



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

Official Report of the Proceedings of the East African Legislative Assembly

59th SITTING – FIRST ASSEMBLY: FIRST MEETING - FIFTH SESSION

Tuesday, 6 December 2005

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha

PRAYER

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

The Assembly was called to Order.

**COMMUNICATION FROM THE
CHAIR**

The Speaker: Honourable Members, tomorrow morning at 10.00 o'clock, members of the House will have a meeting with the Auditors General of the three Partner States. I request you to be seated five minutes before 10.00 tomorrow morning, in this room.

MOTION

Mr. Med Kaggwa (Chairperson of the Committee on Legal Affairs, Rules and Privileges): Mr. Speaker, sir, I beg to move_

“THAT, This Assembly, pursuant to the provisions of

Articles 23, 27(1) and 30 of the Treaty for the Establishment of the East African Community and Rule 26(1) of the Rules of this House, do note that hon. Calist Andrew Mwatela, hon. Lydia Wanyoto Mutende and hon. Amb. Isaac Abraham Sepetu, intend to seek the interpretation of the East African Court of Justice regarding certain decisions of the Council of Ministers.”

Mr. Jared Kangwana (Kenya): Seconded.

Mr. Kaggwa: Mr. Speaker, it is a motion for the House to note that hon. Calist Andrew Mwatela, hon. Lydia

Wanyoto Mutende and hon. Amb. Isaac Sepetu, intend to commence an application for reference in the East African Court of Justice to interpret the Treaty for the Establishment of the East African Community regarding certain decisions of the Council of Ministers:

Preamble

“WHEREAS on 11 April 2002 at its extraordinary summit meeting held in Kampala the Summit directed the Council that in matters pertaining to participation in the World Trade Organisation and the ACP/EU arrangements (under the Cotonou Partnership Agreement between the ACP groups of states and the European Community) the Partner States should negotiate as a bloc;

AND WHEREAS on the 16th of October 2003, hon. Dan Wandera Ogalo and hon. Calist Andrew Mwatela jointly sought leave of the House to introduce a Private Member’s Bill entitled “The East Africa Joint Trade Negotiations Bill, 2003;

AND WHEREAS the House granted leave for the two Members to introduce the said Bill;

AND WHEREAS on 2 December 2003 the Bill was presented for the First Reading and was referred to the Committee on Communications, Trade and Investment for consideration;

AND WHEREAS on 30 September 2004 a second reading was deferred to allow the Committee on Communications, Trade and Investment to consult further and to hold wide public hearings for the stakeholders;

AND WHEREAS on 29 September 2004, hon. Rose Waruhiu, hon. Med Kaggwa and hon. Dan Ogalo moved motions to seek leave of the House to introduce Private Members’ Bills entitled “*The East African Community Budget Bill, 2004*”, “*The East African Community Privileges and Immunities Bill, 2004*” and “*The Inter-University Council for East Africa Bill, 2004*” respectively;

AND WHEREAS on the said date the said Bills were referred to the relevant committees for consideration;

AND WHEREAS on 1 December 2004, the hon. Jakaya Kikwete, Chairperson of the Council of Ministers, moved a motion in the House under a certificate of urgency to introduce a Council Bill entitled “*The East African Community Competition Bill, 2004*” and the same was referred to the Committee on Communications, Trade and Investment for consideration;

AND WHEREAS on the 8th of March 2005, a debate on the said Bill was adjourned to allow the Council of Ministers to consult further on the recommendation by the Committee on Communications, Trade and Investment to establish an East African Community Competition Authority instead of a Committee as proposed under Clause 37 of the Bill;

AND WHEREAS during the House Business Committee meeting of 23 November 2004, which was attended by hon. Tom Butime, the then Chairperson of the Council of Ministers, enactment of the Bills was discussed and it was agreed that the Bills had wide policy and financial implications on the Partner

States, and that they ought to be initiated by the Council of Ministers, and it was further agreed that the Council of Ministers would assume responsibility of the Bills and submit them as Council Bills for legislation by the Assembly during the next Sitting;

AND WHEREAS during a meeting of the sponsors of the Bills and the House in an informal Sitting there was unanimous agreement with the decisions of the House Business Committee, but with a rider that in case the Council was not ready with the Bills during the next Sitting the Assembly would proceed to enact the Bills;

AND WHEREAS on 24 November 2004, at its 9th Meeting the Council assumed responsibility of *the East African Community Trade Negotiations Bill 2004*, the *East African Community Immunities and Privileges Bill, 2004*, and *the Inter-University Council for East African Bill, 2004* as Council Bills for consideration and submission to the House in early 2005;

AND WHEREAS at the East African Community High Level Retreat held at Ngerudoto, Arusha from 10th to 11th August 2005, the Chairman of the Council of Ministers directed that the said Bills be submitted as a matter of urgency to the House at its next Sitting scheduled to begin on 19 September 2005;

AND WHEREAS the said session began on the said date, no Bill was presented because the Sectoral Council on Legal and Judicial Affairs advised the Council of Ministers to withdraw the Bills from the Assembly, and further advised the

Chairperson of the Council of Ministers to advise the Speaker to stay further consideration on the Bills;

NOW THEREFORE, THIS ASSEMBLY;

NOTING the hard work done by the Committees to consider those Bills and the improvement already done to *the East African Trade Negotiations Bill, 2004* and the other Bills;

FURTHER NOTING that the Council of Ministers is delaying the implementation of the directives of the Summit;

RECOGNIZING that the Sectoral Council on Legal and Judicial Affairs interfered with the legislative process by insisting that the Assembly should halt its legislative function;

OBSERVING that the said Sectoral Council was aware of the decision of the Council of Ministers as contained in the directives of the Chairperson of the Council of Ministers;

DO NOW NOTE, that hon. Calist Andrew Mwatela, hon. Lydia Wanyoto Mutende and hon. Amb. Isaac Abraham Sepetu, Members of this Assembly, intend to commence an application for reference in the East African Court of Justice to interpret the Treaty in accordance with Articles 27 (1) and 30 regarding certain decisions of the Council of Ministers.”

Mr. Speaker, sir, the Assembly's functions are under Article 49(1) and (2) of the Treaty. Among the many functions, it is the legislative organ of the Community. On the other hand, the

Council is the policy organ of the Community, and this is stipulated under Article 14(1) of the Treaty.

Under Article 14(3) (b), the Council shall initiate and submit Bills to the Assembly. Unfortunately, for the last four years the Council has introduced only two substantive Bills, namely, *the East African Community Customs Union Management Act* and the incomplete *East African Community Competition Bill*. As a result of this performance – (*Interruption*) -

Mr. Wilbert Kaahwa (Counsel to the Community): On a point of information, Mr. Speaker, sir, may I inform my hon. friend on the Floor that the Council of Ministers has also introduced the East African Community Standardization, Quality Assurance, Metrology and Testing Bill.

Mr. Med Kagwa: Mr. Speaker, sir, the Council has also introduced a Bill that has never been debated, but I take note of it.

Now, as a result of this, a vacuum was created in policy direction and in the implementation of the objectives of the Treaty. Consequently, the Assembly, assuming its legislative function under Article 59 (1) of the Treaty has since then initiated, introduced and debated various Bills, and as a result, the following Bills, namely; “*The Acts of the Community Act*”; “*The Laws of the Community Interpretation Act*”; the “*The East African Community Emblems Act*” and “*The East African Legislative Assembly Powers and Privileges Act*” were enacted and assented to by the Summit.

Continuing with this Legislative function under Article 59(1), the Assembly introduced the following Bills:-

- (i) The East African Community Budget Bill
- (ii) The East African Community Immunities and Privileges Bill
- (iii) The Inter-University Council for East Africa Bill
- (iv) The East African Community Joint Negotiations Bill.

As this House is well aware, each of these Bills has been delayed under various circumstances, and I will go on to give the circumstances from no less than the speech of the Minister, John Koech, who was standing in for the Chairperson of the Council then.

On the East African Community Joint Trade Negotiations Bill, the Minister had this to say:

“Upon the assumption of ownership of the Bill, the Council directed that a study be undertaken on the mechanism for trade negotiations as a bloc for the East African Community Partner States. A consultancy study has been concluded and the report will now be sent to the Partner States for comments. And as has been mentioned before, it will be subjected to the relevant Sectoral Committees for appropriate policy input. Therefore, the Council requests that the development of legislation on trade negotiations be stayed pending the conclusion

of the Partner State's consultations."

On the East African Community Budget Bill, the Minister said:

"Comments on the Bill from the Partner States have been received, and they will now be submitted to the relevant sectoral committees for discussion. Therefore, the Council requests that this Bill be stayed for the time being to allow such consultations to be concluded."

On the East African Community Immunities and Privileges Bill, he said:

"It is the view of the Partner States that this Bill be withdrawn from the East African Legislative Assembly because a protocol within the meaning of Article 151 of the Treaty is sufficient for the immunities and privileges of the East African Community, its organs and institutions and persons in its service. The Council will therefore urge the Ministers responsible for Foreign Affairs to conclude and bring the Protocol on Immunities and Privileges into force by 1 January 2006."

On the Inter-University Council for East Africa Bill, he said:

"Similarly, it is the view of the Partner States that this Bill should be withdrawn from the East African Legislative Assembly because within the meaning of Article 152 of the Treaty, the Protocol on the

Establishment of the Inter-University Council for East Africa is sufficient for the formal establishment of the institution and any other related matters.

On the East African Community Competition Bill, he said:

"On the East African Community Competition Bill, the issue here is the financial and budgetary implications on the institutional framework for competition, for example, the establishment of either a committee on competition or a fully-fledged authority."

Mr. Speaker, before progress could be made, the Council of Ministers, acting on the advice of the Sectoral Council on Legal and Judicial Affairs, appears to have either delayed or killed these Bills. The reasons advanced by this unfortunate action do touch on the powers of the Assembly to legislate and the functions of the Council in respect of legislation and the general working of the Community. As a result, there are differing views on this matter between the Legal Committee and the Council; hence the need for the East African Court of Justice to make a ruling that will guide the relationship between the East African Legislative Assembly and the Council of Ministers as to the powers of each of the organs.

Mr. Speaker, sir, it is against this background that the hon. Calist Andrew Mwatela, hon. Lydia Wanyoto Mutende and the hon. Amb. Isaac Abraham Sepetu, have thought it necessary to go to court and seek interpretation on some

of these matters for the betterment of the Assembly and the Community at large.

With those remarks, I beg to move. Thank you, sir - (*Applause*).

Mr. Jared Kangwana: Mr. Speaker, thank you for giving me the opportunity to, not only second the Motion but also to support it. The speaker before me has outlined the broad objectives of this Motion before the House, which I fully support in general, but in particular I would like to point out specific problems I have with protocols, which concerns go to the core of the Motion that is before the House as presented by my colleague before me.

First of all, Mr Speaker, sir, I note that the hon. John Koech - the Minister then present in the House in September - mentioned that a number of Bills were going to be concluded by way of protocols. In other words, the Bills were being withdrawn from the House, and that what the House was trying to achieve could be achieved by way of protocols.

There was no formal request, Mr Speaker, sir, for the Bills to be withdrawn from the House in accordance with the Rules of this House. Secondly, protocols are, generally speaking, instruments used to put in place arrangements between states. To that extent, we have no problem with the creation of protocols, although one has to point out that even in certain cases, like for example the privileges and immunities of persons working for international bodies, the Partner States have not only accepted what is internationally agreed to, but have gone ahead and actually legislated, through

their national assemblies, those Bills, which is what we are trying to do here.

Mr Speaker, sir, protocols cannot and have never governed relationships between individuals and states. A number of Bills like the Inter-University Council Bill and the Immunities and Privileges Bill, have no place for creation by way of protocols because they are not going to create rights and obligations for individuals and the state.

What we are saying, therefore, is that since a protocol cannot create rights and obligations between individuals and states, the only place that that can be done is in this Assembly. So, Mr Speaker, if you look at the protocols that have been drafted by...I do not know who by, but given to the Council of Ministers, there are no rights created, there are no obligations created, there are no offences created and there are no remedies created. Now if, for example, a dispute arose between an employee of the Inter-University Council and the Council itself, where would that individual go? So, we are saying that since it is only the Assembly that can create rights and obligations between individuals and institutions, the right place that can be done is in this House.

Mr. Speaker, sir, one has also to bear in mind -and this is an important aspect of protocols- that protocols on their own have no force of law between individuals and states. And if at any time in the future the Council wanted to make protocols that they wanted ratified to have the force of law, they would have to bring them to this House. And we are asking, Mr Speaker, sir, why is it that the Council of Ministers is afraid to bring those Bills here so that we can clothe

them with the force of law? Why do they have to wait until perhaps a dispute arises before they can be brought here so that we can clothe them with the force of law? And we say, Mr Speaker, sir, that there is an attempt to legislate through protocols in this Community and thereby avoid bringing Bills into this House, either out of fear or out of a sinister motive to empower the Executive with legislative powers!

Mr. Speaker, sir, I also have a particular concern about Article 151 of the Treaty, under which the Minister says they want to create protocols. If you will allow me, Mr Speaker, sir, I will read some of the paragraphs of Article 151:

151(2) Each protocol shall be approved by the Summit on the recommendation of the Council.

151(3) Each protocol shall be subject to signature and ratification by the parties hereto.

151(4) The Annexes and protocols to this Treaty shall form an integral part of this Treaty.

Mr. Speaker, sir, I have two problems with this Article: The first one is that in the past, and the House will recall, there were many protocols that had been concluded but had never been ratified, and it took the determination and courage and constant questions of this House to have those protocols eventually ratified. Mr Speaker, in the case of Kenya, I remember there were about 15 protocols which were lying somewhere in the Minister's office that had not been ratified, and as the Kenyan Chapter of this Assembly, we followed these protocols to the office of the Minister

and actually ensured that they were signed! Now what I am saying, Mr Speaker, sir, is that these protocols, although we are being promised that one of them will be here in January, I doubt that it will happen, unless this House, again like in the past, calls the Council of Ministers to question!

The second thing that worries me about this article is the provision that the protocols will form an integral part of the Treaty. Mr Speaker, once protocols that have been concluded are signed, they are supposed to go to national assemblies for ratification. That is how the Treaty for the Establishment of the East African Community was enacted into law. So this Treaty is not simply a protocol; it is a law to the extent that the national assemblies actually ratified it. The practice in Partner States with protocols that have been created subsequently is that they are not taken to national assemblies for ratification!

What is the meaning of that which worries me? The meaning of it is that through protocols, the Executive has found a way of legislating without involving either this House or the National Assemblies in the Partner States. I know of no jurisdiction on the face of this earth- unless it is a dictatorship, Mr Speaker, which our three Partner States happily are not (*Interjection*) -that legislates through Executive authority. All legislation in democracies is vested in parliaments.

So, Mr Speaker, my worry is that if we allow the Executive to take the legislative authority from this House, as they are attempting to do in respect of these Bills, I can guarantee this House that those protocols will be signed but

they will not be presented to the national assemblies for ratification. And I speak with confidence on that issue because I know of a number of protocols in Kenya that have been signed but not presented to the National Assembly for ratification – (*shouts of “Dictatorship”; “Banana Republic”*).

Mr. Speaker, the Treaty for the Establishment of the East African Community is clear about legislation; that power is vested in this Assembly, and I think it is the solemn duty of this House to ensure that that power is not taken away by any organ, authority or individual. If we allow that to happen, then that will be the beginning of dictatorship in this region – (*Hear, Hear*).

Therefore, Mr Speaker, in supporting this Motion, I would like to urge Members of this House to support this Motion for hon. Mwatela, hon. Wanyoto Mutende and hon. Sepetu to take an application to the East African Community Court of Justice, not only for interpretation, Mr Speaker, but where appropriate, for a nullification of the decision of the Council of Ministers or the Sectoral Council on Judicial Affairs.

With those remarks, I support the Motion – (*Applause*).

Mr. Daniel Ogalo (Uganda): Thank you, Mr. Speaker, sir. I intend to be very brief in supporting this Motion.

Mr. Speaker, sir, when two parties are disagreed on something, the best thing they can do is, not to fight, like hon. Zubedi suggests, but they should go to an impartial arbitrator, listen and become bound by that decision.

Mr. Speaker, sir, ever since the year 2002, we have had problems and disagreements with the Executive through the Council of Ministers, which have varied from the budget to the headquarters of the East African Community...so may of them, and each side in most cases has held its own view, saying “this is the budget, either you take it or you leave it”; “we are going to build the headquarters in Arusha, either you take it or you leave it!” and this has been going on for a long time. Now we have even reached a position where the executive is telling us, “we know the Treaty says that you are the legislative organ of the Community but you will not legislate; either you take it or you leave it”! Now, looking at the Motion, Mr. Speaker, sir I want to show why it is very necessary that these three Members go to the court.

Under Article 11(1) of the Treaty, it says:

“The Summit shall give general directions and impetus to the development and achievement of the objectives of the Community.”

In other words, it is the Summit which is mandated by this Treaty to give general directions. Now the Summit in its wisdom, according to the Motion immediately after the preamble, on 11 April 2002 exercised that authority under the Treaty, and gave the direction as to how the Partner States would negotiate.

The hon. Chairperson of the Committee on Legal Rules and Privileges has quoted from the *Hansard* of this House where Minister Koech says that on the

question of negotiations as a bloc, they were going to sit and have a consultancy first, and after that consultancy, they will put these things to the relevant sectoral committee to determine.

What was the Minister saying, Mr Speaker? The Minister was saying that although the Summit had given a direction, a certain sectoral committee down the Co-ordination Committee was going to review the decision of the Summit. That causes problems! Who is supposed to give the general direction; is it the Summit or it is some sectoral committee which is supposed to review a decision of the Summit?

So, when we reach a position where the Council of Ministers and sectoral committees challenge a decision of the Summit, there is only one body which can come in to tell us who is right because we are not there with the Executive. So, it is only the East African Community Court of Justice which will be able to sort this matter out. And in any case, Mr. Speaker, sir, I know, and I can go on record on this, that one of the Partner States wrote to the Secretary General saying that - and the letter is signed by a Permanent Secretary in one of the ministries - saying that they really see no necessity for the East African Community Joint Trade Negotiations Bill. A civil servant in one of the Partner States is saying to the Summit: "Your decision and your direction are of no relevance to me; do not proceed!" (*Shouts of: "Who is who?"*) So, it is only the Court of Justice which is going to solve this problem where people seem to be colliding - (*interruption*) -

Ms. Kawamara-Mishambi: On a point of order, Mr. Speaker, sir, could the hon.

Member on the Floor substantiate the allegation he has just made? Is he in order, Mr Speaker?

The Speaker: Mr. Ogalo, do you have that letter with you to submit it to the House?

Mr. Ogalo: Mr. Speaker, sir, I was awaiting your ruling on the question of whether I am in order or not, but I did state that one civil servant did that. Now a Member of this House is challenging me and saying can I produce that letter. Mr Speaker, sir, I do not have the letter now with me, but I want to go on record for saying that the country in question is Uganda, and if I am given time, I will table the letter here - (*Applause*).

Mr. Speaker, sir, the second example I want to give here, which shows the necessity to go to court, is that a whole Chairperson of the Council of Ministers, hon. Jakaya Kikwete, gave a directive that we would proceed with certain Bills in this House. That is the Chairperson of the Council of Ministers; he is the boss of the Executive, but then some people holding themselves out as a sectoral committee arrive here in Arusha, sit in a certain place with rapporteurs and purport to overrule the Chairperson of the Council of Ministers, and they want us to accept that? - (*shouts of: "Shame, shame"!*)

Mr Speaker, sir, these are grave matters for consideration by the East African Community Court of Justice. There are people who are undermining the East African Community, either through incompetence or deliberately, and this House cannot sit back and see the authority of the chief executive of the Community, the Chairperson of the

Council of Ministers, being undermined by certain people calling themselves *sijui* a certain sectoral committee! (*Interjections*)

So Mr. Speaker, sir, in supporting this Motion, I note that where there are differences, we need an arbiter. The Treaty created a court for that purpose. The Treaty knew that there would be problems, and therefore they said, have the East African Court of Justice. I therefore support the Motion that now that we have got disagreements, which only the Court of Justice can arbitrate over, I call upon the Members of this House to support this Motion so that we can have these matters solved once and for all. I thank you.

Ms. Sarah Bagalaaliwo (Uganda): Thank you Mr. Speaker, sir. For the four years that we have been here, we have had to travel the normal hurdled road of any new organisation coming into existence. This, however, has given us the actual experience, so that whatever action we are taking now is based on an experience of four years, and our experience is now questioning whether the trend of occurrences will enable this East African Legislative Assembly to continue carrying out its legislative function duly.

Mr. Speaker, we all know that there are basic principles that govern any institution that wants to succeed, or be effective. And this mainly depends on the congruity between the people who are serving there, the structures within which they are operating, the processes under which they carry out their activities and the environment in which they carry out those duties. We therefore feel that it is now urgent that the highest

court determines how best this congruence can be effected, otherwise all the institutions of the East African Community stand to be doomed or stand to remain in conflict without any success.

Mr. Speaker, sir, we all know that legislation is the driving force of any law, and it is the function of a legislative body. I am wondering, therefore, if this Assembly is not able to carry out its functions, what would be the implementing rules that any other organisation within the Community would be able to follow?

As I understand the Motion, this application in the court will seek basic principles of management, clarity of the law, co-ordination and flexibility of the institutions within the East African Community. Mr. Speaker, sir, allow me to urge our Members to all support this Motion and the initiative that has been taken by our colleagues, namely, hon. Mwatela, hon. Wanyoto and hon. Sepetu, because history will judge us by our actions or our passivity, and the *Hansard* will always bear evidence of our trials and tribulations. This course will manifest our desire to propel the integration process of the East African Community. I support the Motion.

Mr. Yonasani Kanyomozi (Uganda): Thank you Mr. Speaker. I want to be very brief in supporting the Motion. In this big book (*waving a copy of the Treaty for the Establishment of the East African Community*) which is a guide to us, the word “protocol” actually appears in seven articles - (*Interruption*).

Mrs. Rose Waruhiu (Kenya): On a point of order, Mr. Speaker, is the hon.

Member in order to refer to the Treaty as a big book? It is sacrilege!

The Speaker: He is only magnifying the importance of the “book”, I think.

Mr. Kanyomozi: Thank you very much, Mr. Speaker, for the wise guidance and rulings that you normally give in such awkward situations like this one – *(Laughter)*.

In the Treaty, Mr Speaker, where we are required to have protocols appears seven times: in Articles: 75(7), 76(1), 81(4), 104(2), 124(5), 138, which is actually dissolving the past protocols, and Article 151. These are the areas where we need protocols. And wherever we have had protocols, the Council of Ministers has thought it proper - as in the case of the Customs Union - to bring a Bill to this Assembly for debate to make those protocols effective. So they did the same in the case of the Standards Bill, which is before this House – *(Interruption)*

Mr. Wilbert Kaahwa (Ex-officio): On a point of information, Mr. Speaker, sir, may I inform my hon. friend on the Floor for whom I have sufficient respect that the Treaty for the Establishment of the East African Community does not limit the category of protocols which may be concluded within its context. Specifically, Article 151 of the Treaty provides that: *“the Partner States shall conclude such protocols as may be necessary in each area of co-operation which shall spell out the objectives and scope of and institutional mechanisms for co-operation and integration.”* Until we amend or review the Treaty, Article 151 allows the Partner States and the organs and institutions to conclude

protocols in each area of co-operation as and when necessary. I thank you.

Mr. Yonasani Kanyomozi (Uganda): I take that information; I even mentioned that Article 151, so there was nothing new that the Counsel to the Community added that I already did not know – *(Laughter)*. I mentioned Article 151 as one of the areas where the word “protocol” is used, and I am also saying that even when the protocols are prepared, they have got to be brought here to be debated an effected with a legislation. I am sure the Counsel to the Community knows that, and that is why he prepares those Bills for us.

Mr. Speaker, given what we have been seeing in the actions of the Council of Ministers and sectoral committees...Incidentally, I would also like to touch on the sectoral committees.

A sectoral committee is actually even junior to the Co-ordinating Committee. I cannot see what powers it has to overrule all the three Presidents of this region. The Presidents directed that negotiations in future on trade matters must be done jointly. We prepared a Bill; we had studies conducted by consultants. There is no need to have another study by consultants because this thing has been studied. For a sectoral committee to direct the presidents, the legislature and the ministers that they should stop and have another study, I find that one incredible.

Mr. Speaker, in supporting this Motion, I am suggesting that let the Court give us an interpretation so that we can stop people usurping the powers of others. Because once the interpretation is given, we will know who is who, and who is

where and who is supposed to do what. I am sure the Court, after we have got that ruling, will help us, in the little time remaining, to proceed with the Bills that we have painstakingly prepared for this Community. I thank you.

Mr. Ochieng-Mbeo (Kenya): Mr. Speaker, I must first of all declare my interest, and that interest is very clear, that I support the Motion.

Mr. Speaker, I think my colleagues have made very valid points, and what I want to say is that as much as this is not confirming what is going on, it is proving that even the protocols that have been ratified have no meaning to the East Africans.

I heard hon. Kangwana refer to the protocols that we discovered in Kenya - about 15 of them - which had not been ratified. The Minister in question did not even know that they existed, which means that nobody else knew they existed, and which means that everything else that had been done was null and void. Some of them were signed by assistant ministers. I do not know the rules governing protocols, but obviously you can see the meaningless situation, the hopelessness that the East African Community is being subjected to.

Mr. Speaker, even the Bills that have been brought to this House and enacted...it is very interesting, Mr Speaker, just yesterday I was talking to the Deputy Secretary General about *the East African Community Emblems Act*. Mr Speaker, do you know that even the flag which is specifically provided for through the Act of this Assembly is not being honoured? We cannot even take anybody to court, it looks like! Mr

Speaker, the flag for the cars, the sizes are specifically designated there, and the same applies to the big one. But somehow somewhere within this system people are producing flags which bear emblems which do not have the designated specifications! Mr Speaker, I find that very odd. So you can see what is going on there.

We have just gone through the Protocol on the Sustainable Management of Lake Victoria...I was carried shoulder high in Nyanza Province when I went to tell them that I brought to them the Lake Victoria Basin Commission to Nyanza - (*Laughter*). But with all that glory - (*Interruption*) -

Mr. Mohammed Zubedi (Kenya): On a point of order, Mr. Speaker, is the Member on the Floor in order to insinuate that he brought the Lake Victoria Basin Commission to Kisumu by himself?

The Speaker: I understand his reference to himself to mean him as being part of this Community which made the decision - (*Laughter*).

Mr. Ochieng-Mbeo: Thank you very much, Mr. Speaker, for the wise leadership and guidance.

Now, after the Assembly had brought the Lake Victoria Basin Commission to Kisumu - (*Applause*) - Mr Speaker, do you know that we do not even have any Bill here or a law to form the Lake Victoria Basin Commission? It is surprising that we are continuing to survive and live as if nothing is happening! We are like naked people facing the wall and assuming that nobody else is seeing us naked when

everybody else is seeing us! So I believe that it is high time this was brought to rest and we all know exactly where we are coming from or going to.

Mr. Speaker, I am looking at the protocols that have been referred to in this House, like the East African Community Privileges and Immunities Bill. Do you know that the Protocol was printed and it was ready for signature in the year 2001, but it has just been sitting here? Now, even for the privilege to buy a duty-free car I have to kneel down to somebody here, when it is my right! *(Interjection)* Mr Speaker, this is terrible! And I am telling this House that if we allow the situation to remain the way it is, we are going to be directly under the spell of one individual who decides what happens in the whole of this place. Whether you are in the legislative Assembly or in the Court, you will still have to depend on this one signature to allow you to do anything that you have to do here.

Mr. Speaker, I believe that time has come for the East African Community Court of Justice to be given work! They have been sitting idle for too long, and now they have time to sit down – *(Interruption)* -

Mrs. Kate Kamba (Tanzania): On a point of order, Mr. Speaker, is it in order for hon. Mbeo to insinuate that the Court of Justice has been sitting idle? Is that really true? Can he substantiate?

Mr. Ochieng-Mbeo: Mr. Speaker, to avoid all unnecessary hassle, I will withdraw and apologise to the judges – *(Applause)* - but then, since you have heard – *(Laughter)* - they are very fresh and because they are very fresh, it will

give them ample time, with their fresh minds, to quickly digest what they believe is fit to keep this Community running.

With those very few remarks, I say I support the Motion.

Mr. George Nangale (Tanzania): Mr Speaker, first of all I would like to register my support for the Motion. Today the East African Legislative Assembly is the envy of and the reference in many regional fora and parliaments around Africa, where you find people in ECOWAS, SADC and the Pan-African Parliament talking of the East African Legislative Assembly as the only regional body in Africa with legislative powers. All these other bodies do not have legislative powers. But here we are; we find EALA with these powers but rendered redundant.

Mr. Speaker, it is surprising that while we are talking about fast-tracking the integration process, on the ground what is happening is actually slow-tracking of the integration process – *(Interjection)*.

So with those few remarks – *(Laughter)* - I would like to support my colleagues to take this issue for interpretation by the East African Court of Justice so that this interpretation is spelt out for the benefit of the people of East Africa – *(Applause)*.

The Speaker: I think honourable Members will now have a very appropriate reference for “a few remarks”... *(Laughter)*

Ms. Kate Kamba: Hon. Speaker, I stand here in support of this Motion. I just want to put it on record that this is a

very small legislative body; small in number but not in terms of experience and quality.

In this House, I think one third of the Members are learned brothers and sisters, and we have taken advantage of that to legislate on our own as Members of the Legislative Assembly and this is a credit. I therefore support this Motion because we need it to be put on record that we have been doing justice to the work which we are actually supposed to be doing. But, at the same time, we have been having a lot of hurdles in this House in the sense that it seems that we are overriding...that we are actually over-anxious, and we are doing more than what was expected of us by the other bodies, especially the Executive.

Mr Speaker, we want it to be put very correctly that we are here to work; we are here to support the East African Community commitment towards the enhancement of poverty eradication in the region. We are not here just to waste our time. We are here to work and nobody should stand in our way to stop us from working – (*Applause*).

Mr Speaker, sir, I am saying this because, as you can see, these are serious people, and we should be taken seriously hence the need to have a proper interpretation of our mandate; whether we are actually needed in the East African Community as a body or we are just redundant. It should be clear so that we leave a legacy to this Assembly.

I thank you and I support the Motion – (*Applause*).

Mr. Maxwell Shamala (Kenya): Mr. Speaker, I would like the House to recast its mind to 30th November 2001, when the Assembly was inaugurated. On that day there was a lot of funfair; there was a lot of hope in the Assembly. The peoples of East Africa were made to believe that the Assembly was going to do a big job in carrying out legislation for the Community. I am sure that in our capitals, television stations showed our leaders greeting us and making great speeches about the East African Legislative Assembly; praising it for what was going to be its role in helping the people of East Africa to integrate.

I think when you compare that date with what is happening today, we are a pale shadow of what we were expected to be. I think someone somewhere has pulled the rug from under our feet! It is embarrassing to say that four years down the line we have successfully passed through this House one Bill brought in by the Council of Ministers, *The East African Community Customs Union Management Bill*. I think it is a shame if you relate this to what the peoples of East Africa were made to believe that would take place on 30 November 2001!

I am not aware of any known circumstances as to why the Council of Ministers has failed to initiate and submit Bills to this House. I am not aware of any known circumstances as to why the Council of Ministers has been unable to initiate and submit Bills to this House for debate, but having looked at the Sectoral Committee on Legal and Judicial Affairs, it does appear to me that on that very fateful day when we were being inaugurated, this Sectoral Committee was busy planning not to submit any Bills to the Council of

Ministers; they have just come out now this late! The Bills that have been initiated by this House are being fought by a sectoral committee that is supposed to be listening to this House!

I find it inconceivable that the Council of Ministers should have let itself to be misled by this Sectoral Committee. I think it is imperative for us to seek interpretation from the Court of Justice, and I wish to ask the honourable members who are taking the matter to the Court of Justice, whether they should not pray the Court to ask the Council of Ministers why it has been unable to submit Bills to this House for debate.

When the organs of the Community were being put in place, obviously someone knew that this organ was going to carry out a certain function. Surely there was no point in having the Summit, the Assembly and the Secretariat if one of them was not going to function, because if one organ fails to function, at the end of the day the whole will not be able to function! If the Assembly is not functioning, the whole, which is the East African Community, is completely unable to be vibrant and to function as it was envisaged!

With this in mind, I wish to associate myself with the sentiments expressed by my colleagues who spoke before me and urge that the three honourable Members who are going to the Court should insist on having this matter settled as early as January 2006, so that for the remaining duration we can be able to pass a few more Bills for the benefit of the peoples of East Africa. I thank you, Mr Speaker.

Mr. Mohammed Zubedi (Kenya): Mr. Speaker, sir, first of all I would like to

join my colleagues who have spoken before me in supporting this Motion.

Mr. Speaker, we have been here for four years now, and we are remaining with just one year before we complete our term. Some of the Members might come back and some might not, but it is very important to know that first and foremost the East African Community was re-born -if I may say so- before this House came into being, and the Legislative Assembly was formed as part of the Community.

Mr Speaker, I think all over the world where there is parliamentary democracy, the struggle between the executive and the legislature is known; it is part of history, and if we in this House think that we will get our way on a silver platter, then we are joking. Mr Speaker, for this House to have teeth - if I may say so - and to function as a legislative body and have the oversight function that we are supposed to have, then we will have to join that struggle that is going on the world over and get our rights properly rather than begging for them - (*Applause*).

Mr. Speaker, in our case, unfortunately, the Executive has been quite harsh on the Assembly. We have tried to work hand in hand with the Executive; we have succeeded in some matters, although very few, but it seems that the Tripartite regime still exists in some of the executive members' minds. They would still want the Community to run without the Assembly, if they could have their way. And because of that, Mr Speaker, the Council of Ministers has brought very few Bills, as we have heard, and the private Members have initiated a number of Bills. Some of

them have become law, fortunately, but it seems that some members within the Executive feel that they should even scuttle the efforts of the honourable Members to even bring in Private Members' Bills so that there are no Bills coming from this Floor at all; neither from the Council nor from the Private Members, and this move of advising the Council of Ministers that protocols are sufficient to run the Community is enough proof that they believe this House in its totality is irrelevant!

Mr Speaker, first of all I would like to congratulate the Members who are going to the East African Community Court of Justice to seek advice and interpretation. Secondly, I think it is also high time for the Members in this House -for the remaining period which we have- to assert the supremacy of this House and to make sure that even if some of us do not come back, those who do, come back to a legislature that is worth its name – (*Applause*). Otherwise, Mr Speaker, in the next five years, I am very sorry to say, this House might be deemed irrelevant.

With those few remarks, I beg to support this Motion.

Mr. Wilbert Kaahwa (Counsel to the Community (Ex-officio)) Thank you very much hon. Speaker. While being aware of the provisions of part 10 of our Rules of Procedure on order in this House, but taking advantage of the absence on duty of my principals, may I address the House from the Dispatch Box? (*Laughter and No! No!*)

The Speaker: No, honourable member. You may address the House from where you are – (*Interruptions and Laughter*).

Mr. Kaahwa: I thank you for that guidance. Hon Speaker, sir, the purpose of my contribution is based on my role as the Principal Legal Advisor of the East African Community, its organs and institutions, on all matters pertaining to the smooth functioning of the Community as succinctly provided by Article 69 of the Treaty. Secondly, I stand to contribute because I have an interest in the day-to-day discharge of this august House's functions. Thirdly, I have the ability, having participated in the work of the Sectoral Council and this Assembly, having facilitated the work of the Council to trace the antecedents of the development which has given rise to the Motion before the House.

Mr. Speaker, sir, let me appreciate the views eloquently expressed by the Mover of the Motion in his contribution, and also the contributions so far made by my honourable friends. My contribution is fully informed of Articles 14(3) (b) of the Treaty, which stipulates the Council's role in legislating for the Community, Article 49(1) which provides for the legislative role of this august House and Article 140(4) which provided for a transitional period during which the Council of Ministers could handle some of the work which was to have been done by the Assembly, but which had not yet been brought into being.

Mr. Speaker, sir, let me address the House on my perception of the discharge of the Community's vision, mission and objectives. With your permission, I will just read from my notes that I perceive the achievements of the objectives of the Community to depend on how cohesive and co-ordinated its organs and

institutions are in the discharge of their respective obligations. These respective obligations are well-spelt out in chapters 4 to 10 of the Treaty.

Now, although the Treaty spells out the different functions of the organs with particular reference to the establishment and roles of those organs, a primary or literal interpretation of the Treaty would indicate that the intention of the contracting parties -who are the Partner States- is that these organs and institutions should play their roles with one ultimate objective, the development of the Community for the benefit of the peoples of East Africa. I have always believed, therefore, that the introduction and sustenance of a mechanism for cordial and collaborative interfacing and interrelationships between the organs and institutions remains unassailable for all organs of the Community, whether you talk about the Summit or the Council or this august House.

This formed the basis of my support for the Motion moved on 21st February 2002, during the Second Sitting of the First Session of this House, by the late hon. James Wapakhabulo, who called upon the organs and institutions of the Community to support each other in the pursuit of the EAC vision, mission and objectives.

With that background, Mr Speaker, I now ask myself where we have reached, notwithstanding the rough road we have trod, notwithstanding the trials and tribulations we have faced, or which we perceive to have faced, and whether we are now between a rock and a hard place to necessitate the action we are about to take. I do not expect an answer -this is a rhetorical question- and I am going to try

and illustrate and bring forth to the House a few points, which I request honourable Members to take into account as they debate this Motion.

First of all, I cannot go into the legal issues because I cannot pre-empt developments in a legal matter. Legal arguments come appropriately within the procedural domain of courts once they have embarked on determining substantive and contentious issues in any given matter. But before we exercise our right under Article 27 of the Treaty, and basing on the interpretation of our role under Article 49, and given what has been happening, Mr Speaker, it behoves us to consider the image and signals of the Community. As we debate and work for the Community, we are faced and gauged by the peoples of East Africa. Any action which is taken is always audited, considered and looked at in extension by the people we serve.

Mr. Speaker, sir, I know that all my honourable friends here happen to be politicians; they are all politicians. To that extent, they may believe, like Prince Otto Von Bismarck believed in 1863, that "*Politics is the doctrine of the possible, of the attainable.*" If we proceed under Article 27 on the basis of what has happened, we may get the possible, we may get the attainable, but there is a word of caution. Mr Speaker, allow me also to quote John Kenneth Galbraith, the Canadian economist, who, in his book "*Ambassadors General*" (1969) stated that "*Politics is not the art of the possible. It consists in choosing between the disastrous and the unpalatable.*" Now on that note we have to ask ourselves, what will be the public perception of this development which

may seem to be intra-organ fighting?
(*Interruption*)

Mr. Ogallo: Can I seek clarification from the honourable Member holding the Floor as to what he thinks is the image the public has when a co-ordinating committee overrules three heads of state?

Mr. Kaahwa: Mr. Speaker, sir, I thank the hon. Member who has intervened, but if he could only be patient to listen to what I am getting at, then he would feel contented.

Mr Speaker, sir, I am saying that we should guard against, first of all, the public perception of intra-organ misunderstandings, and secondly, the perception by other organs and institutions of the Community. This simmering difference between the Council and the Assembly is neither healthy nor developmental. Have we exhausted all remedies? Have we consulted sufficiently? Have we exchanged views sufficiently in the sunset of our first term in office? I am not saying we will not have a second term; we have a second term by the process of Article 50 of the Treaty, but in the twilight of our first term, have we really come to a stage where we have failed to further discuss before involving the Court? Have we thought of the resources and time to be expended on the logical handling and conclusion of this matter?

Mr Speaker, sir, as Voltaire said, "*The pleasure of governing must certainly be exquisite, if only we may judge from the vast numbers who are eager to be concerned with it – the public*". Hence, my concern of the dangers a court

process of this nature may have on the image of the Community.

Mr. Speaker, sir, let me also take this opportunity to indicate to the House that the Council of Ministers, first of all, has not usurped the legislative powers of the Assembly. The Council of Ministers is fully aware of the legislative powers of the Assembly, and it is fully aware – (*Interruption*) -

Mr. Ogallo: Mr. Speaker, sir, the Motion is requesting the House to note that three honourable Members of this House intend to go to court to find out whether the Council of Ministers has usurped the powers of the Assembly. Is the Member in order now to sit as the court and deliver judgement?

The Speaker: I think he is in order because some Members have said that their powers have been usurped, and he is saying they have not been usurped. That is why the issue is going to be taken to court. It is the court which will determine.

Mr. Kaahwa: I thank you, Mr. Speaker, for your very good guidance, and I hope this will be the last interruption of this nature which is not meant to guide me – (*Laughter*). Mr. Speaker, sir – (*Interruption*) -

Mr. Jared Kangwana: On a point of order, Mr. Speaker, sir, is the hon. Member holding the Floor in order to intimidate the House to submit to his will? (*Applause*)

The Speaker: Did I hear him saying "I hope this is going to be the last" or did he say "this should be the last"? I think he is appealing to the Speaker, and I

hope that the honourable Members will desist from interruptions.

Mr. Kaahwa: Mr. Speaker, sir, there is no intimidation and there is nothing like exercising the powers granted to me unreasonably.

Mr Speaker, the last point I want to make is that at the 11th Meeting of the Council of Ministers, there is a matter which will be coming before the Council touching on the Council's fulfilment of its role under Article 14(3) (b) of the Treaty; which is submission of Bills to the House for enactment into law. With your permission, Mr Speaker, let me just highlight these issues so that they are on record.

I have made proposals to the Council of Ministers -through the Secretary General and the Co-ordination Committee- on its role in legislating for the Community, and I have said:

“Initiation of Bills by the Council may be based on identified and agreed policy matters arising out of the implementation of: -

- (a) *Partner States' policy harmonisation and rationalisation;*
- (b) *Specific EAC programmes and activities aimed at strengthening the integration process; and*
- (c) *Specific needs for EAC's institutional growth.*

On this basis and at this point in time in the Community's development, the Council may initiate Bills for: -

- (i) *An Act to make provision for the Community Public Service Commission since the categories and numbers of persons in the service of the Community are growing, the EAC organisation structure is about to be put in place, and since the Council of Ministers has already adopted Staff Rules and Regulations;*
- (ii) *An Act to provide for the preservation of the secrets of the Community, its organs and institutions, given the institutional development of the Community into a fully-fledged legal person;*
- (iii) *An Act to provide for election of Members of the East African Legislative Assembly;*
- (iv) *An Act to provide for collection, compilation, analysis and publication of EAC statistical information, which will be critical for trade development, trade liberalisation and free movement of persons, labour and services;*
- (v) *An Act for the formal establishment of the Lake Victoria Basin Commission as an institution of the Community”*

On the last issue, I am referring to the Lake Victoria Basin Commission, which was established by the Council of Ministers to the great expectations of my hon. Friend, Ochieng-Mbeo.

Now, what does the Secretariat seek from the Council? What we seek from the Council is the consideration and

initiation of Bills for the Community public service; preservation of the secrets of the Community; elections of the East African Legislative Assembly Members; establishment of an EAC statistical data base; the formal establishment of the Lake Victoria Basin Commission; advice to the EALA for purposes of the Legislative Assembly's annual legislative programme; direction to the Counsel to the Community to draft relevant Bills for consideration by the Sectoral Council on Legal and Judicial Affairs – *(Interruption)*-

Mr. Kanyomozi: Mr. Speaker, sir, I am seeking information from the Counsel to the Community whether he thinks that the items he has analyzed - plus even the backlog of work - can be done in the remaining nine months and within the 60 days that we have at the Assembly. And since he has talked of perceptions, whether he does not think that that perception, since we have not passed any Bills, will go against our own existence as a legislature?

Mr. Kaahwa: Mr. Speaker, sir, I would like to assure the hon. Member and all the other Members that by the process of Article 50 of the Treaty, we do not have to have only one term in the House; we may have another term. So, we should not look at these things within the context of a shortened period of nine months because the House exists even beyond our first tenure.

Mr. Speaker, sir, lastly, let me make a point that at the moment we in the House and in the other organs of the Community have already hinted at the need to review the Treaty as a document. The Treaty, now having undergone implementation for the last five years,

would be reviewed with a view to improving its provisions and service delivery aspects. Matters like the unsavoury complications which are based on the provisions of Article 151 of the Treaty are matters to be considered within the review of the Treaty. Mr. Speaker, sir, with these words of caution, I oppose the Motion.

Mr. Med Kaggwa (Chairperson of the Committee on Legal Affairs, Rules and Privileges): Mr. Speaker, sir, I want to first of all acknowledge with thanks the contributions made by my colleagues hon. Kangwana, hon. Ogalo, hon. Bagalaaliwo, hon. Kanyomozi, hon. Ochieng-Mbeo, hon. George Nangale, hon. Kate Kamba, hon. Shamala, hon. Zubedi and hon. Kaahwa.

Mr. Speaker, sir, I do not have much to comment on what my colleagues who spoke before the last hon. Member who had the Floor said, except to thank them for the encouragement, and to join them to thank our colleagues who have taken on this matter to seek interpretation. I will however request leave to make a comment on what the Counsel to the Community contributed to this Motion.

Mr. Speaker, sir, subject to correction, I think I heard the Member who held the Floor last using words like “cohesion”, “co-ordination” and so on, and in my mind I was wondering whether these words meant anything to him and to the people he works with. The reason I say this is because many Members who spoke before him alluded to the fact that there had been a struggle between this House and the Executive over legislative matters. One wonders whether “cohesion” means undermining, undercutting, not respecting others, not

feeling the existence of the House is essential!

Mr Speaker, I think we should not use words as mere cosmetics; we should use the words in their literal meaning. For sure one cannot say that those words are practised, when every time the Assembly wants to bring up something the first look at it is negative: “Why are they doing it; why do they have to do it?”

Before this House started, one colleague said that nature abhors a vacuum. We cannot sit idly by, seeing the desires and the wishes of the Summit to see the peoples of East Africa integrated as fast as possible, and lend credence to those who want to instead reverse, deny, or even omit to do what would lead the peoples of East Africa to that objective.

Mr. Speaker, sir, we have time and again talked about the need to support each other, and the Counsel to the Community alluded to it. About a week or so ago, the EAC Secretariat organised a sensitisation seminar -or whatever- for a whole week in Kampala. I do not know whether my colleagues got any invitation – (*Interjection*) - but for me I just saw it on television, and I was asking myself, is this support of each other we are talking about, when you organise a sensitisation seminar in Uganda and the Ugandan Chapter of this Assembly is not informed? Is this what we call cohesion, co-ordination and support of each other? (*Applause*)

Mr. Speaker, sir, just before we left Kampala, I happened to pass by a certain site known as Lugogo, and I saw big tarpaulins, and out of curiosity I asked, “what is going on here?” Then one kind man tells me: “There is going to be a *Jua*

Kali exhibition, and your man, the Secretary General, is coming to preside over it”! And this is what we call co-ordination, cohesion; support of each other, Mr Speaker, sir? I think there must be one of us using these words in another way other than we understand them in the normal English.

Mr. Speaker, sir, when you talk of “the image” and “signal” to the Community, I was wondering whose image and whose signal. An image to the detriment of this honourable House being perpetrated by another organ of this Community and we stand by and say well, because we fear our image we should be trampled on without saying a word? (*No! No!*) I think the answer is no, Mr Speaker, sir; we cannot stand by. In fact, to the contrary, I think the community will judge us and say “yes, we elected men and women who understand what they went to do” – (*Applause*).

Mr Speaker, sir, the English have a saying “even if I say so myself”. If it was not for this august House, surely the Community would have no image, as far as I am concerned. It is we who have moved this Community. Even the list of things that you intent to do, it is because we have been shouting here now and again! (*Applause*)

You know, I am a Muslim, but I studied some Divinity. I heard the hon. Counsel to the Community reading, “Next Council we are going to do this...” then I remembered the “Prayer of Hope” – (*Laughter*). Mr. Speaker, sir, this is a prayer of hope! The people of East Africa have heard this prayer since 30th November 2001. They have been praying and praying, but now I think time has come to act. We cannot keep

praying and hoping; we have hoped for the last four years patiently in this House and nothing has happened!

Mr Speaker, sir, I was surprised when the Counsel to the Community talked of “image” when he was talking about inter-organ fighting. The reason I was surprised is that the learned Counsel said that people will say there is inter-fighting. But, merely going to a court of justice to seek an interpretation? I think it is absurd really! If a lay person had said that, I would perhaps understand, because I think the learned colleague knows the language very well! (Applause)

Mr. Speaker, all we are saying is that when we read this Article, when we read this Rule, for us it means this, the other party says it means that. So, as my colleague said, let us get a third party, a neutral party vested with the powers under Article 27 of the Treaty to say, “Assembly, I think your interpretation is wrong” or “Assembly your interpretation is the correct one”! I do not think that will dent our image really; I do not think so, Mr Speaker, sir.

Mr. Speaker, sir, as I conclude, I think I want to applaud the honourable members, Calist Andrew Mwatela, Lydia Wanyoto and Amb. Isaac Abraham Sepetu for their courage to seek this interpretation – (Applause) - especially when we know the Summit is anxious about fast-tracking the integration of the peoples of East Africa. If anything, Mr Speaker, this interpretation will help the Summit, the Executive and the Secretariat in the furtherance and the quickening of the integration of the peoples of East Africa.

With those remarks, I once again want to thank the colleagues who have contributed, and to assure them that what they are doing is in the interest of the Assembly and the Community at large, and I am sure it comes after exhausting all avenues. And talking as a lawyer, having looked at the various precedents that have taken place whenever we have talked and no action has taken place, I think the public will judge us very unkindly if we do not encourage them to seek this interpretation. I thank you Mr Speaker – (Applause).

(Question on the motion put and agreed to)

ADJOURNMENT

The Speaker: I adjourn this House *sine die*.

The House rose at 4.20 p.m. and adjourned sine die.