



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

32ND SITTING: THIRD ASSEMBLY: FIRST MEETING – SECOND SESSION

Tuesday, 27 August, 2013

The East African Legislative Assembly met at 2.30p.m. in the Chamber of the East African Legislative Assembly, EAC Headquarters, Arusha, Tanzania.

PRAYER

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

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I wish to welcome you to today's sitting, today Tuesday 27th August 2013. In a special way, I want to congratulate those who had their birthdays. I want to repeat it because others felt that others had not been recognised; hon. Mumbi had her birthday on Sunday 25th. Congratulations.

I want to thank all of you Members for successfully attending the workshop on maternal and new born child health, which was organised by EALA and IPU and the United Nations. The report should be presented before this House and the Chair who is also congratulated is urged to prepare the report and have it presented to this august House because the resolutions therein are so important. So we congratulate you, Dr Martin upon the successful holding of this important workshop - (*Applause*) - and we await the report.

Also allow me to inform you that the inter-organ meeting of the East African Community Organs and Institutions sat yesterday, Monday, 26 August 2013 to deliberate on matters regarding the institutional workings of the Community and I want to thank the Chair Council, the Secretary General, the CTC and other Members of the organs and Institutions. I think some of them will be in the gallery soon. We want to thank them because the Inter-Organ provides an opportunity and

a forum for us to interface and be able to harmonise our workings. I want to report that it was a successful meeting. Thank you.

Mr. Peter Mathuki (Kenya): Point of procedure, Madam Speaker, on a matter of urgent public importance. On – (*Interruption*) -

The Speaker: I have not even given you permission.

Mr. Mathuki: Point of procedure, Madam Speaker.

The Speaker: Hon. Peter Mathuki, what is the matter of public importance?

Mr. Mathuki: Thank you very much, Madam Speaker for this opportunity and I again wish you a happy birthday. As you turned 18, I want to pray to God that all of us walk together with you and pray for your wisdom in all the matters concerning this Community and this Assembly.

The point that I am raising I feel is of great public importance and it is an issue that has been featuring in the newspapers in almost all the Partner States including one East African-

The Speaker: Hon. Mathuki, under what rule are you moving? Because you said urgent importance.

Mr. Mathuki: Rule 31(l) Madam Speaker on an urgent matter of public importance that I was articulating which if it is agreeable then of course with your permission, we would invoke as well Rule 14 where we would seek to adjourn this House until this issue of public importance is discussed in this House, the matter being that in circulation is the issue that has been coming out on inability for this Assembly or for that matter this Assembly to make a decision on where we shall be sitting.

I felt with all humility that it is importance that during our service to East Africans, we sought out this matter; a decision is taken by this Assembly because-

The Speaker: I think I have appreciated your motion of public importance. Since it is a concern where we shall be sitting and I think we are sitting right now, I think it is not an issue of public importance because we are sitting but since you are moving as a motion- Hon. Ndahiro, I wanted to give a ruling on this motion. Hon. James Ndahiro, kindly take your seat and I make a ruling because the hon. Member has raised an issue of public importance and I wanted to refer him to Rule 26(4).

I have heard the reason you are moving under; you are saying it is of urgent importance and I want to say that according to the way you have presented it, I think we can look at it and you can move under that arrangement and we shall be able to have it. It is not of urgent importance because if it is sitting- Hon. Mathuki, if it is sitting, we are sitting so move under the provisions of Rule 26 so that we are able to proceed in an orderly manner. Thank you.

Dr. Ndahiro: Madam Speaker, I wanted to give my honourable friend, hon. Peter Mathuki information in regard to this motion that – (*Interruption*) -

The Speaker: The good thing is that he has sat down.

Dr. Ndahiro: No, the issue is not on the sitting, but on the principle of rotation.

The Speaker: Okay, hon. James Ndahiro thank you. I think I have made a ruling and we shall have an opportunity to look at that as hon. Mathuki moved under (26). Next item.

Mr. Mathuki: Madam Speaker, for your attention, I did not understand you, you may guide me kindly so that I do it the right way. I was only rising on Rule 31(1). I am saying it is of public importance, Madam Speaker because even the newspapers we are reading today, the calls that we are receiving- It is something that is so disturbing and even portraying this House as touching on issues of integrity.

I felt, Madam Speaker that to protect the integrity of this House and to protect yourself as a Speaker – *(Interruption)* -

The Speaker: Hon. Mathuki, I have made a ruling and I think if we need to maintain the integrity of this House when the Speaker makes a ruling, at least I have given you guidance under how you would move and the reasons you gave, I think we would proceed that way. We do have more days; it is not like it is the end of the world. So I suggest that you move as I have given you the guidance so that we are able to be orderly. *(Interjection)* Hon. Kiangoi, order to whom? He has sat down.

Mr. Joseph Kiangoi Ombasa (Kenya): It is a point of order, Madam Speaker.

The Speaker: Order to whom?

Mr. Kiangoi: Point of procedure, then, Madam Speaker.

Mr. Kiangoi: Madam Speaker, if a Member has arisen on a matter of importance and you have guided that Member, I think that it is proper that that matter of public importance be dispensed with in the first place so that we can proceed with other matters.

Madam Speaker, to rule without allocating time that- I am not challenging you, Madam Speaker but to rule without allocating time that the matter will be looked into is to reject that particular procedure that the Member was raising.

The Speaker: Since it is procedure, I can say you are not imputing that the Speaker has rejected and I think the Speaker has not rejected. I think the Speaker has guided that the Member can move under (26) and we shall have opportunity for his motion to come and we discuss and we dispense with it. So I suggest that we proceed – *(Interjection)* -

Mr. Abdul Karim Harelimana (Rwanda): Procedure, Madam Speaker.

The Speaker: May we proceed so that we usher in a new Member whom we should not deny this debate.

Mr. Harelimana: Madam Speaker, procedure.

The Speaker: Hon. Abdul Karim, if you have a motion, you can also proceed under (26) so that we are able to usher in the Member who is going to be part of this debate and I think it is very unfair if we proceed without giving her a chance. She is waiting to be sworn in; the Member from Rwanda.

Mr. Harelimana: Madam Speaker, I fear that this way of doing things is not fair to Members. We are being suffocated, we want to talk, please give us time because it is also our right.

The Speaker: Thank you. Next item.

ADMINISTRATION OF OATHS

Mr. Harelimana: For me I am leaving because I cannot work under these circumstances.

(Mr. Abdul Karim Harelimana and some Honourable Members walked out of the Chamber)

The Speaker: Thank you. Next item.

Okay, the Members who are going to bring in the new Member...Hon. Members, I rise to notify you that a new Member for the East African Community Affairs from the Republic of Rwanda is present and would like to take her seat in this august House. Her names are hon. Jacqueline Muhongayire, who happens to be an immediate former elected Member of this House. In accordance with the provisions of Article 51(3)(d) of the Treaty, she ceased to be a member of this House upon her appointment as minister in the government of the Republic of Rwanda.

She however qualifies to be an ex-officio Member of this august House in accordance with the provisions of Article 48(1) (b) of the Treaty, having been appointed the Minister responsible for East African Affairs. [*Hon. Member: "Procedure, Madam Speaker"*] However in accordance with Rule 6 of the Rules of Procedure of this Assembly, she cannot sit or participate in the proceedings of this House until she takes the oath of affirmation of allegiance to the Treaty as a Member of the Assembly.

Rule 6(3) specifically states that when a Member first attends to take his seat or her seat other than at the first sitting of the 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 of affirmation of allegiance to him or to her. I therefore request any two Members of the august House who know the new Member to present her to the Speaker to enable her take oath.

Mr. Kidega: Madam Speaker, I beg your indulgence on the matter of quorum, kindly.

The Speaker: Hon. Dan Kidega, you know very well that the Members have willingly walked out. So I think for purposes of this...if it was unintended, it would be different, but now I think it is intended. For that matter, there is an item on the floor; the Member is being brought in to be sworn in. Unless you do not want the Member from Rwanda to be sworn in then that would be different. But I think she has no problem, let her be sworn in and then we see how to proceed.

Mr. Kidega: Most obliged.

Ms Byamukama: Madam Speaker, with due respect, if we do not follow the Rules closely we may have a few challenges. If you look at Rule 13, it says that, *“If at any sitting or when the House is in committee, if any Member objects that there is no quorum present, the Speaker or the chairman shall, on ascertaining it to be true, suspend the proceedings of the House for an interval of 15 minutes during which a bell shall be rung.”*

It also provides under (3) that, *“If on resumption of proceedings after the expiry of 15 minutes, the number of Members present is still less than half, the Speaker or the chairman as the case may be, shall adjourn the House of the committee of the House without question being put.”*

Under 13(1), the quorum of the whole House shall be half of the elected Members. Madam Speaker, with all due respect, I think maybe the Members may have willingly walked out but it may not augur well. Maybe after 15 minutes or so, they will have reconsidered and we will be able to proceed. These very Members- most of them are actually from the Partner State where the minister is coming from. With due respect, I submit.

The Speaker: Thank you. At least I know the Counsel to the Community is in the House, he will guide the Speaker. Can the hon. Member be brought in the House?

The Counsel to the Community (Mr. Wilbert Kaahwa)(Ex-Officio): Madam Speaker, the rule of quorum is, as succinctly put in the Rules of Procedure, as has been read by hon. Dora Byamukama. Matters before the House including those on the Order Paper have to be deliberated upon once the House has a quorum. Once the question of quorum has been brought to your attention, I am afraid you are strictly bound by the requirements as stated.

A Member has objected that there is no quorum present. What is required of you, Madam Speaker is to ascertain whether or not that is true. If it is true then you are obliged by the Rules of Procedure to suspend the proceedings for an interval of 15 minutes during which a bell shall be rung. If on resumption after 15 minutes the quorum is still wanting, then you are bound to adjourn the House without any question being put.

The order which has been indicated as the next order for the day is also part of the business to be transacted once there is quorum in the House. I submit, Madam Speaker.

The Speaker: Thank you. Sergeant, can I have the register? Bucumi Emerance is in the House according to the 27th register. Mossi Hafsa is in the House according to the 27th register. Ndahayo Isabelle is in the House according to the register. Ndarubagiye sought permission from the Speaker to go to Nairobi and permission was granted. Nduwimana Martin is in the House according to the register. Nengo Emmanuel is in the House according to the register. Ngendakumana Jeremie is not in the House. He had earlier indicated that he would come in a little late.

Hon. Nsabimana Yves is in the House. Abisai Nancy according to the register is in the House. Abubakar Zein is in the House. Bonaya Sarah is in the House. Mathuki Peter is the one who moved the motion earlier and we have transacted business to that effect. Ng’aru Mumbi is in the House. Nkanae Ole is in the House. Ogle Abubakar is indicated that he is in the House, he could have stepped out. Ombasa Joseph Kiangoi is in the House. Pareno Judith is indicated to be in the

House, at least from the Sergeant. Bazivamo Christophe is indicated to be in the House. Hajabakiga Patricia is indicated to be in the House. Abdul Karim Harelimana is indicated to be in the House. Dr. Ndahiro James is indicated to be in the House. Ndikuryayo Straton is indicated to be in the House. Dr. Nyiramilimo is indicated to be in the House. Hon. Rwigema Celestin is indicated to be in the House. Nyirahabineza Valerie is not indicated. Hon. Bhanji Shy-Rose is indicated to be in the House. Hon. Kimbisa Omar Adam is not indicated. Kizigha Charles Angela is not indicated. Murunya Musoni Bernard is not indicated. Mwinyi Abdallah is indicated to be in the House. Kessy Nderakindo is indicated to be in the House. Nyerere Charles Makongoro is not indicated. Taslima Issa is indicated to be in the House. Yahya Ussi is not indicated to be in the House and she has permission for maternity leave.

Kidega Daniel Fred is indicated to be in the House. Mukasa Mbidde Fred is not indicated to be in the House. Mulengani Bernard is indicated to be in the House. Nakawuki Susan is indicated to be in the House. Opoka Okumu Chris is not indicated to be in the House. He sought permission from the Speaker, he has gone to have an operation on his eyes and permission was granted.

Hon. Sebalu Kennedy is indicated to be in the House. Hon. Tiperu Nusura Omar is indicated to be in the House. Is she in the House? She is in the House. The Speaker is in the House. Hon. Dr. Ambassador Sezibera Richard is indicated to be in the House. Hon. Kaahwa is indicated to be in the House. Hon. Sitta Samuel or Dr Abdallah is indicated to be in the House. Hon. Nzeyimana Leontine is indicated to be in the House. Hon. Kandie Kapsongei is not in the House. They had indicated hon. Muhongayire and hon. Dr Abdallah. That is the record I have. *(Interjection)* Hon. Ngenzebuhoro Frederic, you are indicated to be in the House. I think it was my omission. Hon. Chair Council is in the House; Hon. Shem Bageine is in the House. My apologies.

I did that because I think it is important to know who are present and who are not. When the Speaker makes a ruling, it is for the good of us as Members. There was no harm in having whichever motion it was to be done after the administration of oath but now I will adjourn the House and you ring the bell. If we are not here then we adjourn the House and the East Africans will see how we proceed with our business. I adjourn the House for 15 minutes.

(The sitting was suspended at 3:05p.m. and resumed at 3.25 p.m. the Speaker presiding_)

The Speaker: When we adjourned on the issue of quorum, Members were not in the House. Now I wish to know which Members are in the House.

(The Speaker took a roll call of the Members)

Hon. Bucumi Emerence - present

Hon. Mossi Hafsa - present

Hon. Ndahayo Isabelle - present

Hon. Ndarubagiye Leonce – not in the House

Hon. Nduwimana Martin - not in the House

Hon. Nengo Emmanuel - not in the House
Hon. Ngendakumana Jeremie - not in the House
Hon. Ngenzebuhoro Frederic - not in the House
Hon. Nsabimana Yves - not in the House
Hon. Abisai Nancy - not in the House
Hon. Abubakar Zein - present
Hon. Bonaya Talaso Sarah - not in the House
Hon. Peter Mathuki - not in the House
Hon. Ng'aru Mumbi - in the House
Hon. Nkanae Ole - not in the House
Hon. Ogle Abubakar - not in the House
Hon. Ombasa Joseph Kiangoi - not in the House
Hon. Judith Pareno - not in the House
Hon. Bazivamo Christophe - not in the House
Hon. Hajabakiga Patricia - not in the House
Hon. Harelimana Abdul Karim - not in the House
Hon. Dr. Ndahiro James - not in the House
Hon. Ndikuryayo Straton - not in the House
Hon. Dr. Nyiramilimo Odette - not in the House
Hon. Rwigema Pierre - not in the House
Hon. Nyirahabineza Valerie - not in the House
Hon. Bhanji Shy-Rose - not in the House
Hon. Kimbisa Omar - not in the House
Hon. Kizigha Angela Charles - not in the House
Hon. Murunya Bernard - not in the House
Hon. Mwinyi Abdullah - in the House

Hon. Kessy Nderakindo - in the House

Hon. Nyerere Makongoro - in the House

Hon. Taslima - in the House

Hon. Yahya Ussi is not here because she is on maternity leave

Hon. Dora Byamukama - not in the House

Hon. Kidega Daniel - in the House

Hon. Mukasa Mbidde - not in the House

Hon. Mulengani Bernard - not in the House

Hon. Nakawuki Susan - in the House

Hon. Opoka-Okumu Chris is away because of his sick eyes

Hon. Sebalu Mike Kennedy - not in the House

Hon. Tiperu Nusura - in the House

Hon. Dr. Ambassador Sezibera Richard - in the House

Hon. Kaahwa Wilbert - in the House

Hon. Bageine Shem - in the House

Hon. Sitta Samuel - not in the House

Hon. Nzeyimana Leontine - in the House

Hon. Phyllis Kandie - not in the House

Hon. Muhongayire is not yet sworn in.

Hon. Dr Abdallah Saadalla is in the House.

Hon. Nkanee Ole is in the House.

We have 14 Members in the House, plus the Speaker who is the 15th and out of 45 if you have 15 Members, it is not a half.

ADJOURNMENT

At this juncture I wish to adjourn the House until tomorrow at 2.30 p.m. I want to invite the Members of the House Business Committee, including the Chair, Council for a Commission meeting. The House stands adjourned.

(The House rose at 3.27 p.m. and adjourned until Wednesday, 28 August 2013 at 2.30 p.m.)