



## EAST AFRICAN COMMUNITY

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### EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

#### 6<sup>TH</sup> SITTING - SECOND MEETING—FIRST SESSION – FOURTH ASSEMBLY

Wednesday, 7 February 2018

*The East African Legislative Assembly met at 09:58 a.m. in the Uganda Parliament, Kampala, Uganda.*

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

*The Assembly was called to order.*

#### PRAYER

#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Good morning, honourable members. Welcome back to this final lap of our sitting here in Kampala. Thank you, honourable colleagues who joined us in the Tarehe Sita celebrations. I think you all agree that it was a very colourful and successful event.

We congratulate the Government and people of Uganda for the achievements they have registered since they set out to fundamentally transform their country. The region, and

particularly EALA, are proud of your accomplishments and we thank you for having made us part of your celebrations. Congratulations.

#### ADMINISTRATION OF OATH

**The Speaker:** Honourable members, I rise to notify you that hon. Amb. Dr Augustine P. Mahiga, Minister for Foreign Affairs and East African Cooperation of the United Republic of Tanzania is present and would like to take his seat in this House.

However, in accordance with the provisions of rule 5 of the Rules of Procedure of this Assembly, he cannot sit or participate in the proceedings of the House until he takes the Oath or Affirmation of Allegiance to the Treaty as a member of the Assembly.

Rule 5(5) specifically states that;

*When a member first attends to take his or her seat, other than at the First Sitting of a new House, he or she shall be brought to the table by two members and presented by them to the Speaker who shall then administer the oath or affirmation of allegiance to him or her.*

I, therefore, request any two members who know hon. Amb. Dr Augustine Mahiga to bring him to the table and present him before me to enable me administer the Oath of Allegiance.

*The oath was administered to:*

Mr Augustine Phillip Mahiga

**The Speaker:** Congratulations, Amb. Mahiga. We welcome you to the Assembly as one of our own and we thank the United Republic of Tanzania for sending to us Amb. Mahiga. He is a very experienced and accomplished diplomat and so his membership in this House is a big value addition. Thank you.

We are looking forward – Amb. Mahiga, we know that you have a big portfolio with a lot of other attributions but we hope that you will continue to place EALA in your priorities and

that we will continue to see you here in our sittings. Thank you.

Honourable members, Amb. Mahiga had indicated to me that he wanted to say a word to you and according to our rules, I will ask him to proceed under Rule 40. Amb. Mahiga, you have the Floor.

**The Minister for Foreign Affairs and East African Cooperation, the United Republic of Tanzania** (Dr Augustine P. Mahiga): Mr. Speaker, distinguished members of the East African Legislative Assembly, ladies and gentlemen. This being my first time to stand before this august House. Allow me to take this opportunity to congratulate you for being elected as Speaker of the Fourth EALA.

You have assumed this position when integration is moving apace and successfully meeting all the challenges that are inbuilt in the integration process. We are moving fast from one stage to another and we hope that together we shall continue to overcome and enhance our Community.

Mr. Speaker, in the same vein, may I take this rare opportunity to congratulate honourable members for managing to pass through the hot tunnel and get a well-deserved election to the Fourth EALA. To all of you, congratulations. *(Applause)*

In a huge way, I wish to welcome our brothers and sisters from the Republic of South Sudan to their maiden journey joining this noble House. Let us use our presence and your presence in this august Assembly as a venue to serve the East Africans to meet their long awaited dream of prosperity to their lives.

Honourable members, I feel humbled while privileged and allow me to underscore the significance of this House to this unique

integration process in East Africa. You are one of the longest serving institutions of the East African integration process. Indeed, from the colonial times through the thick and thin that we went through after independence, we recognise the significance of the legislative process of the East African Legislative Assembly. *(Applause)*

You are the custodians of the Treaty. You are the custodians of the rules and regulations that make this Community what it is and different from other institutions. You are the institution that acts as a ginger to our governments, speaking without fear or favour in areas where governments have to act accordingly. There cannot be an integration process, whether in Africa, Europe, Asia or Latin America without a legislative Assembly.

The legislative Assembly is essential to making governments translate their political will but without you, that political will may falter and, therefore, we need you as an indispensable institution to sustain and continue to highlight and deepen that political will among our leaders.

You are also the torchbearers of that political will to the people. You are the indispensable link to the people of East Africa. Political will alone is not enough. Legislative, administrative skills are not adequate. We have to bring the people behind the process and you are a link. You have a challenge before you and we trust that we shall proceed and succeed as you continue to devise your very constructive and imaginative ways of reaching out to the East African population.

I wish you all the best and please continue to do so. We, as government, will continue to work with you and I, in particular, I have not had the chance to attend these sessions because many times we have issues but I hope that in this Fourth Assembly, I will spare time and be with you. *(Applause)*

I have seen you in action in Zanzibar, in Dar es Salaam and I hope it will be repeated soon. Thank you very much.

Mr Speaker, thank you very much for giving me this opportunity. I just want to thank and wish all of you a happy new year and a successful session now and subsequently. Thank you.

**The Speaker:** Thank you, Ambassador Mahiga, for a well deserving maiden speech.

Honourable members, I was talking to Ambassador Mahiga and we are negotiating with the United Republic of Tanzania to host our next plenary. We have his promise that he is going to work on that - *(Applause)*.

Hansard officials have requested me that when we speak, we need to introduce ourselves. You know they are still struggling with our names so let us remember always to introduce ourselves. Thank you.

## MOTION

### ELECTION OF MEMBERS TO THE EALA COMMISSION

**Ms Fancy Haji Nkuhi (Tanzania):** Mr. Speaker, I beg to move a Motion on Election of members to fill vacancies on the East African Legislative Assembly Commission, sections 3 and 5 of the Administration of the East African Legislative Assembly Act, 2012 and rule 83(1-3) of the Rules of Procedure.

**The Speaker:** Thank you, hon. Fancy. Seconders? Hon. Susan Nakawuki, hon. Mbidde, hon. Kim Gai, hon. Kasamba and all the members standing. Hon. Francine, justify.

**Ms Nkuhi:** Mr Speaker,

*AWARE THAT the Administration of East African Legislative Assembly Act, 2012 came into force on 6 July 2012;*

*AND WHEREAS the above said Act, by the provision of section 3(1) establishes the Commission known as the East African Legislative Assembly Commission herein after known as the Commission;*

*AND WHEREAS section 3(1) of the Act provides that the members of the Commission shall be composed of the speaker, the Chairperson of the Council, who shall be an ex-officio member and two members of the Assembly from each Partner State elected by the Assembly;*

*AND WHEREAS section 5(1) of the Act provides that members of the Commission shall be elected as soon as the Assembly is constituted;*

*AND WHEREAS rule 83 provides that members of the Commission shall be elected, the election of members of the Commission shall be by secret ballot and in accordance with section 3(2) of the Administration of the Assembly Act, 2012 and shall hold office for two and half years and nomination for members of the Commission shall be forwarded to the Clerk by members and the Clerk, having received the names from the Republic of Burundi on 11 January 2018 to be part of the Commission.*

*The names are:*

- 1. Hon. Nzeyimana Leontine*
- 2. Hon. Nduwayo Christopher*

*NOTING THAT the House elected members of the Commission on 20 December 2017 with the exception of the members from the Republic of Burundi;*

*NOW THEREFORE, this Assembly do hereby resolve as follows:*

*1. To elect members of the Commission representing the Republic of Burundi from those duly nominated persons to the provision of section 5 of the Act and rule 83 of the Rules of Procedure of this House."*

**The Speaker:** Thank you, hon. Francine. Honourable members, the proposal is that this House, pursuant to the provisions of section 3(2) and section 5(2) of the Administration of the Assembly Act, 2012 and rule 83(1)(2) do elect members to constitute the EALA Commission. Debate is open.

**Mr Gabriel Garang Aher Arol** (South Sudan): Thank you, Mr. Speaker. I have just one clarification. It is written here that the two members being proposed for the Commission are hon. Muhirwa Jean-Marie and hon. Nduwayo Christopher –

**The Speaker:** there has been an amendment for the motion and we apologise that the new version was not circulated.

**Mr Arol:** Okay, thank you.

**Dr Abdullah Hasnuu Makame** (Tanzania): Thank you very much, Mr Speaker. The chapter from the Republic of Burundi has nominated two members and it appears we need two members from the Republic of Burundi. The two members we have are male and female so we also see an issue of gender balance representation in the Commission.

Therefore, Mr Speaker, I would beg the House to actually – if there is anything – we agree with the proposals and if there is a need to vote, we vote. However I think because there is consensus, let us have them endorsed as members of the Commission. I submit, Mr Speaker.

**The Speaker:** Thank you, hon. Makame. Honourable members, given the limited time

we have, we may not need to debate this any further. I will now proceed and put the question that this House, pursuant to the provisions of section 3(2) and section 5(2) of the Administration of the Assembly Act, 2012 and rule 83(1)(2), do appoint hon. Leontine Nzeyimana and hon. Nduwayo Christopher to be part of the EALA Commission. I put the question.

*(Question put and agreed to.)*

**The Speaker:** Before we go into the procedural details, honourable members, there is a provision I want your attention to and that is rule 83(2) which states as follows: “The election of members of the Commission shall be by secret ballot and in accordance with section 3(2) of the Administration of the Assembly Act, 2012 and shall hold office for two and a half years.”

Sub section (3) provides that, “Nomination for members of the Commission shall be forwarded to the Office of the Clerk.”

Honourable members, although there are seems to be consensus on what the Burundi chapter has proposed to us, we still have to comply with the provision on the voting so I will ask the Office of the Clerk to proceed with the logistical arrangements for voting to take place.

*(The Clerk proceeded with the elections to fill the vacancies in the Commission and asked the Sergeant-at-Arms to display the ballot box.*

*He further proceeded to call members by name to cast their votes. Starting with the Republic of Burundi.)*

**The Speaker:** Is there a way you can distribute the papers to the members where they are sitting in order to save time? I think

that will be in order. Distribute and collect them immediately.

**Mr Paul Musamali Mwasa (Uganda):** Mr. Speaker, since we had already agreed through consensus that we endorse the members, because of the strict rule, we are supposed to vote. Don’t you think it would be procedurally right, since we now have candidates, to at least see them so that we know the people we are voting for? Thank you.

**The Speaker:** Thank you, hon. Musamali. Honourable members, I request you to make amendments on the ballot paper you will receive. Where there is the name of hon. Muhirwa Jean Marie, you will replace with hon. Leontine Nzeyimana. That is an amendment that we got at the last moment and we could not change the ballot.

Honourable candidates, please stand up for recognition: hon. Leontine Nzeyimana and hon. Christopher Nduwayo. Thank you. We will not ask you to campaign.

**Ms Fatuma Ibrahim Ali (Kenya):** Mr. Speaker, I am seeking clarification whether the voting can happen by circulating papers instead of announcing the names of the members who are to vote. I need some clarification whether that is appropriate in terms of capturing in the *Hansard*. Thank you, Mr Speaker.

**The Speaker:** Is it not that what we are doing now? Or maybe I got it wrong. We are distributing the papers.

Hon. Fatuma, I understand your proposal and I am having an argument with my Clerk but I think I agree with you. We will not need to call every member to come forward. I will put a general question whether everyone has got a ballot paper and has voted and that will be it because we want to save time.

Honourable members, we are going to find another simplified procedure. Instead of asking you to come forward and drop your ballot in the box, we will ask the Clerk to collect the ballots.

**Mr. Abdikadir Omar Aden (Kenya):** Mr. Speaker, from a procedural point of view, because it is obvious that there are only two colleagues who are in the ballot, I thought the easiest way would be that when you put the question, it should have actually been dispensed as such. However if we did not and we are going to be bound by the rule on the election of commissioners, it is not going to be the Clerks to collect. It is me to cast my secret ballot in the box and the Clerk is going to do a roll call – that is according to the procedure. The Clerk calls the names and it is those that will come forward and vote.

I know you want to simplify the issue for us but just probably as guidance from a procedural point of view, I think that would be the best way to proceed. I thank you, Mr Speaker.

**The Speaker:** Honourable members, that is okay. I thought casting ballot is when you tick against the name of the candidate you need but if you think we should provide time for you to come forward and drop it in the box, it is fine. Can we speed it up because remember we have to vacate this Chamber not later than midday and we have a lot of items to deal with.

The Clerk will read one by one and we will move forward quickly and cast our votes.

#### Republic of Burundi

1. Hon. Ahingejeje Alfred
2. Hon. Burikukiye Marie Claire
3. Hon. Burikukiye Victor
4. Hon. Karerwa Mo-Mamo
5. Hon. Muhirwa Jean-Marie
6. Hon. Nduwayo Christopher

7. Hon. Nzeyimana Léontine
8. Hon. Rurakamvye Pierre Claver
9. Hon. Nsavyimana Sophie

#### Republic of Kenya

1. Hon. Aburi Mpuru Lawrence
2. Hon. Aden Omar Abdikadir
3. Hon. Ali Ibrahim Fatuma
4. Hon. Kalonzo Musyoka Kennedy
5. Hon. Mbugua Nganga Simon
6. Hon. Muhia Wanjiku
7. Hon. Noor Mohamed Adan
8. Hon. Oginga Oburu
9. Hon. Sergon Jemathiah Florence

#### Republic of Rwanda

1. Hon. Bahati Alex
2. Hon. Barimuyabo Jean Claude
3. Hon. Gasinzigwa Oda
4. Hon. Kalinda Francois Xavier
5. Hon. Ndagiza Fatuma
6. Hon. Rutazana Francine
7. Hon. Rwigema Pierre Celestin
8. Hon. Uwumukiza Francoise

#### Republic of South Sudan

1. Hon. Gabriel Garang Aher Arol
2. Hon. Ayason Mukulia Kennedy
3. Hon. Deng Nhial Gai
4. Hon. Deng Dut Gatkek Thomas
5. Hon. Duop Gai Ruot Kim
6. Hon. Diing Alaak Garang Gabriel
7. Hon. Leonardo Itti Ann
8. Hon. Jago Odok Woda Jeremiah
9. Hon. Thoar Gatpan Gideon

#### United Republic of Tanzania

1. Hon. Kimbisa Adam Omar
2. Hon. Lemoyan Josephine Sebastian
3. Hon. Lugiko Happiness Elias
4. Hon. Maasay Pamela Simon
5. Hon. Ngwaru Maghembe

6. Hon. Abdullah Hasnuu Makame
7. Hon. Mohamed Habib Mnyaa
8. Hon. Nkuhi Fancy Haji
9. Hon. Yahya Maryam Ussi

Republic of Uganda

1. Hon. Akol Rose Okullu
2. Hon. Kasamba Mathias
3. Hon. Mugenyi Mary
4. Hon. Mukasa Fred Mbidde
5. Hon. Musamali Paul Mwasa
6. Hon. Nakawuki Susan Nsambu
7. Hon. Namara Dennis
8. Hon. Odongo George Stephen
9. Hon. Opoka Okumu Christopher

*(The Clerk and the Sergeant-at-Arms commenced the counting of ballots.)*

*(The Clerk announced that the total number votes cast 47. Number of votes for hon. Christopher 43, number of*

*votes for hon. Leontine 39.)*

**The Speaker:** Thank you, honourable members. Hon. Christopher Nduwayo and hon. Leontine Nzeyimana are duly elected to the Commission. *(Applause)*. I congratulate you and I wish you well in your new assignments.

I also want to congratulate the Burundi chapter for facilitating the Assembly to conclude this exercise in the smooth way we have done it. Thank you.

## BILLS

### *First Readings*

#### THE EAST AFRICAN COMMUNITY STATISTICS BUREAU BILL, 2017

**Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda)(Ex Officio): Mr Speaker, I would like to move that the East African Community Statistics Bureau Bill, 2017 be read for the first time. I beg to move.

**The Speaker:** Seconders? Hon. Ndahayo, hon. Mahiga, hon. Nzeyimana and all the members standing.

*(The Bill was read – read for the first time - and referred to the Committee on Communication, Trade and Investment)*

**The Speaker:** Honourable members, I am referring this Bill to the Committee on Trade and Investment for appropriate handling. The Planning Committee will create a slot for you to deal with this Bill.

#### THE EAST AFRICAN MONETARY INSTITUTE BILL, 2017

**Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda)(Ex Officio): Mr Speaker, I would like to move a motion that the East African Monetary Institute Bill, 2017 be read for the first time. I beg to move.

**The Speaker:** Seconders? Hon. Dr Kalinda, hon. Nduwayo, hon. Nsavyimana and all the members standing.

**The Speaker:** I refer this Bill to the Committee of General Purpose for appropriate handling.

*(The Bill was read – read for the first time – and referred*

*to the Committee on General Purpose)*

## MOTION

### ADOPTION AND OPERATIONALISATION OF THE ADMINISTRATIVE AND FINANCIAL AUTONOMY GRANTED TO EALA

**The Speaker:** Thank you. Honourable members, these Bills that I have just referred to the appropriate committees are very important which are coming several years late. They are all to do with our roadmap to the attainment of the Monetary Union of our Community.

According to the road map, these Bills should have come two years back but although it is late, we commend the Council that they are finally in the House and we need to treat them with the urgency they require.

We will facilitate these committees to the best of our capacity so that what needs to be done in this Assembly is done without undue delay.

I also want to request the Council to deal with the remaining Bills because I think we have more work to do in that road map. We are expecting that Council will not relent until we catch up with lost time. Thank you.

**Ms Susan Nakawuki Nsambu** (Uganda):  
Mr Speaker, I beg to move:-

*A motion for a resolution of the Assembly to adopt and operationalize administrative and financial autonomy granted to the East African Legislative Assembly and to direct the EALA Commission to consider and approve the implementation framework.*

I beg to move.

**The Speaker:** Seconders? Hon. Kim Gai, hon. Mbidde, hon. Amb. Fatuma Ndangiza, hon. Oda Gasinzigwa, hon. Simon Mbugua and all the members standing.

**Ms Nakawuki:** *“WHEREAS the doctrine of separation of powers between the Legislature, the Executive and the Court are a well held principle world over which should also be applicable to the East African Community since it is modelled along the structures of the government of the EAC Partner states;*

*AND WHEREAS Parliaments around the globe have transformed into fully fledged independent institutions with unfettered mandates capable of holding the Executive to account and to carry out their oversight roles without undue interference hence there is compelling argument that the Assembly and the Court should discharge their functions without Council or Secretariat interference to allow overall good parliamentary governance. This is well articulate din two significant studies so far conducted as a result of the Commonwealth Latima House principles endorsed at Commonwealth Heads of Government Meeting in Abuja in 2003, the report of a Commonwealth Parliamentary Association study group on the administration and financing of Parliament held in Zanzibar, Tanzania in 2005 and most recently, the CPA benchmark to the Democratic legislatures of the Caribbean, Americas and Atlantic regions*



*each containing instructive recommendations for the independent governance of modern parliaments and promoting reformation of the management structure of Parliament to provide for services and funding entitlements for parliamentary purposes and providing the governance of parliamentary service to ensure the development of a cadre of competent, loyal, qualified and experienced staff;*

*AND WHEREAS the Treaty for the Establishment of the East African Community clearly stipulates the aforementioned mandate under each organ of the Community and they are expected to exercise such mandate without interference from one another in order to make their contribution in the fulfilment of the objectives of the Community;*

*AWARE THAT the Assembly, right from its inception, has variously demanded the Council to effect financial and administrative autonomy for both the East African Legislative Assembly and the East African Court of Justice in line with Article 16 for purposes of efficiently discharging their respective mandates, this being informed by the current practice where the Council of Ministers has variously taken decisions and issued directives that have far reaching implications on the Assembly and the Court in the exercise of their functions;*

*CONVINCED THAT Article 16 of the Treaty places limitations on the effects of the Council's regulations, directives, decisions and recommendations on the Summit, the Court and the Assembly;*

*COGNISANT of the fact that the Council, having taken note of the limitations of the Assembly and the Court granted them full financial and administrative autonomy in its*

*33<sup>rd</sup> Meeting vide decision EAC/PM/33/decision 29 and decision EAC/PM/33/decision 27 in the bid to enable them to secure broad independence, this being in line with Article 14 of the Treaty for the establishment of the East African Community vests the Council of Ministers with policy making powers which it exercises through regular issuance of decisions and directives such as its decision on autonomy whose goal is to promote the efficiency and harmonious functioning and development of the Community;*

*CONCERNED THAT there has been considerable delay in operationalizing the duly granted financial and administrative autonomy of both the Court and the Assembly;*

*FURTHER CONCERNED that other matters of finance and administration like budgeting, institutional review and staffing of the Assembly, the restructuring of the Assembly's Organogram, upgrading the position of Clerk and other staff of the Assembly, the need to create a dedicated cadre of staff of the Assembly based on performance contracts rather than term limits have continued to stall this affecting the stability, efficiency and effectiveness of the Assembly;*

*FURTHER CONCERNED THAT further delays are unjustified since the Assembly is already empowered under Articles 49 and 132 of the Treaty, the Administration of the East African Legislative Act, 2012 and the EALA Rules of Procedure to exercise such powers as granted in the aforementioned decision of Council, this being through the EALA Commission, the Assembly Committees and the Plenary;*

*NOW THEREFORE be it resolved that:*

1. *This Assembly commends and extends its gratitude to the Council for heeding to its undisputed call to grant it and the Court full administrative and financial autonomy;*
2. *Directs the administration of the Assembly, through the EALA Commission, to immediately implement the administrative and financial autonomy of the Assembly so granted by Council;*
3. *Direct the EALA Commission to come up with all the necessary instruments required to fully achieve the objectives for which it was established including enhancing the terms and conditions of service for both members and the staff of the assembly as well as ensuring that the Assembly is appropriately staffed;*
4. *Adopt performance contracting as a scheme of service for staff of the Assembly as opposed to the two term limits for each professional and technical members of staff hence retain the services of staff whose final contracts are due to expire in April 2018 until such a time when they are subjected to performance contracting.”*

Mr Speaker, I beg to move.

**The Speaker:** Thank you, hon. Susan. Honourable members, the motion before the House is that this House do resolve to adopt and operationalize the administrative and financial autonomy granted to the East African Legislative Assembly and to direct the EALA Commission to consider and approve the implementation framework. Debate is open. Always remember to introduce yourselves.

*(Question proposed)*

**Mr Abdikadir Omar Aden** (Kenya): Thank you, Mr Speaker. I first of all take the opportunity to thank you for granting me this moment to speak to this debate and also I take the opportunity to congratulate and welcome our new Council member from the Republic of Tanzania as well as our colleagues who are now members of the Commission. I congratulate you all.

Mr Speaker, this motion is very important because this Assembly, by the wish and decision of the people of East Africa through the Government in its initial formation of EALA decided to establish a legislative arm of the Community.

Mr Speaker, it is very well known in all other jurisdictions that Parliament and, indeed, the legislative arm of the government is always very instrumental in the achievement of some of the big dreams that any government or a Community like this would wish to achieve because for us to make any progress in terms of the things we wish to achieve as the people of East Africa: being one, opening up our borders, bringing in issues with regard to our taxation laws across the countries in the region and all these, each and every one of those steps requires the approval of this Assembly, subsequently ratified by the national assemblies in the respective countries.

For that reason, Mr Speaker, it is, indeed, very important to ensure that we have an Assembly that has the autonomy in terms of the very basic things such as its administrative ability to organise its work, for example.

When I read the Treaty and I must say that the Treaty that we have here before us is a document that was created and I think it has served its purpose in terms of time. It has taken and brought us this far about I must

admit that there are a lot of imperfections in this particular Treaty – or maybe shall I say that there are a lot of areas that need improvement over time. Times have changed.

Mr Speaker, you have just given to the Committee of General Purpose a very important Bill to consider. You can imagine if I am to proceed with my committee to make sure that that Bill is finished in time yet the time table within which I can be able to make my committee sit and work is dependent on the direction or guidance from either the Council or the Office of the Secretary General. This becomes a problem. It is inevitable that this House will find itself unable to meet the timelines and find it very difficult to execute its work.

The issue of our staff, Mr Speaker. I said this in our seminar the other day that we must all be committed to the course or success of this East African Community. The staff are our institutional knowledge. I am a politician, tomorrow something might change in my country, and I may or may not be granted to come back to this Assembly in the next Parliament.

However, certainly the institutional knowledge of our staff is needed and that is across Parliaments across the world. Many of the parliaments that move and work are actually because of the institutional knowledge kept within its staff.

This Assembly should be granted that freedom and I am glad that things like this are coming through now and more proposals to even base them in the Treaty or make corrections within the Treaty because if you read this Treaty, even our own Clerk of this Parliament has to be hired for us by somebody else from somewhere else.

It is not the practice in our own countries. Why should it be the practice in our Community's largest Assembly? Therefore Mr Speaker, I feel and believe that the freedom that we have been given to hire and get our own staff will now energise this Assembly. As members of Parliament, we need very informed and able members of our staff and the best way to do this is through the best hiring in the interest of the Assembly itself and that this particular freedom grants us this.

I must say that I do not have the details of the permission granted to us in terms of what is being called administrative and financial abilities but certainly, with requiring to hire staff of quality also comes remuneration. You want to have somebody who is good to add value to our Community then you are going to certainly not attract a person who is sitting in Rwanda or Nairobi or Kampala here whose technical abilities we desperately need as an Assembly. However, you cannot be able to hire that person because your ability to pay their remuneration does not permit.

Mr Speaker, I am happy that this particular freedom will give this House the ability to hire the best of the best in the region and to be able to staff and work within our own programmes.

Honourable members, I do not want to take much longer but I just want to reiterate our commitment, as Member States of the East African Assembly, to be prepared to work for the success of this Assembly and for the success of the Community. We must each be committed to do so and I urge my colleagues that the other day I put a joke to you on the Floor of the Assembly and it is true. You know you want to have the work for the success of this Community, you must be prepared to do so and I put for you the famous saying in my language where I come from;

the eastern part of Kenya. We are very rich with proverbs and we say things in proverbs and in many ways.

Last time I said, if you wish to have the way you wish to, in Kiswahili, which I know is not our language – the Swahili say, *mficha uchi hazai*. He who conceals his – you know, people who are married, when you get married and you want to have children, certainly the first prerequisite- I said this to you the other day and I am just repeating it on a light note. You cannot go into that house – we bring you as relatives and friends, sing for you and do a big party for you to go and produce children. Then you go in there and stay in your suits and everyone sits there and I sit here. It will not work.

For the success of East African Community, each and every one of our Member States must walk away from the comfort of their own little nationalism and to be prepared to embrace the bigger interest of all of us.

Mr Speaker, I need not say much more than that. I support this motion and I thank you for the opportunity.

**Ms Wanjiku Muhia** (Kenya): Thank you, Mr Speaker. I wish, through your guidance, to move a motion. Considering the motion in front of the House, many members may be interested, if you could put time limits and members can organise. Let us say five minutes and the Clerk can control so that most members can speak.

On a light note, if you may consider me – *(Interruption)* -

**The Speaker:** Thank you, hon. Muhia. Moving forward, I think we will need a timer. It will be very convenient for me when we have a way to control the time we spend electronically.

Honourable members be mindful of the time constraints we have and Clerk, please advise me, according to what we have on the Order Paper, when I have to move from one item to another. Thank you, hon. Muhia.

**Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex-Officio): Thank you very much, Mr Speaker. I would like to rise on the motion that is on the Floor, which is seeking to generate a resolution to the Assembly granting the administration and financial autonomy of the East African Legislative Assembly and instructing that the implementation be done by EALA.

Mr Speaker, the little knowledge I have on the Treaty under Article 49(d) – if I may read it verbatim:

*The Assembly shall discuss all matters pertaining to the Community and make recommendations to the Council as it may deem necessary for the implementation of the Treaty.*

Mr Speaker, this motion is directing the EALA Commission and the matter, which is being discussed, is entirely touching on the whole operation of the Community. I believe that probably the mover of the motion, with time as we discuss, may have to amend the last part of this motion.

In addition, I just wanted to bring the House abreast with how far we have gone as a Council in this matter. All that is coming out right now is a work in progress. The Council has made a few developments on the whole restructuring and the institutional review of the Secretariat. They are also looking at how we can have EALA and even the Court of Justice re-evaluated. The programme is still on going. They have already reached a few

areas. The first report is out and before the Council for discussion and implementation.

As a Council, we have also given a directive to recruit the Deputy Clerk by the Ad Hoc Service Commission, which is still undergoing the process of recruitment.

Mr Speaker, all that is in the motion, at a certain time, will require the amendment of the Treaty and it is on the basis of this that I said that this motion would have been geared towards a resolution to come to the Council because at the end of the day, while we are pushing it to the Commission, it has a very big implication on the Treaty and definitely it will require the Council to sit and the Summit to have a few areas to resolve on.

In addition, even the hiring of the staff – I believe the Treaty did not do this in isolation because even in most Partner States, the Public Service Commission appoints the Clerk to Parliament. Therefore, in circumstances where EALA is coming up with all these resolutions, I have a feeling that we shall need the cooperation of the Council, the Summit and I would say that the Council has a programme that they will be coming to address the Assembly and all these issues will be addressed in the near future.

Mr Speaker, I just wanted to bring this, as something that we believe is already a work in progress. We have achieved a lot of consideration on this and this discussion will definitely bring out issues that I believe we may not be able to take on as a Council but you would have probably held on to this motion until the Council comes up with a report and then definitely you will have an input thereafter. Thank you very much, Mr Speaker.

**The Speaker:** Thank you, Council Chair.

**Mr Fred Mukasa Mbidde (Uganda):** Thank you very much, Mr Speaker. Let me state properly that the basis of this motion is a decision of Council. The directive is indicated herein and we are adopting this as a principle where particularities will therefore follow within the precincts of the exigencies of the operations of this House. Therefore, we are not doing anything outside the box or outside the provisions of the Treaty.

What I would also state, for purposes of the safety and protection of this motion, is that the Article cited by the Rt hon. Minister is good. It is well but this only applies to matters pertaining to the Community. This one is a matter within the operations of the Rules of Procedure, the Administration of EALA Act and where matters to do with operations of the Community were already given a decision by Council.

Therefore, this is well within the precincts of the law. Rt hon. Minister, what I can safely tell you is that we are okay, we are not violating any provisions of the Treaty and we do not intend therefore to do so. What we are doing however - because we do not have the powers to direct Council but when Council directs, the Assembly has powers to direct any of its committees, including the Commission, to do any work that are well within their own operations.

Mr Speaker, autonomy is well contemplated. We are not going to seek to amend the Treaty in order to implement this. Where any particulars of operationalisation seek the amendment of the Treaty, which will be the job that shall be done by the Council. What we are doing right now is to just fit well within the interpretations of the prevalent Treaty provisions.

Mr Speaker, the motion cites Article 15 of the Treaty. Autonomy from who? The Assembly

is a substantive organ of the Community established under Article 9. There are other organs established under the same Article. The Assembly seeks to run its own affairs well within the provisions of the Treaty but without the subjugation and unnecessary kowtowing subordination before other organs without any legal basis and incidentally, this is practically why the Council of Ministers directed as such.

Therefore, this is what we are trying to do. We are well within the law without even amending any bit of the law. For example, there are organs established under chapter 10: Secretariat and staff. Why would the operations of this Assembly be subjected to the whims of staff of the Community for example? This is a legislative organ and where we are, within the motion, directing the Commission to do is to establish benchmarking procedures. How do other sub regional legislatures do their work, well within their own provisions of the Treaty? European Union, ECOWAS, Pan African Parliament or any other? Those are all particularities of implementation that shall be the subject of decisions by the Commission.

In my opinion, that is where recommendation number three apply with equal force. Not necessarily, that the Commission will emerge with ... but we are trying to look at the establishment of financial rules and staff rules for example. All these – it is not intended to skedaddle from the laid out path by the Treaty on how Parliaments or the EALA is going to operate. It is majorly intended to implement, specifically and with equal force, the application, interpretations, inter operations as given by the laws of the Community.

Mr Speaker that is the opinion that I bear as I second and support this motion. We have counsel – the good thing is that we have the

best Treaty almost in the whole world. It gives details of who does what, when and where. It is just that the officers, while attempting to implement this Treaty, have given themselves due and overdue recognition of apparent powers to the extent that almost the Assembly did not sit for a whole year.

I know that the Community was hurt but we know that we shall redress with maximum speed, the jam that actually was made.

Autonomy from the court, autonomy from the Summit, autonomy from the Council – this does not mean that we are erasing the principle of complementarity. Autonomy is majorly allowed – you must do what you are supposed to do within the limits of your own legal operations. It does not mean that we are establishing defiance against the existence of other organs. These organs will work well within the understanding that there is the prevalence of another organ called the East African Legislative Assembly. That is the only way we shall implement all the functions established under the Treaty for this Assembly under Article 49.

Mr Speaker that is precisely why we are coming up with this. We are adopting the principle, pursuant to the directives made and the particulars of implementation. We shall follow the proper, true and well-set mechanisms that are available before this Assembly to implement. I beg to support this motion, Mr Speaker.

**Mr Chris Opoka-Okumu (Uganda):** Thank you, Mr Speaker. Before I make my remarks on this motion, which I support, I would like to welcome my colleagues to Uganda and hope that they have enjoyed themselves. I ask them to continue to enjoy themselves. Kampala is a very lively city.

Secondly, I would like to thank all my colleagues who wished me well when I was taken ill. I would like to thank very heartily, Rt. hon. Speaker for making speedy arrangements for my evacuation from Kampala to Nairobi. I thank you very much.

Mr Speaker, on this motion, embedded in the doctrine of separation of powers is independence. There is separation of powers between the Executive, the Legislature and the Judiciary. The issue of separation of powers is paramount to that doctrine of separation of powers.

When we look at the Treaty, it is definitely imperfect because it gives powers to the Legislature and to the Council, which are conflicting. For example, in Article 14(3) (c), for purposes of the function of Council, the Council can give direction to Partner States, to all other organs and institutions of the Community other than the Summit, Court and the Assembly yet at the same time, a lot of things, the particular Article that was cited by the minister would seem to say that everything has to go through Council.

When Council gave the financial and administrative autonomy in 2016, they were correcting a wrong, which was very welcome. Chair, Council knows very well that the wheel of Council grinds very slowly. To say that we have to wait for Council – we do not know when they will make this decision. The many times that Council lacks quorum and they do not meet – Let the honourable Chair, Council give a timeline when the report that he is talking about that Council is waiting for will be handed to the Assembly.

In the meantime, the Council has not implemented the financial and administrative autonomy that was given two years ago in 2016. They are still begging for more time.

Are we serving the interests of the East African people? The Assembly and the Courts need to function efficiently, effectively when they have this autonomy. The Assembly, being the trumpet of the Community, the Court being adjudicators of the conflicts between persons in the Community should function efficiently and I am sure that Council to the Community will agree with me that they will function more efficiently if this autonomy is realised.

Two years ago, Council gave this. Since then, they have not done anything towards this. I think this motion is very timely. Right now, Council has just tabled the Bill on the Monetary Union, a very important matter and we are moving towards Political Federation. We need to have this autonomy in order for the Community to realise the aims for which it was established.

Mr Speaker, with those remarks, I would like to support the motion that has been timely raised by my good friend hon. Susan Nakawuki. Thank you.

**Dr Abdullah Hasnuu Makame (Tanzania):** Thank you very much, Mr Speaker. Before I proceed, let me just commend my colleagues for being elected commissioners to the EALA Commission. That is a very big step and now we are fully composed in the Commission.

I would also like to commend and thank the Uganda chapter for being very hospitable and courteous to the EALA members who have been here in Uganda. We have enjoyed your courtesy, thank you very much.

Mr Speaker, when we are implementing the Treaty and we are here in EALA, we have to be very observant to the rules. One of the issues here, which we have to deal with and be aware of, is that the Budget is an Act.

When we pass the budget, it is an Act. Therefore, the moment we want to say that we are now changing; it is as if we are shifting the gear while in motion.

Therefore, I would like to be guided along those lines and probably the mover of the motion will have a moment to spell that area because we now have financial commitment and we set aside a budget for the FY 2017/2018, which ends in June. If we are saying we are getting financial and administrative autonomy, for the financial part, we are bound by the budget, which was passed by this august House.

Mr Speaker, I would like us to be very observant of that fact lest we break our own rules, which we have set, and the Act, which was passed by this Assembly.

The other issue is, I have been going through the report of the Council of Ministers and I saw that the issue of institutional review was concluded and the fact that the EALA and the East African Court of Justice were to be granted financial and administrative autonomy. The Council made some steps. In EALA we have a Deputy Clerk and in the Court of Justice there I a Deputy registrar. Therefore, it is not that it has not been touched at all. They have done something so for that let us commend the Council.

Let us now maybe hear what they are planning to do for the full administrative and financial autonomy of EALA. Let us hear what they are saying. We are aware that there is a Council meeting coming soon before the Summit so probably we can task the Council to ensure that they table this matter in the coming meeting as an urgent item and they dispense it so that we are in line.

When hon. Mbidde was submitting, he aid we are not going in conflict, we are also

complementing each other and we should be seen to be doing so. For that reason, probably the Council will rise again and address the issue but we have to move together.

Mr Speaker, I would also like to remind us of Article 137(2) of the Treaty which talks about the language of the Community. 137(1) says – (*Interruption*) -

**The Speaker:** Hon. Makame, do you want to take information?

**Mr Mukasa Mbidde:** Thank you, my *mkoo* for yielding. I am only trying to give information, if you would look at the second page of the motion; the last paragraph. It can be properly discerned that this motion is pursuant to a Council directive on the 33<sup>rd</sup> Meeting Vide decision EAC/CM33/decision 29 and EAC/CM33/decision 27 to the extent that we shall not direct Council to sit. We cannot even demand that they sit again to take a decision on what they have already done. In my opinion, we are only implementing the same.

**Dr Makame:** Mr Speaker, I thank hon. Mbidde for the information. I think that because this thing was on going to the Council and the Secretariat was tasked to do something, we have to know what they have decided. This is something that was not kept in a freezer and forgotten. If you look at Article 14 of the Treaty, it talks about the functions of the Council and Article 14(1) says that the Council is the policy organ of the Community. If you go to Article 14(3) (a), it further insists on the matters relating to policy formulation and it refers that to the Council.

Therefore Mr Speaker, when we are actually taking about budget lines and other things, those are policy matters. Unless the Council fully concludes that we have now been given



this autonomy, we would be snatching what is not ours now.

This motion is very good in terms of granting us the administrative and financial autonomy and we should do that while we are pushing it diplomatically. Council knows the importance of having the administrative and financial autonomy and they have deliberated on that in many of their meetings. As informed by hon. Mbidde, we are not directing the Council that they should take what we are discussing here and we have no powers of directing them the same, as they do not have powers to direct us.

Rather, we are urging them to dispense this matter as soon as practically possible and that now we are aware that there is a Council meeting, prior to the meeting of the Summit. Therefore, this matter should be tabled there urgently, they conclude and then we will have a moment because our plenary is coming in March, the Summit is scheduled for February so there will be a Council meeting prior.

Let us give them time so that we are not taking what is not ours and reliving their tasks. Let them finish their tasks and then we conclude. Therefore, Mr Speaker, I beg to submit and say that I support the motion with reservations until we do that. Thank you.

**The Speaker:** Hon. Makame, the way you can support with reservations is if you can move a motion of amendment. Otherwise, it cannot be understood.

**Ms Wanjiku Muhia (Kenya):** Thank you very much, Mr Speaker. On the onset, I would like to support the motion without reservations, without a rider and I would like to say that this is, indeed, a good motion.

Mr Speaker, before I start my remarks, I would like to refer Dr Makame to the very Treaty he has just referred members to Article 14(3) (a). Mr Speaker, if you read, Dr Makame is referring us to this Treaty speaking of making policy decisions. Indeed, the Council has already met.

I have a few remarks. First on this motion, the minutes are already there so members, kindly let us not go back. The minutes are already in place, the motion is well stipulated so we are discussing minutes of the Council.

Secondly, I would like to say that this institution is 15 years old since it was established. Although the Assembly is a political organ, it may not have grown like an investment. However, under all rules of natural justice to investment, business or finance, 15 years is a long time. Therefore, there is no way this institution can stand as it stands today without proper structures in place for 15 years.

We are the Fourth Assembly, which is going to rise to the occasion, and put structures that are going to move this institution forward.

Mr Speaker, when we read several books on autonomy, particularly on any legislative organ in the whole world, legislatures are overseers. It is very easy for an overseer to be arm twisted by serving us fats so that we do not oversee properly. For this reason, we need the financial autonomy; so that we are not subject to any institution. We can oversee, have our own budget and move forward.

As I conclude, because of time, this institution, at a glance we can say is training ground for other institutions in East Africa and abroad because our staff are not retained as the institution may wish. Therefore, they come and work for five or three years and

they go. Why are we releasing our staff with a wealth of knowledge and experience after taxpayers money has been paid to train them? If you look at the House of Commons, we have seen grandmothers who have worked there for years. If we go to the House of Congress, we can see old men who have worked there for years. I am sure that our staff would also like to work for many years for this Community but for reasons of uncertainty, they are not sure of tomorrow. They train, then go, and search for jobs.

Mr Speaker, I have not gotten the title of the Chair, Council very well but he spoke of other parliaments where employment is under the public service. That is not true, that is not the picture in Kenya. In the Kenya National Assembly, we have public service commission, the institution or the body through commissioners, which make employment for Parliament.

The Commission is composed of members. We have to rise to the occasion and entrust the members with this institution. We are all elected from our mother countries so when we are put here, we have the capacity to make the right decisions and we do not need to be monitored or moved with speed that some other organs are fearing what we may do. We are equal to the task. Most of these members – some are doctors, some professors. The Commission is composed of members of EALA who are equal to the task and they can move the very correct decisions that will guide this institution.

Mr Speaker, I beg to support.

**The Speaker:** Honourable members, I will invoke my powers to amend the Order Paper because of the importance of the item we are debating. I direct the Office of the Clerk to distribute the *Hansard* records of the speech of His Excellency President Yoweri

Museveni and we shall find another time to debate that speech so that today we can debate this item exhaustively and conclude it. Members, please try and be brief.

**Mr Adan Mohamed Nooru (Kenya):** Thank you very much, Mr Speaker for giving me the opportunity. I would like to join my colleagues to congratulate the new commissioners from the Republic of Burundi and wish them good deliberations in their duties.

Mr Speaker, let us deal with the primary objective of this matter on the motion before the House. The most critical issue before us is the autonomy of this House. Either rare are autonomous or not, there are no two ways about it. We are calling ourselves an autonomous body or organ of this Community and on the other hand, administratively, another organ administers this Assembly. Financially, another organ administers it and then we call ourselves autonomous. Which organ does what at any time does not matter?

This Treaty was made 15 years ago and any Constitution or law of any member state or any other country, which is being made, is subject to amendment. That is why Parliaments are there. I do not want to refer to any section of this Treaty because it is subject to amendment. The most critical thing is the autonomy of this House. Are we autonomous by Treaty, by the law that governs these institutions? If the answer is yes, then we have to be fully autonomous. That is the principle objective of this motion.

Mr Speaker, it is traditional practice all over the world, in any Parliament, that if they remain autonomous, they become fully autonomous. My honourable member have just said that the primary objective of Parliament is to make laws and oversight. In

other countries or in member states, another role is representation of the people who elected us. If we have to carry out oversight and there should be checks and balances in these situations, how do you oversee a body that feeds you and if they want, they can starve you? How do you do it?

On the other hand, the Judiciary should also get its autonomy in the same way that the tree arms should be able to have separation of powers so that the Treaty can be able to operate and function fully. We are not in competition in any way. The Council of Ministers are members of this House. They deliberate, debate, oppose, and propose on any motion in this House. At the same time, the resolution of the House is going to be referred to the Council who are the members of this House and they are part and parcel of the decisions of the House. I do not know how it works really.

Therefore, the issue of recommendations of the House going to the Council also – I have seen in one of the sections that even the appointment of the staff, to the level of the Clerk – this House has no mandate to appoint its own Clerk. It has to go to the Council. How do you now run a staff member, which has been appointed by another organ of the Community and then he works for another organ? Even in terms of discipline and structures, how do you really work with that Clerk who has been appointed by another entity?

Mr Speaker, I think that we are not there to compete as organs but we are there to supplement and facilitate for the betterment of this Community. As such, there is need for this House to be autonomous and this starts with the resources. I have seen that despite the fact that we have had induction for the last few days, there are many issues of procedures even in this House that when the Speaker is

on his seat, you see members moving around. When the mace is there, you can see a member crossing the floor. There are many issues that I have never seen in my practice as a parliamentarian for the last 30 years. There are many issues even within the Chamber itself whereby there are a lot of rules and procedures, which are being broken. We need to be an institution and parliament like any other.

With those few remarks, Mr Speaker, I support the motion. Thank you very much.

**Mr Dennis Namara** (Uganda): Thank you, Mr Speaker. When I look at the law applicable regarding the operationalization of the EAC and the Partner States, of course, we have the EAC Treaty but we also have our national constitutions. What it means is that our national constitutions supersede the EAC Treaty. When you look at the functioning of the national constitution, there are the three arms of Government that are clearly separate: the Judiciary, the Legislature and the Executive.

Of course, the East African Community has not been functioning the same and yet we should be looking at how we can work in tandem between the laws of the Partner States and the laws of the EAC. Therefore, it is very critical that we follow the principles that are already applicable within the Partner States; that the parliaments are independent of the other organs of the government.

When you look at the principle of oversight, when we had an induction, we were talking about accountability issues; people from the Secretariat being summoned to appear in committees but they could not come. Why? Because they are the bosses of the Community. The only way we can properly function as an Assembly whereby we can summon someone to appear before a certain

committee like the Accounts Committee and be given powers of the high court –

In Uganda, the Accounts Committee has the powers of the high court. They can summon you, order for your arrest, order for you to appear before the investigations departments. We can only do this if, as an East African Legislative Assembly, we have our powers of oversight, which can only be granted if we have the administrative and financial autonomy.

Certainly, Mr Speaker, there is no question that the Council of Ministers – I appreciate and I thank them for passing this. What hon. Makame was taking about that we give them more time – the Council of Ministers already passed that the EALA and the Courts should be independent and have financial and administrative autonomy. What has been lacking is the operationalization of the directive given by the Council. Now when we seek again to go back to Council and ask, what were you talking about last time? Did you grant us or not? They look at us as being very unserious.

I, therefore, support 100 per cent, the motion that EALA should have financial and administrative autonomy.

**The Speaker:** Thank you, hon. Namara. Before hon. Odongo takes the Floor, I think the Office of the Clerk should make sure that you only distribute documents that relate to the matters on the order Paper. I understand certain documents are being circulated that I know nothing about. Can you please retrieve them and stop distributing them?

**Mr George Stephen Odongo (Uganda):** Mr Speaker, first of all I would like to congratulate the newly sworn in member of Council and to welcome you to this very robust august House.

Mr Speaker, I rise to support this motion and I would like to say that I support it lock, stock and barrel.

Let us be clear. When you are driving a car and you have engaged a gear, you do not go in the middle, when you are gaining speed and then apply hand brakes. You cannot be driving the integration process with your hand brake son. This motion is at the very heart of the functions of the Community because EALA is a very important organ of this Community.

What we are debating here is the principle of separation of powers. We are debating the concept of how to manage the relationship between the different organs of this Assembly. We are not here to build a ‘silos mentality’ where we are creating organs that are not communicating with each other. Therefore, the independence of this Assembly does not presuppose that we are getting ourselves into the trenches and therefore fighting one organ or the other. We are simply saying that this should facilitate the functioning of this organ called the East African Legislative Assembly.

Mr Speaker, the nuts and bolts of the operationalization of the independence of the Assembly is something that is a work in progress. It is something that can be subjected to a discussion but the principle is already contained in a resolution that was passed by the Council of Ministers. It is therefore uncalled for, for us to refer the whole of this back to the Council of Ministers yet they have already pronounced themselves on this issue.

I think what should be a subject of discussion, going forward, is the nuts and bolts; the details and they said that the devil is in the details. That is something that we can constitute, working with the Commission and

the Council. You can hammer out the details of how this can be done but the principle should be there. This is about governance. It is a global based practice. We are not inventing something new. This is something that is being practised in even our local parliaments.

Mr Speaker, I do not see any contradictions whatsoever. I do not see the challenges that the independence of this Assembly will have in the normal workings of the Community. I think the independence of our Assembly will facilitate a very good working relationship and most importantly, the role of the Assembly in dispensing its oversight function.

I would like to plead with members of Council to look into this motion with the lenses of objectivity that we are actually helping the Community to be able to be accountable because this is the only institution of the Community that is mandated to provide oversight and if we give with one hand and yet we are taking it away with the other then we are actually crippling the functioning of the Assembly. I beg to move, thank you so much.

**Ms Fatuma Ibrahim Ali (Kenya):** Mr Speaker, first and foremost, I would like to start by congratulating our new members and the East African Community member from the United Republic of Tanzania.

Mr Speaker, I would like to strongly support the motion that is seeking administrative and financial autonomy of EALA. If you will refer to Article 65, which talks about the relationship between EALA and the National Assemblies of Partner States, it is clear that our operations and administration should be mirrored along the national assembly. Moreover, the framers of this Treaty considered the East African Legislative

assembly as an Assembly equal to the other assemblies in the Partner States. My reading of that Article is that it is clear that EALA is not a lesser Assembly and any autonomy, both administrative and financial, of any state party's assembly is similar to EALA.

Mr Speaker, I do not know whether the members can remember but during our week long induction of eminent persons who have worked with East African Community and EALA, they clearly lamented that one of the key challenges for the EALA is lack of autonomy. Mr Speaker, I do not know whether you remember that.

One of the pioneer Speakers said that they had serious challenges in operationalising their programmes and activities for lack of autonomy. When your programmes and activities are defined and approved by a different organ, it becomes a challenge.

If you look at Article 71; functions of the Secretariat, and I want to refer you to (k), (o) and (m), it clearly reads – In (k) it says, “Proposing draft agenda for the meetings of the organs of the Community other than the Court and the Assembly.” (m) says, “Organisation and keeping of records of meetings of institutions of the Community other than the courts and the Assembly.” If you look at (o), “Establishment of practical working relations with the courts and the Assembly.”

Mr Speaker, these are the functions of the Secretariat and when it excludes the court and the assembly, it clearly shows that those are independent institutions. When you are expected to be independent and you do not have administrative and financial independence, you cannot be efficient and effective in delivering your mandate of that institution.

The Chair, Council of Ministers said that this discussion should be referred to the Council of Ministers. At a later time, I would like the minister to tell us what this statement means. It says, "... granted full financial and administrative autonomy in its 33<sup>rd</sup> Meeting vide decision EAC/CM33/decision 29 and EAC/CM33/decision 27 in a bid to enable them secure broad independence."

Mr Speaker, I think we have crossed that bridge and in my view, the motion is very clear. We are operationalizing that decision of Council of Ministers. The rationale for bringing this motion is we are starting fresh, we are new, we are starting a complete five years and we want to start with a platform where we are able to control our agenda, our affairs, our programmes. We do not have to be under another institution to control our agenda.

Mr Speaker, this motion is very timely for us to take on a platform of readiness so that we do not have any excuse. It was very clear from the induction that the biggest challenge for EALA to secure efficient and effective Assembly is lack of autonomy and independence. If we want EALA to do its work which it has been mandated to do in the Treaty, it is timely that we adopt this motion wholesale and approve it so that we start fresh with the independence required to drive this Community.

Mr Speaker, I would like to tell you that I was a serving member of the 11<sup>th</sup> Parliament of the National Assembly of Kenya and when I am speaking, I have the experience. My experience is that the Parliamentary Service Commission, in which hon. Wanjiku Muhia and I were in the Parliament together, was very clear that the Commission was independent administratively and financially and it even had its own independent secretariat.

For you to demand accountability from your Secretariat you must have the independence to appoint them, to reward them, to promote them. Mr Speaker, I do not want to take more time. Thank you, I support the motion.

**The Speaker:** Thank you.

**Mr Mathias Kasamba** (Uganda): Thank you, Mr Speaker. I take this opportunity to welcome our new Council member who has just been sworn in and I would like to thank you, Mr Speaker and colleagues for the steady progress- in Uganda we talk of steady progress - in as far as transforming the people of East Africa into better livelihoods.

8i stand here to support my sister, hon. Susan Nakawuki for a very timely resolution and motion, which is going to give us very good starting point and I think as we conclude orientation, we will begin our five year session when we know that we have a very specific target of creating autonomy and independence.

I would like to dwell on what people fear most. Many of us are individuals in our own entity. We compete against each other and destroy each other and even fail to give space. The vision of the integration is cooperation. You can compete in a very cooperative mechanism when you are independent and that is why I support this motion that if we are to have well-functioning organs of the EAC; the Courts, the Legislature and the Executive arm with the Secretariat, which is composed of the Secretary General, the Council and the staff of the EAC and the institutions, we must create space. We must respect all the entities as organs of the EAC.

On this ground, I think it is long overdue, I think we are now in the teenage age of our EAC, 15 years down the road. We have tested the waters and time has come and it has come

during our time that we should respect the principles of checks and balances. Let us commend the Council of Ministers for the decision they took in 2016 and it is now upon us, as EALA members, to see the actions that will create our independence and autonomy.

This autonomy does not mean that we are not going to cooperate. We shall generate our budget, submit it through the Council of Ministers and it will be approved rather than waiting to be handed a budget. We shall recruit our staff, we shall put in place an employment commission which will generate terms and conditions of our staff and I think we shall work very closely with the Council of Ministers and the Secretariat, just like the parliaments of East Africa work.

Our Parliament here has a commission, which looks after the welfare of its members and staff, carries out recruitment, generates budgets but submits its budget to the Executive for approval. Therefore, there is no fear. It is only the human weaknesses of egoism that we must control if we are to make sure that our interests are protected. However, if we are to see East Africa growing from the Common Market Protocol, realising the Common Market Protocol and realising the Monetary Union and then graduating to the Political Federation, we must strengthen the operations and the autonomy of our institutions. Eventually, the Political Federation will look at how we can harmonise the governance issues. We cannot conduct the governance issues in the region when we are not autonomous.

I support the motion and I pray that we commit the Commission to come up with the time lines in the next six months before the end of this financial year. By then, we should have in place a system whereby in the next budget, we have a deliberate autonomous

parliamentary system at the EALA Commission. I thank you so much.

**Ms Josephine Sebastian Lemoyan** (Tanzania): Thank you, Mr Speaker. Let me also join hands with my colleagues and friends to congratulate two members of our Partner State of Burundi who have been elected today to join the Commission. I also want to give my word of appreciation to our member of the Council for his wise words and encouragement that he has given to us this morning. *Asante sana*.

I definitely congratulate and thank hon. Susan Nakawuki for bringing up this motion because not only is it timely but it is very courageous that she brought this topic on board.

I am beginning to see the dots and connect them, following the orientation that we have had in the past two weeks. I now see where we are coming from and I really see the importance of having an autonomous EALA. We have been given quite a number of documents to read and some of them are the East African Legislative Assembly Strategic Plan as well as the report that was put in place by the Second EALA.

Both these documents indicate a number of challenges that EALA has been facing and one of them is the lack of autonomy of this august institution. We are part of the bigger system called the East African Community and following the systems approach, EALA, being an organ established by Article 9, is deserving to have its own independence. However, while we are looking for that independence, while we want to have the space to do our work, we really need to think of two things. One of them is the burden that we are putting on our shoulder and I think that the Commission has prepared to take this burden, of ensuring that we have a framework

for that autonomy. We seek the autonomy but that autonomy has quite some work ahead of us.

Secondly, I would like to beg the august House to think very critically about the point raised in the motion; point 4 and I beg to read it: “That the Assembly adopts performance contracting as a scheme of service for the staff of the Assembly as opposed to full term limits for its professional, technical staff hence retain the service of the staff whose final contracts are due to expire in April 2018.”

Given such a short time, I would really beg this House to consider how to address this problem so that we are not overtaken by time.

Last but not least, Mr Speaker, let me thank you very much for a fantastic orientation week that you have designed for us both in content and in process. I second the motion.

**Dr Jumanne Ngwaru Maghembe** (Tanzania): Thank you, Mr Speaker. Before I begin, I have a message for the Clerk’s office. This is our second plenary and I am a little perturbed by the fact that we receive the Order Paper when we arrive here or in our emails at 9 p.m. If you look at rule 17(2), on the first sitting we are supposed to receive the order Paper within three hours of the sitting or in subsequent meetings before 12 hours so that we can at least look at the paper. Please, it is very difficult for us to make meaningful contributions if we receive – (*Interruption*) -

**The Speaker:** Office of the Clerk, take note and comply with the rules in terms of when you have to circulate the Order Paper.

**Dr Maghembe:** Thank you. On to the issue at hand, it is unfortunate that I have to stand here and speak a little bit. I am in complete

support of the motion. I would like to say that first and foremost.

However, Mr Speaker, on the weekend when you, in good form, went to Arua with some of the members, we were here for quite a bit and I had some time to read the report because in the induction we had talked a bit about autonomy and so forth. I was very interested and thought this is a wonderful thing, let me go and read a bit.

While I am in support, I can see - listening to both sides, listening to the Council of Ministers and my members, I can see where the issue hangs. If you read the 33<sup>rd</sup> report from page 16 – I remember the page because I kept going back and looking for this issue - in the decisions it says in bullet points; grant the Court of Justice autonomy. Grant the East African Legislative Assembly. Then it goes on to give other edicts such as direct the Secretariat to conduct an institutional review. Direct the Secretariat to conduct a review of the staffing structure.

Therefore, when you read the minutes of that meeting, did the Council direct that you have autonomy now, run or did it direct that we are going to give you time to run but first Secretariat, go and do an institutional review, find out what the financial issues and staffing issues are and bring them back to us. Then we will let you run. That is where the issue lies.

Maybe the CTC can give us some clarification but as a lawyer, I am leaning towards the fact that we were given autonomy to run directly. I want us to make decisions and motions with the full backing of all the organs although we are independent. We must not look as if we are trying to usurp power and run.

The CTC may give us some clarification but before I conclude, I would also like to defend



the Council of Ministers. They gave directives two years ago. It also told the Secretariat, go and do this and that. It has been two years and the Secretariat is not even amongst us here.

I heard all of you talking but this issue is not for the Council of Ministers. We also have to look at the Secretariat. Maybe what we need to do also is, when we are passing this resolution, to direct the Secretariat also to get up and do the job. That would make the job of the Council of Ministers easier and maybe we would not have to come here and debate this issue.

If the CTC could give us clarification on what was the edict of the Council with respect to – from my reading, it is ambiguous. Thank you very much.

**The Speaker:** Please try and be brief. CTC, I am the one to give you the Floor and it is not yet time.

**Ms Fatuma Ndingiza** (Rwanda): Thank you very much, Mr Speaker. Let me add my voice to congratulate hon. Augustine Mahiga as the Minister of Foreign Affairs and East African Cooperation from the United Republic of Tanzania upon your election. Thank you sir for the kind remarks that you made and I was particularly interested in the words you said that EALA are the custodians of the Treaty but we are also the torchbearers. We represent our people. I think these are very strong words that I also want to relay to the motion that is being discussed.

I would like to thank hon. Nakawuki for bringing up the motion I think it is long overdue. I think the debate is very clear that we are not going back to the Council decision. The Council was very clear, they passed a decision a long time ago, almost two years ago and they granted full administrative

and financial autonomy. I think what we are discussing is the operationalization of these Council decisions and what we are requesting is for the House to ask, once this is endorsed, the EALA Commission should swiftly implement the decisions.

I would like to assure you that as the Chair of the Committee in charge of Legal, Rules and Privileges, I would be on your neck to make sure that as soon as possible, you can deliver on the implementation of these decisions.

Maybe what we should do, as the Chair, Council of Ministers said is, we realise that yes, we are an independent Parliament. We also note that cooperation is important so in the implementation of this resolution, the Commission will work closely with other organs including the Secretariat and the Council and that is very clear.

I stand here just to second the motion. Let us move swiftly and I hope it is also in the interest of our ministers to have a vibrant and effective Parliament and this is very important. Thank you very much.

**Ms Jematiah Florence Sergon** (Kenya): Thank you, Mr Speaker. I will be very brief. I would like to stand here to support in totality, the motion of autonomy of EALA. Today I believe we are doing part of the key roles as members of Parliament to deliver the mandate of the people of the Community. In that regard, autonomy is key.

There is no better way that the mover of the motion, hon. Nakawuki could have put it, considering the timelines, the expectations and the way the Council had indicated that they are going to do the directive that they had already given.

As members who have spoken before me have said, we do not have a lot of time

considering the work that is ahead of us. Five years is our opportunity to deliver as much as possible what we are supposed to do as members of EALA.

Secondly, in the administrative work, as a member of EALA, I have a cue in the handling of some of the expectations. I sit here today and we converse with my colleagues sometimes and we wonder at the services that we get and I think that is also attribute to lack of autonomy. For instance, as a member of Parliament, I am not able to get an identity card to introduce myself. I do not even have a card. For instance when you go to functions, you want to network but I am not able to confidently express myself as a member. Those are small things that work under the administration and those are the things that trickle down to how autonomous the Assembly is.

For that matter, I am here to fully second and support the motion. Thank you.

**Mr Gideon Gatpan Thoar** (South Sudan): Thank you, Mr Speaker. I would like to support the motion raised by hon. Susan Nakawuki in its totality. I would like to highlight a few issues with regard to the explanation that was given by the Chair, Council that was on the Treaty.

I would like to say that this motion is one to operationalize the implementation of the administrative and financial autonomy of the EALA. It has no implication to any other part of the Treaty. You quoted Article 49 of the Treaty; functions of the Assembly. We are not discussing but trying to move the operationalization process of this autonomy that was pronounced by the Council of Ministers.

I am not aware of any other pronouncements that were made by the Council of Ministers

providing restrictions on particular parts of that autonomy. I am not aware about anything.

Mr Speaker, I observed resolution four of this motion that maybe the grounds of which the Council would be able to provide some justification – but I want to clarify to the Council that this should not raise any fear whatsoever because this resolution is part and parcel of the operationalization of the autonomy of the Assembly; both financial and administrative.

There is no implication to any particular aspect of the Treaty with regard to term limits. For example, if something is resolved in the rules and regulations that there will be two terms, if the Assembly resolves to give contracts to the officers in the Assembly, it is in the spirit and interest of the Assembly to actually maintain consistency and quality of service in moving forward the East African integration.

The term limits do not cost anything. Issuing contracts to serving officers in the Assembly does not cost any other expenses to the Treaty. I would like to support the motion, thank you very much.

**Ms Mary Mugenyi** (Uganda): I thank you, Mr Speaker, for giving me the opportunity. I am glad I have finally caught your eye. I would like to start by thanking colleagues who went all the way to Butaleja to join the people of Uganda in the celebrations of this week. Thank you very much.

In the same spirit, I would like to take the opportunity to invite the members and remind them, including the Council members who are here to our dinner tonight where we shall be consuming produce from my farm. Please do honour it.

Mr Speaker, I would like to join other colleagues who have spoken to promote and support the motion. I thank hon. Nakawuki because this is for sure overdue. It is even interesting that this motion or the idea was approved in 2016 by the Summit. Therefore, what we are talking about now is implementation.

Let me take the opportunity to thank the Chair, Council of Ministers for stating clearly that he is not against the idea. I believe that even the Summit is not against the idea that hon. Nakawuki has tabled this morning. What needs to be done is implementation.

Mr Speaker, there is no way in which the East African Community can grow without empowering the different organs of the Community to function properly. The architects of modern democracy who defined our democracy function deemed it important to make each organ independent so that it can do its role, so that Parliament can do oversight, so that the court can make right judgements without compromise of their roles.

Lastly, because we have two minutes, I want to talk about conflicts; enabling the officers that are in charge of the administration of the different organs to effectively and efficiently carry out their roles. If my role is compromised because another organ is in charge and I am not totally independent then there is likely to be conflict of interest and roles.

I think we know that what causes conflict in the world today is mainly the sharing of resources. Therefore, it is important that the different organs can easily access the resources as allocated without the compromise of waiting on the shoulders of another.

I thank you, Mr Speaker and hope that implementation of these decisions will be made as quickly as possible.

**Mr Simon Nganga Mbugua (Kenya):** Thank you, Mr Speaker. I would like to take this opportunity to thank Dr Mahiga, the newest Member of Parliament. Thank you very much and congratulations.

Secondly, I stand here to support this motion. It is a very important motion for us as members of Parliament to be independent. Otherwise, it defeats the essence of having a Parliament if it is not independent.

I would like to be very brief because a lot has been said. Mr Speaker, you must take charge, you cannot be given a bus and that bus drives itself. We have given you this bus and it is your work now to steer it so that we can reach the destination where we are supposed to reach which is development of our people.

We are representatives of the people and everybody, including the Council of Ministers is here courtesy of us. The Council of Ministers has already given us a go-ahead on the governing process so I do not see why we are spending our time here debating. My request is that we just vote and finish this thing because the mood of the House is very clear, isn't it. Therefore, there is no need for wasting time. We want to go with the precedent of other parliaments. We want to be autonomous and that should be the song in the ears of the Council of Ministers. We should be autonomous.

I do not want to talk much because a lot has been said. Thank you, Mr Speaker and I beg to support.

**Mr Adam Kimbisa (Tanzania):** Thank you very much, Mr Speaker. I was a little bit uncomfortable when I heard people

introducing themselves, not only the names but also the Partner States where they come from. Colleagues and friends, here we only differ in name and gender. I commend two Partner States; Tanzania and Rwanda. In Tanzania if you introduce yourself that you are coming from a particular area or tribe, it is considered immoral. In Rwanda, if you introduce yourself – and I may be wrong – that you come from a certain tribe, it is considered illegal. In EALA, let us consider this as both immoral and illegal to introduce ourselves as from a Partner State because this is encouraging what I would call balkanisation in pocket handkerchief states. Why? And there is no reason for that.

Mr Speaker, coming to the point on the table, time is of essence. We have been told, time and again, of something called institutional review – (*Interruption*) -

**Ms Muhia:** Mr Speaker, is the honourable member in order when he says that Members are introducing their names with their Partner States while you directed the members to introduce themselves for purpose of the *Hansard*?

**The Speaker:** Hon. Wanjiku, the member is reminding us of the need to always identify as East Africans. That said, because we are still struggling to get properly identified by our staff and for us to familiarise amongst ourselves, and I announced this before, leeway can be given for exceptions to be made. However, we shall continue to do things the proper way as we move forward. Thank you.

Therefore, the member was not out of order and those who identified themselves the way they did were also not out of order.

**Mr Kimbisa:** Mr Speaker, I think we need another induction because of some of the members here.

Mr Speaker, the concept of autonomy here, to me and others, really – We are not talking of de-linkage or separation or cessation. What do we mean by autonomy here? Autonomy listed here means efficiency, effectiveness and economy. For whose interest? Autonomy here is for the interest of the poorest of the poor of the East African region.

Therefore, it is high time that the Council of Ministers tried not to consider but to really think seriously that this autonomy is needed and is long overdue and it was supposed to start not today or tomorrow but years ago because we have no time as it is running very fast.

For the benefit of time, I say thank you very much, I support the motion.

**The Speaker:** Thank you very much, hon. Kimbisa. Honourable Chair, Council, although you have not asked to speak, if you choose to do so, I suggest to you that you make certain clarifications before the mover comes to wrap up. I would like you to put the issues that came up in perspective before we vote. This autonomy was granted. Was it conditional or not? If it was conditional, what were the conditions? How were the conditions dealt with for the past two years? If you can help to clarify those issues, members will know how to vote in a proper way. Thank you.

**Minister of State for East African Community Affairs, Uganda (Mr Julius Wandera Maganda) (Ex-Officio):** Thank you very much, Mr Speaker. I would like to appreciate and thank all the members who have contributed to the motion. I would also like to appreciate the mover of the motion.

This is one part where EALA is doing its oversight role and I think this time you have attempted to play the oversight role on to the Council.

We made a directive out of the resolutions that were made in the Council meetings and in that, we directed the Secretariat in all these areas that you have discussed, to come up with a paper, which was supposed to define the scope of the autonomy.

The autonomy was granted but the delay has come from the perspective of the Secretariat to define the autonomy. This perspective was to look into the financial and administration which the motion is speaking about. Some of the areas have a policy nature that would definitely be defined under the scope.

Your question as to whether the autonomy was conditional – yes it was conditional.

**The Speaker:** Chair, Council another question was, what were the conditions?

**Minister of State for East African Community Affairs, Uganda (Mr Julius Wandera Maganda)** (Ex-Officio): There are some things that I know and I am going to give to my CTC to come and make clarifications because they have a legal implication. I need him to come and give proper justification because I told him to handle that part particularly.

One thing that I need to bring out clearly is that there was a member who spoke about EALA not having the capacity and powers to summon the members. I just want to remind members that EALA and this Assembly has powers to summon. The Third EALA really made many attempts and they summoned several people who came and faced committees here. You have the powers which are vested under the Rules and Privileges Act

and this was well implemented by the Third Assembly. Since we are just resuming office, we should be able to utilise these provisions.

There was one prayer which was made which I want to put clear that it was not a directive. This was a prayer on the term limits. This is something that has a policy and legal nature which will definitely have to be observed by the Council. Therefore, if we are passing this resolution, I need to beg the mover to amend and leave out that particular prayer because it has a direct implication on the side of the Council because it touches directly on the Treaty if we talk of amending the term of office of the Assembly.

This one particularly has to be taken back and I just want to beg that probably you can amend your resolutions and leave this out.

Mr Speaker, I would like to ask you to allow the CTC to come and make a few clarifications.

**The Counsel to the Community** (Dr Anthony Kafumbe)(Ex-Officio): Thank you, Mr Speaker. Let me say that the autonomy was conditional and the Secretariat was tasked to do certain things. Since that time, because the 33<sup>rd</sup> Meeting of the Council was held in 2016, subsequently the Secretariat convened a meeting to look at how this autonomy could be exercised; the scope of the autonomy, taking into account that right now even when you look at the Treaty, there are areas that are a confine of the Council.

For example, if you look at Article 48(2), the Council appoints the Clerk and determines the salary and conditions of service. Article 49(2) says, “The Assembly shall recommend the appointment of the Clerk.” We sat down with representation from the Court and this Assembly and then we found out areas which can be exercised by just amending the Staff

Rules and Regulations and the Financial Rules and Regulations. As you know, the Financial Rules and Regulations and the Staff Rules and Regulations are issued by the Council as a policy organ of the Community. Therefore, it is easy for that to be amended. However, there are areas in the Treaty which require Treaty amendments like what I have mentioned.

Mr Speaker, this is what is on-going. We had another directive from the 24<sup>th</sup> Meeting of Sectoral Council of EAC Ministers. We prepared the paper, which is going to be considered by Council and I know that in due course, the Council will inform you of the scope of that administrative and financial autonomy. I thank you.

**The Speaker:** Thank you CTC. I now invite hon. Susan to respond to the debate. Please try your best to be brief.

**Ms Nakawuki:** Thank you very much, Mr Speaker. I would like to first thank this august House for unanimously supporting this motion. 53 out of 54 members of this Assembly are in support, save for one member who is probably aspiring to be a member of Council, who does not understand the importance of the autonomy of this august House.

Allow me to mention the members who have contributed and appreciate them: hon. Abdikadir Aden, hon. Wanjiku, hon. Julius Maganda, hon. Mbidde, hon. Opoka, hon. Makame, hon. Muhia, hon. Namara, hon. George Odongo, hon. Fatuma Ibrahim, hon. Kasamba Mathias, hon. Josephine, hon. Maghembe, hon. Fatuma Ndagiza, hon. Florence, hon. Gideon, hon. Mugenyi, hon. Simon and hon. Kimbisa plus those members who supported from their hearts but because of time constraints could not speak.

Mr Speaker, I would like to begin by thanking the Council of Ministers for giving this very important directive. I know that this directive was not out of charity but because of the constant demand of this Assembly advocating for their space. We have lobbied members of Council individually, we have even attempted to lobby members of Summit. Those that we lobbied pledged full support. I can attest to the fact that I personally lobbied the Chair, Summit over this autonomy and he was very happy that we have finally woken up to the fact that we know that we are supposed to enjoy this autonomy.

We are very aware that Council sat in March 2015 during their 33<sup>rd</sup> Meeting and decided to grant this autonomy. In fact, I am sure Council is wondering what is wrong with us that two years down the road, we are not taking this autonomy. It is like being served food and you wait for the person who has served you the food to put it in your mouth. Council will not do this. No wonder even when Council had their techno council meeting which was the 24<sup>th</sup> Ordinary Meeting and they tasked the Secretariat to present a proposal on the scope of the administrative and financial autonomy, it ended there. Nothing has materialised because they were waiting or we the beneficiaries to act and that is EALA and the EACJ.

Actually, I was shocked because I thought Council was trying to stall this process again and I am sure that this was just an overthought. We should seriously desisted by Council. You should not try to stand in our way because we are very ready to fight for this space.

Honourable members, the Treaty is very interesting. When I was reading Article 15(1), it says, *The Council shall meet twice in each year, one meeting of which shall be held*

*immediately preceding a meeting of the Summit. Extra ordinary meetings of the Council may be held at the request of a Partner State or the Chairperson of the Council.*

I am reading that because I know Council rarely sits. They have their two meetings for the whole year and they can decide whether to sit or not. As an Assembly, we are not going to sit there because we are a very serious Assembly and we have a lot of work to legislate for the Community especially that we were made to sit home because of the circumstances, which were prevailing at that point in time, and now we are trying to catch up. We sit more regularly than Council does and that is one reason we are offering to help Council to do some of the work that they may not be able to do in a timely manner.

In fact, that leads me to a question. If Council fails to sit in order to know what has not been done, why would Council sit again to consider work that they have already done? These are very important people, they are very busy, they have so many dockets to handle, and not just East African Community affairs like my Chair Council here who is also a Member of Parliament. He has to be in Busia working and serving his constituency but he also comes to the Assembly. Why should we push them to do the work that they have already done? They have given us this autonomy. Should we sit there and not act accordingly?

Mr Speaker, as a lawyer, I always borrow the equity maxim and among those is the fact that delay defeats equity. We have already been delayed and we are not ready to be delayed once again.

There is also another maxim that says equity aids the vigilant not the indolent. This is a very vigilant Assembly and we are ready to

help Council to perform the duties we were tasked to do without fear or favour. This is about our space and please, allow me to say this with all honesty; you are either with us or against us. If you do not want us to be independent, to perform our duties without being arm twisted then you are against us and you know the danger of being against an Assembly of able men and women who were elected, who went through that vigorous process to represent the interests of the people of East Africa as my colleagues have already said.

Mr Speaker, the minister said something that I did not agree with; that the financial and administrative autonomy of the Court and the EALA was subject to conditions. I have the report of council here. If we were not time constrained, I would read it word for word. It did not have any conditions attached, I have it here and I am willing to lay it on table. There were no such conditions attached.

However, even when you requested the Secretariat to present a proposal, as far as I am concerned this directive was presumed to be for Council's own consumption. Either way, one thing I know for sure is that the paper you required to do, which they have failed to do, can be done by the EALA Commission very quickly and we make work easy for you. We are ready to do benchmarking starting from the Parliament of Uganda here which enjoys full autonomy, including the powers to even look into the welfare of its members, unlike EALA where you cannot even determine your own issues of welfare. We have to report to somebody all the time to even get our cuts of the budget.

Last time we were tasking the Clerk to go and demand for remittance from the Secretariat that was supposed to come to EALA but they had decided not to give us because they knew they had discretion to give us or not. We are

saying enough is enough. If we are going to do oversight then we have to have independence in every way possible.

I will just respond to a few issues raised by members as I wind up because of time. Hon. Makame had issues that he made reference to and he had actually requested me to clarify on them. Unfortunately he is not here. I understand he is a very new member of this Assembly who missed most of the orientation last week but I want to offer private orientation to him and take him through the whole issue of independence of the Assembly – *(Interruption)*–

**The Speaker:** Hon. Susan, for purposes of the record, hon. Makame was present throughout the orientation.

**Ms Nakawuki:** Mr Speaker, I know you may want to defend your members but I am one of his close friends and I tried to follow him and he was not there all through. If he was, he was not attentive but I am still offering to give him private coaching on matters of EALA.

I would also like to remind him not to read the law piecemeal. When you want to read the provisions, read them wholly. For example Article 14 that he referred to., he read only (a) but when you read the rest like (c), it will show you that even for Council directives, there is an exclusion clause there; that they have to exclude the Summit, EALA and the Court.

I am sure that we are on course and I beg the indulgence of this Assembly that we support this autonomy, we jealously guard it and then we shall be able to perform to the expectations of our people. I thank you and I beg to move.

**The Speaker:** Hon. Susan, before you leave the floor, there was an amendment moved by

Chair, Council to expunge from your motion paragraph four. You have to respond on that, although Chair, Council, you have to put it in writing.

**Ms Nakawuki:** Mr Speaker, I am not at liberty to accept that amendment because we have suffered a lot as an Assembly when it comes to staffing. We have had members who have ended their contracts left the Community and we have had empty offices for lack of staff because of the institutional review. Ever since I joined the Assembly, we have been undergoing that institutional review, it has not been completed and we are still waiting. Council has failed to meet their timelines all the time. For that reason, I am not taking the amendment. I would love to maintain it the way it is. I thank you.

**The Speaker:** Thank you, honourable members. Because of time, we cannot continue to debate this. I will now propose the question. The question on the floor is that this House do resolve to adopt and operationalize the administrative and financial autonomy granted to the East African Legislative Assembly and to direct the EALA Commission to consider and approve the implementation framework. I put the question.

*(Question put and agreed to.)*

**The Speaker:** Honourable members, because I am not allowed to debate, I think it is safe for me, at this point to make a comment. Honourable members of the Council, this Assembly is open to work with you and the Secretariat as we move forward with this resolution.

The Assembly is not going to work in isolation but the Assembly wants the process to move because for two years, nothing was happening. We are not going to be the



Assembly that is trailing. We want to be the assembly that is setting the pace. For those who want to move with us as fast as we want, we are willing to do so. Those who want to move slowly, we shall try to move faster so that you can also move faster because as a matter of fact, this simple work that was supposed to be done; defining the extent of the autonomy – we even attempted, I remember to do the work for the secretariat in one of our sittings in Zanzibar.

Therefore Mr CTC, this something that was resolved a long time ago but because it did not happen, now the honourable members are going to do it for whoever was supposed to do it. However, the understanding is that this autonomy was granted unconditionally and what was to be done was to define the terms of how to implement it and it is going to happen because this Assembly is going to work with everybody that is supposed to be involve dot make sure that we move together with the same understanding, at the same pace without offending any provision or law of the Community because our basic responsibility is to defend the laws of the Community and not to circumvent or violate them. That is not the intention. I thank you.

Honourable members, we have to conclude now because we have to vacate the Chamber for the Uganda Parliament to continue with their business. I would like to announce that members of the Commission have a meeting with the Uganda Parliament Committee on EAC Affairs. They have asked to meet with us and that is very generous of them so I request members of the Commission to join me as I meet the committee.

We shall also have our Commission meeting after our engagement with the Committee of the Uganda Parliament. Therefore, I may request members of the Commission to stay

behind to be briefed on the venue and when those two meetings will take place.

On that note, I also request you to be punctual tomorrow because this is going to be our final day and the earlier we can conclude the better so that we can relax as we prepare to travel. There are going to be important announcements in the coming hours regarding our next activity. These announcements could not come earlier because the Commission has to make some deliberations when we meet in the afternoon but please consult your emails because we are going to communicate to you on where you are going for your next activity and when.

I adjourn the House until tomorrow at 9.30 a.m. in this Chamber of the Uganda Parliament. House stands adjourned.

*(The House rose at 12:57 p.m. and  
adjourned until Thursday,  
8 February 2018 at 2.30 p.m.)*