped that the Parliament of Uganda would be seeing more private members' Bills by reason of those diplomas and certificates, which were being awarded to Members of Parliament, and also the staff of the Ugandan Parliament. I compared the infrastructure in drafting in the Parliament of Uganda and our Assembly to assist me to determine the seriousness with which this Assembly is regarded.

The Parliament of Uganda has got a fully staffed legal department composed of about five lawyers who help Members of Parliament in drafting Bills. Apart from that assistance, Members of Parliament still access the draftsmen from the Ministry of Justice.

One would think that the Ministry of Justice of Uganda and the Legal Department in Parliament of Uganda would be sufficient to provide for Members of Parliament of Uganda, to

enable them bring their own Bills. But Parliament thought that was not enough, and went ahead to sponsor their members and staff for diploma and certificate courses at the cost of Parliament. That to me showed that the Parliament of Uganda takes seriously the need for members to bring private members' Bills. How does that compare with us in this Assembly?

It is sad that we were told that we do not need a draftsperson in this Assembly. This bothers me because it brings to mind the issue of whether there is seriousness attached to this Assembly, or whether some people would want to see this Assembly succeed.

There is no doubt that the Parliaments in Kenya and Tanzania also have experts for Members of Parliament, to enable them bring private Bills. How come that the East African Legislative Assembly is put in a situation where there is no draftsperson? Is somebody interested to see that nothing comes out of the Assembly or what? If somebody was interested to see that the integration process moves at a faster rate, then one of the best ways would have been to enact Bills because the Acts of any Parliament have go the force of law, and you achieve things because you have got a law in place.

As hon. Kangwana has said, all the Standing Committees of this House want to bring Bills to the House but they are hampered by lack of a draftsperson. We know for example that sometime last year, the Council of Ministers made a resolution about the free movement of persons in the region. There is a resolution of the Council of Ministers in place that people should be allowed to move freely within the region, and the relevant Committee of this House

would wish to put that into place by law. How will it do so without assistance?

It is too much for us to stand up and start complaining. These wailings and lamentations should come to an end. Whoever is responsible should recognize the need for this. We have to ring Partner States all the time to assist us with draftspersons. This is not right!

Mr. Speaker, sir, I hope that the nearest member of the executive who is here with us, the Counsel to the Community - he is the only one whom we can now appeal to or hang. I would simply appeal to - (*Mr Kaahwa rose*)

**The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio):** Mr. Speaker, sir, is the hon. member holding the Floor in order to use un-parliamentary language, suggesting that this Assembly could hang me?

**Mr Ogalo:** Mr. Speaker, sir that was with a light touch. I do not expect the 27 Members of this Assembly to take one rope and hang one man. But I withdraw the remark.

I was just appealing to the Counsel to the Community to bring this matter to the attention of the Council of Ministers. We want to do what the 80 million East Africans sent us here to do, but we are being hampered by lack of a legal draftsperson.

Mr. Speaker, sir, this Bill is in fact overdue. It ought to have been the first one, but better late than never. It even assists the courts in interpreting our laws. It is common knowledge that different courts can give different meanings to different words. But by giving some of the crucial and important words meaning, we avoid that.

It provides for assent, as we know that the Treaty provides for a limited time within which Bills should be assented to, or otherwise they lapse. So, this Bill has come at the right time since we have already passed two other Bills, and we hope that they will be able to provide for future Bills so that we do not run into a situation where a Bill, which both the Assembly and the Summit would like to become law lapses because of lack of provisions of how it should be assented to.

Mr. Speaker, sir, this is a technical Bill, and there are similar Bills in all our jurisdictions: in Kenya, Uganda and Tanzania. Indeed, all countries have it. So, it is a technical Bill, which we really need to enact. With those remarks, I beg to support the Motion.

**Mr Calist Mwatela (Kenya):** Mr. Speaker, sir, I stand to congratulate the Committee on Legal, Rules and Privileges for going out of its way to assist this Assembly. It has gone ahead to do the work that the Council of Ministers is meant to do.

Mr. Speaker, sir, Article 14(b) of the Treaty, which lists the functions of the Council, clearly states the functions of the Council of Ministers as, *inter alia*, to initiate Bills to the Assembly. It is a shame that up to now, this role is being performed by the Committee on Legal, Rules and Privileges.

To add insult to injury, when this House pleaded for assistance in form of a draftsman as has been said by Hon. Daniel Ogalo, we are told that there is no money to pay such a person. As much as Hon. Ogalo feels that it is not right for us to demand for the employment of a draftsman, we have a duty to keep saying things that are wrong, even if it means saying them every day, because that is what we are

paid for as politicians. We are paid to talk, and we will continue talking. We hope that East Africans will be able to determine finally who is to blame when things do not work out. Definitely, it is not this House.

Mr. Speaker, sir, I have not managed to go through the entire Bill but as has been indicated in the statement by the Chairperson, the justification is more than adequate. We need the Bill. I can only say that when we get to the Committee stage, there will be a number of things to be raised. It has already been said that there are a number of amendments to be moved. There is only one thing that I need to mention right now.

The President of the Court who is defined in the Treaty should also be described in this Bill. There is also, in this Bill, a definition for “year” but I would like to start seeing the difference between “year” and “a calendar year”. We need to put those two definitions in the Bill. With those few remarks, I beg to support the Motion.

**Dr. Harrison Mwakymbe (Tanzania):** Mr. Speaker, sir, may I begin with commending my Chairman, Hon. Kangwana, for his articulate presentation of the Report of the Standing Committee on Legal Rules and Privileges on the “Laws of the Community (Interpretation) Bill, 2003.” May I also commend my colleagues who have just taken the Floor for their very useful remarks!

Mr. Speaker, sir, as my colleagues have just noted, this Bill should have been enacted by this House much earlier on account of its immense significance in our legislative function. The Standing Committee on Legal, Rules and Privileges have initiated

every Bill. A legislative Assembly that produces laws without a construction law may just end up undermining its own integrity in society because the volume of laws would lack consistency; they would be ambiguous. And a House that lacks consistency in its work can hardly uphold the people's confidence.

Mr. Speaker, sir, the second effect of legislating without a law of this nature is that of surrendering our law-making function to the courts. You may wonder how that is possible: Where there is an ambiguity and lacunae, the courts will always step in and purport to give the correct interpretation of the law. I have never come across any court in East Africa, and the world, which says it cannot find a proper interpretation of what the legislature really intended to say. It would not be in order for us to rush to the court and say we did not intend certain things. They would just put their own words there.

Mr. Speaker, sir, as a matter of fact, the courts expect us not to complain when they interpret the laws we make. I have just been reading a book on jurisprudence and there is a very interesting quotation by Edgar Bodinghaimer on how the courts look at us. They simply expect us to make laws, and it is their duty to pronounce what the law entails. If we do not come up with a Bill like this one, then we are leaving ourselves at the mercy of the courts. Bodinghaimer says:

“A reasonable law-maker is aware of the deficiency inherent in the products of his legislative efforts. He knows that subtle rules can never be phrased with such perfection. All cases falling within the legislative policy are included

in the textual formulation while all situations not within the purview of the statute remain outside of the linguistic ambit. Furthermore, a legislative body composed of reasonable men cannot be presumed to insist on retaining an exclusive right to correct minor errors and inadequacies. If such an exclusive right were claimed and granted, the legislature would forever be busy amending its own laws, often in small particulars, which is impractical since other and more immediate political demands press down upon the harassed legislators.”

Mr. Speaker, sir, for the benefit of the Members of this House, I would like to say that we have had a very interesting experience in Tanzania with regard to the interpretation of the Workman's Compensation Law. Our Legislature, with good intentions, came up with a phrase saying “a workman shall be compensated who is injured in the course of employment” and it left it without qualifying it properly.

A workman was injured while making breakfast at home while rushing to work, and he claimed that he would not have been making tea at that time if it was not for the employment, and the court decided to question whether it was the intention of the legislature to cover people even when making breakfast in their homes. It went on until a time when somebody was injured in a toilet in his place of work. A huge sink fell on him. What he was doing there became a subject of interpretation as to whether that was also in the course of duty.

Mr. Speaker, sir, what I am saying is that this law helps us to retain the

intention of this House even before the law courts. If we leave everything to the interpretation of the courts, then we are finished. With those remarks, I support the Motion.

**Mr Med Kaggwa (Uganda):** Thank you very much, Mr. Speaker, sir, for giving me this opportunity to contribute to the Bill.

Mr. Speaker, sir, in law when we use the word “shall” it is mandatory, when we use the word “may”, it is optional. The Article quoted by Mwatela uses the word “shall”. In other words, the Council is the one that is obliged and duty-bound to bring Bills to this House. Unfortunately, it has not done so.

Under Article 59(1) the word “may” is used with regard to Members of Parliament bringing Private Members’ Bills to the Assembly. As Hon. Kangwana was presenting the report, I felt that the exception has become the general rule, and this is unfortunate.

Mr. Speaker, sir, I am not in doubt at all in my mind that because of this, it is not surprising that the Council does not deem it fit to accept our request to employ a draftsman. At the end of the day, we shall be accountable to our electorates. I also concur that as politicians, we are paid to talk. I also concur with those honourable members who said no one will give you power easily. I request the office of the Speaker to point out the Council’s inability to bring Bills to this House when it is supposed to do so.

At one time in the course of my life, I had a boss and one day we were chatting and he told me that whenever we discussed something with him without putting it in writing, he would say we have never discussed anything

whenever such issue arose before the Board. I asked him what he expected me to do. He told me that whenever we discussed anything, I should reduce it into writing. So, from that day, whenever we had a discussion with my boss, and indeed, the many other bosses I have had, I would go back to my office and reduce everything into writing.

Mr. Speaker, sir, I am bringing up all these matters because at the end of the day - and because of the many voices I have heard in the respective places, the Assembly is considered to be irrelevant. Many people think we are not supposed to here, and that we are doing nothing. The blame is not ours. I wish my honourable friend had his dictionary here, but what I know is that to legislate is to make laws. I think that is the purpose why we are here. But if we are going to be here and those who are supposed to bring the Bills cannot do so, then at the end of the day they will say we are not doing anything and yet it is their shortcoming.

That is why I am imploring you to use your good offices and draw this matter to the attention of those concerned. I recall that we did not have the Appropriations Act, and we operated the Budget until the end of the financial year. Technically that was illegal. This House wanted to rectify that anomaly and when the House went ahead and made a draft Bill, then the Council of Ministers said it was going to bring the Appropriations Bill. I do not think we can continue under this situation!

That goes to emphasize what has been repeatedly said on the Floor of this House that unless the Partner States appoint resident ministers or specific ministers in the respective countries in



charge of the Community we are not going to make much progress.

Mr. Speaker, sir, hopefully the Customs Union Protocol will be signed before the end of the year, and I anticipate a lot of legislation. That legislation must come from the Council of Ministers. So many protocols have been signed and they must be operationalised. The Council of Ministers should bring in the Bills to operationalise those protocols but they are not doing so!

It should go on record that this Assembly knows its duty and it is more than ready to perform but other parties are hindering it. Normally, where consensus is the rule, it is not good to apportion blame, but when the day of reckoning comes, people will say we did not draw this to their attention, and we might find that we will be defenseless. With those remarks, I support the motion.

**Ms. Kawamara Mishambi (Uganda):** Mr. Speaker, sir, as hon. Kangwana rightly said, this Bill is long overdue. This is something that we badly need as East Africans, and also as Members of this Legislative Assembly.

Mr Speaker, sir, sometimes I am mesmerized by the language and attitude of our lawyer colleagues. Sometimes they make us get lost when they interpret laws. Sometimes you think you understand the English, and yet they will interpret it the other way round. So, I feel that when we have a law that interprets what they are saying, then that is a commendable job. Many East Africans will therefore be grateful for this effort.

I also feel that enacting this Bill into law will be the best way forward for this Assembly. We shall be able to put

our heads high up and we shall be able to defend the integrity of this House. How we legislate is extremely important to our people. So, by providing interpretation of the various words and how they are used and what they actually mean is important for the people of the region.

Mr. Speaker, sir, I have got a problem as to gender and numbers as provided for in the Bill. I am very concerned about gender, and I am very concerned that I am never referred to as a “he” but I should be a “she” because I am actually a woman. I hope the Committee will elaborate the following words that appear under Clause 6:

“In an enactment, words and expressions importing the masculine gender include the feminine gender.”

Importing from where? I am a woman and I should be referred to as that!

When Hon. Dr. Mwakyembe quoted from a book on jurisprudence, there is somewhere where he said:

“Furthermore, a legislative body composed of reasonable men cannot be presumed to insist on an exclusive right to correct minor errors and inadequacies.”

At that moment there were no women in Parliament and other spheres of life. I wish that in the references that we make we would be taken together as human beings. We are men and women, and we are different in all aspects. With those remarks, I support the Motion – (*Interjection*).

**Mr Ogalo:** Mr. Speaker, sir, I wanted to seek clarification from Hon. Kawamara on what she has just

complained about. What did she understand Clause 6(b) to mean? She seems to have read only Clause 6(a) and avoided Clause 6(b), which reads as follows:

“Words and expressions importing the feminine gender include the masculine gender.”

In other words, the masculine gender is also being imported to the feminine gender. So, what does she understand by Clause 6 (b)?

**Ms. Kawamara Mishambi:** Mr. Speaker, sir, the two statements look the same. I was wondering why the lawyers could not say “he” or “she”.

**Mrs. Rose Waruhiu (Kenya):** Mr. Speaker, sir, I would like to join my colleagues in commending the Committee on Legal, Rules and Privileges. I think this is about the fourth opportunity where we are benefiting from the efforts of the Committee.

Mr. Speaker, sir, there is in this Bill mention of the order of numbering of Bills. Maybe the Chairman of the Committee will shed more light on this when he will be responding. Is it going to be a retroactive process? How is that system of numbering of Bills envisaged to happen?

It might save debate if in fact this Bill contains definitions that will govern future Bills, for example, to define the word “gender” in the definitions that are listed at the beginning under Part II where we have “general provisions of interpretation”, after the word “gazette” and before the word “government”.

I know that in written English “she” includes “he”, and if it is now

necessary to say “he” includes “she”, then obviously this is going to be very interesting grammar. To avoid all these misinterpretations, we should include the interpretation of “gender” in this Bill.

Mr. Speaker, sir, in this time and age, why should we define “United Kingdom” in our laws; why are we giving the United Kingdom such status in our laws? Are we going to define countries as we relate to them in the future?

Mr. Speaker, sir, I agree with my colleagues that this country needs support. We cannot engage in legislation and the preparatory work we need to do without support. As we press for the employment of a draftsman, we also need to hire a research officer to assist the Members of this Assembly to do their work effectively. With those remarks, I support the Motion.

**Mr Ochieng-Mbeo (Kenya):** Mr. Speaker, sir, I support the Motion, and at the same time commend the good work that has been done by our Committee on Legal, Rules and Privileges. If we did not have this Committee in place, this House would have gone back home for lack of work.

Mr. Speaker, sir, I concur with my honourable colleagues in accepting that this is a very technical Bill that needed to have been brought before this House as soon as we were inaugurated. I would like to refer the House to the provisions of Article 14, which states the functions of the Council clearly. Article 14(5) reads as follows:

“The Council shall cause all regulations and directives made or given by it under this Treaty

to be published in the gazette, and such regulations or directives shall come into force on the date of publication, unless otherwise provided therein.”

Mr. Speaker, sir, it is either that the Council of Ministers has not been advised adequately by those who are supposed to advise it – some of them sitting in this House – or out of sheer negligence. The Council has neglected its functions. I am saying this because I have yet to see the *Community Gazette*! (*Interjection*)

**The Counsel to the Community (Mr Kaahwa) (Ex-officio):** Mr. Speaker, sir, I stand under Rule 47 to offer some explanation to this House in a matter which is now being referred to. I am glad that the hon. Member holding the Floor has referred to the important function of the Council, which is provided for under Article (5).

There is no doubt that the introduction and publication of the *East African Community Gazette* has taken some time, but I would like to assure this House that this has not been due to neglect of duty. The delay has been caused by a few technical problems, which I am glad to say, at this point in time, will be addressed appropriately.

At the moment, we do not have a foundation in the form of an Act in the printing of the *Community Gazette*. We should be having an Act to operationalise the provisions of Article 14(5). The Council took it upon itself to fulfill its obligation under Article 14(5). The process of registration in Tanzania is a bit long; it took about three months, and the Chairperson of Legal, Rules and Privileges was accordingly informed.

It has to go through the Ministry of Information, the Post Office and so on. But towards the end of March this year, the legislation was finalized. Between March and now, a lot of development within the Government Printer has taken place which militated against the coming out in time of the *East African Community Gazette*. But as we speak now, the last proofs are in the machine, ready to come out with all those Bills that have been passed by this House. All those directives and regulations that the Council has passed, including East African Standards on Standardization, Quality Assurance, Metrology and Testing.

Mr. Speaker, sir, I want to assure this House - but failing, I should not be hanged - that the *East African Community Gazette* will be availed soon with all the relevant Legal Notices pertaining to the Bills that have been passed by this honourable House, including the Appropriations Bills, the Powers and Privileges Act, The Community Emblems Bill and other relevant notices and regulations. Thank you.

**Mr Ochieng-Mbeo:** Mr. Speaker, sir, I must admit that I am flattered by the response from the learned Counsel to the Community.

Mr. Speaker, sir, you can see the reason why no Bills have been brought to this House. This goes to demonstrate how the executive arm of this Community views this House. Basically, every chapter of the Treaty requires a Bill. There must be some legislation, but what is happening is that everyone is waiting for us to initiate Bills. It is good that we have got such foresighted committee members.

Mr. Speaker, sir, our powers and privileges are enshrined in the Treaty. Article 138 of the Treaty gives the status of our privileges and immunities. It reads as follows:

“The Community shall enjoy international legal personality. The Secretary General shall conclude with the governments of Partner States in whose territory the headquarters or offices of the Community shall be situated, agreements relating to the privileges and immunities to be recognized and granted in connection with the Community. Each of the Partner States undertakes to accord the Community and its officers the privileges and immunities accorded to similar international organizations in its territory.”

Mr. Speaker, sir, I believe that we are part and parcel of this Community, and the other day I said that the organs of the Community are like Siamese twins, but I am perturbed that up to now we are still struggling to attain our status of our privileges and immunities.

Up to now, the Members of this Assembly have got to line up, in order to pass through the borders, and have their passports stamped! If you have a car, you must pay for it and leave your logbook at the border in order to be allowed to cross to the other side of the border, and yet staff of the Secretariat and their families zoom across from one side to the other while we are there stranded! Last time when we were here, we got a memo from our Clerk to have our vehicles recorded and registered with the Secretariat so that we can enjoy these privileges – (Interjection) -

**Capt. Richard Ddudu (Uganda):** Mr. Speaker, sir, is it in order for Hon. Ochieng-Mbeo to mislead the House that at the border crossings he has been stopped when he zooms through the border points?

**Mr Ochieng-Mbeo:** Mr. Speaker, sir, I was coming to that but he jumped the gun. The entire Kenyan Chapter of this Assembly decided that since the Secretariat in its wisdom has not found it fit to allow us to enjoy these privileges, we should zoom through the borders and we were not stopped. All I am saying is that certain things have to be done. We have struggled to bring ourselves to be recognized and right now, the problem we have – (Interjection)-

**Mr Kangwana:** Mr. Speaker, sir, I would like to provide clarification on the issues raised by Hon. Mbeo concerning zooming across the borders by the Members of the Kenyan Chapter of this Assembly. That clarification is contained in the *East African Community News*, the current edition that is issue No.11 of April 2003.

The *EAC News* on Page 7 states that during the Fourth Meeting of the Council of Ministers of the East African Community, which was held in Arusha on 13 September 2002, one of the resolutions that the Council came up with reads as follows:

“On the free movement of persons, labour, services, right of establishment and residence, the ministers called for administrative measures to be taken in the Partner States to facilitate the free movement of persons, goods and services pending the establishment of the Common Market.”

Mr. Speaker, sir, my understanding is that, that resolution is law, subject to it being published in the gazette. Therefore, the Members of this Assembly from Kenya merely complied with that law by passing through the border without being subjected to immigration and customs procedures. It would be wrong indeed for Members of this Assembly to be stopped by immigration and customs officers when they are visiting their constituency.

**The Speaker:** Honourable Members, I would like to request the Counsel to the Community to respond to some of the issues that are being raised by honourable members. I implore him to take the Floor even if he was not intending to take the Floor.

**Mr Ochieng-Mbeo:** Mr. Speaker, sir, sometimes use of language eludes me – (*Interjection*).

**Ms. Kawamara Mishambi:** Mr. Speaker, sir, was it in order for the hon. members of this Assembly to break the law of a Partner State? It is my humble opinion that this Assembly should make laws to facilitate the free movement of people rather than spearheading breaking the law of the Partner States!

**The Speaker:** The Speaker has not received complaints from any corner!

**Mr Ochieng-Mbeo:** Mr. Speaker, sir, you can see that there is a lot that concerns this House. The reason why I brought this up is that when we arrived here, the first thing I did was to go and look for my documents which should contain all the necessary names as indicated. But he told me that the officer concerned requires directives from above to allow him to sign that document.

I am bringing this up because in as much as we are struggling with our work, there is some interference from somewhere that needs to be clarified so that we can function.

Again, I would like to bring to the attention of the House that at the moment we are struggling to unite the East Africans and open borders. And while that is going on, we hear that we are again busy dividing the lake. I understand that we have been funded to demarcate the lake!

I read in the newspapers of Tanzania that the one spearheading division of the lake is the Foreign Affairs Minister of Tanzania! That means the left hand does not know what he right hand is doing! When you hear all these, I wonder where we are headed with all these Bills.

Mr. Speaker, sir, when you look at Part IV, it gives the way numbering of Acts is going to be done. We do not know whether the Bills we have already passed have now lapsed since they have not been assented to. I do not know whether this means that we are going to resurrect the dead. There is a life span of a Bill! Unless something is included in this Bill to revive those Bills, they are technically dead! This means that this House is being taken for granted. I am dwelling on this because unless there is change of heart from those who guide the Community and those who are expected to propel this Community to greater heights, we will not even reach the 1977 level. With those remarks, I support the Motion.

**The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-officio):** Thank you very much, Mr. Speaker, sir, for giving me the Floor.

Mr. Speaker, sir, when you decided to give me the Floor, you made a remark that I may not have intended to contribute on the Motion on this Bill. I actually intended to speak on this Bill for three reasons.

First of all, when my seniors are not around, I feel that I should be available to inform this House on some of the matters that are being raised, and which may not have come to the knowledge of the honourable members. Secondly, let me inform this House that last time when I was contributing to the Motion on the Select Committee Report, I assured this House and all the organs of the Community and the people of East Africa that my commitment to serve is totally *un-bwogable*, and it remains *un-bwogable* – (Interjection).

**Mr Ochieng-Mbeo:** Mr. Speaker, sir, is the Hon. Counsel to the Community in order to use an un-parliamentary word, which has not been put in the latest dictionary?

**The Speaker:** The word has become East African. Continue, Hon. Kaahwa – (Interjection).

**Mrs. Waruhiu:** Mr. Speaker, sir, is it in order for Hon. Mbeo to keep challenging the Speaker's ruling; his ruling was given the last time this word was used!

**The Speaker:** I have reminded him, and I hope this is the last time he is going to do it.

**Mr Kaahwa:** Mr. Speaker, sir, if you go to the *Hansard*, you ruled here that the word *un-bwogable* is not a preserve of NARC. During that debate, Hon. Mbeo informed the House that the Community could use the word and I

take it that the word is acceptable within the vocabulary of this House.

Mr. Speaker, sir, I appreciate the role played by this House in pointing out a few matters which may seem to be undertones in the implementation of the Treaty and the realization of the objectives of the Community. I also want to go on record that I appreciate the concern being raised by members on the implementation of decisions.

Allow me to point out that the implementation of decisions is largely the prerogative of the Partner States, but there is an executive agency, which is the Secretariat of the Community. We undertake always to ensure that the implementation of decisions is followed to the letter; but there could be some hurdles, the details of which I do not want to go into because I have a limited time. I would like to specifically talk about those matters that were raised by the hon. members in the course of debate. I wish to begin with Article 138, which is key article to the facilitation of hon. members in playing their respective roles.

The provisions of Article 138 are very clear that the Community is a legal person in international law and, therefore, it enjoys international legal personality and the Secretary General is obliged to conclude with the government of the Partner State in whose territory the headquarters or offices of the Community shall be situated, agreements relating to the privileges and immunities to be recognized and granted in connection with the Community. Each of the Partner States undertakes to accord the Community and its officers the privilege and immunities accorded to similar organizations in its territory. I wish we could always read this provision with the provisions of Article

73, which actually emphasize the international legal personality of the people who serve in the Community.

Mr. Speaker, sir, the question here is what has taken place to actualize these provisions. The Council of Ministers was of the view that this matter could be handled through a Protocol on Immunities and Privileges, but it is also mindful of the fact that the protocol may not serve all the interests that are intended by the provisions of Article 38, and so it is of the view that we could look at the Headquarters Agreement which we have in respect of Tanzania, and seek to amend it accordingly.

Proposals for amendments have already been made to the Government of Tanzania, and going in tandem with that, we may have to conclude – and this is a matter, which the Secretariat intends to bring to the Council – similar headquarters agreements with each of the other Partner States. This matter, like the matter on the legislative programme, is in the provisional agenda of the meeting of the Ministers responsible for Foreign Affairs, which is scheduled for mid next month. These are matters that will be addressed; the Draft Protocol will be considered and the need for headquarters agreements and the amendment of the existing one with Tanzania are matters that will be considered. That is what we have so far in progress.

Once the ministers concerned have decided within the context of Article 14, then they will have to report to the full Council in September this year. Hopefully, this matter will have a positive outcome.

Mr. Speaker, sir, on the free movement of persons, as rightly pointed out by

the Chairperson of the Standing Committee on Legal, Rules and Privileges, the Council of Ministers took a decision at their Fourth Meeting on the free movement of persons. They made a decision and called for administrative measures to be taken in the three Partner States to facilitate the free movement of persons, goods and services, pending the establishment of the Common Market.

At that meeting, the ministers took into account the historical fact that there were so many developments with regard to the free movement of persons in the integration process; these include the introduction of the East African passport, consideration of the interstate passes and so on. But they realized that their decisions were not filtering through to the implementers of the decisions at the borders. These include the police, officers, health officers and immigration officers. At that time, they called for administrative measures because a decision had already been taken.

Mr. Speaker, sir, we have prepared a manual in the Secretariat, but I could not get the contents yesterday when I wanted to check because my colleague, the Social Sector Economist, is away in Kampala. I would have wanted to read out the contents of the manual, which is addressed to the people who implement. The manual contains administrative measures on what they are supposed to do and who is supposed to do what and so on.

Sometimes the implementation of decisions is delayed by bureaucratic problems of how it filters through from the time it is made at the regional level to the Partner States, to the relevant ministries and down to the officials who are supposed to implement. At a later stage when I will have consulted

with the Social Sector Economist, I will avail to this House a copy of the manual so that you can go through it for information purposes. But as far as implementation is concerned, I take it that this House is concerned, and we will pass this information to the relevant quarters.

Mr. Speaker, sir, there were other matters which were raised, and I feel that I may not be able to comment on them at this time before I have done some research because these are matters that I do not deal with normally. Other departments deal with them. One of those issues is with regard to the division of Lake Victoria.

There is need for me, before I give any useful information to this honourable House, to consult with the Deputy Secretary General in charge of Projects and Programmes and the Lake Victoria Programme officers. These are the people who really handle the Lake Victoria as far as the Community is concerned, but not as far as the division of the lake is concerned.

Mr. Speaker, sir, there was an allusion to interference in the furtherance of Council decisions and Summit decisions. I am in a dilemma, and I feel that I cannot comment on this until I have done some research. I want to remain enjoying that kind of comfort.

Mr. Speaker, sir, yesterday I learnt something on the usefulness of Rule 44, and also Rule 37, which prohibits somebody from contributing twice on the same Motion. Rule 44 is on the declaration of interest.

Yesterday a matter arose and I thought I would quietly discuss it with the member who brought it up. I did not want to comment on that matter at that time but I later on realized that I

should have stood up here and declared my interest. But debate had been closed on that matter. Let me use this opportunity to comment on other matters, which I feel I should comment on.

The matter I intend to comment on came up in the course of our debate on the Bill this afternoon. I want to remind the House that I am a co-opted member of the Standing Committee on Legal, Rules and Privileges, although in the notes of the Chairperson, my name is inadvertently omitted. There are two matters that I want to comment on, given this opportunity. The first one is with regard to gender – *(Interjection)*.

**Mr Kangwana:** Mr. Speaker, sir, I would like to offer some clarification on why the name of the Hon. Learned Counsel is not appearing on my list. The Committee did co-opt him as a Member of the Committee but as a matter of procedure, we were required to write to the Secretary General to get his approval and consent. The Committee duly gave me the authority to write that letter to the Secretary General, a copy of which was given to the Hon. Learned Counsel. As I speak now, I have had no response. As soon as that response comes, and the Hon. Secretary General has consented to the Hon. Learned Counsel being co-opted as a member, his name will be duly included in the list.

**Mr Kaahwa:** Most obliged, Mr. Speaker, sir, but for practical purposes, I am a member of the committee and I duly participate in the deliberations of the committee. I am even on record as having, in my own way, volunteered a draft Act of the East African Legislative Assembly, which the Committee will be tabling in the House.



Mr. Speaker, sir, I was going to comment on the gender matter. I am not addressing this because Hon. Kawamara mentioned it, but I would like to refer this House to the First Reading of this Bill as recorded in the *Hansard*. It was my intention that time that I would like this House to seriously consider, when discussing this Bill, the need to align the provisions to those in the Treaty.

In the Treaty, the negotiators and the drafts people went a bit far from what we have in our Interpretation Act, where we have masculine imports feminine and vice versa. The drafters of the Treaty used the rather inelegant language, but I am told that it is the modern way of drafting, where they talk of “he or she” and “him or her”, him or her. There are Members in this House who drafted the Constitution of one of the Partner States and they know the usefulness of this for avoiding this kind of argument. I wish that Committee could sit down and see whether they could be persuaded by what Hon. Ogalo and Kaggwa did in one of the Partner States as far as that matter is concerned.

The other issue that I wish to comment on is the definition of “year”. We cannot go into all these definitions, but I thought that for the benefit of Hon. Mwatela and the rest of the members, I would like to point out that the definition that the Committee has appears to be the most acceptable in our circumstances. I am fortified because there is a judicial interpretation on this matter, and with the permission of the Chair, let me cite this definition, which defines “year” to mean:

“A period of 12 calendar months calculated either from January 1<sup>st</sup> or some other stated

day, and consisting of 365 days in an ordinary year or 366 days in a leap year.”

Mr. Speaker, sir, allow me also to cite the case itself where the decision was made. This is in Gibson against Button, which is reported in Volume 10 of the 1875 series of *Queens Bench Reports*, Page 329. There is also another case, where this matter was cited, the citation is IRC against Hopehouse, reported in 1956 Volume One of *Weekly Law Reports*, Page 1393.

Mr. Speaker, sir, having said that I would like to say that I totally agree with the other Members of this House who have supported the introduction of this Bill for its timeliness and usefulness. Thank you.

**Mr Kangwana:** Thank you very much, Mr. Speaker, sir, for giving me the opportunity to respond to the concerns raised by honourable members on this Bill. I have moved slightly nearer to the Clerk because I am not comfortable sitting in that corner because the fire of the House is always directed there. I am doing my utmost to avoid that fire, especially in relation to the comments I am about to make.

Mr. Speaker, sir, I would like to commend all the honourable members who have contributed to the Motion on the Bill. I would also like to thank those members who may not have had the opportunity to contribute, but as Shakespeare said, silence betokens consent. To those honourable members who did not contribute on this Bill, I would like to inform the House that they have approved this motion wholeheartedly and the Bill in totality. As to the honourable members who contributed on this Bill, I will have to

comment on the issues of concern that they raised in the course of their debate.

Mr. Speaker, sir, as pointed out by hon. Mwatela, we will bring an amendment at the appropriate time to define “the President of the Court of Justice”. On the issue of the definition of “calendar year”, I am grateful to the learned Counsel to the Community for the clarification he has given, and for the benefit of hon. Mwatela, the definition given is what has been defined in the Bill as the Gregorian Year.

I am not a catholic because I come from an area where the remnant church – the Seventh Day Adventists - is widely accepted, but I am told that it was during the time Gregory was the Pope that the Calendar Year was introduced, and is well defined in the dictionary.

Mr. Speaker, sir, there were three issues raised by Hon. Waruhiu. The first one concerns numbering of Bills. She had in mind the fact that –

*(Interruption caused by the entrance of a photographer into the House)*

**Mr Kaggwa:** Mr. Speaker, sir, I am standing on a point of procedure. I am wondering when the photographer is allowed in this Assembly, and as to when he borders on constantly interfering and drawing the attention of the members from attending to the business for which they are paid to sit here?

**The Speaker:** I think he has heard you, and that is why he is moving out quietly.

**Mr Kangwana:** Mr. Speaker, sir, before hon. Kaggwa rose, I was commenting on an issue raised by hon.

Waruhiu on the numbering of Bills. In raising that issue, she had in mind the fact that we have already passed three Bills, and I am sure she understands that the Acts of the Community (Interpretation) Bill should have come first, and she was wondering how they are going to be numbered.

I find it very difficult to respond to that question on two accounts: First and foremost, that is an administrative issue, which the office of the Clerk can deal with. Secondly, the fact that the Bills that have been passed by this House have not been assented to by the Presidents of the Partner States leaves in my mind a very question as to whether they are still alive. I do agree with hon. Mbeo on that subject. Those Bills may need to be resurrected, but we shall cross that bridge when we come to it.

Mr. Speaker, sir, there was also the issue of gender raised by Hon. Kawamara and Hon. Rose Waruhiu. I am happy with the way the Bill has dealt with the definitions of “feminine” and “masculine”. I did refer to the Treaty for the Establishment of the East African Community to find out the definition of the word “gender”, which they would like to use in the Bill. In fact, in the Treaty “gender” is defined as follows: “Gender means the role of women and men in society.” I am totally lost as to what that means. So, for clarity of definitions, I would commend that the definitions that the Committee has employed in this Bill be adopted. But we will deal with that when we come to the Committee Stage.

Mr. Speaker, sir, there was also an issue raised by Hon. Waruhiu concerning the definition of the “United Kingdom.” I will attempt to answer that question. I will start by

touching the issue she raised about the definition of East Africa. You will see that the definition of East Africa is merely a geographical one. It is not a political one.

The reason why we have a definition of the United Kingdom is that we are going to adopt some laws of the United Kingdom, including those relating to equity that were developed in the United Kingdom. If we are talking about laws relating to equity without referring to the United Kingdom, then there will be big problems. That is why the United Kingdom is the only country outside East Africa to be defined in this Bill.

Mr. Speaker, sir, the only other comment that I need to make relates to the contributions that were made by the learned Counsel to the Community. Some of them touch on what has been provided for in the Bill. On those matters which touch on the privileges and immunities of honourable members of this House, the Standing Committee on Legal, Rules and Privileges urged the learned Counsel to the Community to bring a one page Bill to this House, so that Members can operationalise what the Treaty has already said. If we do that through a protocol, it will be put beyond the reach of this House. The Treaty is very clear as to the place of protocols and how protocols may be amended. Once a protocol has been signed by Heads of State, they become part of the Treaty.

As you know, the Treaty can only be amended by the Summit, but not by this House. But why do we need to take a matter that is already provided for in the Treaty to the Summit? All we need to do is to operationalise the relevant provisions of the Treaty through a Bill. That would bring to an end the harassment we encounter at the

border points within East Africa. By so doing, Members of this House will visit their constituency without hindrance. Other East Africans will therefore see the benefits of the Community.

Mr. Speaker, sir, the other issue that the learned Counsel to the Community raised relates to the free movement of people. As I said earlier, this Community is wrought with constitutional, legal, administrative and other difficulties. The Council of Ministers met over a year ago and in their wisdom decided to pass a resolution that free movement of people should be effected through administrative means. It is more than one year now, but nothing is in place to show for this.

The Counsel to the Community says they are preparing a manual with regard to the free movement of persons. The amount of business that has been affected by not implementing this decision of the Council and the amount of frustration that the people of East Africa go through is agonizing. Members of this House urge the Council of Ministers to bring Bills to this House relating to the free movement of people, goods and services.

If we in this House do not know that there is free movement of persons, how do you expect the ordinary East African to get to know that they are free to move around? Why do we have such delays? This is the most critical point if we have to move into the integration process. East Africans should be free to move around in their territory and sell their goods and services. This issue was approved more than a year ago and it has not been operationalised. We owe a lot of

explanations to East Africans! With those remarks, I beg to move.

*(Question on the Motion put and agreed to)*

## BILLS

### COMMITTEE STAGE

*[The House in the Committee of the Whole House and the Chairman presiding]*

#### **The Laws of the Community (Interpretation) Bill, 2003**

*(Clause 1 agreed to)*

#### **Clause 2**

**Mr Kaggwa:** Mr. Speaker, sir, I beg to move that the definition of “gender” be amended to mean “he or she as stipulated in the Treaty.”

*(Question on the amendment put and agreed to)*

*(Clause 2 as amended agreed to)*

*(Clauses 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78 and 79 agreed to)*

#### **Clause 80**

**Dr. Mwakyembe:** Mr. Chairperson, sir, I need some guidance here. What implications will this clause have in relation to the commitment already made by Partner States that laws of the Community will have precedence over

national laws? What message are we sending here under Clause 80?

**Mr Mwatela:** Mr. Chairperson, sir, I support the views expressed by Hon. Dr. Mwakyembe. We are operating under the Treaty, which addresses the issue adequately.

**Mrs. Kate Kamba (Tanzania):** Mr. Chairperson, sir, I also agree that the Treaty is the mother law, and we should go by it. So, Clause 80 should be deleted.

**Mr Kaggwa:** Mr. Chairperson, sir, I do not see any inconsistency between Clause 80 and the Treaty. My understanding of this clause is that the Partner States will have the right to make laws in as far as they are not inconsistent with the Treaty. That is my interpretation of this clause.

**Mr Ogalo:** Mr. Speaker, sir, what this means is that if we make a law here, it will not affect the right of any government unless it is expressly provided in that enactment. But I seem to be persuaded by the arguments of Hon. Dr. Mwakyembe that in view of the Treaty, Clause 80 is actually redundant.

**Mr Kaahwa:** Mr. Chairperson, sir, when you read Clause 80 as it is, it appears to run contrary to the intent and wording of paragraph (4) of Article 8. It even seems to contravene what is provided for in paragraph (2), which provides for the conclusion of the enabling laws.

Each of the Partner States has an enabling law, which incorporates this Treaty. But here, it seems to be a saving provision to save those pre-existing rights, and save those interests of the governments, which are not the concerns of the Community.

The whole intent of Article 8 is to draw a demarcation between matters that are Community in nature and those that are within the sovereignty of the Partner States. I therefore propose a re-wording of Clause 80 as follows:

“Save as is provided in Article 8 of the Treaty, no enactment shall...”

The alternative is to have a proviso, which reads as follows:

“Provided that the provisions of Article 8 of the Treaty...”

This will ensure that we are not contravening the Treaty and save the pre-existing rights of the Partner State governments. Thank you.

**Mr Ogalo:** Mr. Chairperson, sir, I have a problem with that. We are looking to the future. This refers to the laws we shall pass in future and any law we will pass in future will definitely affect the rights of the Partner States.

**Mr Kaahwa:** Before we delete Clause 80, I would like to say that it is correct that we are referring to the future here. But then, we also considered rights, which might pre-exist at this time or at the time when we shall be enacting the laws of the Community in future. I looked at the two and separated them. There is enactment, the future and rights, which may pre-exist at the stage where we are. Thank you.

**Mr Ogalo:** Mr. Chairperson, sir, my fear is for us to limit the power which we have by saying that if there are certain rights in the Partner States, we shall not touch them by the enactments which we are going to make. That is my fear. If this does not do any harm, I am persuaded that we delete it.

**Mr Kaggwa:** Mr. Chairperson, sir, I thought when the Counsel to the Community separated the saving aspect and the enactment he was going to go ahead and tell this House the way forward. When you read Article 8(4) of the Treaty, it limits the precedence of the laws of the East African Legislative Assembly. But those other laws that do not pertain to the implementation of this Treaty, the Partner States have a right to legislate on. This is the impression I get by this provision.

**Mrs. Sarah Bagalaaliwo (Uganda):** Mr. Chairperson, sir, I think my learned friends should agree that this is just a hanging clause, and we seem to be hanging on to the provisions or powers within the different states rather than moving forward.

**Mr Kangwana:** Mr. Chairperson, sir, I think we have no choice but to delete this particular clause. If we do not do so, we would be indulging in an exercise of self-censorship. I do not think I can support what hon. Kaahwa said.

*(Question on the amendment put and agreed to)*

*(Clause 80 deleted)*

*(Title agreed to)*

**Mr Kangwana:** Mr. Chairperson, sir, I beg to move that the House do resume and the Committee of the Whole House reports its consideration of the “Laws of the Community (Interpretation) Bill” and its approval with amendments.

*(Question put and agreed to)*

*[The House resumed]*

*[The Speaker in the Chair]*

**REPORT OF THE COMMITTEE OF  
THE WHOLE HOUSE**

**The Laws of the Community  
(Interpretation) Bill, 2003**

**The Chairperson Committee on Legal, Rules and Privileges (Mr Kangwana):** Mr. Speaker, sir, I beg to report that the Committee of the Whole House has considered the Bill entitled the “Laws of the Community (Interpretation) Bill, 2003” and approved the same with amendments.

**Mr Kaggwa (Uganda):** Seconded.

**Mr Kangwana:** Mr. Speaker, sir, I beg to move that the House do agree with the Committee in the said Report.

*(Question put and agreed to)*

**BILLS**

**THIRD READING**

**The Laws of the Community  
(Interpretation) Bill, 2003**

**Mr Kangwana:** Mr. Speaker, sir, I beg to move that the “Laws of the Community (Interpretation) Bill, 2003” be read a Third Time.

**Mr Kaggwa (Uganda):** Seconded.

*(Question put and agreed to)*

*(The Bill was read the Third Time and  
accordingly passed)*

**The Speaker:** Honourable members, that brings us to the end of our business today. The House is therefore adjourned until Tuesday at 2.00 p.m.

*The House rose at 4.40 p.m. and  
adjourned until Tuesday, 30 July 2003*