



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

FIFTH MEETING– SECOND SESSION – THIRD ASSEMBLY

Wednesday, 26 March 2014

The East African Legislative Assembly met at 2:35 p.m. in the EALA Chambers, EAC Headquarters, Arusha, Tanzania

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable Members, I wish to welcome you to today's sitting. In a special way, following yesterday's very important session, I want to congratulate you upon warmly receiving H.E. Uhuru Kenyatta, the President of the Republic of Kenya, and Chairperson of the Summit of the East African Community Heads of State. Thank you very much and congratulations. *(Applause)*

The Commission sat this morning, and the approved program for this session will be coming through on your e-mails through a circular. So, take note and look at it so that you can be able to adjust accordingly. Thank you very much.

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE REVIEW OF THE RULES OF PROCEDURE OF THE ASSEMBLY

The Chairperson of the Committee on Legal, Rules and Privileges (Ms Dora Byamukama) (Uganda): Madam Speaker and hon. Members, I beg to move a motion that the report of the Committee on Legal, Rules and Privileges on the review of the Rules of Procedure of the Assembly be adopted. I beg to move.

The Speaker: Seconded by hon. Valerie Nyirahabineza, hon. Hafsa Mossi, hon. Abdul Karim Harelimana and hon. Christophe Bazivamo. Proceed, hon. Dora Byamukama.

Ms Byamukama: Madam Speaker and hon. Members, the report of the Committee on Legal, Rules and Privileges on the review of the Rules of Procedure of the Assembly reads as follows:

INTRODUCTION

Madam Speaker, In accordance with Articles 49(2) and 60 of the Treaty for the Establishment of the East African Community and Rules 83 of the EALA Rules of Procedure, the Assembly is mandated to make or amend its own rules of procedure. In accordance with Rule 79(2) and Annex 5(B)(iii)(g) of the Rules of Procedure, the Committee on Legal Rules and Privileges is the one mandated to receive and dispose of proposals for the amendment of the Rules of Procedure.

The Committee having received proposals from Members, either formally or through various debates, decided to form a sub-committee to scrutinize the proposed amendments. The subcommittee met in Kigali in September 2008 and made its initial recommendations. The office of the Clerk was mandated to further scrutinize proposals and make any other inputs. A task force from the Office of the Clerk was formed and it came up with a number of its own proposals.

The Sub-Committee was then convened from 7th – 8th October 2013 in Arusha to finalize its recommendations, contained herein. The Sub-Committee then submitted its report to the Committee in October 2013 in Bujumbura, Burundi, and the report was adopted.

Justification for the Proposed Amendments

The existing Rules of Procedure of the Assembly were adopted by the first Assembly elected under the Treaty on 28th November 2001. The Rules were amended in 2008, mainly to take care of the expanded membership of the Assembly, following the admission of the Republics of Burundi and Rwanda. However, over the now twelve years of application of these rules. Members have on several occasions expressed the need to amend certain provisions of the Rules, either for purposes of providing clarity, consistency and/or practicability; or to take into consideration new developments. Notable among the new developments are:

- i. The Administration of the East African Legislative Assembly Act, which came into force in 2012, established the EALA Commission with functions akin to the function hitherto performed by the then House Business Committee (HBC). Subsequently, the House on 13th September 2012 adopted a Resolution to elect the EALA Commission, and consequently disband the House Business Committee. The Act provides how the Commission is elected and to table reports to the House.
- ii. The EALA Elections Act 2012 makes provision for, inter-alia, the procedure to be followed in notification of expiry of the term of the Assembly, the convening and chairing of the first meeting of the Assembly after an election, the transmission of the names of those elected, and the dissolution of the House upon the expiry of its five-year term.
- iii. The need to provide the time frame within which the Members are notified of the dates of the meetings of the Assembly.
- iv. The challenges faced in implementing certain provisions of the Rules.

Arising out of the above, the proposed amendments seek to:

- i. Provide clarity and consistency in the Rules for ease of application of the rules;
- ii. Eliminate the provisions in the Rules that are deemed impracticable to implement;
- iii. Make provisions for election and tabling of Reports of the Commission;
- iv. Make rules consistent with the provisions of the East African Legislative Assembly Elections Act, 2012;
- v. Provide the procedure to be followed in re-considering Bills returned by a Head of State;
- vi. The need to re-name and re-arrange the functions of existing Committees to reflect the reality on the ground.

Methodology

The Sub-Committee at its sitting in Arusha, Tanzania on 7th to 8th October 2013 considered the report of the past Sub-Committee and other relevant documents to review the Rules of Procedure. The Sub-Committee further recommended new amendments to the Rules of Procedure, which were captured into the reviewed attached matrix, considered the proposals of the amendments of the Rules, and also considered the Report of the Committee on the same.

Observations and Findings

The Committee generally dealt with amendments of the Rules that were proposed by reviewing them and highlighted the justification for every amendment. The Committee agreed with the amendments and a matrix was developed that will cover all the amendments to the Rules as recommended by the Sub-Committee, as well as by the Office of the Clerk. The amendments are attached to this report in a matrix form as Annex I. The proposed amendments herein are therefore a combination of proposals from the Sub-Committee, Chairpersons of Committees, the Commission, and the Office of the Clerk. They are presented in a chronological order in form of a matrix, which provides the Rule to be amended, the proposed amendment(s) and the justifications.

Acknowledgement

Madam Speaker, the Committee would like to express its appreciation to the Office of the Rt. Hon. Speaker for leave to carry out this important exercise, and the Office of the Clerk of the EALA for providing logistical and technical support during the meeting.

Finally, appreciation also goes to the EALA staff that assisted the Committee in executing its duties effectively.

Thank you, Madam Speaker. But, if you want me to go into the matrix, I will do that.

The Speaker: Thank you, hon. Dora Byamukama. There are normally two aspects; the matrix, which is now reflected as the annex, is normally presented when we start going to the Bill's Committee Stage, and I think that is normally the procedure. Ordinarily, we should now have the opportunity to debate whereby Members should express their views on this important exercise. I think this is the time for us to debate the report, and then after that we shall be able to go to the committee stage because this is very important.

Hon. Members – (Interjection) – clarification? Okay.

Ms Byamukama: Madam Speaker, with due respect, I think because the matrix is part of the report, the report would be inconclusive without me going through the matrix - with your permission- so that the Members can have an idea on what is entailed in the matrix so that when they debate, they are able to underscore and maybe comment on the same, and maybe more especially for record purposes. Unless maybe you want us to deem that this report is adopted in conjunction with the matrix, I would crave for your guidance on this as well.

The Speaker: Thank you. I think what we shall have to do is not to term them as annex because normally the annex comes later. So, I think what you do, you move that it is part and parcel of the report, and then you move to go through this matrix. It is important that Members get to know what exactly is contained in there.

Ms Byamukama: Madam Speaker and hon. Members, I beg to move that the annex referred to as “Annex 1”, be part of the report as noted in the report, and with the guidance of the Speaker, I would like to move quickly to what the annex entails.

**Matrix of the Amendment of the East African Legislative Assembly Rules of Procedure
The Committee on Legal, Rules and Privileges**

Old Rule	Amendments/Action	New Rule	Justification
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PART I

PRELIMINARY

Interpretation

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| <p>1. “<i>Assembly</i> “ means the East African Legislative Assembly established under the Treaty, also referred to herein as the “House”,</p> | <p>Delete and add some new wordings</p> | <p><i>“Assembly means the East African Legislative Assembly established by Article 9 of the Treaty’</i></p> | <p>As defined by the Treaty for the establishment of the EAC</p> |
| <p>2. To define the new word ‘Bar’</p> | <p>The Committee recommends that there is a need to define the term</p> | <p>“Bar” to mean “<i>A place designated in the Assembly where a Member</i></p> | <p>To define the word bar as used in the rules.</p> |

- “Bar” in accordance with the provisions of sub rule (1) and (2) of Rule 51. *who is found guilty of uttering defamatory statement against any Member, shall stand and offer an apology”*
3. “Bill” means the draft of an Act of the Assembly and includes Bills initiated by private members, Chairperson of a Committee and the Council; Delete and add some new wordings *“Bill” ‘means the draft of an Act of the Assembly and includes both a private members Bill and Council of Ministers Bill’.* As defined in the Acts of the Community Act 2004
 4. “Clerk” means the Clerk of the Assembly or such other person as is for the time being performing the duties of the Clerk by direction of the Speaker; Delete and insert new definition *“Clerk” ‘Means the Clerk of the East African Legislative Assembly appointed under Article 48 of the Treaty’.* As defined by the Treaty for the establishment of the EAC
 5. “Community” means the East African Community established by the Treaty; Add new wordings to definition *“Community” to read as ‘means the East African Community established by Article 2 of the Treaty’.* As defined by the Treaty for the establishment of the EAC
 6. Introduce a new word for interpretation, “Commission” Provide definition for the word ‘Commission’ *“Commission” ‘means the East African Legislative Assembly Commission established by section 3 of the Administration of East African Legislative Assembly Act 2012’;* The Word ‘Commission’ needs to be defined by the Rules of Procedures; Definition as provided for in the Act
 7. “Council” means the Council of Ministers of the Community established under the Treaty; Add new wordings to definition *“Council” ‘means the Council of Ministers of the Community established by Article 9 the treaty’.* As defined by the Treaty for the establishment of the EAC
 8. “Functions” includes powers and duties; Delete the wording The word is idle/Redundant as duties are the same as functions

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| 9. Introduce a new word for interpretation “House” | Provide definition for ‘House” | <i>“House” ‘means the Assembly’</i> | The Word ‘House’ commonly used interchangeably with Assembly |
| 10. “Journal of the House” means all proceedings of the House recorded by the Clerk.” | Deletion of the phrase | | It is already defined under Rule 22 |
| 11. “Member” means a Member of the Assembly elected pursuant to Article 50 of the Treaty by National Assembly of each Partner State, and includes ex-officio members provided for under Article 48 (1) (b) of the Treaty. | Delete and insert some new words | <i>“Member” means a Member of the Assembly as provided for under Article 48 of the Treaty;</i> | To adopt terms as used in the Treaty |
| 12. “Official Gazette” means the official gazette of the Community; | Delete word ‘official’ | <i>Gazette” ‘means the official gazette of the Community;</i> | As defined by the Treaty for the establishment of the EAC |
| 13. “National Assembly” means the legislature of any Partner state; | Define as per Treaty | <i>“National Assembly” ‘with its grammatical variation and cognate expression means the national legislature however designated of the Partner states’;</i> | As defined in the Treaty |
| 14. “Partner States” means the Partner States of the Community as defined under the Treaty; | Add some new wordings | <i>“Partner States” ‘means the Partner States of the Community established under Article 3 of the Treaty’;</i> | For consistency with the Treaty for the establishment of the EAC |
| 15. To clarify further in the definition the word <u>“Session”</u> | The Committee recommends that the term (word) <u>“Session”</u> be clarified further in the definition. | <i>“Session” “means the sittings or series of meetings of the Assembly when it first meets after its prorogation or dissolution and terminating when the Assembly is</i> | Clarity |

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| 16. “Treaty” means the Treaty of 1999 for the Establishment of the East African Community. | Delete certain words | <i>prorogued or dissolved.”</i>
<i>“Treaty” ‘means the Treaty for the Establishment of the East African Community and any annexes and protocols thereto’.</i> | As defined by the Treaty for the establishment of the EAC |
| 17. To define the word “vote on account” | The Committee recommends that a “vote on account” be defined and also explained in Rule 76(c). | <i>“Vote on account” “means a special provision by which the Council shall obtain the vote of the Assembly for an amount sufficient to incur expenditure on various items for a part of the year.”</i> | Clarity and to ascertain the terms used in the rules |

**PART II
GENERAL**

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| 18. Rule 2 titled Seat of the Assembly | The Committee recommends deletion of the Rule | | It contravenes Article 55 of the Treaty |
| 19. Rule 3 titled Independent Mandate, Privileges and Immunities. | The Committee recommends insertion of the word “powers” in the sub heading | Which will read Independent Mandate, Privileges, Immunities and powers | For purpose of the Rule 3(4) of the Rules of Procedure of the Assembly |
| 20. Rule 3 (2) Members of the Assembly shall enjoy privileges and immunities in accordance with the provisions of Article 61 of the Treaty. | The Committee recommends deleting of 3(2) | | No value addition and clarity.

The privileges and immunities already provided for under Article 61 of the Treaty |
| 21. Rule 3 (3) ‘Passes to allow Members to move freely in the | Delete | Rule 3 (3) – delete | It is not practicable as Clerk has no authority to |

Partner States shall be issued to them by the Clerk of the Assembly as soon as he or she has been notified of their election’.

issue Inter-State passes

22. Rule 4 (1) ‘Incompatibilities resulting from national legislation shall be notified to the Assembly, which shall take note thereof and act accordingly’.

Delete

Rule 4 (1) - delete

Article 8(4) of the Treaty provides for the Community laws to take precedents on national laws. Therefore incompatibility is not envisaged
Clarity

23. Rule 4(2) ‘Where the competent authorities of a Partner State notifies the Clerk of appointments to an office incompatible with the office of Member of the Assembly, upon receipt of written confirmation from such Member, the Speaker shall inform the Assembly which shall establish that there is a vacancy’.

Delete

Rule 4 (2) – delete

**PART III
PROCEEDINGS IN A NEW ASSEMBLY**

24. Rule 5

Insert a new Rule, Title: Rule 5: ‘Notification of the first sitting of the new Assembly’

Rule 5, *‘The Clerk shall at least 14 days prior to the first sitting of the new Assembly, notify the elected Members of the House through the*

To give Clerk clear time lines within which to notify new Members of date of first sitting

25. Rule 5 titled 'list of Members to be Laid' and Rule 6 titled 'Administration of Oath'

Insert new Rule 6 by combining Rule 5 and 6, titled: 'List of Members and Administration of Oath'

Clerks of the National Assemblies of the Partner States the date and the venue of the first sitting'.

6 (1) *'On the first day of a new House pursuant to the names transmitted to the Clerk by the Speaker of the National Assembly of each Partner State as per section 5 of the East African Legislative Assembly Elections Act 2012, the list of the Members of the House shall be read out aloud and laid on the Table by the Clerk'.*

6 (2) *'No Member shall sit or vote in the Assembly before taking the Oath or Affirmation of Allegiance to the Treaty'.*

6 (3) *'The Clerk shall administer the Oath or Affirmation /Allegiance to the Members'.*

6 (4) *'When a Member first attends to take his or her seat other than at the first sitting of a new House, he or she shall be brought to the Table by two Members and presented by them to the Speaker who shall then administer the Oath or Affirmation of Allegiance to him or her'.*

In conformity with the East African Legislative Assembly Elections Act of 2012,

Member should be sworn in before transaction of any business including election of Speaker

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| 26. | Rule 7 (1) <i>'The Speaker shall be elected by the Members from among their number on rotational basis'</i> . | To be amended to read as | <i>7(1), 'The Speaker of the Assembly shall be elected on rotational basis by the elected Members of the Assembly from among themselves to serve for a period of five years'.</i> | Consistent with Article 53 of the Treaty |
| 27. | Rule 7(7) <i>'At an election of a Speaker the Clerk shall invite nominations from Members present'</i> . | To be amended to read as | <i>7(7), 'At the election of the Speaker the Clerk shall invite secondment by at least two Members for the candidates nominated'.</i> | For clarity between nomination under Rule 7(3) and need for secondment in the floor |
| 28. | Rule 7(9) | Rule 7 (9) (e) to shift to Rule 7 (9) (b).

Re-number the rest of Sub-Paragraphs | <i>7 (9) (b) 'A candidate may by written notice to the Clerk, withdraw his or her name before a ballot is started, and in the event of such withdrawal, the Clerk shall delete the name of that candidate from any ballot papers issued for that or any subsequent ballot'.</i> | Logical flow |
| 29. | | Rule 7 (9) (e) to be amended | <i>7 (9) (e) "A Member shall not be elected as Speaker unless he or she is supported by votes of two-thirds of all Members of the House'.</i> | To make clear of the two thirds majority requirement irrespective of the number of candidates |
| 30. | | Insert new <i>Rule 7 (9) (f)</i> | <i>7 (9) (f) 'When no candidate receives support of two-thirds of all Members under paragraph 'e', a further ballot shall be held for the first two candidates'.</i> | |
| 31. | | Insert new <i>Rule 7 (9) (g)</i> | <i>7 (9) (g) 'the candidate who receives the highest number of votes in the</i> | Clarity of procedure and avoidance of doubt |

32. Rule 9 (7) If the Assembly passes the motion for the removal of the Speaker by not less than two-thirds majority of elected members of the Assembly, the Speaker shall cease to hold office.
- The Committee also recommends amendment of 9(7) to delete first four words and redraft as follows:
- second ballot shall be declared elected. In the event of a tie, elections shall be held again between the two candidates’.*
- 9 (7) “Upon passing the motion for the removal of the Speaker by not less than two thirds majority of elected Members of the Assembly, the Speaker shall cease to hold office”.
- For clarity

**PART IV
SITTINGS AND ADJOURNMENTS OF THE HOUSE**

33. Rule 10: Prayer
- Substitute Rule 10 with a new Rule 10 titled: ‘Notification of Meetings of the House’
- Rule 10 ‘*The Clerk shall at least 14 days prior to the date of the commencement of any meeting of the House, notify the Members of the date, venue and the proposed business of the meeting’.*
- Prayer already exists under Rule 16 (4).
 - Rule 10 is to give Clerk clear time lines within which to notify Members of dates and venue of next meeting.
34. Rule 11 (2) - Whenever during a session the House stands adjourned, whether or not a day has been appointed for the next meeting; the Speaker shall at any time he considers expedient, giving reasonable notice, call a special meeting.
- Add some new words
- Rule 11 (2) ‘*Whenever during a session the House stands adjourned, whether or not a day has been appointed for the next meeting; the Speaker shall at any time he or she considers expedient, giving reasonable notice, call a special meeting’.*
- To provide for both gender

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| 35. | Rule 11 (3) - A sitting of a House is duly constituted when it is presided over by the Speaker or such other Member as may be elected under Article 56 of the Treaty. | Add some new words | <i>Rule 11 (3) 'A sitting of a House is duly constituted when it is presided over by the Speaker or such other Member as may be elected under Article 56 of the Treaty and in accordance with Annex 3 of these Rules'.</i> | To make reference to procedure for election of a Member to preside. |
| 36. | <i>Rule 11 (4) - Any Committee may request the Speaker with reasons, that any meeting of the Assembly be held in a place other than its seat and the Speaker shall put the request before the House but if the matter is urgent the Speaker shall take a decision and any rejection of such request shall state the reasons thereof. &</i>

<i>Rule 11 (5) - The Assembly shall hold its sittings and its committee meetings at the place fixed as its seat under the provisions of Rule 2.</i> | <i>Rule 11 (4) and (5) to be deleted</i> | Delete Rule 11 (4) and (5) | In conflict with the provisions of Article 55 (1) of the Treaty and Rule 11 (7) |
| 37. | <i>Rule 11 (6) - The House shall sit on Tuesdays, Wednesdays and Thursdays.</i> | Add some new words | <i>Rule 11 (6) 'The House shall ordinarily sit on Tuesdays, Wednesdays and Thursdays'.</i> | To give lee way for House to meet on any other day |
| 38. | <i>Rule 11 (7) - The Assembly may, on a resolution adopted by a majority of its Members,</i> | Re-draft to conform with the Treaty | <i>Rule 11 (7) - 'The meetings of the Assembly shall be held at such times and places as the Assembly may</i> | In conformity with the Treaty. |

decide to hold one or more sittings elsewhere within the Partner States, other than at its seat.

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| 39. | Rule 12 (1) - Sittings shall unless the Speaker otherwise directs, ordinarily commence at 9:00 o'clock in the morning up to 1:00 o'clock in the afternoon, and resume at 4:00 o'clock in the evening and conclude at 6:00 o'clock in the evening; on Tuesday, Wednesday and Thursday. | Delete and insert some new words | <i>appoint and shall meet at least once in every year at Arusha in the United Republic of Tanzania and at a time to be determined by the Assembly'.</i> | <i>Rule 12 (1) - "Sittings" shall unless the Assembly otherwise resolves, ordinarily commence at 9.00 a.m. in the morning up to 1.00 o'clock in the afternoon, and resume at 2.30 p.m. afternoon and conclude at 6.30 p.m.</i> | <i>To conform to actual practice</i> |
| 40. | Rule 12 (3) - The Speaker shall at the close of business of a meeting announce the time and date of the next meeting. | Delete and insert some new words | Rule 12 (3) - 'The Speaker shall at the close of business of a sitting announce the time and date of the next sitting'. | | Substituting meeting with sitting |
| 41. | Rule 12 (4) -The House Business Committee shall fix the time when a sitting of the House is adjourned sine die. | Delete and insert some new words | Rule 12 (4) -'The Commission shall fix the time when a Meeting of the House is adjourned sine die'. | | <ul style="list-style-type: none"> - HBC replaced by commission; - Time for 'sitting' are prerogative of Speaker; - Commission can only fix dates of Meetings |
| 42. | Rule 13 (1) 'The quorum of the House or of the Committee of the Whole House shall be half of the elected Members: | The committee recommend the amendment of Rule 13 (1) to read as: | 13(1) 'The quorum of the House or of the Committee of the Whole House shall be half of the elected | | For clarity |

Provided that such quorum shall be composed of at least three of the elected Members from each Partner State’.

Members and such quorum shall be composed of at least 1/3 of the elected Members from each Partner State’.

43. Rule 14 titled Adjournment of the House

The Committee recommends that rule 14 be rearranged and amended as follows:

14 (1) ‘A member may at any time, for reasons stated, seek leave to move “That, this House do now adjourn to debate a matter of urgent public importance’.

For ease of flow and clarity

14(2) ‘No Member seeking such leave should speak for more than twenty minutes without leave of the House’.

14(3) ‘An adjournment under sub rule (1) shall be for the purpose of debating a definite matter of urgent public importance’;

14(4) ‘Unless it appears to the Speaker that the motion is an abuse of the Rules of the House or an infringement of the rights of any Member, the Speaker shall put the question on the motion without debate’.

**PART V
ORDER OF BUSINESS**

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| 44. | <p>Rule 16(3) ‘The Order Paper shall be prepared by the Clerk, showing the business to be placed before or taken by the House in the order in which it is to be taken, together with such other information as the Speaker may from time to time direct to be shown therein and such Order Paper shall be circulated as early as possible before the House meets’.</p> <p>Rule 18 (1) ‘The Clerk shall, on instructions of the Speaker, draw up the order of business for each sitting’.</p> | <p>The Committee recommends that rule 16(3) be merged with Rule 18(1) and read as follows:</p> | <p>“16(3) <i>‘On instructions of the Speaker, the Order Paper for each sitting shall be prepared by the Clerk, showing the business to be placed before or taken by the House in the order in which it is to be taken, together with such other information as the Speaker may from time to time direct to be shown therein and such order paper shall be circulated at least 24 hours before the House meets’.</i></p> <p>(Note one day requirement conflicts with the provision of the Proposed Rule 18(2)(b)</p> | <p>Clarity and avoidance of scanty similar information</p> |
| 45. | <p>Rule 16 (4)</p> | <p>Combine Rule 16 (4) (a) with Rule 16 (4) (b) & (c)</p> | <p>Rule 16 (4), <i>‘The business of the House shall be transacted in the following order:-</i></p> <ul style="list-style-type: none"> <i>a. prayer, in the form prescribed in Annex 1 of these Rules;</i> <i>b. Administration of Oath;</i> <i>c. Election of Speaker;</i> <i>d. Communication from the Chair;</i> <i>e. Other business as set down on the Order Paper.</i> | <ul style="list-style-type: none"> - Existing provision is confusing; - For clarity regarding order of transaction of business; - Determination of the business is prerogative of speaker under Rule 16 (1) |

**PART VI
QUESTIONS TO THE COUNCIL OF MINISTERS**

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| 46. | Rule 17(2) ‘Questions to the Council shall be referred to the Council at least three weeks before the sitting on whose Order Paper they are to appear’. | The Committee recommends that Rule 17(2) be amended by deleting the word ‘three’ and replace by the word ‘two’ | Rule 17(2) ‘Questions to the Council shall be referred to the Council at least two weeks before the sitting on whose Order Paper they are to appear’. | Value addition |
| 47. | Rule 17 (6)- Each Member may ask one priority question each month | Delete Rule 17 (6) | Delete Rule 17 (6) | It is not practical |
| 48. | Rule 18(1) The Clerk shall, on instructions of the Speaker, draw up the order of business for each sitting. | Delete Rule 18(1) | | Merged with Rule 16(3) |
| 49. | Rule 18 titled Procedure of Business | The Committee recommends re arrangement of rule 18 as follows:

18(2) becomes 18(1); 18(3) becomes 18(2) and 18(4) becomes 18(3). | 18(1) ‘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 be placed on Order Paper for the next sitting and shall be given priority’.
18(2) ‘The Clerk shall send to each Member a copy of the order of business for each sitting.
(a) In the case of the first sitting of a meeting at least 48 hours before the sitting.
(b) “In case of any other sitting, at | Chronological order |

least 24 hours before the Sitting”.

18(3) ‘The Clerk shall keep a book to be called Order Book in which he or she shall enter and number in succession, all matters intended for discussion at each meeting’.

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| 50. | Rule 19 titled Notice of Questions | The Committee recommends the title of Rule 19 to be amended to read:”Questions” instead of “Notice of Questions”. | Rule 19 titled ‘ <i>Questions</i> ’ | Consistency |
| 51. | Rule 19(1) Notice of questions shall be given by Members in writing to the Clerk who shall forward them to the Council and such notice shall state whether the question is for an oral or written answer. | The Committee recommends that Rule 21(1) becomes Rule 19(1) and current Rule 19(1) become Rule 21(1) | 19(1) ‘ <i>The Chairperson of the Council or any other Member of the Council upon delegation by the Chairperson shall answer any question put to the Council</i> ’. | Consistency |
| 52. | Rule 20 titled Time Limit for Answering Questions | The Committee recommends that the title of Rule 20 be amended | The title of Rule 20 to read as “ <i>Question and Answers session</i> ” | Clarity |
| 53. | Rule 20(1) ‘Priority questions or question which require immediate answers but not detailed research shall be answered within three weeks’. | <i>Rule 20(1) to be amended as read</i> | <i>Rule 20(1) ‘Priority questions or question which requires immediate answers but not detailed research shall be answered within two weeks’.</i> | Efficiency |
| 54. | Rule 21 titled Answers to Questions | The Committee recommends that Rule 19(1) becomes Rule 21(1) and current Rule 21(1) become Rule 19(1) | <i>21(1) ‘Notice of questions shall be given by Members in writing to the Clerk who shall forward them to the Council and such notice shall state</i> | Consistency |

whether the questions is for an oral or written answer’.

21(2) ‘The Chairperson of the Council and in his or her absence, any other Member of the Council shall answer any question put to the Council’.

21(3) ‘The answer to any question requiring a written answer shall be put before the House and shall be published in the official journals of the House’.

21(4) ‘The Chairman or any other Member of the Council of Ministers shall ensure that questions are fully answered to the satisfaction of a Member, and the answers are concise and relevant to the subject of the question’.

55. Rule 21(1) titled Answers to Questions, reads ‘The Chairman of the Council and in his or her absence, any other Member of the Council shall answer any question put to the Council’.
- 21(1) to be transferred to rule 19

21(1) to read as ‘Notice of questions shall be given by Members in writing to the Clerk who shall forward them to the Council and such notice shall state whether the question is for an oral or written answer’.

Consistency

**PART VII
JOURNALS AND RECORDS**

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| 56. | Rule 22 titled ‘Journals of the House’ reads <i>‘All proceedings of the House shall be recorded by the Clerk and shall constitute the Journal of the House’.</i> | The Committee recommends that title of rule 22 be amended. | Rule 22 titled ‘JOURNALS OF THE HOUSE AND SESSIONAL REPORTS’. And read as | Clarity and record keeping |
| | | | <i>“All proceedings of the House shall be recorded by the Clerk. Upon publication, they shall constitute the journals and Reports of the House”</i> | |
| 57. | Rule 25 titled ‘Confidential Matters’ | The Committee recommends that Rule 25(1) be brought/or put before 25(1) and read as follows: | 25(1) <i>‘The Speaker or the Chairperson in case of a Committee may, with the approval of the House or of Members of the Committee, and having regard to the matter under discussion order the House or Committee to move into a closed sitting’.</i> | Clarity |

**PART VIII
MOTION AND AMENDMENTS**

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| 58. | Rule 29(2) ‘Where a Member fails to move a motion at the time prescribed therefore by or under these Rules, such motion shall not be put in the Order Paper again during the same session except with leave of the Speaker’. | The Committee recommends deleting the word <i>“therefore”</i> from Rule 29 (2) and to read as follows: | <i>“29(2) ‘Where a member fails to move a motion at the time prescribed by or under these rules, such motion shall not be put in the order paper again during the same session except with leave of the Speaker’.</i> | To avoid superfluity |
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| 59. | Rule 30 titled ‘Motion withdrawn may be Moved’ | The Committee recommends that the title be deleted and replaced with the following words “ <i>withdrawal of motion</i> ” and be merged with Rule 34 | <i>Rule 30</i> titled “ <i>withdrawal of motion</i> ” | Clarity |
| 60. | Rule 32(1) ‘When a motion has been moved and if necessary seconded, the Speaker shall propose the questions thereon in the same terms as the motion, and debate may then take place upon that question’. | The Committee recommends deletion of the word “ <i>if necessary</i> ” from 32(1) first sentence. | <i>Rule 32(1) ‘When a motion has been moved and seconded, the Speaker shall propose the questions thereon in the same terms as the motion, and debate may then take place upon that question’.</i> | To avoid superfluity |
| 61. | Rule 34(1) ‘A motion or an amendment to the motion may be withdrawn at the request of the mover, by leave of the House or Committee, before the question is put’. | The Committee recommends amendment of 34(1) to read as follows: | <i>34(1): ‘A motion or an amendment to the motion may, with leave of the House or Committee be withdrawn at the request of the mover before the question is put’.</i> | Clarity |

**PART IX
RULES OF DEBATE**

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| 62. | Rule 38(6) ‘No Member shall read his or her speech but may read short extracts from written and printed papers in support of his or her argument and may refresh his or her memory by | The Committee recommends amendment of 38(6) to be split into two paragraphs to read as follows:
“ | 38(6)

(i) <i>No Member shall read his or her speech but may read short extracts from written and printed papers in support of his or her argument and</i> | Clarity |
|-----|---|--|--|---------|

reference to notes, and the Speaker may allow a Member to read his or her speech in particular cases where the Speaker is satisfied that this is necessary for precision in statement of facts’.

may refresh his or her memory by reference to notes.

(ii) The Speaker may allow a Member to read his or her speech in particular cases where the Speaker is satisfied that this is necessary for precision in statements of fact.

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| 63. | Rule 41 titled ‘Personal Explanations’ reads By the indulgence of the House a Member may explain matters of personal nature although there is no question before the House, but such matter may not be debated. | The Committee recommends amendment as follows: | <i>41 ‘With leave of the Speaker, a Member may explain matters of a personal nature although there is no question before the House but such matters may not be debated’.</i> | Clarity |
| 64. | Introduce a new Rule 43, titled Sub Judice | By extracting Rule 43(1) and make it an independent Rule 43

And Rule 43 change to Rule 44

Re-numbering the rest | <i>Rule 43: ‘Reference shall not be made to any matter of which judicial decision is pending in such a way as may, in the opinion of the Speaker, prejudice the interest of any party to the action’.</i> | Separation of powers and sanctity of Courts of Judicature |
| 65. | Rule 46(3) ‘When an amendment to a motion or a Bill proposes to leave proposes to leave out words and insert or add other words, the debate upon the question to leave out words may include both the | The Committee recommends that 46(3) be amended by deleting the words “ <i>proposed to leave</i> in the first sentence”. | <i>Rule 46(3) ‘When an amendment to a motion or a Bill proposes to leave out words and insert or add other words, the debate upon the question to leave out words may include both the words to be left out and those proposed to be inserted or added’..</i> | Avoid repetition |

words to be left out and those proposed to be inserted or added’.

66. Rule 47(d) titled ‘Interruption of debates and Members’ Speeches reads as ‘*Debate may be interrupted- upon matter of elucidation*’. The Committee recommends amendment of 47 (d) to read as: *47(d) ‘debate may be interrupted - upon point of information, clarification or elucidation’*. Clarity
67. Rule 49 (vi) titled ‘Conduct of Members during Debate’ reads as ‘During a sitting:- No Member shall bring into the House any lethal weapon, camera, tape recorder, transistor radio, mobile telephone, or other unauthorized electronic device;’. The Committee recommends that rule 49(vi) to read as follows: Rule 49 (vi) ‘Conduct of Members during Debate’ ‘No member shall bring into the House any unauthorized device. This list of unauthorized devices shall be made by the Commission and reviewed from time to time’’. Clarity

PART X

ORDER IN THE HOUSE AND IN THE COMMITTEE OF THE WHOLE HOUSE

68. Rule 50 titled Order in the House and in the Committee The Committee recommends insertion of a sub rule between 50(1) and (2), laying a principle from which sub rule 50(2) would flow as follows: Rule 50(2)“A Member contributing, debating in the House or Committee must ensure that his or her contribution is relevant to the subject, not tedious and does not use objectionable words.” Logical flow
- 50(3) *‘If a Member persists in*

Rule 50(3) ‘If a Member persists in irrelevance or tedious repetitions or uses objectionable words and on being called to order fails to retract or explain the words and offer an apology to the satisfaction of the Speaker, any member may, with the consent of the Speaker, move that the member using the objectionable words be no longer heard, and the question of that motion shall be put without amendment or debate’.

The Committee further recommends deletion of the words “with consent of the Speaker” from 50(3).

irrelevance or tedious repetitions or uses objectionable words and on being called to order fails to retract or explain the words and offer an apology to the satisfaction of the Speaker, any member may move that the member using the objectionable words be no longer heard, and the question on that motion shall be put without amendment or debate’.

Logical flow

69. Rule 51 (1) - Whenever in the opinion of the Speaker or a Member presiding in Committee a statement made by a Member is prima facie defamatory of any Member or person, the Member presiding shall refer the matter of inquiry to the Committee on Legal, Rules and Privileges which shall report its findings to the House not later than twenty one days after the matter is referred to it.

Delete some words

Rule 51 (1) - “Whenever in the opinion of the Speaker or a Member presiding in Committee a statement made by a Member is prima facie defamatory of any Member or person, the Speaker or the Member presiding shall refer the matter to the Committee on Legal, Rules and Privileges which shall report its findings to the House within 90 days or within such a period as may be practicable.”

Provision of reasonable time

70. Rule 52(3) ‘A motion moved

The Committee recommends that

52(3) ‘Notwithstanding the

Adherence to the general

under sub-rule (2) shall not require to be seconded and the question shall be put by the Speaker immediately’.

clause (3) of the same rule be amended by inserting at the beginning of the provision the group of words

provision of sub rule (1) of rule 33” a motion moved under sub-rule (2) shall not require to be seconded and the question shall be put by the Speaker immediately’.

principle of seconding a motion

71. Rule 54 ‘In accordance with the provisions of Article 58 of the Treaty, all questions proposed for decision of the House shall be determined by a majority of votes of the Members present and voting. The Speaker or the Chairperson of a Committee shall have neither an original nor a casting vote and if upon any question before the House the votes are equally divided, the motion shall be lost.

The Committee recommends that the Rule be amended by inserting the word “elected” immediately before the word “Members” appearing in the line 2.

The same Rule should be amended by getting new provisions from Rule 56. Members have agreed to transfer provisions of Rule 56 between the three paragraphs of Rule 54 and become sub rule (1), (2) and (3) of 54.

54(1) *‘In accordance with the provisions of Article 58 of the Treaty, all questions proposed for decision of the House shall be determined by a majority of votes of the elected Members present and voting.*

54(2) *The Speaker or the Chairperson of a Committee shall have neither an original nor a casting vote.*

54(3) *if upon any question before the House the votes are equally divided, the motion shall be lost’.*

Avoid ambiguity between Members who have the right to vote from the Ex-Officio Members who are not allowed to.

Preserve chronological arrangement

PART XI VOTING IN THE HOUSE

72. Rule 55(1) ‘A Member who is a party to or is a partner in a firm which is a party to any contract with the Community shall, in any proceedings in the House

The Committee recommends that the group of words “A Member who is a party to or is a partner in a firm which is a party to any contract” be substituted with the expression “a

55(1) *‘A member who is directly or indirectly involved in any contract with the Community shall, in any proceedings in the House relating to the contract, declare his or her*

Clarity

relating to the contract, declare his or her interest or that of the firm and shall not vote on any question relating to that contract’.

member who is directly or indirectly involved in any contract” to cater for other Members who might have been left out like spouse, child or any other member.

interest or that of the firm and shall not vote on any question relating to that contract’.

73. Rule 57 titled Manner of Voting reads as ‘When the question has been put by the Speaker or the Chairperson, on a decisional matter the votes shall be taken by show of hands, or by electronic voting and the result shall be declared by the Speaker or the Chairperson’.

The Committee recommends amendment to widen the provision by adding numerous types of voting as provided for under Article 82, 83 and 84 of the Rules of Procedures of the Parliament of the Republic of Uganda.

57(1) ‘When the question has been put by the Speaker or the Chairperson, on a decisional matter the votes shall be taken by show of hands, by voice voting, by secret ballot, by division of lobby or by electronic voting and the result shall be declared by the Speaker or the Chairperson’.

Availing voting methods

To exhaust all possible methods through which Parliaments vote.

As follows:

- Voice voting
- Secret ballot
- Show of hands
- Division of lobby
- Electronic

The Committee however noted that the electronic voting does not exist in EALA though it appears in its Rules of Procedures.

**PART XII
LEGISLATIVE PROCEDURES**

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| <p>74. Rule 60: Annual Legislative Programme</p> | <p>Change of title of the Rule 60</p> | <p>Rule 60: Programme of the Assembly</p> | |
| <p>75. Rule 60 (1), - Before the end of each year and following a debate and vote in the House on the Annual Program of the Community, the House Business Committee shall draw up the Legislative Programme for the following year.</p> | <p>Redraft and delete Rule 60(2),(3) and (4)</p> | <p>Rule 60 (1) (i) - <i>‘Before the end of each financial year the Commission shall draw up the Programme of the Assembly of the following financial year’.</i></p> <p><i>60(1) (ii) ‘the programme may be revised at the beginning of the second half of the financial year’.</i></p> | <ul style="list-style-type: none"> - The HBC no longer exists - Commission is not in the position to determine legislative programme - There is no such thing as annual programme of the Community - It is the duty of the Commission to manage and organise business of the Assembly |
| <p>76. Rule 63 ‘No Bill, motion or amendment shall be introduced in the House, which in the opinion of the Speaker or the House is likely to result in the derogation from the enjoyment of any of the particular Human rights and freedoms specified in the United Nations Charter for Human rights, United Nations</p> | <p>The Committee recommends amending the rule by inserting at the end of the provision “or any other human rights instruments to which one or more of the Members states is a signatory”.</p> | <p>63 “No Bill, motion or amendment shall be introduced in the House, which in the opinion of the Speaker or the House is likely to result in the derogation from the enjoyment of Human Rights and freedoms specified in the United Nations Charter for Human rights, United Nations Universal Declaration of Human Rights, and African Charter</p> | <p>To avoid the risk of leaving out any legislative instruments that may be applicable to the provision.</p> |

Universal Declaration of Human Rights, and African Charter on Human and Peoples Rights’.

77. Rule 66 (5) The Committee to which a Bill is committed shall present its report to the House within seven days of such committal and thereafter the Bill shall be read a second time on such a day as the Member in whose name the Bill stands, shall appoint: Provided that a Committee which does not complete its report within the given period may by leave of the House, continue its work on the Bill for a further seven days.
78. Rule 71(1) *‘On the adoption of a report on a Bill, the Third Reading may with the leave of the Speaker be taken forthwith and if not so taken shall be ordered to be taken on a day named by the Member in charge of the Bill’.*
- Delete provision of time frame and prerogative to Member to appoint date and the proviso
- The Committee recommends amendment under sub rule (1) by substituting the word “member” with “Speaker” and deleting the rest of the sub clause for the reason that is the Speaker who presides and makes a ruling on matters before the House.
- on Human and peoples Rights or any other human rights instruments to which one or more of the Partner States is a signator.”
- Rule 66 (5) “The Committee to which a Bill is committed shall present its report to the House within 90 days and thereafter, the Bill shall be read for the second time provided that a Committee which does not complete its report within the given period may by leave of the House, continue its work on the Bill for the further 30 days.”
- 71(1)“On the adoption of a report on a Bill, the Third Reading may with the leave of the Speaker be taken forthwith and if not so taken shall be ordered to be taken on a day named by the Speaker.”
- Not advisable to fix timelines that are not practicable
 - It is the prerogative of the Speaker under Rule 16 (1) to determine the order of Business of the House
- Clarity

New

PART XIII

BILLS RETURNED WITHOUT ASSENTS

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| 79. New Rule 72; Titled: Procedure to be followed of Bills returned by a President | Add a new Rule 72, titled: ‘Procedure to be followed regarding Bills returned by the President without the Assent’. | “Subject to Art. 63 of the Treaty”
72 (1); “The Speaker shall, after receiving notification from a president informing him or her about withholding his or her assent to a Bill, communicate to the House.”

<i>72 (2); ‘The Member in whose name the Bill stood shall lay the copy of the returned Bill and the reasons advance by the president on the Table of the House.</i>

<i>72 (3); ‘The Bill shall thereafter be referred to the relevant Committee for scrutiny and report’.</i>

<i>72 (4); ‘On the date appointed for reconsideration of the Bill, the Committee shall present a report to the House’.</i>

<i>72 (5); ‘The Bill shall then be recommitted for only those clauses to which the president objected’.</i> | To make provision for procedure on how to handle bills returned by the presidents |
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72 (6); *'The procedures laid out in Rule 71 shall then be applied'.*

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| 80. | PART XIII
BUDGETARY PROCEDURES | Part XIII named Budgetary Procedures change to be Part XIV and other part to be rearranged | PARTXIV
BUDGETARY PROCEDURES | Due to additional of a new Part XIII named Bills returned without Assents HBC is replaced with the Commission |
| 81. | Rule 73 (1) - Subject to the Provisions of the Treaty, the statement of Estimates of annual Revenue and Expenditure of the Community herein referred to as the Budget shall be presented to the House on such a day as the House Business Committee may appoint. | Omit the word House Business and replace with Commission | <i>73 (1) - Subject to the Provisions of the Treaty, the statement of Estimates of annual Revenue and Expenditure of the Community herein referred to as the Budget shall be presented to the House on such a day as the Commission may appoint'.</i> | |

PART XIV

COMMITTEES OF THE ASSEMBLY

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| 82. | Rule 78 (1) (d) : Standing Committees | Delete 78 (1) (d) | | HBC is replaced by the Commission |
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| 83. | Rule 78 (4) Subject to these Rules, the Chairman of each Standing Committee shall be elected by the Members of that Committee from among their number and shall serve for a term of two and half years except the House Business Committee. | Replace the House Business Commission with | 78 (4) <i>‘Subject to these Rules, the Chairperson of each Standing Committee shall be elected by the Members of that Committee from among their number and shall serve for a term of two and half years’.</i> | To conform with the Administration of EALA Act, 2011. |
| 84. | Rule 78 (5) Each elected Member shall serve on two Committees other than the House Business Committee provided that a Member may serve on three Committees to reflect equal representation by Partner States. | Replace the House Business Commission with | 78 (5) <i>‘Each elected Member shall serve on two Committees provided that a Member may serve on three Committees to reflect equal representation by Partner States’.</i> | HBC is replaced by the Commission |
| 85. | Rule 78 (6) The Membership of each Committee other than the House Business Committee shall be fifteen and quorum shall be at least half of the Members. | Replace the House Business Commission with | Rule 78 (6) <i>‘The Membership of each Committee shall comprise members fifteen and quorum shall be at least half of the Members’.</i> | HBC is replaced by the Commission |
| 86. | Rule 79: Functions of the Standing Committees | Omit the word House Business and replace with Commission | The word House Business Commission | HBC is replaced by the Commission |
| 87. | Rule 80 (1): Select Committee | Omit the word House Business and replace with Commission and cater | <i>Rule 80(1) “The House may, at any time, upon a motion made after</i> | To conform with the Administration of EALA |

	for the adhoc Committee	<i>notice given, appoint a select or ad hoc Committees to be nominated by the Commission, for the consideration or investigation of such matter(s) to the House “</i>	Act, 2011.
88.	Delete Rule 81: House Business Committee	Delete Rule 81	This is the matter of the Administration of the East African Legislative Assembly Act 2012 which establishes the Commission and its functions.
89.	New Rule 81: Commission	Insert new rule	To provide procedure for election of Members of the Commission and composition
		81 (1) <i>‘Members of the Commission shall be elected as soon as the Assembly is constituted and shall comprise the Speaker, the Chairperson of the Council who shall be an ex officio member and two members of the Assembly from each Partner State, elected by the Assembly’.</i>	
		81 (2) <i>‘The election of Members of the Commission shall be by secret ballot and in accordance with Section 3(2) of the Administration of EALA Act 2011 and shall hold office for two and a half years’.</i>	To conform with the Administration of EALA Act, 2011.
		81 (3) <i>‘Nominations for Members of the Commission shall be forwarded</i>	

to the Clerk by Members’.

81 (4) *‘The bi-annual reports of the Commission produced under Section 19 of the Act shall be laid on the Table by any Member of the Commission’.*

90.

**PRESENTATION OF REPORTS
BY MEMBERS REPRESENTING
THE ASSEMBLY**

86 (1) Within twenty one sitting days of return by an officially recognised parliamentary delegation or a delegation with some Members and staff of the Assembly, the head of the delegation or any Member acting on his or her behalf, shall present a report to the House on the activities of the delegation.

86 (2) After presentation of a report under sub rule (1) a limited debate may ensue.

91.

MINORITY REPORT

(1) Any Member or Members dissenting from the opinion of a majority of a Committee may state in writing the reasons for his or her or their dissent, and the statements of reasons shall be appended to the

92.

report of the Committee.

(2) The Member dissenting from the opinion of the majority of the Committee shall be given time to present the majority report at the time of the Committee report.

STATEMENTS BY MINISTERS

(1) A Minister may make a statement at the appropriate time on the sequence of business prescribed by rule 16 with the prior permission of the Speaker whether for the purpose of explaining EAC policy or action upon any matter in any EAC Partner State.

(2) No debate shall follow from the statement but elucidatory questions may, with the permission of the Speaker, be asked of the Minister making the statement.

**PART XVI
MISCELLANEOUS PROVISIONS**

93. Delete Rule 86: Dissolution of the Assembly
Re-write Rule 86

The Assembly shall stand dissolved up on the expiration of its term as prescribed by East African Legislative Assembly Election Act 2012. To conform with the East African Legislative Elections Act 2012.

ADDITIONAL RECOMMENDATIONS

Rearrange Committee functions and establishing new Committees

Madam Speaker, the proposal to increase Committees was considered but it was noted that, its practicability would be hampered by limited number of Members and budgetary constraints.

To that effect, it was decided that, functions of the Committees be rearranged as follows:

- i. Committee on Accounts to be named Finance and Audit and its functions to be; Audit report, Annual report and Budget report.
- ii. Committee on Legal Rules and Privileges functions among others to be; Good governance, election observation and monitoring, and intellectual property.
- iii. The Committee on Communication, Trade and Information, among other functions, to include; Science and technology
- iv. Agriculture, Tourism and Natural Resources to remain as it is.
- v. Regional Affairs and Conflicts Resolution among its functions; Election observation and monitoring
- vi. Committee on General Purpose to be re named Committee on Social Sectors and deal with all social and cultural affairs.

The meeting noted and proposed that allocation of Members to Committees should consider the aspect of experience and professionalism.

Finally, upon adoption of these proposals, the rules will be numbered accordingly.

Madam Speaker and hon. Members, I want to thank you for your patience, and I want to thank the Committee for its input. I pray that this House takes into consideration the recommendations, and that this will be useful in the amendment of the Rules of Procedure. I thank you and I beg to move.

The Speaker: Thank you very much, hon. Dora Byamukama, Chairperson of the Committee of Legal, Rules and Privileges. Thank you, Committee on Legal, Rules and Privileges because this has been a longstanding task, not just for the committee but to the House as it were, and looking at the genesis and the time, I think it is in order that we take off time to amend our Rules of Procedure because I think we have had a lot of developments as we have been growing into the integration agenda. So, I want to say that the report of the committee has been presented. I know ordinarily we should have debate opened but I have one observation that as we were going through the report some members did not carry their Rules, and that may be...I do not know how you want us to proceed.

Mr. Zein Abubakar (Kenya): Thank you, Rt. hon. Speaker. Allow me first to thank the Chair of this committee and this committee for the extensive work that has been undertaken and which has been tabled before this House. I stand on a matter of procedure, particularly bearing in mind that the Rules of Procedure of this House, and of any House, are very important, that they cover rights, responsibilities, duties, and obligations of Members, and that they touch on the same for committees as well as chapters.

It is my view, Madam Speaker, and I would like to persuade you and this House, that given the importance of this matter, it should not be treated as an ordinary motion under Rule 32 that exists currently. Therefore, we should consider the following: Firstly, we may need a bit of time for all of us to read, appreciate and internalize what is being proposed. Secondly, given that it touches on rights, which also include committee work, we should allow committees to consult internally. Thirdly, it might be of benefit if we took the approach we took to develop our strategic plan. This House should apportion appropriate time for us to meet in a technical working session outside of plenary to build consensus on the rules that we want, and then we come here to adopt and move amendments as the consensus would have reflected. I submit, Madam Speaker.

The Speaker: Thank you very much, hon. Zein.

Ms Susan Nakawuki (Uganda): Thank you very much, Rt. hon. Speaker. I would like to look under Rule 31 (c) of the Rules of Procedure of the House, which provides for the adjournment of debate in the House, and which for that matter, calls for a motion.

If you please, Madam Speaker, I beg your indulgence to move a motion to have debate of this report suspended to allow Members time to go and research, read and understand this report as it is a serious legal matter. Thank you, Madam Speaker.

The Speaker: You can proceed to move the motion.

Ms Nakawuki: Thank you very much – (*Interruption*) -

Mr. Mike Sebalu (Uganda): Thank you very much, Madam Speaker. I definitely appreciate the intervention of hon. Nakawuki, but hon. Zein raised a substantive issue on which we have not pronounced ourselves. Whether we adjourn debate, we should seriously take into consideration the proposals that he has made. So, I just wish to get clarity on the way forward given that he made a substantive contribution of how we need to proceed.

The Speaker: Thank you very much. Of course you have to appreciate that this is a committee report and it should be treated as such. It is not just an ordinary motion; it is actually a motion for the presentation of a report of a committee of this House. I want to appreciate that hon. Zein's observations were very pertinent, but there is no harm in hon. Nakawuki's proposal because the easiest way is through the adjournment of debate. We could actually achieve both through a motion for adjournment of debate, if the motion is moved, and then from there we can now dictate and propose how we shall move. I think that will be in order. So, hon. Nakawuki, you can proceed to move your motion.

Ms Nakawuki: Thank you very much, Rt. hon. Speaker. I beg to move in accordance with Rule 31 sub rule (c) of the Rules of Procedure of this Assembly that the debate on this report of the Legal Rules and Privileges Committee be adjourned to allow Members to understand and possibly consult on the matter. I beg to move.

The Speaker: Secunder? Hon. Kaahwa, hon. Zein. Hon. Mbidde, hon. Kizigha, hon. Patricia, hon. Mumbi, hon. Kiangoi. Can you substantiate your motion?

Ms Nakawuki: Madam Speaker, it is apparent that the Rules of Procedure, or this report of the committee as you said earlier, is not an ordinary report. It touches on matters of law, which require members to first of all understand. Considering the fact that most of the

Members of this Assembly are not learned friends like me, or like the Chair of the Legal Committee, hon. Dora Byamukma, Madam Speaker we need adequate time to – (*Interjection*) -

The Speaker: I heard a voice behind you but I did not see the Member so proceed.

Ms Nakawuki: ...to read, understand, analyze, and if possible, even to have a workshop on this report for all Members to be on the same page so that we can understand and then be able to come back and deliberate in an informed manner. Madam Speaker, if you allow, I beg to move.

The Speaker: Thank you very much. I do not think that there is much debate on this. Hon. Dora Byamukama – (*Interjection*) -

Ms Byamukama: Madam Speaker, I did not want to rise on a point of procedure but I thought that at some point, the mover of the initial motion would have been given some time to be able to make a comment, especially after hon. Zein had made his proposals, but that is okay. I just wanted to say that I am in total agreement with what has been agreed, but I wanted some clarification because as you may remember, this issue has been pending, as you said, Madam Speaker.

Secondly, we had an activity on this issue at the very beginning of this Second Assembly. We had another activity in Mombasa on this particular activity, and then the committee itself had a subcommittee. However, I would like to say with all truth that we have not given enough time to Members to interrogate these issues, and we need to go rule-by-rule, and come up with new ideas. These are ideas of the committee, and I am just a messenger. So, there is no need to ram through these rules if they are not appreciated or even understood. We would like everybody to be involved.

So, I am in total agreement. All I would like to hear from you, Madam Speaker, is a directive. We need an activity for the whole House, we need enough time and we need some degree of professionalism. The Clerk's office is vested with this particular issue and is highly competent. Maybe we can bring in a few experts. In fact I would be more comfortable if we had a definite proposal on the next course of action. That is my comment, thank you.

The Speaker: Thank you very much. I think we are in agreement because it looks like what hon. Zein proposed is what we shall be able to take on after we have been able to pronounce ourselves that we are adjourning this debate and then after that we shall dictate the course of action. I am happy that as a chairperson, you have also been able to voice your views on this proposed motion.

Hon. Members, the motion on the floor is that the debate on the report of the Committee on Legal, Rules and Privileges on the proposed amendment of the rules be adjourned.

(Question put and agreed to.)

The Speaker: I think it is important that the issues raised by hon. Zein and hon. Byamukama are taken into account. What I noted in hon. Byamukama's observation is that we may need a time frame. What I also was able to pick from hon. Zein's comment is that we may need to come out with a format, which may need to be worked out, particularly in areas where, for instance, mandates have been proposed to be changed, maybe for election monitoring so that perhaps committees may be given a chance. I want to propose that we look at a time frame of one month – *(Interjection)* -

Ms Byamukama: Thank you, Madam Speaker. Yes, one month would be excellent, but mandates have not been changed. The issue of good governance, which was handed over to the Legal Committee in the Second Assembly encompasses issues of Political federation, which is also handled by the Committee on Regional Affairs. Your good office, Madam Speaker, has actually gotten us an activity, which is combined in view of this. So, there is no new mandate in that particular area of election monitoring because we do not want to have contention on this matter. But I do agree that one month would be excellent. Maybe it could take a span from three to five days and then we would be able to internalise best as a whole House.

The Speaker: Okay, since time frame has been given, I think we will leave the Office of the Clerk to work out the modalities and to feed us with the details. *(Applause)*

QUESTIONS FOR ORAL ANSWERS

QUESTION EALA/PQ/OA/3/37/2014

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Rt. hon. Speaker. I beg to move that the Chairperson of the Council of Ministers of the EAC gives an answer to the question:

Given that the Treaty establishing the East African Community envisages under Article 81 the cooperation in standardization, quality assurance, metrology and testing, could the Chairperson of the Council of Ministers give this House an update as to:

- a) *What is being done by the EAC Partner States Bureau of Standards to ensure that they offer a whole spectrum of standards and conformity assessment services?*
- b) *Whether the same Partner States Bureau of Standards' Quality assurance and testing Infrastructure are strong and efficient to enable goods and services from or traded in the region to be designed, manufactured and supplied in a manner that matches expectations and requirements of the purchasers and consumers, as well as those of the regulatory Authorities?*
- c) *Could she further assure this August House, how the imports are inspected for quality conformance in order to promote fair trade and minimize unfair competition and dumping of substandard goods with a view to promoting the health and safety of the consumers?*

Madam Speaker, I beg to ask.

The Minister of State for EAC Affairs, Uganda (Mr. Shem Bageine) (Ex-Officio): Madam Speaker, I stand on behalf of the Chair of the Council to answer this question. But before doing so, I beg your indulgence, Madam Speaker, first to thank you for inviting His Excellency the President of the Republic of Kenya and Chair of the Summit to address us yesterday, which he did very eloquently. He made some very serious statements, which this House will have an opportunity to debate during the debate on his speech.

Secondly, since this is my first time to stand in this House this session, I would like to use this occasion to express, on behalf of the Council of Ministers, our condolences to, one, the family of the late Major Richard Dudu, a member of the First Assembly of the East African Community who passed on recently. Two, to the family of Ambassador Kazaura. He was the first Deputy Secretary General in charge Of Projects and Program who laid the foundation of the programs we are following in this Community. He also passed away.

I also want to pass our condolences to hon. Bazivamo Christophe who lost his father in law, and to hon. Frederic Ngenzebuhoro who lost his son. The Council of Ministers wishes to pass its condolences to the families of the Members who lost their relatives and to wish them peaceful rest. I thank you.

Madam Speaker, the question. Apart from their national obligations enshrined under the Acts establishing them, the National Bureaus of Standards are now engaging themselves in the review of the EAC standards to ensure that they adopt a wide spectrum of standards of common traded goods regionally in collaboration with East African Business council. It is envisaged that this undertaking will

enhance implementation of a wide range of standards. Furthermore, the national bureaus of standards have notified their quality marks to the EAC Secretariat for mutual recognition of quality marks on certified products has been realised and there is reduced time for clearance of goods across the borders.

National Bureaus of Standards have also put in place joint border surveillance mechanisms. Madam Speaker, the EAC Secretariat, the score marks department undertakes yearly visits to selected borders to monitor a conformity assessment activities and reports to the East African Standards Committee.

Madam Speaker, on the second part of the question, I wish to inform the august House that the level of strength in Partner State Bureaus of Standards varies. Some national bureaus of standards, for example the Kenya Bureau of Standards, have a relatively strong and efficient infrastructure while others are slowly building capacity. Some national bureaus of standards institutions and budgetary support to carry out their mandates effectively.

Madam Speaker, regarding the last part of the question, I wish to inform this august House that most of the EAC Partner States have, in accordance with the SQMT Act 2006 adopted the pre verification of commodity on imports by engaging international reputable inspection organisations while some Partner States have not yet done so.

It is therefore envisaged that when all Partner States undertake the pre verification systems, there will be improved import quality conformity. At the regional level, East African Community has initiated a move to establish the equivalent of Radex IT system among NBS' to ensure attractability of imported goods.

The Council of Ministers has also adopted the EAC Anti counterfeit Bill, which is pending legal input by the sectoral Council on Legal, and Judicial Affairs.

The East African Standards Committee has developed a project on quality information systems for ease of tracing substandard goods in the region. The Sectoral Council on Trade, Industry, Investment and Finance endorsed the QIS project. It is envisaged that the Secretariat through either tendering or approach to development partners will get funding to implement the QIS project. I thank you.

The Speaker: Thank you very much, Chair Council. Supplementary question, hon. Valerie?

Ms Nyirahabineza: Thank you very much, Rt. hon. Speaker. Let me take this opportunity to thank the Council of Ministers for the clarity of the answers provided here, but I have two supplementary questions. One is in line with part two of the question. You have clearly stated that the national bureaus of standards are not on the same level regarding the quality of infrastructure, which is supposed to be strong and efficient to enable goods, and services traded in the region to match the expectations and requirements of the consumers and many other people. Now that this is the case, what is your judgment? Do you think that the people from the Five EAC states can pretend or say that they are safe as far as those quality infrastructure are not the same or strong enough, according to you?

Number two, you have clearly stated that there is a kind of pre-verification for conformity for imports. I just want to know whether these inspections, which seem to be common because they are undertaken by many parties, specifically at the borders and even in Partner States - I just want to know whether those inspections are also backed by inspections in the premises of the industries, if the products happen to be manufactured locally, or if those inspections are also carried out in the stores because some goods may not be substandard goods but perish while being stored. So, I just want to know whether those inspections are also backed by inspections in store premises. I thank you.

Mr. Bageine: Thank you very much, Madam Speaker. The questions raised by the hon. Member are very important and pertinent, and indeed we have been having problems of substandard products imported into our Community Partner States. As I stated in the answer, we are at different levels of capacity and staff that are engaged in inspection of goods that are imported from outside the Community.

Fortunately, with the recent agreement on the single customs territory, which is being operationalized, we have teams from the various Partner States at the points of entry where goods are inspected, verified, and evaluated before they are transported from the ports. In so doing, we believe that we will achieve the objectives of the single customs territory, and in the process safeguard our consumers from being subjected to substandard and dangerous commodities.

Madam Speaker, the issue of internally produced and manufactured goods is supposed to be subjected to examinations by the national bureaus of standards, and indeed, they are doing this, but obviously without 100 percent capacity and 100 percent security. Some of them may find their way round when they are in a state that is dangerous. The goods are supposed to be stored in approved storage premises that are subjected to inspection by the national bureau of standards before the goods leave those stores to be exported to neighboring Partner States.

We are doing everything possible to ensure that the provisions of the Act on standards, quality assurance, meteorology and testing are complied with so that we achieve security of goods being traded within our region. I thank you.

Ms Hafsa Mossi (Burundi): Thank you, Madam Speaker. It has come to our attention during some of the public hearings the Assembly did with regard to the SQMT Act that most of the East Africans are not even aware of this Act, and some other are not well informed on this Act. Can the Chairperson of the Council of Ministers inform us on which steps they are taking to make sure East Africans are sensitized on this Act? Thank you, Madam Speaker.

Mr. Bageine: Thank you very much. Again that is a very important question and it is an issue that actually should not be limited to just this subject alone of sensitization of the Community about the provisions of the Act. We need to do much more than just that. I know that statements have been made to the effect that there is lack of sensitization of the people of East Africa about very many aspects of the Community. Unfortunately, up to now, we have not had adequate financing by the Partner States in respect of sensitization and awareness creation. It is therefore important that we seek funding. The Council of Ministers is addressing this issue to find ways and means of raising adequate funding in order to ensure that our people are adequately sensitized about all aspects, including the aspects of the SQMT, so that they know their rights, they know what it means to integrate in the Community, they know what it means to trade within the Community, and the taxation regimes and so on.

So, the Council of Ministers is looking at ways and means of raising adequate funds through persuading the Partner States themselves and also looking at development partners to support this very important priority area of sensitization of our people. I thank you.

The Speaker: Last on this will be hon. Ndahiro. Hon. Abdul Karim, can you help hon. Ndahiro to access the microphone? Proceed, hon. Ndahiro.

Dr. James Ndahiro (Rwanda): Thank you, Rt. hon. Speaker. Is the hon. Minister aware that out of 5000 standards set or earmarked for harmonization, it has taken this Community eight years to harmonize 1000 standards? It means that it will take us an extra 32 years before we complete the 5000.

Is the Minister further aware that during one of the debates in this House - actually it was from a report by the Committee on Communication, Trade and Investment where specific recommendations were made to this effect but the problem is we never know when our recommendations are taken seriously or when they are implemented. Thank you very much.

Mr. Bageine: Madam Speaker, I must confess that I am not aware about those numbers of the 5000 vis-à-vis 1000, but I undertake to look them up and see what has been done, what has not been done, and why, and we should be able to make a report to the House at an appropriate time.

On the second issue, which I think is a general observation, I am aware that a lot of decisions, directives and resolutions of this House have remained unattended. I must confess, but I want to inform this august House that with the recent development of how the Council of Ministers is operating, we are moving towards ensuring that the resolutions of this House are taken care of, are dealt with and that reports come to this House.

We appreciate the efforts made by this House in having those resolutions debated and passed by this House, and certainly, the Council takes these resolutions seriously.

In the past, there was a problem relating to operations - the work mechanisms of the Council such that no time was made available to look at these resolutions and even the decisions and directives because the Council meetings were such formal meetings that took place in a very short time and they dispersed. But, currently, as you are all aware, the Council of Ministers has quarterly meetings, which are designed to address issues like this one that has been raised here. I am confident – and talking on behalf of my colleague ministers, we are confident that the resolutions, wherever they are, are going to be looked at and dealt with accordingly and appropriate reports will be brought to this House. I thank you. *(Applause)*

The Speaker: Thank you very much for that commitment, Chair, Council and hon. Dr. Ndahiro has once again heard.

QUESTION EALA/PQ/OA/ 3/38/2014

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Rt. hon. Speaker. I beg to move that the Chairperson of the Council of Ministers, gives an answer to the following question:

Could the Chairperson of the Council of Ministers give this August House an update on the current status of the EAC-EU EPAs Negotiations?

The Minister of State for EAC Affairs, Uganda (Mr Shem Bageine) (Ex-Officio): Madam Speaker, since September 2011 the East African Community/European Union, Economic Partnership Agreement negotiations have advanced significantly on various provisions in the agreement.

On 30th January, 2014 an EAC/EU Ministerial Meeting was held in Brussels to consider and provide guidance on the outstanding issues in the EPA negotiations. The ministers reached an agreement on the outstanding issues in the institutional arrangements and dispute settlement provisions.

Furthermore, the ministers referred back to the technical and senior officials the following outstanding issues:

- (a) Rules of origin; the EU proposed a package on cumulation of origin on a symmetry and on the 15 outstanding products specific rules. EAC agreed to consult and revert on this.
- (b) Agriculture chapter; the EU proposed a package deal consisting of the end of subsidies for all the exports to the East African Community and a text relating to domestic support related measures. The EAC agreed to consult and revert on this.

The ministers, however, did not reach an agreement on:

- (i) Export taxes;
- (ii) Most favored nations treatment; and
- (iii) The none-execution clause, that is, relations with the Cotonou Agreement dealing with countering the proliferation of weapons of mass destruction, human rights and corruption.

Madam Speaker, I would like to lay on the table a document that summarizes the current status of the negotiations.

Madam Speaker, regarding the next steps forward, I wish to inform this august House that meeting of the EAC/EU technical and senior officials are currently taking place in Nairobi. They started on the 24th and end on 27th of this month with the aim of resolving the outstanding issues under rules of origin and agriculture, thus paving the way for a conclusive ministerial meeting.

The issue on exports, taxes, most favored nations and the none-execution clause are supposed to be resolved at the next ministerial level meeting. The dates of the EAC/EU ministerial meeting will be agreed upon during the senior officials meeting currently taking place in Nairobi. I thank you.

The Speaker: Thank you, Chair; hon. Valerie, supplementary question?

Ms Nyirabineza: Thank you very much, Rt. hon. Speaker. Let me once again thank the Chair, Council for a good response. Mine was just to have an update as to how the negotiations on EPAs are advancing. But may I end this with a humble plea, in form of a question? Can the Chair, Council of Ministers undertake to inform this august House on each step taken?

I know for a fact that the very last update we had was even expressed in form of a motion when a civil society organization came to us while in Kampala. We passed a resolution in the House, and that is when the signature or negotiation had to stop a bit. So, if the Chair, Council of Ministers could undertake to update this august House on each and every step taken on a regular basis, it would be fine. I thank you.

Mr. Bageine: Thank you very much, Madam Speaker. I think it is an entitlement of this House to know the steps being taken- the results of the negotiations- on these economic partnership agreements because as political leaders, you also have a duty to inform the members of our Community on what is being done in the process of agreements with the EU. I, therefore, undertake, on behalf of the Council of Ministers, to bring regular reports to inform these Members on how we are progressing in this area. I thank you.

The Speaker: Thank you for that undertaking, Chair, Council. Hon. Members, we have come to the end of today's business. I want again to inform you that the Commission agreed that on all the Order Papers, the notice of business to follow should be attached. So, kindly take note that tomorrow we are having the report on the Kenya Working Tour and the debate on the State of the EAC Address. A report has been circulated. So, kindly don't forget to carry it along.

With those announcements, I wish to thank you for participating in today's debate and I wish to adjourn the House to tomorrow, 2.30 p.m.

(The House rose at 5:12 p. m and adjourned until Thursday, 27 March 2014 at 2.30 p.m.)