



## **EAST AFRICAN COMMUNITY**

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### **IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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

#### **2<sup>ND</sup> SITTING - FIRST MEETING – FIRST SESSION – FOURTH ASSEMBLY**

**Tuesday, 19 December 2017**

*The East African Legislative Assembly met at 2:38 p.m. in the in the Chamber of the Assembly in the EAC Headquarters in Arusha, Tanzania.*

### **PRAYER**

*(The Clerk, Mr. Kenneth Namboga Madete, presiding.)*

*(The House was called to order.)*

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### **ADMINISTRATION OF OATH**

**The Clerk:** Honourable Members, I have been informed that the Minister for Foreign Affairs, Regional Cooperation and East African Community Affairs for the Republic of Rwanda is here. He is an Ex-Officio Member of this House. So, he should also take his oath so that he can participate in the proceedings of this House. We shall proceed to administer the oath.

The Oath was administered to -

Mr. Olivier Nduhungirehe

### **ELECTION OF SPEAKER**

*(Business interrupted on 18 December 2017, resumed)*

**The Clerk:** Honourable Members, yesterday by the time I was interrupted, we had reached at the stage where candidates had been seconded on the floor. At that time, I was going to proceed to invite the candidates to come and introduce themselves. I can see two Members are standing up, I do not know why.

**Dr. Jumanne Ngwaru Maghembe** (Tanzania): Procedure, honourable Clerk. First, good afternoon. I would like to invoke Rule 12(2) to check the quorum. I have looked around and I do not see any members of the Burundi chapter today. As for Tanzania, there is just the two of us. Thank you.

**Mr Fred Mukasa Mbidde** (Uganda): Mr Clerk, information. This information comes to answer the attempted question on the procedure this gathering is taking. Mr Clerk, we are proceeding specifically under Rule 6 of the Assembly's Rules of Procedure and Article 53(1) of the Treaty for the Establishment of the East African Community. We are not an Assembly; we are elected members under Article 53(1) of the Treaty for the Establishment of the East African Community.

The rules on quorum only apply to an Assembly constituted, and presided over by the Speaker of the Assembly and accordingly, Article 5(1) and Rule 6(1) – *(Interruption)* -

**The Clerk:** Sorry, honourable Members. Our rules state that when a Member is holding the floor, you take your seats until you are recognised.

**Mr Mbidde:** Much obliged, Mr Clerk - Particularly, a simultaneous application of Article 53(1) of the Treaty and Rule 6 of our Rules apply *pares partum*. What is required right now...we are not yet the organ contemplated under Article 9 of the Treaty.

Mr Clerk, you are sitting there as a specialised official to perform a specialised act enshrined in the Rules, and the rule is

specialised and specific on the activity of election of the Speaker. You are not at liberty to skedaddle from Rule 6 and apply any other rule that is not within the limit provided.

Mr Clerk, it is for this reason that no other petition or even motion is being entertained but the election of the Speaker. Mr Clerk, I beg to pray that we proceed as this august House and conduct the election. You are not at liberty, Mr Clerk. You are not the Speaker of this gathering. These are called elected members within the precincts of extreme and strict interpretation of the Treaty.

When elected members sit here, they are the ones to take a decision; you are only specifically presiding. The application of the semantics and exigencies of other rules do not apply now, and we beg to proceed to have elections conducted, Mr Clerk.

**The Clerk:** I can see hon. Maghembe. Do you want to make a rejoinder because you raised a matter? I see so many members standing up. I have to subject it to discussion.

**Dr Maghembe:** Mr. Clerk, as I said yesterday, I do not know why we are entertaining discussions. I do not know why. Yesterday we entertained discussions out of respect for our fellow members but today we have to follow the rules.

The rules, in terms of section 12, are that, if at any time of sitting, any member of this House asks for a check on the quorum, the quorum is checked. Let me say this quite clearly. Today it is us; tomorrow it will be you. We have to respect the rules as they lie in the procedure book – *(Interruption)* –

**Mr Martin Karoli Ngoga** (Rwanda): Thank you, Mr Clerk. I am standing to seek

clarification and somehow it is a continuation of what I alluded to yesterday. As we were adjourning yesterday, we were not aware of what the reason was for the absence of the members from the two Partner States. Now I want to know whether today you know why they are not here so that you can inform this House, because it is going to help to guide – (*Interruption*) - I think it is one member at a time, according to the rules.

**The Clerk:** Hon. Makame, there is still information on the floor. Just hold on. You will get your chance.

**Mr Ngoga:** Thank you, Mr Clerk. If you are aware of the reason why the members from the two Partner States are not here on record, let us know. If you do not know, the same rules that are being referred to, actually have punitive measures provided for the absence of members if it is not properly in compliance with the rules of the House.

**The Clerk:** Honourable members, since yesterday it seems to be the same. One, I am just here to facilitate you to do something called the election of the Speaker. I will beg your indulgence that you do not subject me to so many things because I am only here for a specified responsibility.

Yesterday the issue of quorum was raised. I applied it but when we came back, a good number of members said I was wrong because it was outside my mandate. Today it is the same; the issue of quorum has been raised and some members are again saying it is outside my mandate. Help me. How do we proceed?

I have seen a number of members standing. Hon. Makame stood up first. Let me recognise you – (*Interruption*) -

**Mr Ngoga:** The clarification is not yet given, Mr Clerk. It must be disposed of first.

**The Clerk:** Maybe you want to clarify.

**Mr Ngoga:** Thank you very much, Mr Clerk. The clarification I was seeking was whether at this moment in time you are aware why the members are not present. That answer can only come from you.

**The Clerk:** No, I am not aware. Nobody has addressed anything to the Clerk as to why they are not in this House. I have not received any specific communication to the Clerk as to why any member is not attending. That has not been done to me, for the purpose of your clarification.

**Dr Abdullah Hasnuu Makame (Tanzania):** Thank you very much, Mr Clerk. You can recall that this Assembly has taken more than six months to come to where it is, and the reason why it took that long was that we were missing quorum because of the absence of one of the Partner States.

Mr Clerk, I beg your indulgence. When we are invoking a rule, maybe we are not doing it deliberately. That can be established later, but rules are rules. Let us follow the rule. There is no quorum, and there is no reason to discuss - (*Interjection*). Mr Clerk, I beg for your protection from Madam Nakawuki.

**The Clerk:** Hon. Nakawuki, on a point of information, if he yields then you can speak but he seems not to have yielded, so continue.

**Dr Makame:** So what I would beg you to do at the moment is to establish whether we have quorum, and if we do not have quorum then let the rules apply.

**The Clerk:** Honourable Member, I thought I had already explained at the beginning that – *(Several members stood in their places)* - You are so many on the floor so I do not know what to do.

**Ms Susan Nakawuki Nsambu** (Uganda): Mr Clerk, we agreed yesterday that Rule 12 is only applicable when there is a House constituted, when the Assembly is constituted. In this case, we do not have an Assembly. Further, even in our Rules of Procedure, even if we were to apply the rule on absence, Rule 93 of our Rules of Procedure, would dictate that if a Member is absent, they would notify the Office of the Clerk and the Office of the Speaker as to the reasons why they are absent.

Mr. Clerk, yesterday when we were here struggling, our colleagues were busy enjoying the free lunch here, purporting to be absent but they were around – *(Laughter)*.

**The Clerk:** Hon. Nakawuki, address the matter as it is. Do not address things outside this House.

**Ms Nakawuki:** Mr Clerk that is the issue. If you go and crosscheck with Ms Abella Kamuzora, all these people picked their *per diem* because they are supposed to be here. They pocketed it and they are trying to frustrate the Assembly – *(interruption)* -

**The Clerk:** Hon. Maghembe, please resume your seat.

**Ms Nakawuki:** They are trying to frustrate us. I am not taking information because it is not adding value to me, and of course as a learned friend, I am informed.

Mr Clerk, this is a request. Let us not acquiesce to the habit of frustrating the honourable Members by mere walkouts without justifiable reasons. People think it is either their way or the high way. Please let us restrict ourselves to the Rules of Procedure, Rule 6. Do what you are seated there to do and we elect the Speaker. The rest we shall discuss when we have a Speaker as an Assembly. Thank you.

**The Clerk:** Okay, you have made your point.

**Mr Abdikadir Omar Aden** (Kenya): Thank you, Mr Clerk for the opportunity. From the onset, I want to say that it is regrettable that this House still ends up in the same situation as it was yesterday. When I begged to move the motion of adjournment yesterday, I suggested that we consult other organs of the Community to help us out in this situation. If I do remember right, you actually ruled, Mr Clerk, that upon resumption of our session today, the Council of Ministers would give us a position, and that I thought was going to be the beginning of our discussion for today. Then we would have been able to answer the many questions as to why our other members are out of this House. Maybe the Council would have explained why; maybe there is communication and guidance from other arms of the Community.

Mr Clerk, you will tell us, and I will beg you to tell us, whether we still await a position from the Council, or is the Council as confused and divided as I can see the situation is here? That too will be information for our use.

Now that we are in the middle of the discussion of this issue, I want to correct our Tanzanian friend. This Assembly was not able to sit before because of the absence of

Kenyans because there were no elected members from the Kenyan Assembly. That reason was clear. However, we have the elected members from Burundi, we have the elected members from Tanzania who were sworn in yesterday at the expense of the tax payers and they are in this town called Arusha.

We must realise, honourable members, that there comes a time when we need to rise above party lines, above this petty issue of politics. As a Community, unless we have harmony within the Community, nothing is going to go well for all of our countries. Let us put the interests of our countries first. To us it does not matter, it can be our brothers in Tanzania to chair or to take the Speaker's position. However, as a rotation issue, we would probably demand it should be our brothers from Rwanda or our brothers from Burundi. It does not matter, honourable members.

We have had other countries chairing when all these other countries were sitting. We have had Tanzania chairing when Rwanda was sitting here in this House. We had Kenya chairing when Rwanda and the many other countries were seated here. We had Uganda lately.

Honourable Clerk, I want to say that – (*Interruption*) – I am not interested in information at this moment. Let me execute what I have to say.

Mr Clerk, we must be guided by the Treaty. If you like, this is the Constitution of the East African Community, and Article 53 of the Treaty is very clear that *“The Speaker of the Assembly shall be elected on rotational basis by the elected members of the Assembly from*

*amongst themselves to serve for a period of five years.”*

Mr Clerk, seated in this room you have more than two-thirds the number of the elected members of the East African legislative Assembly. What is holding us? Why are we becoming victims of drama, which is deliberately being played to frustrate the progress of this august House? Mr Clerk, the advice I beg to give you - and I know that you are in a difficult situation, is, be guided by the principal agreement, which is the Treaty. Article 53 of the Treaty says that it is the elected members, and you have more than two-thirds of the elected members in this House now. I beg that you move, proceed, and give us the opportunity for which we have the right, which is our democratic right to vote and to choose our Speaker. Thank you.

**Mr Maghembe:** Procedure!

**The Clerk:** Hon. Maghembe, I want you to realise that the voice of every other member is equal to yours. Therefore, if the other members have issues, you have to recognise them as well.

**Mr Christopher Opoka-Okumu (Uganda):** Thank you, Mr Clerk. I did not contribute yesterday over this debate, but first to talk to the issue raised by my good friend from Kenya, we should not expect any position from the Summit or the Council of Ministers on this matter. The Treaty gives this House, this Assembly, the power to make its rules, to govern itself. This Assembly has been given administrative and financial autonomy. What more do you want?

If you go to Article 14(c) of the Treaty, the Council of Ministers can give direction to Partner States, to other organs and

institutions of the Community other than the Summit, the Court and the Assembly. So, why are you seeking answers from outside? It is here.

You are elected. We have been elected by our Partner States. We are the elected members of our Partner States to represent the interests of the East African people, and my good friend from Kenya has cited Article 53 of the Treaty on the election of the Speaker of the Assembly. We need to understand the import of that Article. It says, “The Speaker of the Assembly shall be elected on rotational basis by the elected members of the Assembly...” not by the Assembly, not by the House, but by the elected members. Therefore, it individualises the members to do the election. Rule 6 of our Rules of Procedure repeats that very same thing in Article 53. It reads, “*The Speaker of the Assembly shall be elected on rotational basis by the elected members...*” not by the Assembly. Therefore, it puts the burden on us, as individuals, to elect.

I happen to have been the presiding officer for one week when we were amending these Rules before I was elected as interim Speaker. Therefore, I am very much aware of where these rules are coming from. Rule 6 governs the election of the Speaker. It is very instrumental and important to realise that Rule 12 concerning quorum comes after the Assembly has been constituted. Therefore, this particular provision of Article 6 does not talk about any quorum. It is the elected members.

In fact, examine closely Rule 6 and you will see that it says in 6(9) (a) at the voting time that “*The Clerk shall, at least one hour before the meeting of the House, prepare ballot papers ... and shall issue not more than one such paper to each member who*

*comes to the table*”. You could sit in the Assembly here, abstain, and not come to the table to pick the ballot. It says each member who comes to the table.

In 9(c) it says “...*after all members who wish to vote...*” You may sit here and not wish to vote at all!

Then the issue of the two-thirds comes in. A Speaker is deemed to have been elected after he has two thirds. That is when he becomes relevant. If he does not, the process is repeated.

Now in the next process, the person who wins, even if there were only five people who voted, if you win...if there were three of you and the other one got one, you are elected. Therefore, the issue of quorum does not arise. It arises when the House is constituted. Let us work for the people of East Africa. Let us do the job, which we were called to do. This Assembly suffered in the Third Assembly, now we want to begin the Fourth Assembly by creating a certain atmosphere where the other institutions and organs will look at the Assembly as an organ that does not know how to govern itself?

Therefore, honourable Members, I appeal to you to do the necessary thing in the interest of the East African people. We have been given this mandate; let us not turn it into a joke. Let us not create a situation where we cannot even proceed. Anyway, the interpretation of these rules is simply that the issue of quorum does not apply until the House is constituted. Thank you.

**The Clerk:** There are members who have not yet said anything, so I have to balance and see. I am trying to get a solution.

**Mr George Stephen Odongo** (Uganda): Thank you very much, Mr Clerk. Yesterday we gave engagement a chance because we realised that even those who were in the minority needed to be given a chance to be listened to in the spirit of consensus building and dialogue. That is what we embraced here in the afternoon yesterday.

Mr Clerk, it is very clear that this House cannot continue business in the absence of the Speaker, and as long as Burundi and Tanzania continue to frustrate the election of the Speaker – (*Interruption*) -

**Dr Makame:** We beg to be protected because we are being told we are frustrating.

**The Clerk:** Hon. Odongo, what do you mean? Please be careful with the words you use.

**Mr. Odongo:** Mr Clerk, I am using the word ‘frustrated’ deliberately because if this House can sit twice - yesterday and today - and we have not been given a chance to understand what causes the absence of elected members who have been sworn in and nominated in this House, I think it is a deliberate effort to frustrate the election of the Speaker, and I will impute a bad motive on the two countries for us to proceed with the Assembly. We have been here; we have waited for six months. How much more time do we still have to waste before we can start the business of this House? Moreover, we have not had a credible explanation as to why these two countries have decided to stay away from this process.

Mr Clerk, there comes a time when indeed we must show leadership. When we were elected, our people placed in us many expectations. I would not want to come here

and waste taxpayers’ money and get back to my country and say, we just failed on one single item called the election of the Speaker! There is a lot of business that has been left to accumulate over the period that we have not been in this House, and we cannot waste more time when the Treaty is very clear on how the election of the Speaker is going to be conducted.

For goodness sake, yesterday I mentioned here that if indeed there are credible issues that Burundi and Tanzania have, which has motivated them to leave the Chambers, can we, in the 24 hours that you gave us, have a chance to engage? Can they bring it forth to the different chapters so that we can interrogate their issues and be able to build consensus around them? That has not happened, and that is why there is nobody here who can claim to know why the Tanzanian delegation and the Burundian delegations are out.

Perhaps the ex-officio members from those countries can give us a chance to find out what it is that is really spoken in silence; what it is that is spoken in absence. What is it that this House cannot talk about? The frustration that this House is going through is because we even do not know the animal that we are dealing with. We do not know what is confronting us. When you know the strength of the enemy, you prepare for it. If you know where the challenges are, we can confront them. This is how we deal with issues.

In the military, you must analyse your enemy and be able to build capability. If the enemy is confronting us as a House, we should sit together as the six sister countries and confront it. In any case, we are here to build consensus.

Mr Clerk, I think the time has come for this House to rise up and to know that there is a spirit that brings us here and that is – *(Interruption)*–

**Mr Ngoga:** Thank you, Mr Clerk. I appreciate the opportunity to provide the information. I would like to inform hon. Odongo that only members can express their positions. The Front Bench is not in position to explain the reason for the absence of members because members are here on their own. The Council of Ministers do not represent members; they represent their governments. Therefore, there is a big distinction there.

**Mr Mbidde:** Further information.

**Mr Odongo:** I will take further information as I think it is just going to reinforce that point and I do appreciate it.

**Mr Mbidde:** I also would like to inform my honourable colleague that within our submissions we are even grateful to Partner States because they are represented, they are here. It is only a problem of elected members from some of the Partner States that keep absenting themselves for reasons not known to their governments and even to us. That is the further information I would like to give.

**Mr Odongo:** Thank you so much. In that respect, therefore, for those who were here...I know that there are two honourable colleagues who have put up a spirited fight. If they may kindly persuade the House why they are out of the Chambers. In any case, let us proceed with the election, Mr Clerk.

**The Clerk:** Some members have been standing all along. I saw hon. Musamali.

**Mr Paul Mwasu Musamali** (Uganda): Thank you very much, hon. Clerk. I just want to augment the points, which were made by hon. Odongo, hon. Abdikadir, and hon. Ngoga.

Mr Clerk, you made it clear to us that no one has given you a reason as to why some of the members are not here. However, if I look at the document, which was supplied to us yesterday, Burundi in particular had indicated that it should have been their chance to front a candidate for Speaker according to a formula, which they had come up with. However, we have not yet debated this formula as a House, nor has the Summit made a decision on how to come up with a formula of rotation. Burundi had come up with a formula of alphabetical order.

Maybe that could be the reason why they are not here, but I find that it would have been better if they were here to defend that reason because they only circulated that reason to us on paper and nobody came out to defend that reason.

However, I want to add that if that is the main reason why our members from the Republic of Burundi are not here, I want to suggest a solution; that they should come back and we proceed with this House because one of the functions of the Assembly is to carry out oversight functions and we oversee the Executive.

Our Executive, the Secretariat, is headed by the honourable Secretary General. If I got and the Secretary General well when you were swearing us in yesterday, the honourable Secretary General who took the oath – I hope I may pronounce the name well, the hon. Libérat Mfumukeyo is from the Republic of Burundi. I have met him before in a meeting



in Kampala, and that was the first time I met him, but I was also aware from the time of his appointment that he is from the Republic of Burundi. Even when we were here, he gave us a long biography and introduced himself as such.

Therefore, given the fact that the Executive that we are going to oversee is headed by a member from the Republic of Burundi, and if that was the main reason as to why our colleagues from the Republic of Burundi are not here, then they would rather come back because we cannot have the head of the Executive from the Republic of Burundi and then again the Speaker – (*Interruption*) -

**Dr Makame:** Mr Clerk, the Secretary General being here...he is a neutral party and not representing his country.

**Mr Musamali:** Let him give me time to build my point. My suggestion, Mr Clerk, is that our work is to oversee the Executive, and given the fact that that was the point which was raised, ideally, I would beg that the members come back from wherever they are and they join the House.

Lastly, I want to share the obvious, and I want to be on record because it would have been good for me to say this in the House because it is covered worldwide, but let me say it. Honourable members of this House, the East African Community, which we are here working for and promoting is an economic bloc. We are promoting the integration – economic first and then the other forms will come - of these states. I want the members to note that this is a threat to other economic blocs that exist in the world, and I do not want to mention them for purposes of our own security.

We are, therefore, under threat, and if I may still remind you about the obvious, during the days of colonialism, some of our own chiefs and leaders decided to collaborate with the imperialists, and that is how we were colonised. Therefore, I want to beg that as we amalgamate these countries of ours for purposes of coming up with a single force economically, politically and so forth, let us be mindful of what happened to us as the African people. Let us be mindful of what happened, and let us not repeat it. Let us not keep on blaming those people who were there at that time when they colonised us. It is we who are now here. It is therefore our work as leaders.

Mr Clerk, I would like to beg that we proceed, and I urge hon. Maghembe, hon. Makame - I do not know who the chapter leader is - to mobilise. Honourable, I hear you are the chapter leader of the delegation from the United Republic of Tanzania, *Ndugu Makame*.

Mr Clerk, if I may remind you, apart from the Kenyan chapter, we already have a social platform. We have been exchanging very good communication, and this will give us very good time to come together and to work together and talk together. From the communication, which I even have on my phone, *Ndugu Makame*, *Ndugu Maghembe* and the rest of the members were sending very good messages that we are going to work together for the promotion of the Community. I am, therefore, surprised as to why this mysterious disappearance is happening. *Ndugu Clerk*, let me appeal to the spirit of the integration and the spirit of developing our region that the members come back and - if there is anything beyond what we are thinking - tell us and we move together. I thank you.

**Ms Wanjiku Muhia** (Kenya): Thank you very much, Mr Clerk. I appreciate that you are handling a very difficult issue and hence we should sit here as members to help you because we are supposed to work in the spirit of integration. Having said that, first I am surprised that the ballot boxes are not there because I came to vote.

Secondly, personally, I moved the whole night in Arusha from Kibo Palace hotel to Mt Meru hotel, and I was thinking that Burundi was going to come on board and we discuss as we had suggested. My good friend - who happens to speak my local language - has been speaking very nicely as Musamali said, and for that reason, I thought we had resolved matters.

Having said that, Mr Clerk, I would like to refer this House to the obvious, which has been cited. Rule 12(2), which, if you allow, I would like to read, states, "*If at any time of sitting...*" In my English dictionary, I believe that a House sitting is a House constituted. In this case, the House is not constituted.

I may refer you to Article 53(1), which has been over emphasised, which speaks of members of this Assembly who shall elect the Speaker. I do not want to believe that the drafters of this Treaty were so ignorant that they put in a word that the members of the East African Community Assembly from each Partner State... They may not have left it there out of ignorance. For this reason, I would like to believe that the drafter spirit was speaking for members and not Partner States, having been informed constitutionally that the time you are voting for the Speaker, the House is not yet constituted.

As I conclude, Mr Clerk, if we may go to Rule 6(1), it repeats what the Article has spoken of members of the Assembly. Therefore, the drafters of these rules and of the Treaty could not have been mistaken or ignorant in their minds not to put 'each Partner State'.

For that reason, Mr Clerk, I feel the mood of this House is that we persuade the members of Burundi to come. Possibly I may vote for Burundi or Tanzania, they do not know, and maybe similarly many other members. They should come to the House so that we discuss together because even in the Bible it says that a House that is divided shall fall. If we start in division, the spirit shall be divided.

Having said that, finally, I am from the school of thought, which believes in negotiation, persuasion, discussion and consensus. It is my view that it would not be very good moving forward if we held this election with the House divided. For this reason, Mr Clerk, I may beg the members that we adjourn until further notice so that we see if we can come to a consensus. Thank you.

**The Clerk:** I had recognised the member from South Sudan. Hon. Maghembe, you have had a chance. You raised the matter, which is being discussed. You will summarise, do not worry.

**Mr Gideon Gatpan Thoar** (South Sudan): Thank you, honourable Clerk. I am hon. Gideon. For the interest and for the appreciation of the integration, all of us were here yesterday, hoping that the whole process would go through as planned. It did not happen, though. I believe that our colleagues from Tanzania and Burundi are appreciating the interests of the region being integrated.

When I read the position of the Burundi members of this Assembly, they put it very clearly that they want the rotation to be done in alphabetical order. When I read Rule 12(1), it is silent on whether it could be done by consensus or by alphabetical order. Therefore, I believe that consensus is stronger than alphabetical order because if it were not by consensus, then Tanzania would not have been the first to lead this Assembly. That would be the basis of my argument.

Now that we have the Burundi members stating their position clearly that they need that to be rotational, that is subject to more interpretation at whatever level it could be taken to, and it could not be done without this House being constituted properly. It cannot be done without this House transacting business.

On the side of the Tanzanian members, I would like to urge them that in the interest of regional integration, and because it is mostly driven by our economic activities, we should consider building consensus over this issue. I have been asking some colleagues from the Tanzanian side that minus your preference to take this case to the level of the Summit, what else do you think could be the solution that we could be able to do within the Assembly here. I have no response.

Therefore, I would also like to urge them that they should come out clearly with their position like the Burundi members. What is it that is taking them outside this Parliament? We do not know.

Rule 12(2) is not applicable at this time when the House is not fully constituted because you cannot have committees and you cannot have the Speaker for that matter. It is not yet – *(Interruption)* -

**Mr Ngoga:** Thank you for giving way. Mr Clerk, I want us to address ourselves to Article 96 of the Rules of Procedure of this Assembly. It provides as follows: *“The first sitting of the Assembly elected under the Treaty shall be an informal meeting during which the Rules of Procedure of the Assembly shall be adopted. The Clerk shall convene and preside over the informal meeting of the Assembly under Rule 1. The Assembly may make rules of Procedure for committees...”* This one doesn’t apply.

Mr Clerk, my understanding of this provision is that the only mandate you have in this meeting is to apply that rule that make it possible for the sitting to convene. Only the Assembly can adopt the Rules after being properly constituted. In other words, you do not have the mandate on this entire document. Your mandate is very limited.

**Mr Mathias Kasamba** (Uganda): Thank you, my colleague for the submission. I would like to inform this House - I stated it yesterday, Mr Clerk. When we were sworn in yesterday, the next action was to conduct elections. You went ahead and conducted nominations, which were seconded, and there was no way we could stop mid-way when our colleagues or the candidates who expressed their interest were here. They were seconded, so there was no way we could stop the process midway. It is very surprising that some of the leadership within the Partner States were telling their colleagues to move out.

Therefore, the intent of absconding from the sitting of yesterday is very absurd. We should proceed based on the procedures as per Rule 93 of our Rules of Procedure, for conducting an election, and then we shall adopt the rules,

which will guide us as a fully constituted Assembly.

**The Clerk:** Honourable members, the honourable member from South Sudan is still on the floor.

**Mr Ngoga:** The provisions of the rules for which you have no powers include the provision on quorum. Therefore, the House that has not adopted rules cannot address itself on matters of quorum.

**The Clerk:** Honourable member, may you conclude?

**Mr Thoar:** Thank you, Mr Clerk. I will base my conclusion, not on the argument from the side of my Tanzanian colleagues, but on the argument from the side of my Burundian colleagues.

Based on this argument, I would say that they have subjected Rule 6(1) and Rule 12(1) of the Rules of Procedure to further interpretation. Since they have done that, all those will be subject to interpretation, just like the other thing that I am going to say, and this is Article 53 of the Treaty, which says, under the title "*election of the Speaker*" that "*The Speaker for 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 would like to request that we go ahead with the election of the Speaker. Anything that requires further interpretation will be done later. Thank you.

- (Loud consultations) -

**The Clerk:** Honourable Members, may you give me a chance? I have been listening since hon. Maghembe raised the issue of quorum.

Hon. Maghembe, you have heard the reactions, and that is why I told you that I am in a difficult situation. You were not agreeing. You said the issue of quorum arises and members have said that they have no power to move to the issue of quorum. Do you still have anything to argue on this, because as I said earlier, I am being reminded that I should stick to the confines of the powers I have. So what do we do?

After hon. Maghembe, I want to beg the House to give me direction on how you want to move because this is your business. I am just here to assist you.

**Mr Ngoga:** Clarification, Mr Clerk. You cannot ask for direction before you tell us where you stand as regards provision 96 of the Rules. Do you have powers or not?

**The Clerk:** Honourable Members, we had said that I am here under the powers of Rule 6. You are now inviting me to go ahead and interpret other rules, which I will desist from doing because by doing that, I will be required to interpret other rules also. Therefore, I will confine myself to the provisions of Rule 6 where the Clerk only presides. Beyond that, since I have heard what is being said, I will confine myself to Rule 6. Do not ask me anything beyond Rule 6 because I do not have powers.

**Dr Maghembe:** Thank you, honourable Clerk. I am very glad that you talked about Rule 6. It seems that there are many lawyers in here. Everyone knows that the Treaty is the mother document and that it cannot define

every single term or issue. This is why we have Rules of Procedure.

When you go to Rule 6(2), it says, “*No business other than an election of the Speaker shall be transacted in the House at any time the office of the Speaker is vacant.*”

When you look at the meaning of the word “House”, it means the Assembly. If you look at “Assembly”, it says, “*The East African Legislative Assembly as established in Article 9.*” Now, when you look at the Treaty, it does not define what “Assembly” is. It just says in Article 9, “There are hereby established as organs of the Community...” and one of them is the East African Legislative Assembly.

I beg anyone here to show me where it says that the East African Legislative Assembly can be minus two Partner States. Looking at Rule 6, which says, “House”, and the definition of “House” says it is an Assembly. An Assembly goes to the Treaty.

**The Clerk:** Hon. Maghembe, you are raising a rule, and I want you to be very clear because that rule says that no business of the House can be transacted other than an election. This means that there is nothing else you can do until you elect the Speaker. That is what it says – (*Applause*).

**Mr Maghembe:** Honourable Members, listen to me very carefully. We are treading on a very thin line here. We have asked, under Rule 12, for a counting of the quorum. We cannot choose to apply some rules just because they do not favour our arguments. As I said yesterday, this is a Community built on the trust of all member states. We have to respect each other – (*Interjection* -

**Ms Nakawuki:** Order!

**The Clerk:** Let him finish

**Dr Maghembe:** Our fellow members are not here; they are not represented. We cannot continue.

Secondly, I do not see anywhere in the Rules where we can sit here and debate this issue. So, as far as I am concerned, any motions that are carried on here, anything that is asked for here is null and void until we are fully constituted together.

The rules are that we debate for 15 minutes; we adjourn for 15 minutes and then come back.

**Mr Adan Mohamed Nooru (Kenya):** Mr Chair, I want to tell my friend, the honourable member from Tanzania - he has been referring to these rules. First of all, we are all democratic countries, which are governed by the rule of law. We have two documents here, the Rules of Procedure and the Treaty. Which one supersedes the other? Let us start from that point.

In the country where I come from, the Constitution is superior to any other. What is the Constitution of this institution? I know it is this one, and if it is this one, apart from Article 53 that has been referred to by everybody, which I do not want to repeat unless someone wants me to mention the page where it is - page 41 - can anybody else give me in this constitution anywhere else where it talks about the procedure of electing the Speaker and the first sitting of the House?

In the second one, where I rise on a point of order, look at page one. The table of contents alone – do not go to any interpretation. The issue of procedure in the new Assembly deals

with the election, which is Part III. Part IV deals with the sitting and adjournment of the House. Where do you mix up? You cannot put in an engine oil and water and then you want it to move.

Therefore, those people who drafted this have separated these things such that the section, which deals with election, is under Part III and the section dealing with quorum and sitting and adjournment of the House is under Part IV. If we want to mix the things so that we have to shift goal posts, we are not going to get anywhere.

The fact of the matter here is that the delegates from Burundi have mentioned that they are for rotation and their bone of contention is that Tanzania should not have been allowed to apply. That is their diverging point; that we have broken the rules. Apart from the alphabetical order, which requires the consensus of this House on whether we adopt the alphabetical order or whichever one we apply. For those who are absent now, we want the Tanzanians - because the Burundians are not here - we want them to tell us from where we sit, will the absence of any member country from this House solve issue of the election of the Speaker? How do you want us to move forward, because the rules have been read, you do not want to accept! From there, what else do you want us to do, apart from waiting for the Summit and the Council of Ministers to see what they want to say?

As people, we are elected; we are responsible – *(Interruption)* -

**The Clerk:** I can only take one at a go. I recognise the Ex-Officio Member from the Republic of Burundi.

**The Minister for EAC Affairs, Burundi (Ms Isabelle Ndahayo) (Ex-Officio):** Thank you, Mr Clerk for the floor. I am rising for a point of information to this House. As you saw yesterday, there was a motion on the table, which was distributed by the workers of this Assembly. I would like to say that it is just one point, which was in the motion. There is an issue raised by the Republic of Burundi, which requires further guidance before the Republic of Burundi can feel comfortable in this House. Before the guidance is provided, this Assembly was pushing and forcing to vote, to go for elections, and Burundi felt very bad. That is why they decided to get out. It does not mean that they ignore the role of this Assembly. It does not mean that they ignore the importance of the speakership, but you should know how big this institution is.

I would like to say that the Speaker of this Assembly is a very important institution of the Community, which we should respect. Do not think we can continue and elect without those other Partner States. I think it is good to hear each and everything. *(Interjections)* - I need your protection.

**The Clerk:** Let the member finish. Let us hear each other in silence. There is information. Unless she yields -

**Ms Ndahayo:** Can I finish? I am saying that the Republic of Burundi wanted to get more clarification on the principle of rotation, and I think according to them, we should go together. Nobody should remain behind. The principle of rotation has been applied since this EALA started. Why should it be stopped today? Why are people pushing and ignoring this principle? I think if you can give guidance on this issue so that Burundi feels

comfortable, I think all those problems will be solved. Thank you.

- (*Loud Consultations*) -

**The Clerk:** I am repeatedly hearing “motion”...Hold on, honourable Members. Let us move together. (*Interjection*) Motion? What motion do we have on the floor? The problem is if you all rise and call motion, whom do I pick?

**Dr Makame:** Clerk, if there is no order then we adjourn and consult.

**The Clerk:** Those are the issues. How do you want us to move now?

**Dr Maghembe:** I asked for clarification on the issue of quorum. How can we have a motion if my issue remains unanswered?

**The Clerk:** Hon. Maghembe, your colleagues have said it does not apply. That is what I am saying.

**Dr Maghembe:** You have to give me a ruling.

**The Clerk:** No. They have challenged my ability to rule beyond Rule 6.

**Mr Omar Abdikadir Aden (Kenya):** Thank you, Mr Clerk for the opportunity. I must say that where we have reached – (*Interjection*) -

**Dr Makame:** Clerk, you are favouring this guy.

**The Clerk:** Order! Hon. Makame, please order. You are discussing an issue of election of Speaker. Yesterday I applied Rule 12. You have been in this House and a big number of members has challenged me. As Clerk I have

asked, whom do I take? Do I take your position, or do I take the position of hon. Abdikadir? That is my dilemma because you are giving me two different things. Moreover, with the limited powers I have, I have no power to interpret any other rule. That is the dilemma that I am in. Therefore, I need the direction of this House. Now if you start attacking me that I am favouring – (*Interjection*) -

**Dr Makame:** My concern is that you said I had spoken, but you are picking on him again before you give me a chance. He is going for the second time. I even wanted to give him information and he said he does not want it.

- (*Loud consultations*) -

**The Clerk:** Hold on honourable members – (*Interjection*) -

**Dr Makame:** We are all honourable in this House so let us move the honourable way. Let us not be out of order.

**The Clerk:** There are ten people standing. What do you want me to do? I can only recognise one.

**Dr Maghembe:** I am the one who had the issue on the table. Can you please recognise me?

**Mr Aden:** Honourable Clerk, you had given me the floor.

**The Clerk:** Hon. Maghembe, what is it? That was your motion, you have heard your colleagues, and you are insisting they are wrong.

**Dr Maghembe:** No, I do not want to hear my colleagues; I want to hear you, honourable

Clerk. Honourable Clerk, I raised a question under section 12(2) on the issue of quorum. It was to my surprise that it was debated. I did not know that that was the issue. I thought the next step was for you to ask us to adjourn, go outside and then come back in and then I was going for – (*Interjections*) - let me finish.

It was regardless of the rules that it was debated. Then I ask where your ruling is and you tell me that the members have decided. You are the Chair. You tell us here now that you do not want to rule on the quorum issue, and that the other states who are here now, when they have their own burning issues and they are not here, that we will continue in this manner.

I want you to give me a ruling so that it is in the *Hansard*.

**The Clerk:** Hon. Maghembe, I have given you the answer. What more do you want me to give you? I have said I am here only under Part III of the rules of this House and specifically Rule 6. I have no powers to go beyond the provisions of Rule 6. That is the answer. I have said it before, so what more do you want me to tell you? (*Interjection*)

**Mr Mbidde:** I want to guide you hon. Clerk.

**The Clerk:** Who wants to guide me now? Because you are many. Hon Maghembe you wanted me to answer you, and I have done it.

**Dr Makame:** Thank you very much, honourable Clerk. We are seated here as elected members - (*Applause*) - but what have we been elected to, and what gave our national assemblies the mandate to elect us? It all comes from the Assembly, when you are talking about the Assembly and how the members will be elected and so on.

Therefore, we are here for the Assembly and the Treaty establishing the East African Community recognises the Assembly as a collection of the elected members, and defines the quorum. I would just like to refresh where I ended and I got some kind of response that was meant to be an educated and informed one from an honourable member from the Republic of Kenya. He actually advised here that there are two thirds of the members present, and that business can proceed because we are elected members.

I would like, first of all, to state that we had a very long discussion for a period of several months, trying to define elected members and we said that we have elected members from five Partner States who are already there and that there were no elected members from Kenya. Therefore, Kenya was not in the population of the elected members. However, that was flatly rejected because Kenya was not on the floor. So we have to actually honour – (*Interjections*) – Chair, I do not need the information. Let me finish.

**The Clerk:** He said he does not need information. Let him finish.

**Dr Makame:** Therefore, we should not...when you want to define the East African Community, it is a Community comprising of Partner States. So, if business can proceed with the absence of one or two Partner States, then let us say that that business is proceeding as a collaboration of those Partner States and not as the Community. If you want to move together, we have to move together, and that is the spirit.

Actually, before I end, I need to thank the honourable Member from the Republic of Kenya, who advised us here that she believes



in consensus building. We cannot start divided if we want to go far. That is the expression that we use in our political platforms. We say if you want to go far, go together. If you want to move fast, move alone.

Now we are here, honourable Members; we are members of the Community, we have been elected. Let us invoke Rule 12, even if it is not there, because we know why we were delaying to convene. Actually, it was because one country was not here. (*Interjections*) Let us sit outside, negotiate and then we resume. Let me submit and end there.

**The Clerk:** The member from the Republic of South Sudan who has been standing up all along.

**Dr Gabriel Garang Aher Arol** (South Sudan): Honourable Clerk, you had mentioned before that you want to be helped in this situation. Burundi is not here, but the case of Burundi is a minor one. They are talking of alphabetical order to be given the position of the Speaker. However, Article 53 of the Treaty resolves the position of the Speaker, and that is by rotation. What has not convinced us here is the position of Tanzania.

Even outside this House, we have been discussing, but there is nothing that has convinced us. If you refer to the Rules of Procedure, Rule 2 talks of the “*Seat of the Assembly*”, and it comes to “*Notification of the first sitting of a new Assembly*”, which is your work. When it comes to Rule 9, it is “*Notification of meetings of the House*”, and this is where the Speaker will have to preside.

The condition where people are talking specifically of one third mostly matters very much when there are debates on laws that affect different States and that is why it is

essential that there should be one third of the members of that Partner States. Therefore, it is important to apply it specifically at that particular time. However, at this moment when you are presiding, I thought you would refer to the “*Notification of the first sitting of a new Assembly*”. The other one is called the “House”, and the House is not yet composed, as we speak.

Therefore, I thought you would rule that we proceed because the position of Tanzania is not convincing. They have not told us their reasons. We have been discussing outside; we have been lobbying outside. We have not found any good reason why they want to contest. If it were Burundi, we would understand - (*Interruption*)-

**Mr Clerk:** Are you taking information from your neighbour?

**Mr Ngoga:** Thank you, Mr Clerk. I want to make a point of information as we proceed to debate this. Yesterday we had nominations. We had quorum, according to the definition, and it was not challenged. I am one of those that were nominated, so any decision that you take, know that I am going to defend in court my nomination regardless of the decision, even if it is by the Summit.

**The Clerk:** Hon. Ngoga, by way of clarification, I do not make any decision in this matter. The Clerk does not make any decision.

**Mr Mbidde:** Motion. Honourable Clerk – (*Interruption*) -

**Dr Maghembe:** How can you take a motion when you say you are only guided under rule 6(2)?

**The Clerk:** Hon. Maghembe, I clarified your position. Do you expect me to ignore other members? Why do you want me to ignore other members?

**Dr Maghembe:** No, you told us that you are guided by Rule 6(2). How can you accept a motion? You are picking and choosing which rules you want.

**Mr Mbidde:** Honourable Clerk, I am raising a motion, which I am going to premise on the laws governing this Assembly and this Community - *(Interjection)* - I beg for protection from my brother, whom I have listened to - *(Interruption)* -

**The Clerk:** Hon. Mbidde, what is it?

**Mr Mbidde:** Mr Clerk, I beg for protection. The Secretary General is standing. Probably you sort us out then we can continue.

**The Clerk:** Well you are on the floor so...

**Mr Mbidde:** Rt. hon. Secretary General, kindly resume your seat as I raise my - *(Interruption)* -

**The Clerk:** That is not for you.

**Mr Mbidde:** Mr Clerk, I am rising - *(Interruption)* -

**The Clerk:** Honourable Members, I am looking for direction on how to proceed. This is your business. You will decide whether we adjourn or not.

**Mr Mbidde:** Mr Clerk I am helping you.

**The Clerk:** Hon. Maghembe, I do not know what he is going to say until I hear him. I do not know.

**Dr Maghembe:** He is bringing a motion. How can he bring a motion forward when you say you are only guided by Rule 6(2)? Why are you accepting motions?

**The Clerk:** He has not cited Rule 30. Hon. Mbidde is on the floor. Let him finish.

**Mr Mbidde:** Mr Chair, I rise on a motion premised on rules 6, 9(a), 9(c), 9(d), 9(e) and the law of meetings; general practices. We have had debates, we have dispensed with all manner of debates, the point being raised on quorum has been adjudged as inapplicable - *(Interruption)* -

**The Clerk:** Hon. Maghembe the member is moving something under Rule 6(9), and he has said so. He has not finished.

**Mr Mbidde:** Honourable Members, I have been here for five years and this is a piece of advice. If you want to be listened to with decorum, you definitely need to give the same. This is called the doctrine of election, in law and it says that if you want to accept a benefit, you cannot do away with a burden that comes with it. Therefore, if you want to be listened to, you first have to listen, honourable Members.

The honourable member is raising a point of quorum as an active enthusiast when all you are raising is that your friends have not come. There is what we call veracity of the witness. What is your veracity; your truthfulness? You are the one citing that your friends have not arrived - *(Interruption)* -

**The Clerk:** What is your issue; you are going to something else?

**Mr Mbidde:** Mr Clerk, I am rising on a point of motion pursuant to the rules cited above

that you put a question as to whether or not we proceed for election as guaranteed within the laws. I beg to move.

**The Clerk:** Is he seconded?

*(Mr. Nooru, Ms. Okullu seconded)*

**Dr. Maghembe:** Procedure.

**The Clerk:** I have a motion on the floor, which has been seconded. The motion on the floor is that we proceed under Rule 6(9) (a), (c) and (d). *(Interjection)* - Hon. Maghembe, are you opposed, because there are those who want to second that motion - I will then give you a chance to oppose it. That is how Parliament works.

**Dr Maghembe:** No, we are not even recognising the motion.

**The Clerk:** You will have a chance to put your views.

**Dr Maghembe:** This motion was brought under Rule 30 – *(Interruption)* -

**The Clerk:** He has not said so.

**Dr Maghembe:** No, we cannot have a motion where there is no Speaker under Rule 26(3).

**The Clerk:** He never mentioned any of those rules. There are those who have not spoken. Let us hear them now.

The issue is that we proceed under Rule 6(9) and exhaust the provisions of those rules. The motion is seconded, so that is what we should now debate. Those for it will debate for it and those against will debate, because this is your business. I am just here to facilitate you. I

have no voice in this. Honourable Minister, I do not know what you want to say.

**The Minister of State for East African Community Affairs, Uganda (Mr. Julius Wandera Maganda):** Mr Clerk, thank you very much for this opportunity, once again, for me to speak to this House. We have listened to the discussion that is on the floor, and we seem to be getting on to the issues that led us to adjourn the House yesterday. I had anticipated that as we come, the House would be fully guided and a decision taken out rightly so that we get to understand which course of action is being taken here, especially from your office.

Mr Clerk, I consulted the Summit almost the whole night up to morning, and as I speak now, the chair of Summit is consulting one of the presidents in the region. We have also consulted as a Council; we called it an informal meeting. For the first time the Council was fully constituted, just as you see it here.

We anticipated that as Council we would have limitations on the Assembly. That is why you have seen that to a certain extent we have not been able to come out to give our opinion fully. However, we can read the mood in the House and see whether it is really progressing to take us to a step that will lead this Assembly and the region to rebuilding the image of the Community because I believe what we are speaking here is not only ending in this House. There are some media houses screening it live, and whoever interprets it might be doing so the way he understands it.

Mr Clerk, the provision of Article 53 talks of the election of the Speaker on rotational basis. Burundi made a petition to the Chair of

Summit, and when they petitioned, they probably did not know that Tanzania would come out. Their question was, “who presents a candidate between Burundi and Rwanda?” They gave a suggestion that probably it comes out in alphabetical order.

The Chair of Summit told me to report that the spirit in which the Treaty was made has enshrined in it a clear perspective of rotation, but that it is very silent when there is a collision of two members raising candidates. This is where he referred us back to the House to debate the matter and then develop a perspective of consensus. I think we have been debating, but I do not see consensus coming out clearly.

Honourable Members, in the context that two Partner States bring candidates, consensus has always been built here for purposes of not developing, within this region, competition, but assuming that we only participate. That is why we allow contests to be done within the Partner States and they only bring a name here. I would use a simple word that we then rubberstamp it. We try to reduce perspectives of competition. That is what the Chair of Summit told me in the morning at 4 a.m.

Now, we seem not to be clearly interpreting Rules 6 and 12 because we are rotating around quorum and around who the member is and what the Assembly and House are. He also told me that we should not leave out how the assumption of the top offices is done here because they know. As the Summit, they know that the assumption of the top offices definitely develops from an impression of checks and balances. They know it, and they told me I should tell you people - (*Applause*). He added that in the instance that the House is not moving, I request the Clerk to refer the matter to the Summit for consultation and

advice. Mr. Clerk that is what makes me stand here to request you to adjourn the House until further notice. Thank you, Mr Clerk.

**The Secretary General (Ambassador Liberat Mfumukeko) (Ex-Officio):** Mr Clerk, I just wanted to remind us of Article 6 on the fundamental principles of the Community. If you look at all of them, peaceful settlement of disputes, cooperation for mutual benefit, there is no single doubt that the Community has always built consensus when such a situation arises. Consensus is very important, Mr Clerk.

As you know, in all our organs when we have a Council meeting, when we have any meeting, we seek for consensus because the East African Community is a long-term product on which we all have to agree. I do not think it is a good idea to start with a divided Assembly.

I would also like to remind us that Article 69 of our Treaty says that there shall be a Counsel to the Community who shall be the principal legal advisor to the Community. I think the Counsel to the Community has spoken. The legal counsel to the Community is to all organs, including the Assembly. So, I think we should be wise enough to also listen to what the Counsel to the Community has told us. Thank you very much.

**Mr Mbidde:** Clarification. The debate is changing – (*interruption*) -

**The Clerk:** Yes, but I am the presiding officer – (*Interjection*). Just hold on and I put this to you to understand. Honourable Counsel to the Community...as the Clerk I am an officer of this Community, and I take a lot of advice from the Counsel to the

Community, but honourable Members, you have also heard the Chair of Council saying that there is a directive from the Summit that I adjourn the House and refer the matter to them. You have heard. I am a very small entity. When they evoke the issue of Summit, you have to help me out in this.

Counsel to the Community, what do I take? The advice to refer the matter to Summit - (*Interjections*) - Hold on because you have heard. I am a small officer of this Community, and it has been said that the matter be referred to the Summit, which is the final authority on these matters in this House. You have just heard. What do you want me to do?

The minister has said that I adjourn and refer the matter to the Summit.

**Ms Florence Jematiah Sergon (Kenya):** What is the matter that we are debating that is supposed to be taken to the Summit?

**The Counsel to the Community (Dr Anthony Kafumbe) (Ex-Officio):** Chairperson, I believe the Chairperson of Council has been very clear. What is being referred to the Summit, in my understanding, is not the election of the Speaker because that is a preserve of the Assembly under Article 53. What is going to the Summit is the process that must be had before you elect the Speaker. Therefore, it is not that the Summit is going to elect a Speaker for the Assembly, because in terms of Article 53, it is this House that elects a Speaker.

As the Chairperson of Council has put it, it is important to give this process a chance so that you have consensus and move as one. Of course, the members may reject that - (*Interjections*) -

**The Clerk:** Let him finish what he is saying. He is a member of this House.

**Mr Mbidde:** I raised a motion, I did not justify it but we are moving.

**The Clerk:** Had you finished?

**Ms Sergon:** Thank you, honourable Clerk. As a young legislator in the House, I have come to learn of this issue with surprise and I do not understand how to go forward because of very simple things.

I would like to refer you to the paper that was brought to us from the Burundi chapter. First of all, sitting here I want to believe that it is an informal sitting of the House because the procedure has not yet taken off. If you go through the paper - because I want to refer to it as a paper - first of all, I cannot belabour to be the one prosecuting what is in this paper. The members from Burundi should be the people telling us the reasons why we should accept it, or why it should be put aside.

Secondly, in the spirit of the sitting, I do not think we have a lot of time. Even if the Summit has to prosecute and give us a solution over matters that we are probably going to raise here, we have a House that is supposed to be autonomous. It means that every time we have a problem, even the simplest problem and we are not able to understand one another - because a whole group of the Burundi chapter is not here, they want to be listened to, and they want to have consensus on issues that they cannot even express themselves - it is cowardice in a manner.

In my opinion, I want to look at East African Community, not as a preserve of the few. It is for the people of the Community, and if you

are sitting here as a minister of your own chapter, we are a generation that wants to move forward. We are a generation that does not care or that does not understand what happens. The history that is before us has many expectations on our generation.

I would like to ask, honourable Clerk. The House is very pregnant of a decision today. I understand the diplomatic decision that takes place when consensus is supposed to be done. Sometimes it does not have to be very soft. Consensus can be arrived when a decision is made for another procedure to happen. Let us have a procedure today and then if you have an aggrieved position, you can go ahead and talk to the Summit.

At this point, surely, even if you want to take this problem before the Summit as the Minister has brought to us, we do not even know what is happening with Tanzania yet they know very well that this is not their time. In my opinion, I have only two issues here. I want the Burundi chapter to tell us why they have walked out and the reason that they want us to have as consensus. We also want Rwanda, because they have given us a candidate and all those others, to come and tell us – I want to be a Speaker because I am able to do this and this.

For that matter, I want to rest my case by saying, honourable Clerk, that we might not have a lot of time. I want to move forward as a Community member, and I am moving a motion to go for a vote of the Speaker of the House.

**Ms Susan Nakawuki Nsambu (Uganda):** Thank you very much, honourable Clerk. I rise to support the motion that was moved by hon. Mbidde and my young sister from Kenya who has equally supported it.

Honourable Clerk, I want to begin by reminding you, the Council of Ministers, the Counsel to the Community, plus the Secretary General that EALA is an independent body. We are an independent organ. We are independent of the Summit; independent of – (*Interruptions*) – I told my colleagues that I am a learned friend.

**Dr Makame:** EALA is not constituted yet.

**Ms Nakawuki:** We are independent, and that is why even when the drafters of the Treaty were drafting it, they left the issue of election of the Speaker to us. Otherwise, they would have given it to the Summit. In fact, I am forced to believe that the Council of Ministers is trying to do a coup. The Council and the Secretary General are doing a coup on us, trying to go and decide who should be the Speaker of this Assembly. This is unacceptable, it is unbecoming – (*Interruption*)-

**Mr Maganda:** Clerk, we come here to also offer guidance as a Council, and that is why we are sworn to be members of this august House. The basis on which the Council brought the suggestion is an element of legitimacy. We rose to that level based on the fact that there was no consensus that was being built in this House. Is it, therefore, in order for the honourable member to impute a motive that the Council is trying to hijack the role of this Assembly? Is she in order?

**The Clerk:** The Council did not say it was high jacking. It gave guidance on what it thinks should happen.

**Mr Mbidde:** Mr Chair, I am also further informing my learned friend, hon. Susan, that in addition to the submissions that I associate with that she has given, I think this House

needs to be guided, and looking specifically at Article 54 of the Treaty. This article specifies circumstances under which we can invite any – and I can read it.

The only manner in which these elected members seek assistance is if they are constituted into an Assembly. Now, it is not yet there. That is only when even a Chair of the Summit can address and enter this Assembly after a resolution of the House has been entertained. He has no outright right to come here because the framers of the Treaty knew that we needed to separate powers. *(Applause)*

Now when the Council seeks to have an opinion done even before the East African Court of Justice, they do not overrule them. They seek an advisory opinion of that court so the powers are specifically divided between the organs of the Community.

Members, elect. The autonomy of this House once constituted is not in question. The powers to elect a Speaker are granted by the Treaty. The same Treaty is the one granting powers to every entity, including the Summit, including powers to amend it, which they have not done specifically for purposes of election of the Speaker.

Therefore, honourable members, you have been elected from your Partner States, you should constitute yourselves into an Assembly as urgently as possible and forget...the Summit is giving ideas because it is there. The Court will give opinions because it is there. The Assembly should seek to exist. Forget the childish petulance, which can be vended, and which can lead us into failure to constitute ourselves into an Assembly – *(Interruption)* -

**Mr Ngoga:** Further information.

**The Clerk:** He is giving information. He is not the one on the floor.

**Mr Mbidde:** Mr Chair, with that information, I reinforce the submissions.

**Mr Ngoga:** Thank you, because I am a learned friend like you. Mr Clerk, I got a little bit lost when the Chair of Council said there was an advice for the House to seek consensus. Under what mechanism? The House never searches for consensus. The way we arrive at our decisions is through voting. There is no provision for consensus for the Assembly.

**Ms Nakawuki:** Thank you very much. Honourable Clerk, please defend me from the Chair of Council because this is the issue that I am talking about of the Council trying to usurp the powers of the elected members. *(Interjection)* - I am not taking that information because I am talking about the Council of Ministers.

Honourable Clerk, the framers of this Treaty were wise when they gave the Council of Ministers an ex-officio status. They cannot vote in this Assembly, and the essence was that the members would decide for themselves without the influence of Council, without the influence of the Secretary General, and without the influence of the Summit.

The Council of Ministers are not elected members, they are appointed, and so they do not vote. We appreciate their advice, we are free to take it or not - *(Applause)*. If I may borrow a leaf from the meetings of the Council of Ministers, when they sit, they do not have to wait for all the Partner States to

be around. If they are two or three, they sit. They pass resolutions, which they share with their colleagues when they come to build consensus. They do not wait for everyone to be present. Today was the first time that they had everyone in attendance.

**The Clerk:** There is information hon Nakawuki, from the Council of ministers.

**Ms Nakawuki:** Honourable Clerk, I am not taking information from Council because I am tired of influence peddling from Council of Ministers. I am not taking the information.

**The Clerk:** Hon. Nakawuki, you have talked about their procedure and they are saying you are not – *(Interruption)* -

**Ms Nakawuki:** They will have their chance to speak because they spoke before us. It is I on the floor. Please, Dr Susan, I have not allowed your information. I am a learned friend like you, so give me my chance. I am very informed about what I am talking about. Give me my chance.

**The Clerk:** Can you address the Chair, please?

**Ms Nakawuki:** Mr Clerk, as Chair, please defend me from a member of Council who is trying to put me under undue influence to allow her submission.

Honourable Clerk, I want to appreciate the Summit. I respect the Summit, but one thing I know for sure is that for the seven months that we have been home waiting for our colleagues in Kenya who had not yet voted, we looked for members of the Summit to help us to intervene in the predicament that was in Kenya, and we never got any of them. We looked for the Chair of Council of Ministers

to intervene, and he decided to be as political as possible because he was simply defending his job. Now, at this time, why should we allow Council to take over this informal meeting of elected members who have the capacity to decide who is supposed to lead them or not? This is not the job of Council or Summit.

Honourable Clerk, as I try to wind up, I am not sure of the intentions of the Council of Ministers. I am not sure of the intentions of the Summit, and I am not sure of the intentions of some colleagues from two Partner States. My colleagues from the United Republic of Tanzania, hon. Makame and hon. Maghembe were sent here as spokespersons as their colleagues are hiding just to make sure that we do not vote – *(Interruption)*.

**The Clerk:** Refer to the matter on the floor. Do not make inference to members who are not here because that is a motive we cannot know.

**Ms Nakawuki:** I am referring to the ones who are here because they were sent for that purpose.

**The Clerk:** I am not aware that they were sent.

**Ms Nakawuki:** That is it. Where are their colleagues? They were sent for this purpose and they have shown that they were sent for that purpose.

Honourable Clerk, I am begging you. Follow the law. Today I decided to wear this red colour on purpose because yesterday I took a vow to jealously preserve, protect and defend this Treaty – *(Ms. Nakawuki raised up a copy of the Treaty for the Establishment of the*



EAC) - and I am not going to give in on that because I will be betraying this Community.

As I wind up, hon. Opoka referred to Rule 6(9) (c). The election is not for everyone; it is for the willing members. If I can read it verbatim, it says, "*After all members who wish to vote have voted ...*" Those who wish to vote, not everyone who wants to vote. Why should you coerce members to come and vote when they do not want? - (*Applause*). Leave us who want to vote, who are willing to vote our leader. Whoever is aggrieved knows where to go. The East African Court of Justice is just right next door. Let them go there and leave us to proceed.

We are very late for the Budget; we are under the budgeting process. Why should we subject ourselves to the Summit when we are not even sure when it is going to sit? I beg to support the motion. Mr Clerk, you need to put this to a vote because decisions in this House are generated by a vote. Put it to a vote and the members will decide what they want to do and what they do not want to do. I thank you.

**Mr Opoka-Okumu:** On a point of procedure, Mr Clerk, there is a motion in front of you, which was raised by hon. Mbidde and supported by my sister from Kenya, hon. Florence, which should be voted on first.

Under Article 58 of the Treaty, the holy bible of the Community, all matters in the Assembly are decided by vote, and under Rule 54 of the Rules of Procedure of the Assembly, all matters are decided by a vote. My Colleagues are raising the issue of consensus but it does not apply in the Assembly. It may be in other institutions of the Community but in the Assembly, they vote. There is a motion, and I would like to

move that you put the question. Let us vote on it. Thank you.

**Mr Aden:** Thank you, honourable Clerk. I have been sitting here and watching you in a very difficult situation. As a member, mine is to offer you a bit of guidance that I can.

Honourable Clerk, first of all I want you to know that under Rule 96, you are presiding over an informal sitting of this House. That is very important to begin with.

Secondly and very importantly, the sole purpose for this particular sitting is for you to preside over the election of the Speaker of the House. There cannot be any other business transacted if that does not happen.

The rules and the laws that have been given here and read to you, including by myself, are very clear, and they are in your support. After all, you as a presiding officer have no vote. Nobody will blame you as to why you voted one way. We the elected members take the decision to the vote. Yours as the officer in charge and charged by law to preside over this sitting, please grant us the opportunity to exercise the right, which our people have sent us to come and do.

Speaking for my country, Kenya, you must have witnessed how serious a business it was for the members that you see sitting here to be here today. Some of our honourable members who are sitting here today, very senior lawyers and legislators for many years, sat past 1 o'clock in the night to make sure that the members of the Assembly from Kenya are elected and do come here. We were elected, we were in a meeting up to 2 o'clock in the morning and the following morning we took a flight to come to Arusha. This is a serious business, Mr Clerk.

You have the full protection of the law, which gives you the authority to exercise over this. I will remind you again that you have more than two thirds of the members of the Assembly that is here with you. What is your fear? If the fear is that maybe we make the wrong decision, the Article gives you recourse to that.

There is another institution, which is mandated to interpret any law that is made by this House. So, where is the fear? (*Applause*). Let anyone who has any concerns to the decisions that may arise from today's action of this Assembly seek recourse elsewhere. Walk just down the corridor. Life has been made very easy for them; they do not even have to go to another building.

Honourable Clerk, I want to beg you that we have sat for many hours. We have sat since yesterday. I do not want us to take issues to the Council. The members of the Council are ex-officio members of this Assembly. They have a right to say and utter issues from their mouths on the floor of this House. It is not a scripture in this Treaty; it is not a law. So, have no worries about what a Council member here says. After all, when we sit to make the decisions, they do not get involved. It is our decision. We take the responsibility for that decision.

Therefore, whatever has been guided here by the Council are their own issues; those are the expressions of an ex-officio member. We have heard them, let it enter from here and exit from there – (*Mr Aden made a gesture of words entering through ne ear and exiting from the other*) - because if it does not make sense to what we want to do today, then that is just a statement.

Mr Clerk, I want to beg you. We have sat here for many hours. You have also been in a difficult situation for many hours. You have the full protection and guidance of the law, and I want to urge my colleagues. I see people seated here. Why do we fear? I am on my feet. I want to request my colleagues who believe we should take a vote to be on their feet now as I am. (*Members rose up in their places*) Mr Clerk, I end my presentation.

**The Clerk:** I have heard you. Just resume your seats - (*Loud consultations*) - Resume your seats please. (*Interjection*) Order! Do not intimidate me.

There is a motion on the floor. Arising out of all that we have been discussing, hon. Mbidde raised a motion that we continue and proceed in accordance with the provisions of Rule 6(9) and exhaust the matter on the Order Paper. Since it is a motion, I will need a decision of this House. I will subject the motion that those in favour- I will use a show of hands so that I am sure how many have voted. I will begin from the right side. Clerks - (*Interjection*) - no, I have put the question and they are voting. It is voting time. On the left side? Only one hand up. Those against on the right side? On the left side?

Thirty-two members have agreed against zero that we proceed. (*Applause*) Under Rule 6 of the Rules of Procedure, this is a matter for the elected members, so we will proceed.

The next stage – it says after secondment of the nominations on the floor – (*Interjection*) - I was going to move to invite the candidates who have been duly nominated and seconded to come to the floor and introduce themselves before you proceed to vote.

**Mr Thoar:** Honourable Clerk, we still have members outside who might come and vote so can we wait for them?

**The Clerk:** No, the rule was explained that it is by choice. They might be abstaining, I do not know. If they so wish, you can call or mobilise them.

The first in alphabetical order to introduce himself as a candidate is hon. Kimbisa. I do not see the candidate, hon. Kimbisa.

The second is hon. Martin Ngoga. You can come and have five minutes to introduce yourself - *(Applause)*.

**Mr. Martin Ngoga (Rwanda):** Honourable members, thank you for this opportunity. I am here to request for your vote so that I can be your leader as the Speaker of the Fourth EALA. I am Martin Ngoga.

I did not have to distribute a flyer with my photograph because you had seen me before you came here. I have been to your capitals, I have worked with you, and we have walked a journey of difficulty. We went through a moment where we needed a leader to emerge and I did.

I provided leadership without your mandate. Now I am seeking your mandate. Give me your mandate and matching orders and I will do the job.

Honourable members, in the event that you elect me as your Speaker, I will not be anywhere above any seat in this House. I will be the first among equals, and that will be the spirit of my leadership.

On that short note, honourable members, give me your trust. I will offer the leadership that you need and deserve. I thank you very much.

**The Clerk:** Thank you. The third candidate who was officially nominated is hon. Nzeyimana Leontine. I do not see hon. Nzeyimana Leontine wishing to come and introduce herself to the members.

Honourable Members, we will continue by moving to the next stage in accordance with our Rule 6(9), which provides as follows: *“Voting shall be in the following manner – (Loud consultations) Honourable Members, it is important that you listen to the procedure.*

- (a) *“The Clerk shall, at least one hour before the meeting of the House, prepare ballot papers upon which shall be shown the names of all candidates validly nominated under sub-rule (3) of this rule, and shall issue not more than one such paper to each member who comes to the table to obtain...”* I emphasise this - *but a member who, before the conclusion of a ballot, has marked his or her paper in error may, by returning it to the Clerk, obtain another in its place, and the Clerk shall immediately cancel and destroy the paper returned”.*

I have already prepared the ballot papers with the three names and they remain the three names because I can only delete a name under our rules if a member withdraws his or her candidature in writing, and none has done so. Two, if you do it in error, you are free to bring back your paper to the Clerk and we destroy it.

- (b) *After all members who wish to vote have voted, the Clerk shall, in full view of the members present, empty the ballot box and immediately count the ballot papers contained in it.*

- (c) *Upon completion of counting, the Clerk shall announce the results of the ballot specifying the total number of ballot papers contained in the ballot box, the total number of members who abstained from voting, the number of both spoilt and blank papers and the number of votes obtained by each candidate.*
- (d) *A member shall not be elected as Speaker unless he or she is supported by the votes of two thirds of all the members of the House. If no candidate is supported by the votes of two thirds of all members, a further ballot shall be held between the first two candidates and if in the second ballot no candidate is supported by the votes of two thirds of all members, a candidate who in that ballot received the highest number of votes shall be declared elected.*
- (e) Where no candidate received support of two thirds of all members under paragraph (e), a further ballot shall be held for the first two candidates.
- (f) The candidate who receives the highest number of votes in the second ballot shall be declared elected and in the event of a tie, elections shall be held again between the two candidates.
- (g) *Where a candidate under sub rule (8) – this is where you have one candidate – does not receive two thirds of all members, a further ballot shall be held and the candidate shall be declared elected if he or she gets a simple majority of the votes.*

Therefore, we still have three candidates validly nominated. Now we shall proceed to start the voting process. Sergeant-at-Arms, where are the ballot papers and boxes? We need to demonstrate to you that the ballot boxes are empty.

Our polling booth is right here adorned in the EAC colours. There is no paper in that ballot booth. Please do not apply a lot of pressure on the soft board. Just tick and bring. Just check but do not put anything there either. There is nothing.

**Mr Aden:** My request is that the bell be rung because there are some members who are along the corridors here. Maybe for about five minutes for them to – (*Interruption*) -

**The Clerk:** No, I am proceeding. Those who wish to come in to vote...it is by wish. We have to use the same rules; it is optional. They are aware that we are voting.

**Mr Aden:** Okay, I stand guided.

**The Clerk:** Honourable Members, we now proceed to vote. Can you demonstrate the copy of the ballot paper? (*The Clerk-at-Table held up a copy of the ballot paper*). It is clear, you only need to tick. You are literate people and you go through this all the time. We have the three candidates who were nominated because none has withdrawn. We will go country by country.

Clerks, tick. If a member does not come to pick the ballot, you will state that it is an abstention – (*Interruption*).

**Mr Aden:** Sorry to interrupt you. I know that Kenya is second in the list after Burundi, whose members I am sure are not all here, and it is not that my colleagues are not here.

We have been sitting here for many hours and some have just gone for a nature break. My request again is for us to ring the bell for two to three minutes just to bring people in.

**The Clerk:** Hon. Abdikadir, you can go as an individual and come back. Come, cast your vote, and take a rest. During the counting of votes, we shall have some time. We are mindful of the time now. We will begin in alphabetical order.

*(Voting commenced)*

### **Republic of Burundi**

Hon. Ahingejeje Alfred- (absent)  
 Hon. Burikukiye Marie Claire- (absent)  
 Hon. Burikukiye Victor- (absent)  
 Hon. Karerwa Mo-Mamo- (absent)  
 Hon. Muhirwa Jean Marie- (absent)  
 Hon. Nduwayo Christopher- (absent)  
 Hon. Nzeyimana Leontine- (absent)  
 Hon. Rurakamvyé Pierre Claver- (absent)  
 Hon. Nsavyimana Sophie- (absent)

### **Republic of Kenya**

Hon. Aburi Mpuru Lawrence- (present)  
 Hon. Aden Omar Abdikadir- (present)  
 Hon. Ali Ibrahim Fatuma- (present)  
 Hon. Kalonzo Musyoka Kennedy- (present)  
 Hon. Mbugua Nganga Simon- (present)  
 Hon. Muhia Wanjiku- (present)  
 Hon. Noor Adan Mohamed- (present)  
 Hon. Dr Oburu Oginga- (present)  
 Hon. Serгон Jematiah Florence- (present)

### **Republic of Rwanda**

Hon. Bahati Alex- (present)  
 Hon. Barimuyabo Jean Claude- (present)  
 Hon. Gasinzigwa Oda- (present)  
 Hon. Dr Kalinda Francois Xavier- (present)  
 Hon. Ndagizwa Fatuma- (present)  
 Hon. Ngoga Martin- (present)  
 Hon. Rutazana Francine- (present)

Hon. Rwigema Pierre Celestin- (present)  
 Hon. Uwumukiza Francoise- (present)

### **Republic of South Sudan**

Hon. Dr Arol Garang Aher Gabriel- (present)  
 Hon. Ayason Mukulia Kennedy- (present)  
 Hon. Deng Gai- (present)  
 Hon. Deng Dut Gatket Thomes- (present)  
 Hon. Hon. Kim Gai Ruot Duop- (present)  
 Hon. Garang Alaak Gabriel- (present)  
 Hon. Dr Leonardo Anne Itto- (present)  
 Hon. Dr Odok Woda Jeremiah- (present)  
 Hon. Thoar Gatpan Gideon- (present)

### **United Republic of Tanzania**

Hon. Kimbisa Adam Omar- (absent)  
 Hon. Lemoyan Josephine Sebastian- (absent)  
 Hon. Lugiko Happyness Elias- (absent)  
 Hon. Maassay Pamela Simon- (absent)  
 Hon. Dr Maghembe Ngwara- (absent)  
 Hon. Dr Makame Abdullah Hasnuu- (absent)  
 Hon. Eng. Mnyaa Muhamed Habib- (absent)  
 Hon. Nkuhi Fancy Haji- (absent)  
 Hon. Yahya Maryam Ussi- (absent)

### **Republic of Uganda**

Hon. Akol Rose Okullu- (present)  
 Hon. Kasamba Mathias- (present)  
 Hon. Mugenyi Mary- (present)  
 Hon. Mukasa Fred Mbidde- (present)  
 Hon. Musamali Mwasa Paul- (present)  
 Hon. Nakawuki Susan Nsambu- (present)  
 Hon. Namara Dennis- (present)  
 Hon. Odongo George Stephen- (present)  
 Hon. Opoka Okumu Christopher- (present)

**The Clerk:** Honourable Members, I am informed that all those members who wish to vote have voted, so we can go back to the provisions of our rules.

Rule 6(9)(c): *“The Clerk shall, in full view of the members present, empty the ballot box and immediately count the ballot papers contained in it.”* Before I ask the Sergeant-

At-Arms to do that on my behalf, do you want to have any agents to come and witness so that no paper disappears anywhere?

*(Some honourable members went forward as agents)*

Whose agent are you? Okay. Sergeant, empty the ballot box first. After the ballot box is emptied, we are supposed to count the ballot papers contained in it immediately. So, count the ballot papers contained in the ballot box. Open them up now and put them on the side.

Okay, under the provisions of sub-rule (d), the total number of papers contained in the ballot box are 36. Number two, we are supposed to record the total number of members who have abstained from voting. They are 18. Do you have the tally sheets? Record on the actual tally sheet the actual declaration. We are now entering. What is the total number of spoilt and blank ballot papers? Zero.

Four, we are supposed to get the total number of votes obtained by each candidate. Where is the tally sheet so that we start counting and entering the tally for each candidate? Do it in full view.

*(Counting of votes commenced)*

**The Clerk:** Honourable Members, your attention please. The voting exercise is done. I want to bring you the results as counted and witnessed.

Rule 6(9) (d) says that we should inform the total number of ballot papers contained in the ballot box. They were 36. The total number of members who abstained from voting were 18. The total number of both spoilt and blank

papers was zero. The total number of votes obtained by each candidate were:

Candidate Kimbisa Omar Adam - 0.

Candidate Ngoga Karooli Martin - 35  
*(Applause)*

Candidate Nzeyimana Leontine - 1

Rule 6(9) (e) says, “*A member shall not be elected as Speaker unless he or she is supported by the votes of two thirds of all members of the House.*” The House of the members who currently elect is 54. Two thirds is 36. No member has 36.

The rule provides that in the event that no candidate is supported by the votes of two thirds of all members, a further ballot shall be held between the first two candidates. The first two candidates in this case is hon. Ngoga Martin and hon. Nzeyimana Leontine. Therefore, we must go back to the second round and start voting for the first two candidates. We have to go to the second ballot, so let us prepare again.

*(Second ballot commenced)*

### **Republic of Burundi**

Hon. Ahingejeje Alfred - (absent)  
Hon. Burikukiye Marie Claire - (absent)  
Hon. Burikukiye Victor - (absent)  
Hon. Karerwa Mo-Mamo - (absent)  
Hon. Muhirwa Jean Marie - (absent)  
Hon. Nduwayo Christopher - (absent)  
Hon. Nzeyimana Leontine - (absent)  
Hon. Rurakamye Pierre Claver - (absent)  
Hon. Nsavyimana Sophie - (absent)

### **Republic of Kenya**

Hon. Aburi Mpuru Lawrence - (present)  
Hon. Aden Omar Abdikadir - (present)  
Hon. Ali Ibrahim Fatuma - (present)  
Hon. Kalonzo Musyoka Kennedy - (present)  
Hon. Mbugua Nganga Simon - (present)

Hon. Muhia Wanjiku - (present)  
 Hon. Noor Adan Mohamed - (present)  
 Hon. Dr Oburu Oginga - (present)  
 Hon. Serگون Jematiah Florence - (present)

### **Republic of Rwanda**

Hon. Bahati Alex - (present)  
 Hon. Barimuyabo Jean Claude - (present)  
 Hon. Gasinzigwa Oda - (present)  
 Hon. Dr Kalinda Francois Xavier- (present)  
 Hon. Ndangiza Fatuma- (present)  
 Hon. Ngoga Martin- (present)  
 Hon. Rutazana Francine- (present)  
 Hon. Rwigema Pierre Celestin- (present)  
 Hon. Uwumukiza Francoise- (present)

### **Republic of South Sudan**

Hon. Dr Arol Garang Aher Gabriel- (present)  
 Hon. Ayason Mukulia Kennedy- (present)  
 Hon. Deng Gai  
 (present)

Hon. Deng Dut Gatket Thomes- (present)  
 Hon. Hon. Kim Gai Ruot Duop- (present)  
 Hon. Garang Alaak Gabriel- (present)  
 Hon. Dr Leonardo Anneitto- (present)  
 Hon. Dr Odok Woda Jareemiah- (present)  
 Hon. Thoar Gatpan Gideon- (present)

### **United Republic of Tanzania**

Hon. Kimbisa Adam Omar- (absent)  
 Hon. Lemoyan Josephine Sebastian- (absent)  
 Hon. Lugiko Happyness Elias- (absent)  
 Hon. Maassay Pamela Simon- (absent)  
 Hon. Dr Maghembe Ngwara- (absent)  
 Hon. Dr Makame Abdullah Hasnuu- (absent)  
 Hon. Eng. Mnyaa Muhamed Habib- (absent)  
 Hon. Nkuhi Fancy Haji- (absent)  
 Hon. Yahya Maryam Ussi- (absent)

### **Republic of Uganda**

Hon. Akol Rose Okullu- (present)  
 Hon. Kasamba Mathias- (present)

Hon. Mugenyi Mary- (present)  
 Hon. Mukasa Fred Mbidde- (present)  
 Hon. Musamali Mwasa Paul- (present)  
 Hon. Nakawuki Susan Nsambu- (present)  
 Hon. Namara Dennis- (present)  
 Hon. Odongo George Stephen- (present)  
 Hon. Opoka Okumu Christopher- (present)

**The Clerk:** I am informed that was the last member wishing to vote. May we call the candidate's agents back and we count the results of the second ballot? I need agents for only the two candidates. Sergeant please empty the ballot box again and let us begin counting the ballots in the box.

- (Loud consultations) -

**The Clerk:** Order, honourable members, please witness what is going on. Record that the total number of ballot papers is 36. The total number of members who have abstained from voting are 18. The number of both spoilt and blank ballot papers - we are going to check as we start counting. Let us begin. There is a spoilt vote as it is ticked in a wrong place. You can all witness. Is this valid? It is clear?

(Declaration of Results)

**The Clerk:** Honourable members, we have voted under Rule 6(9) (f), which says, "Where no candidate receives the support of two thirds of all members under paragraph (e), a further ballot shall be held for the first two candidates." We have just done that. (g) says, "The candidate who receives the highest number of votes in the second ballot shall be declared elected and in the event of a tie, elections shall be held again." There is no tie.

In the second ballot, the total number of ballots contained in the ballot box are 36. The Number of spoilt and blank papers is zero.

The total number of members who abstained from voting are 18. The number of votes obtained by each candidate:

Hon. Ngoga Karooli Martin - 33

Hon. Nzeyimana Leontine - 3.

Therefore, in accordance to Rule 6(9) (g), I declare hon. Ngoga Karooli Martin, having been supported by the majority of votes in the second ballot, duly elected Speaker of the Fourth EALA - *(Applause)*. Please stay in your seats.

### **OATH OF OFFICE OF THE SPEAKER**

**The Clerk:** Honourable Members, Rule 6(10) provides that immediately following the election of a Speaker, the Clerk shall administer to the candidate elected, the Oath, or Affirmation of office. I now call upon hon. Ngoga Martin to move forward to the podium here.

The Oath was administered to -

Mr. Martin Karooli Ngoga

**The Clerk:** He is no longer your equal; he assumes a higher office - *(Laughter)*.

Honourable Members, I will suspend the proceedings briefly and then the Speaker will come back and conclude. But before I briefly suspend the proceedings, I want to thank you all, honourable Members, for the orderly manner in which you have conducted this election. I thank the agents for witnessing a very transparent election conducted by my independent electoral body. I warmly congratulate hon. Martin Ngoga for being elected the Speaker of the Fourth Assembly – *(Applause)*.

With that, I come to the end of my bit. I now suspend the proceedings for a few minutes to allow the Speaker to go and robe properly. He shall lead back his procession, make his acceptance speech and begin to take charge of his House. The House is suspended for a few minutes - *(Applause)*.

*(The House was suspended at 5: 59 p.m.)*

### **SPEAKERS'S PROCESSION**

*(On resumption at 6:08 p.m.-)*

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

### **ACCEPTANCE SPEECH BY THE SPEAKER**

**The Speaker (Mr. Martin Ngoga):** Thank you, honourable Members.

Your Excellency Bernard Makuza, President of the Senate of Rwanda Parliament, the Rt. hon. Anthony Lino Makana, Speaker of the Transitional National Assembly of the Republic of South Sudan, the Chair and members of the EAC Council of Ministers present, the incoming members of the Fourth Assembly, Members of Parliament and Senators from the Partner States, the President of the Democratic Party, Uganda, hon. Norbert Mao, distinguished guests, ladies and gentlemen, good evening.

To the leaders of higher institutions of our Partner States and distinguished citizens of our Community, thank you for honouring us with your presence today. We shall continue to reach out to you for advice.



Since I am privileged to be standing in this position, I thank, on my own behalf and on behalf of honourable members, our spouses, parents, friends and all family members who travelled all the way to be here today to witness this historic event in our lives. To all the distinguished visitors in the gallery I say thank you for being with us today. Honourable members, I am sure that I share the emotions and excitement with you as I extend our profound gratitude to our families and friends who have supported us every step of the way. Thank you.

I congratulate you, honourable Members, for your deserved election to the Fourth EALA, and welcome you to your new home in Arusha. We are fully cognisant of the fact that elections, being what they are, can be rather rigorous, interesting and intense, even for seasoned politicians. Elections by their nature leave their own traces. As we conclude today, let us fill all the traces it may have left and move forward as one caucus determined and united.

I am deeply humbled by the fact that this august House has elected me as the Fifth Speaker of the East African Legislative Assembly, and in that accord, bestowed upon me the honour of the first among equals. Please accept my profound appreciation to you all for conferring unto me such honour. I salute the efforts and deserved participation of my competitors, and I am ready to work with you all now that we are past this event – (*Applause*).

I accept this responsibility with magnanimity, and I promise to uphold the dignity of the House at all times by fully submitting myself to the will of the House, the supremacy of the rules of the House, and

laying claim to the privileges of the Assembly and the members.

In performing my duties, I will give the majority their way but I will always respect and protect the rights of the minority at all times.

Honourable members, the delay to constitute and inaugurate the Fourth Assembly had considerable repercussions for us individually and collectively. Nevertheless, as a team, with unity of purpose, we own and appreciate the circumstances that caused the delay and together we shall make our contribution to prevent possible recurrence of a similar situation in the future.

Honourable Members, I am not under any illusion of being elevated above any seat in this Chamber. I remain a colleague whom you have trusted with a responsibility. That trust humbles me and challenges me never to deviate from the path you have defined for me to walk in.

I will spare no effort to provide the leadership you need to maintain high moral standing for us to exercise oversight on other institutions of the Community confidently.

To all Organs of the Community, you have found a credible partner in the Fourth EALA – (*Applause*). Our roles are complimentary and not in conflict with each other. EALA will play its rightful role in this spirit, and we are looking forward to the support of all the Community Organs and Institutions.

To the staff, thank you all for what you have done for this Assembly and for what you continue to do. The honourable members hold in high esteem the role that you play to

facilitate their mission. We will continue to work together as a team.

Honourable Members, distinguished guests, I will work with you to avail the legal framework and infrastructure necessary for effective implementation of areas of integration that our Partner states have negotiated and agreed upon. We shall reach out to the people of East Africa to preach the gospel of integration in every corner of the East African Community and in all the Partner States – (*Applause*).

Honourable members, there have been decisions made by the relevant Organs to grant the Assembly financial and administrative autonomy, which decisions have not yet been fully implemented. The Assembly will work with the Council of Ministers and the EAC Secretariat to operationalise these decisions as one of our immediate priorities.

Honourable Members, distinguished guests, today we have started our tour of duty. It is a regional duty given the fact that we are a regional Assembly. This comes with a challenge for us to demonstrate our abilities, willingness and readiness to rise above our parties and interests, and to promote a regional agenda.

This should not be a difficult task because the regional agenda is not in conflict with sovereign priorities of our Partner States. We should be capable of differentiating between operational challenges that we may face at a regional level and sovereign policies and priorities. In this, the Treaty and other legal instruments in place shall guide us, but we will remain focused on what is in the best interest of all East Africans.

Let us resolve to own our challenges collectively as a region and as a regional Assembly instead of accepting to be swayed by situations and then retreat into deviated interests. That is the spirit of integration, and that is what we are here to promote.

The integration processes entail challenges as expected in every enlarged family. With clarity of purpose, we should always strive to resolve these challenges without losing focus of our common direction. And, as a regional Assembly, we have a big role to play.

Honourable Members, on your behalf and on my own behalf, I thank all the members who served in the previous Assembly for steering it to the impressive level that we have found.

Before I conclude, honourable Members, I wish to recognise, once again, the presence of the Rt. hon. Bernard Makuza, President of the Rwanda Senate, and the Rt. hon. Anthony Lino Makana, my very good brother and friend whom I first met in Juba. Thank you for honouring us with your presence – (*Applause*).

Many dignitaries were with us yesterday and have since left for other engagements. For purposes of record, I wish to acknowledge them as follows: Yesterday we were honoured with the presence of the Rt. hon. Kenneth Lusaka, Speaker of the Senate of Kenya and his delegation. We also had the honour of the presence of hon. Rosalinda Soipan Kunya representing the Rt. hon. Justin Muturi, Speaker of the Kenya National Assembly.

We also had hon. Mussa Zungu, Member of Parliament and leader of delegation from the Parliament of Tanzania. Also present were

the Ministers responsible for EAC Affairs, and some of them are still around.

The Secretary General has been with us...I think he has gone out. Former Members of EALA - hon. Peter Mathuki was present. Members of Parliament and Senators from the Partner States, those who are still around, please stand up for recognition - *(Applause)*. Thank you very much for coming to support us.

We also had the presence of the Governor of Nairobi, His Excellency Mike Mbuvi. There was also the Governor of Uasin Gishu County, hon. Jackson Mandago. We had the Lord Mayor of Arusha, a very important person for us whose jurisdiction we will be calling home for the next five years. We had heads of security agencies as well as the Deputy Mayor of Arusha.

If there is anyone whom I have not mentioned under the impression that they are not around when he or she is around, please stand up for recognition. If not, we appreciate the time they spared for us and we understand the circumstances that caused their absence today.

Honourable Members, as I conclude, I wish you all a successful tour of duty, and I reiterate my resolve to provide the leadership you deserve to the best of my ability. I thank you for your kind attention. God bless you - *(Applause)*.

### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable Members, before I adjourn, I have some announcements to make.

One, after the adjournment and immediately after we get out of the chamber, we shall take a group photograph in front of the building for official records of the inauguration of the Fourth Assembly.

We shall also have a get together dinner organised in commemoration of the inauguration. This dinner is for all of us; our families, invited guests and staff. It will be at Mt Meru hotel starting at 7.00 p.m.

Three, you may wish to refer to the proposed programme for the week as earlier circulated to us by the Clerk. As you are aware, we have run behind schedule. The Clerk has tried to reorganise the programme and the new programme is circulated to you all. You will find some changes that we have made.

### ADJOURNMENT

**The Speaker:** With those announcements, honourable members, the House stands adjourned until tomorrow at 11.30 a.m. Have a nice evening.

*(The House adjourned at 6:22 p.m. to Wednesday, 20 December at 11:30 a.m.)*