



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 97TH SITTING – SECOND ASSEMBLY: SECOND MEETING – FOURTH SESSION

Thursday, 9 December 2010

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Parliament of Uganda, in Kampala.

PRAYER

(The Speaker, Mr Abdirahin Haither Abdi, in the Chair.)

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, in accordance with rule 8213(c) of the Rules of Procedure of the Assembly, the House Business Committee has nominated the following two Members from the Republic of Burundi to the following committees: Hon. Emirance Buccumi, Committee of Accounts and the Committee of General Purpose; Hon. E. Nsabimana, Committee of Accounts and the Committee of Regional Affairs and Conflict Resolution. With these nominations, it means that Hon. Francois Bizimana is relinquished his position on the Committee of Accounts and Hon. Ngenzebuhoro relinquishes his position on the Committee of Regional Affairs and Conflict Resolution. Thank you.

BILLS

SECOND READING

The Administration of the East African Legislative Assembly Bill, 2010

Ms Dora Byamukama (Uganda): Mr Speaker, Sir, I beg to move that “The Administration of the East African Legislative Assembly Bill, 2010” be read the Second Time.

Ms Patricia Hajabakiga: Seconded.

Ms Byamukama: Mr Speaker, Sir, the Administration of the East African Legislative Assembly Bill is borne out of issues encompass aspects of the Treaty, what we have realised as an Assembly in practice and Commonwealth parliamentary practices and conventions.

Before I go into a further justification, I would like to define “Administration” as per Wikipedia as follows: “It can be defined as –

The Speaker: As per Wikileaks or what? (*Laughter*)

Ms Byamukama: No, Wikipedia; on the internet. Rt hon. Speaker and hon. Members, when you Google the word, “Administration” and you want a definition, you go to a Wikipedia definition and that is what I am reading Sir: *“It is defined as the universal process of organising people and resources efficiently so as to direct activities towards common goals and objectives.”* So, Mr Speaker, Sir what we shall be doing this afternoon is to find ways and putting in place means of effectively and efficiently managing resources in order to attain the set goals which are clearly stipulated in the Treaty.

Mr Speaker, Sir, I have four justifications for tabling this Bill. The first is based on the Treaty. When you look at the Treaty, you will find that Article 9 provides for organs and one of these organs is the East African Legislative Assembly. When you go further you find that under Article 49 the functions of the Assembly are clearly spelt out. And indeed, for example, when you look at some of these functions like under Article 49 (2) (b) which is that: *“The Assembly shall debate and approve the budget of the Community,”* you find that this is a shared mandate to some extent with the Council of Ministers as well as the Summit.

When you go further and look at Article 49, you find another mandate under Article 49(2) (f) which states that: *“The Assembly shall recommend to the Council the appointment of the Clerk and other officers of the Assembly.”* This is again shared with then Council of Ministers because when you look at Article 48(4) it provides that: *“The Council shall appoint a Clerk of the Assembly and other officers of the Assembly whose salaries and other terms of service shall be determined by the Council.”*

So, in light of this, there has been need to provide for an enabling law which clearly captures what we have garnered in practice as an Assembly because over the last ten years, there are certain practices that have been developed and which we would like to capture in an enabling law to enable the Assembly realise its goal of being an independent and autonomous as well as effective organ of the Community.

The second point is on what we have again agreed upon as an Assembly and this in relation to the strategic plan. We adopted our own strategic plan and it provides for an independent and effective Assembly. When you consider the element of independent as well as effective, there is need for an enabling law to assist us in administrating the Assembly so that we can realize the goals that were set.

When you consider the element of independence, it is twofold; it has the financial aspect as well as the administrative. The financial aspect has been captured on the floor of this House whereby

the Committee on Accounts earlier on in our term was able with the support of this House and the Secretary-General to fortify the status of the Assembly as a sub accounting status, which gives some degree of autonomy to the Assembly. Infact, we as an Assembly have been managing our own accounts for some time now and this status has enabled us source, solicit and as well operationalise our activities in a more efficient manner to date.

Mr Speaker, Sir, the aspect of administration will be realized by enactment of this Bill into law and, therefore, in that way, we shall have attained the independent status that we plan to attain as per our strategic plan.

I would also like to quickly say that considering the institutional review that is ongoing has also emphasised the issue of autonomy and as we plan for political federation and as we adhere to the principles of good governance, it is paramount that we also adhere to the principles of separation of powers and so by adopting and also enacting into law the Administration of the East African Legislative Assembly Bill, we shall in effect be making progress towards separation of powers and therefore conforming to the principle of good governance and readying ourselves for political federation.

Mr Speaker Sir, I would like to also say that when we enact this bill into law, it will enable us build the institution of Parliament and this will also enable us reinforce sustainability of the positive practice that has been realised so far and this will go down in our history as a profound legacy on what has been achieved so far.

I would like to give another example and reason why I think it is imperative that we enact this bill into law. When you consider the head of administration of the Assembly and his status in the Community, this Parliament has hither to argued and we even passed a motion, that his status should be upgraded to that of a deputy secretary-general.

Having said that, when you look at the Treaty, you find that the appointment of the Clerk under the Treaty is put under membership of the Assembly and this is provided for in Article 48 (4).

The other reference to the Clerk's office, who heads the administrative wing of the Assembly, is captured in Article 49 but when you look at other offices, which are almost at the same level, you will find that they have substantive articles attributed to them and that their mandate is clearly spelt out. This therefore, clearly shows that we need to do more to provide an enabling law based on conventions and practices of what is expected of a Clerk so that the Clerk's terms of reference are clearly spelt out and that this issue is captured in a law.

Finally, Mr Speaker Sir, when drafting this bill, I was very aware that we have Treaty obligations and therefore I carefully studied them and was able to capture what we have in practice. I believe that this law will provide a foundation and base upon which other enactments or amendments will be made which hopefully, after amendment of some of the Treaty provisions, will enable the Assembly to realise its independent and autonomous status.

Mr Speaker, Sir, I would like to conclude by thanking all the people that supported me in a bid to bring this important bill. I would like to start off by thanking your office and the Assembly. I

would like to thank the hon. Counsel to the Community, I would like to thank members of the Legal, Rules and Privileges Committee and the Clerk's office and all other Members who gave me a hand in drafting this bill.

I beg to move and I thank you.

The Speaker: Hon. Members, the proposal on the floor is that the Administration of the East African Legislative Assembly Bill, 2010 be read a Second Time. Debate is open.

Hon. Members, as you are aware in our rules, it is the committee that is supposed to give a report. I think it is the Legal, Rules and Privileges Committee to give its report first before we start debate.

THE REPORT OF LEGAL, RULES AND PRIVILEGES COMMITTEE ON THE ADMINISTRATION OF EALA BILL, 2010.

The Chairperson of Committee on Legal, Rules and Privileges (Mr Frederic Ngenzebuhoro): Thank you, Mr Speaker sir for the opportunity. I am going to present the report of Legal, Rules and Privileges Committee on the Administration of EALA Bill.

Mr Speaker sir, pursuant to Rule 66(4) the Administration of EALA Bill was committed to the Legal, Rules and Privileges Committee and was reviewed on 12th May 2010 in Arusha, Tanzania.

Background of the bill

Mr Speaker, Sir, the Administration of EALA Bill hinges on the Treaty establishing the East African Community and the East African Community Strategic Plan. The mover, I mean hon. Byamukama, indicated five major reasons for the bill as;

1. The major basis is Article 5 of the Treaty establishing the East African Community in encompassing the objectives of the Community. Further still, Article 6 of the same Treaty on the fundamental principles of the Community brings on board good governance issues of adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on human and people's rights. The mover emphasised that the Bill will therefore evolve EALA into profound autonomy of governance.
2. The Bill will also base on Article 49 (f) of the Treaty establishing the East African Community while EALA recommends to the Council the appointment of the Clerk and other officers of the Assembly. The mover explained that the Bill is intended to emphasise the recommendations.
3. The mover of the bill also told the committee that the bill is intended to accord EALA financial autonomy as stipulated in the 2006-2010 strategic plan. She highlighted that so

far, one of the achievements of the Committee on Accounts is that the Clerk of the Assembly is substantively managing the Assembly. Therefore, full autonomy is very crucial.

The four pillars upon which this Bill is developed is the need to enlarge and amend it. This is also based on the 2006/2010 Strategic Plan especially as indicated at page 49. The fifth pillar is to enable the operations of the Assembly. Citing the examples of the assemblies in the Partner States, the mover informed the committee that the Bill will enable the Assembly to operate by introducing a commission that will be responsible for recommending the appointments of clerks and other officers of the Assembly.

Mr Speaker, Sir, the committee received a brief from the mover of the Bill, discussed it, clause by clause and made recommendations.

Observations and findings:

The committee observed the following:

1) Title, the committee – (*Interruption*) -

The Speaker: Hon. Frederic, I think if you just go away from this part of the report, it is more about amendments that you have proposed to the report. Correct?

Mr Ngenzebuhoro: Yes, do you want me to go straight – (*Interruption*) -

The Speaker: No, what I am saying is that you can bring in those amendments during the Committee Stage instead of reading them now and repeat them at Committee Stage. Correct?

Mr. Ngenzebuhoro: Then you want me to go the conclusion.

The Speaker: Then you can go to the conclusion, I guess, if it is there. (*Laughter*)

Mr Ngenzebuhoro: Well, there are recommendations at the last page.

The Speaker: I do not have that page - you can continue.

Mr Ngenzebuhoro: The recommendations of the committee are only two and you can find them at page 7.

The Speaker: I do not have page 7, myself. I do not know where you are reading yours. Maybe this is from *WikiLeaks*. I do not know. Maybe you can go on to read those recommendations while they circulate the copies.

Mr Ngenzebuhoro: Thank you, Mr Speaker, Sir.

Recommendations:

The recommendations from the Committee are: the Committee commends the mover of the Bill and call upon other members for initiating such Bills to the Assembly for the regulation of the Community. Second, the committee urges the Assembly to support the Bill.

Acknowledgments:

The committee acknowledges the facilitation provided by the Assembly through the Speaker. The committee appreciates the work exhibited by the mover of the Bill, hon. Dora Byamukama.

Conclusion:

The committee hereby submits this report to the Assembly and humbly urges the Assembly to support it. Thank you, Mr Speaker. I beg to move.

The Speaker: Honourable members, you have heard from the mover. Now debate is open. Yes, hon. Kabourou – actually I should have given to the seconder first. So, seconder, please!

Ms Hajabakiga: Thank you, Mr Speaker. Since it is my first time to contribute, I would like to thank the Government of Uganda, the Parliament of Uganda and the Ugandan community to have warmly received us in this beautiful City of Kampala. I also would like to congratulate the Hon. Sita who has joined the Council of Ministers and fellow colleagues from Burundi who were sworn in on the first day of our work.

Mr Speaker, Sir, I stand to support the motion and would like to add that it was long overdue that we get a legal document that provides the ways in which the House has to be administered. I support the motion and also call upon other members to support it because this instrument will provide a legal frame work for the administration of the House. It will also operationalise the different articles scattered in the different parts of the Treaty, which gives the Assembly different functions in one legal instrument as a law. The Bill, if passed into a law will help in clearing certain ambiguities and interpretation of some of the Articles in the Treaty in which each of us at different times would interpret them the way we feel it right. I don't have much to say because the mover of the motion has elaborated very well. I only would like to call upon my colleagues to support this motion.

Dr. Aman Kabourou: Thank you, Mr Speaker, Sir, for the opportunity to contribute to the Administration of EALA Bill. First, I also would like to take this opportunity to congratulate as well as to welcome the new Members of the East African Legislative Assembly from Tanzania and Burundi.

Mr Speaker, Sir, I was a Member of the Legal Committee and a supporter of this Bill from the beginning for the simple reason that in democratic governance, we usually have the concept of checks and balances. So, when we have a government – although obviously we haven't had one in the East African Community and we hope we will have it – it is good practice to begin differentiating these elements of the legislature, the executive and the judiciary. And I think this Bill is very much about that. We want to be careful about how we will proceed with the federation. For that reason, I would like to say that this Bill is long overdue. And I take the opportunity to congratulate hon. Dora Byamukama, for persisting in matter actually finding legal elements that justify the being in place, of this Bill.

Mr Speaker, I am just afraid that if we do not pass this Bill, which I beg all the Members to support. We will literally become a rogue parliament in the region because we will be inconsistent - (*Interruption*)-

The Counsel to the Community (Mr Wilbert Kaahwa)(Ex-Officio) Mr Speaker sir, is my honourable friend Dr Kabourou in order to use the word “rogue” in reference to parliaments including this one?

Dr Kabourou: Honestly Mr Speaker, I don’t think - (*Interruption*) -

The Speaker: Honourable, I haven’t ruled yet. I don’t think he is in order to call us rogues. We are not a rogue parliament. Maybe he was thinking direct translation from Swahili or something. There must be something wrong. (*Laughter*)

Dr Kabourou: Thank you, Mr Speaker. Like I was just about to say, I don’t think I meant this is a rogue parliament. I said we would have become a rogue parliament if we were inconsistent with accepted practice of parliamentary administration in the region. By that I mean we do have parliamentary commissions in almost all the parliaments in the East African Partner States so to behave differently, basically you become a rogue. I am not saying it is.

Clearly this would also be detrimental, I think, to the existence of the Community itself because one wonders what argument EALA could have should say the Tanzanian Parliament refuse to appropriate funds for a regional parliament that is totally alien to the Partner States parliaments in the region. I mean the Tanzanian Parliament could say, look EALA does not behave like all of us, they don’t separate their functions from the Executive and the Judiciary and therefore we do not understand their stance.

So hon. CTC, honestly we are just using conjecture here and we are not necessarily saying that EALA has reached that stage but it would be an opportunity for those who want to think that way to use that omission to deny us funds.

So hon. Speaker that was my only comment. If we are a regional parliament then we have to be a reflection of parliamentary practices in the region. We cannot be an odd ball, when the people outside have regular practices and expect to be respected. For that reason, I urge hon. Members to support this Bill because it makes us go in tandem with practices in the region.

Having said that, I once again say that I support this Bill and would like to see all the Members support it as well.

Thank you.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker, Sir. I rise to support the Bill on the floor for the Administration of EALA and I believe that it is very timely, necessary, and useful in terms of value addition to the growth and development of EALA as a Parliament and it is well thought out and therefore should be supported by every progressive Member of EALA.

Mr Speaker, Sir- (*Interruption*)

Mr Dan Kidega (Uganda): Thank you, Mr Speaker, Sir for the opportunity. The honourable holding the floor has just said progressive Members of the Assembly should support the Bill. To me he has insinuated that there are unprogressive ones as well. Can he really clarify who he perceives as an unprogressive Member of this Assembly? Thank you.

Mr Sebalu: Thank you. Mr Speaker, you see in life there are those that may be comfortable with the status quo. There are even those that may be retrogressive and who want even the little they have to be taken away but there are those who really want to gain more mileage in terms of moving forward and that is why I said “every” in which case, I believe that every Member is progressive. *(Laughter)*

Mr Speaker, Sir, having said that, I think this Bill is very timely because we as Members of the second EALA have a role to play in terms of the development and growth of Parliament, building on what our colleagues in the first parliament did in terms of getting it off the ground and hitting the road and running. We definitely found some level of development, which we must maintain, sustain but also build on in terms of ensuring that the parliament that we hand over to the third EALA is much better in terms of scope, powers, mandate and the way it operates.

This Bill definitely deals with this matter to ensure that Parliament is empowered to better execute its growing mandate. Dear colleagues, you will appreciate that EALA is growing every other day. Given that we are in the process of integration covering different stages of integration, as of necessity the Parliament just like other institutions of the Community has to grow to be able to keep with the trend of growth of the institution of the EAC. We covered the Customs Union, which definitely brought responsibilities and activities to be undertaken by the different arms and organs of the Community.

We have just witnessed the operationalisation of the Common Market. Definitely the Common Market brings on board a number of activities, which as of necessity, would need oversight and a legal framework to give them legal effect to be implemented and all those developments require that there is growth to be able to cater for those activities.

As we are here, high-level discussions are going on for the Monetary Union and very soon we shall be operating under a Federation. Now all those stages presuppose that the institutions that oversee them and Parliament definitely has a responsibility, must be up to scale in terms of scope and in terms of powers to be able to deal with our different mandates of representation, oversight and legislation.

Mr Speaker, Sir, I want to confine my observation to pillar four as stated by the mover, which gets the genesis from the 2006-2010 strategic plan that is dealing with enlarged EALA mandate as per that strategic plan. You will appreciate that it is also in tandem with the different stages that we are covering.

EALA can never be the same the way it was when we were only operating under the Customs Union. Definitely the Common Market has brought on board a lot more that will increase the

scope of operation of EALA and of necessity the powers and the activities and definitely combining those two requires that we need to reposition and redefine ourselves as a Parliament and to do that, we need an institutional framework to be able to roll out those activities because every stage has the effect of expanding the scope of operation of EALA.

I would like to thank the mover and the Committee of Legal Rules and Privileges for having looked at this matter in a very positive way because we need to be proactive as a Parliament. We don't need to get challenges of dealing with certain situations then we start grappling around to find solutions to be able to operate effectively.

So this Bill is a proactive approach to ensure that we don't get encumbrances along the way in terms of dealing with our mandate, which is expanding with every other stage that we cover in the integration process.

So I do applaud the committee and the mover for that.

Mr Speaker, Sir, furthermore, it is a common practice in parliamentary democracy all over the world that parliaments are now increasingly redefining themselves, creating space for themselves to be able to be charged fairly in terms of execution of their mandate because if you don't have the powers, the space, the institutional framework, the legal framework, you may then be found to be performing below the expectations when you are encumbered by the requisite legal framework.

So for EALA to perform well and to be accountable and to execute its mandate to the expectations of the East African people, we definitely need this Bill to create a Commission to be able to take charge of our mandate in terms of programming, execution and in terms of rolling out the activities that we do perform as a Parliament.

Finally, the principle of separation of powers is applicable at national level where we have the Executive, Legislature and Judiciary performing their mandated obligations in a very well defined spectrum.

Even at the regional level, we need to have this level of separation in terms of engagement with our different mandates but that doesn't mean that we don't have convergence points, definitely we do but regarding Parliament, regarding our programs, regarding our legislative calendar, our oversight activities, our budget in terms of ensuring that we do perform what is expected of us, in terms of legislation, then this kind of Commission is very important.

Many parliaments even within our region are performing much better with the introduction of commissions. I want to give the example of the Ugandan Parliament. It has definitely performed much better than it did when its programs were subject to other considerations other than Parliament itself when the prioritisation was also subject to other levels of consideration because each arm definitely has its own priorities according to its own agenda and what you want to achieve in your term of office.

So Parliament can only be able to ensure and guarantee that it can deliver on its promise to the population when it is in charge of its mandate, its programs and the activities. This is a bill that will definitely put EALA to another level. With this bill, we will have a higher level of performance, we will have more flexibility of an institution to deal with our matters and we will have a degree of independence, which is positive in terms of making a good contribution to the overall objective of the East African integration.

We appreciate that other arms and organs of the Community have a role to play but we just want to have that enabling environment for optimal performance. We don't want to use anyone as an excuse for not delivering on what we are supposed to do. Therefore when you give us the law, you are giving us the tool and we shall give you the results. So let us have this bill passed, let us have this law in place, let us take EALA to another level and let us take the integration process to a higher level.

Mr Speaker, I just call upon every Member who is progressive to support the bill and I don't have any reason to doubt that any Member is not progressive.

Thank you, Mr Speaker.

Mr Kidega: Thank you so much, Mr Speaker for giving me the chance to contribute on this debate. Let me also join my colleagues in welcoming our two new Members from the Republic of Burundi in this Assembly and this is great because it has added unto the strength of the Assembly and we have missed them for a while so you are most welcome.

Mr Speaker, the mover of the bill is not reinventing the wheel in terms of parliamentary practice or doctrine. She is just telling this Assembly that this is how things are done in terms of parliamentary practice so it is upon this background that I would like to take this opportunity to congratulate hon. Byamukama for a work well done.

Mr Speaker, it seems like between me and hon. Mike Sebalu, we have strong congruence of mind because he has raised most of the issues I was going to raise with the exception of two.

A month and a half ago, Mr Speaker your office requested me to represent you and this Assembly in a meeting of Speakers of the African countries and parliaments in the Pan African Parliament. I bothered to probe your colleagues who were present in that meeting about their perception of EALA as an institution. The picture I got is that all speakers of the African Parliaments seem to envy the way EALA does business. They seemed to hold us in high esteem so to me any action or activity geared towards promoting the image of EALA should be supported and it is upon this background that I support this bill.

The meeting was reviewing the legal instruments that put in place the Pan African Parliament and close to 60 percent of the discussion on the review centred on the model of how the East African Legislative Assembly is framed and how it does its work. They were looking at EALA as the most important model on the continent - *(Interruption)* -

Mr Sebalu: Thank you, Mr Speaker and hon. Kidega for giving way. The information I would like to give is that recently I also attended a Commonwealth Parliamentary Governance Seminar that brought together many parliaments from the Commonwealth fraternity and I had the opportunity of sharing with that seminar the workings of Parliament. I was one of the presenters and the information I got because we were reviewing the European Parliament and from the presentation I made, which was received with applause, was to the effect that the European Parliament needs to understudy EALA. I took that as a very serious statement. So, Mr Speaker, be proud of the House you are presiding over; it is envied the world over. That is the information I wanted to give.

Mr Kidega: Thank you, hon. Speaker. I love such information from hon. Mike Sebalu; thank you so much for the information. So, Mr Speaker, we don't take your leadership and the House leadership for granted. All these performances and praises that are coming from other institutions the world over are because of the clear leadership that the Assembly has got. And this leadership can only be anchored on a strong legal framework like this Bill. So, I would strongly like to declare myself as a progressive Member who is supporting this Bill. *(Applause)*

Mr Speaker, my second and last point as per the Bill is that to me it is transforming the House business into a commission, which I think is a great thing. For those of us who have been trying to enter into the House business, we know how much this Bill is relevant to our interests and the good performance of this Assembly.

One of the most important things and which is very dear to me is the reporting mechanism of the current status of that committee that does the administration of the Assembly, the House Business Committee. If you look at this Bill, it provides chronologically a reporting mechanism; how the Commission shall report to the House and give recommendations to the Council of Ministers. To me this is a good legal framework that will go a long way to solve speculative interests. So, based on those very strong commitments, I congratulate hon. Dora Byamukama and I know for a fact that this Bill will pass. I thank you, Mr Speaker.

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker, Sir. I first of all wish as my colleagues, did, welcome our colleagues from Burundi and the newly appointed minister from Tanzania. I would also like to wish our colleagues from Uganda a very good campaign because their campaigns are very hot now. I do not know whether we would wish our friend, Margaret Zziwa to win because we would want her to remain in EALA - *(Laughter)*.

Nevertheless, if she chose to go to the National Parliament, we wish you all the best.

Mr Speaker, Sir I rise to also say that this motion on the floor should be supported not only because I am one of the very progressive Members – *(Applause)*

I think that it is a very important Bill. When I read it, I thought that I could also make some suggestions on the composition of the Commission. I think that it is very important that the chairpersons of the Standing committees be members of this Commission because the committees would also be represented in the commission and the chairpersons wouldn't have to

have separate meetings to make programmes and plans. This will save time and money to EALA instead of having two committees or two commissions doing planning and discussions.

So, maybe I will give the proposed amendments when the time comes. But I thought that it was very important to think of these already and that is on Article 3, I shall propose that: “The Commission be composed of the Speaker, the chairperson of the Council of Ministers who shall be an Ex-Officio Member, the chairpersons of the standing committees, and one Member of the Assembly from each Partner State,” because if we put two Members, the Commission will be too big. So, one Member from each Partner State would be sufficient and the total number should then be 13. I hope that hon. Dora will agree with me on this very big amendment because if we forget to add the chairpersons of the standing committees it will be a very big loss.

Of course there are some other small amendments that I shall bring while we are examining the articles. But it is like in Article 4, where they talk of salaries. I think we don’t get salaries as Members of Parliament; we get honorarium or emoluments. Do we get salaries?

There are also sentences that have been used like in Article 8 where they talk of voting or taking decisions by consensus and I don’t think we should add, “As far as possible,” because can’t measure “As far as possible.” So that is something that I think should not be in the article. I thank you, Mr Speaker, Sir.

Mr Leonce Ndarubagiye (Burundi): Thank you very much, Rt hon. Speaker. Speaking for the first time in this session, I am of course also happy. I would also like to congratulate the new Members who have joined us here although we come from the same region, we welcome them.

I also wish to congratulate the new minister from Tanzania and I also wish to say thanks to the Uganda Chapter. Since I have been in this Assembly, it is the first time that I have seen a billboard welcoming us permanently in front of the Chamber. There is a billboard welcoming us in a permanent way all of the time it is there and we feel welcome. Thank you very much, Uganda Chapter.

About this bill, even if our colleague hon. Sebalu spoke about being progressive or not, I do believe that when a choice is given between independence and non independence, the choice is very clear. In fact if the choice is given between autonomy – (*Interruption*) -

Mr Sebalu: Thank you very much, Mr Speaker and thank you very much, hon. Leonce for giving way. Hon. Leonce, I have heard certain politicians in many places in our independent African states wishing that they were re-colonised so these things do happen and we can’t take them for granted.

Mr Ndarubagiye: Thank you very much. I believe that in our case here we all understand how important this bill is and that we will definitely pass this bill so that we leave a legacy for the next Assembly.

I stand up here to support the bill and to congratulate the mover as well as the Legal Committee. Thank you very much.

Ms Margaret Zziwa (Uganda): Thank you very much, Mr Speaker sir. I also rise to support the bill as moved by hon. Dora Byamukama. First and foremost, let me appreciate the comments of all of you hon. Members upon the warm welcome. Keep us in your prayers as a country so that this season is peaceful and so that we can all achieve our aspirations. I want to assure hon. Odette that when a daughter is about to get married, you know the feelings. You feel like holding her back but of course she has to go. Just keep praying for me.

That aside, Mr Speaker, I want to support the bill because this bill is going to give an opportunity to this Parliament to become more vibrant, more effective and to become more appreciated in the region.

First and foremost, this is going to be an enabling law to this Parliament to enable it to become more effective in running its business. The opportunity for Parliament to run its affairs of course is derived from Article 49 and the subsequent articles but more importantly, we know very well that the Treaty is quite conscript or brief. It may not detail out all the other areas where for instance the Parliament may have the opportunity to draw its own programs and be able to implement them accordingly.

Particularly in the area of finances, where you find that some of the programs will have to be structured within the budgets of the East African Community and in some cases, they find that they have to live within the general ceiling of the funds, which come from the Partner States and I think that when we have the Administration of Parliament Act, it gives us the opportunity to have other funds or for the Parliamentary Commission to look for other funds, which can support other activities of Parliament.

Allow me to also share with you the experience of the Uganda Parliament. When the Administration of Parliament Act was enacted, it gave the Parliament of Uganda an opportunity to expand both in terms of staff, facilities and in terms of equipment. We were able to see the Parliamentary Staff grow despite the fact that the Public Service Commission, which is the traditional recruiting authority in this country- When we were able to de-gazette or remove the Parliamentary Commission, we were able to move from the ceiling of 80 members of staff who at that time had to facilitate over 302 Members of Parliament. They were able to grow from 80 members of staff to over 320. Definitely it is a very noble aspect because Members of Parliament would need researchers, various equipment and materials, which under the normal or ordinary conscripted budget, we may not be able to access or get.

In addition, on the other side, it will give Parliament an opportunity to have its vision and mission properly implemented. Particularly, we do have a strategic plan, which is not divorced from the East African Community Strategic Plan but it sort of expounds on the wishes and aspirations of Parliament.

I want to say that when we have an Administration of Parliament Act, it will give us a bigger opportunity to see to it that our aspirations are implemented better. Particularly now as we move in yet another very important phase of the integration of the Common Market, which needs a lot

of popularisation, and oversight on the part of the activities, which are done by the various organs or departments of both the Partner States and of the East African Community.

The Administration of Parliament Act will facilitate this august House to oversee and function better in the oversight function. So I want to support this bill. I want to thank hon. Dora Byamukama for bringing this bill before this House and say that kindly all of us Members, definitely as hon. Sebalu said, we are progressive. We are going to support this bill and make sure that if there are areas, which we may need to amend, we can still amend them.

I may have one or two areas where I think we may have to amend so that we are able to have this bill approved and we are able to perform for the betterment of the peoples of East Africa. Mr Speaker sir, I thank you.

Mr Clarkson Karan (Kenya): Thank you, Mr Speaker for giving me this opportunity to also contribute to this bill before the House by hon. Dora Byamukama. I want to say that she has demonstrated that she is a progressive Member of this House. What I want to say is that this bill does not only need progressive Members, it requires a progressive Secretariat, progressive Summit and above all the progressive legal adviser of the Community.

Mr Speaker, for people who have worked in Parliament elsewhere, they would automatically support this bill. I would want to remember when I was in the Kenyan National Assembly in the seventh Parliament, which was the first multi party Parliament. It was very difficult for Members of the Opposition to get services from the clerks of the Assembly because they had no security. There was no framework like what we are trying to propose now so every clerk of the Assembly was so timid that they did not want to touch the Opposition.

We should not allow our country to go through that kind of process especially at the region now. As was rightly said by one of the Members, we are not reinventing the wheel, we are just institutionalising what is normally the practice worldwide so that Parliament can be able to perform its functions in the right manner.

Mr Speaker, I think this bill has not been brought here without any experience. We have now been here for about three years in the Assembly. It has been very difficult to get things moving because we have staff that is being controlled by the Secretariat and they are simply being a specialised institution who also want to do their functions in a certain manner.

So this bill will bring security to the members of staff of the Assembly. The members of staff and the work of the Assembly is a bit specialised and they need to be under the control of a Commission headed by personalities that have worked in Parliament; personalities who know what Parliament is throughout the world.

I totally support this bill, Mr Speaker and I want to say that even in terms of remuneration of Members, whatever you want to call, and it would be difficult for somebody who does not know what the work of Members entails to be able to start thinking about remuneration of Members. They would see you as doing nothing but if we have a Commission that is being run by people

who know what the work of Members of Parliament is, you would not need to work for three years for somebody to see sense in adding some kind of remuneration.

This is the only way that can enable us to come out of this problem so I think even for the Secretariat, it will bring good omen for them if the Parliament operates differently. They do the work they know and let Parliament do the work Parliament knows and that is how it is being done all over the world.

Mr Speaker, if this bill is passed and I believe it is going to be passed, it will leave a good legacy for this Parliament and for the third Parliament to build on.

Mr Speaker, it would be naive of us to allow the third Parliament to come and have the same hurdles we have been having here and leave them without trying to correct them. Even if we are refused and for certain reasons that this bill is not enacted, let there be some record that there were progressive Members in the second Parliament who had proposed this kind of action but unprogressive people refused to enact this bill.

I don't think there is a lot to be said in this bill. Hon. Byamukama, I want to give you a pat on the back for being progressive and bringing this type of legislation in the House. I think if you are not there in the third Parliament, they will miss you so dearly.

Mr Speaker, I know all Members are progressive and this bill will pass. I know we have a Secretariat that is progressive and this bill will get consent. The Assembly is progressive but above all, the legal adviser is progressive and will give proper advice on this bill.

The Speaker: I will call the honourable progressive Counsel to Community.

Mr Wilbert Kaahwa: Thank you, Mr Speaker. Without being lured into the temptation of classifying Members as progressive and retrogressive, let me make it abundantly plain from the beginning that I support this motion. *(Applause)*

Allow me to add my voice to all those honourable friends who have thanked you and the Rt Hon. Speaker of Uganda, the Government of Uganda and the people of Uganda for enabling this august House to have the Second Meeting of its Fourth Session in this city, which is nostalgic to me because I was born here.

I also wish to thank the Ugandan Chapter for welcoming us to Kampala. Let me also add my voice to all those Members who have welcomed hon. Samuel Sita, hon. Emerance Buchumi and hon. Eve Nsabimana into the honourable service of this Community in this August House.

Mr Speaker, Sir, in my contribution I have got three points. The first point will be on the legality of this bill. The second point will be on a few clauses, which in my humble view need a bit of review by the mover of the motion and by the entire House. The third point will be to clarify the parity between the existing Rules of Procedure, which provide for the standing committees of

this august House and the law, which is being enacted and which will establish an East African Legislative Assembly Commission.

Mr Speaker, on the legality as stated in the memorandum to this bill, the bill seeks to strengthen the structure already provided under part four of our Rules of Procedure. The bill also seeks to emphasise the role of the Assembly as provided in Article 49 paragraph 2 of the Treaty. To that extent, the bill finds legality in the Treaty and the Rules of Procedure that are annexure to the Treaty.

Mr Speaker, let me assure this House that the legality of bills, which are brought in this House is something also provided for under Article 59 of the Treaty. A bill may not be passed if it doesn't relate to the functions of the Community to the extent that this bill relates to the functions of the Assembly, which is an organ of the Community. This bill relates to the functions of the Community and therefore satisfies the requirement of Article 59 paragraph 1 of the Treaty.

Mr Speaker, I know Members may say it in the spirit of jest but I still request for your support.

The other limb of legality is to have bills, which may create a financial obligation on the Community, but you see this Bill seeks to upgrade the un existing House Business Committee, which already is catered for under the funding of the Community. The Bill does not seek to create a commission which will be a body corporate within the institutional framework of the Community. And to that extent, it does not create unnecessary expenditure on the funding of the Community. It passes the requirements of Article 59 (2) of the Treaty.

Let me also add that the Bill, in its nature goes on to emphasize the increasing role of core decision making in the Community where you have organs of the Community for purposes of advancing the programs and projects of the Community and within the confines of their provided functions. They recommend and consult each other and advance the Community on the basis of core decision making.

Having said that in support of the Bill, Mr Speaker, Sir, allow me point out a few clauses that may require consideration by this august House. I request this august House and principally the mover to address these few clauses. The first one is substantive; it appears in the memorandum, which is not really a justiciable part of this Bill. But for purposes of record, let me say that in the second sentence of the Memorandum outlining the objectives of the Bill, reference should be made to Article 49 (2) (e) rather than Article 49 (2) (d). This is because it is Article 49 (2) (e) which provides that the Assembly may, for purposes of carrying out its functions, establish any committee or committees for such purposes as it deems necessary. So, for the record, we have to amend that one in line with the intentions of the Treaty.

The second clause I would like to bring to the attention of the House, purposes of review, Clause 4 (c), which says thus: "The Commission shall make recommendations to the Council on salaries and terms and conditions of Members of the Assembly." The thrust of the whole Bill is to make recommendations on funding, staffing et cetera.

The provision is evidently founded on the provisions of Article 51 (2) of the Treaty. That provision of Treaty provides for terms and conditions of the Members of the Assembly, in terms of human resource management, which is a wide concept because it also includes salaries. In my humble view, we may not have to use salaries in this clause so that we can be in tune with the provisions of the Treaty, which is the supreme law of the Community.

Another clause that I humbly request this august House to revisit is Clause 8 (1). This clause provides thus: “Every decision of the commission shall, as far as possible, be by consensus.” Decision making in the Community at the moment before we amend the Treaty is required to be by consensus. Therefore, the term used in the Treaty is not qualified. It is by consensus. Therefore, in tune with the provisions of the Treaty, the House may wish to reconsider the use of words “as far as possible.”

Mr Speaker, the third clause I would wish to request this House – (*Interruption*)-

Ms Byamukama: Mr Speaker, whereas the hon. Council to the Community is right on the fact that decision of the Community shall be by consensus, the conventional practices, which are known by all parliaments and which we also use is that a parliament does not always have to have consensus. That is why questions are put to vote and in some instances, we may actually have to separate into different lobbies on certain decisions. Therefore, considering our practice and our Rules of Procedure, this is not an anomaly.

Mr Kaahwa: Mr Speaker, Sir, while thanking hon. Byamukama for the clarification, which evidently applies to all parliaments, I am referring to the parliamentary practice within the East African Community, which is a feature of the Treaty. And I therefore maintain my point that this House should reconsider the use of the words “as far as possible,” which are not in consonance with the provisions of the Treaty.

The other provision, which I request this august House to review practical point of view is Clause 9 (2). First of all in Clause 3, the composition of the commission includes the Chairperson of the Council of Ministers. And that is in harmony with the current practice, which is based on Rule 81 of the Rules of Procedure. The hon. Chairperson of the Council of Ministers is an x-official member. But paragraph (2) of Clause 9 – paragraph (1) provides that the commission shall meet at least once every two months, which is administratively convenient and I have no misgivings about it. But Clause (2) provides that all meetings of the commission shall be convened by the chairperson by giving not less than a three-day notice to the members. The members include the Chairperson of the Council.

Mr Speaker, you know in some of our countries or partner states, the chairperson may not move from his/her station before giving two or three-week’ notice to State House. So, you have a situation where the chairperson of the council who is an x-official member may not be able to attend a meeting convened on a three-day notice. And you know this does not apply to only one or two states; it applies to all the partner states because the chairperson of the council is usually a member of the cabinet in his/her country, which cabinet is always meeting and in consultation with the head of state. So, three-day notice is quite short for this purpose. That is why I am saying the House should feel pleased to revisit that clause.

Mr Speaker, the last clause I have to bring to the attention of the House is Clause 18. This clause, which appears at page 9 of the Bill provides thus: “The Commission shall recommend the financial rules and regulations of the Assembly.” The reading of this presupposes that the Assembly has a specific set of its financial rules and regulations.

Mr Speaker, Sir, the Treaty provides for one set of financial rules and regulations of the Community. Now if the intention here is recommendation, which is the thrust of this bill then the House may wish to go back to Clause 4 and enable the Commission under Clause 4, to recommend input into financial rules and regulations rather than to recommend the financial rules and regulations of the Assembly to the Council because with due respect, you will not, under the operation of the Treaty, have a set of financial rules and regulations of the Assembly.

Mr Speaker, the last part of my contribution is with regard to the parity between the bill and the existing rules of procedure. As we have said, this bill is very progressive and timely, which going by that observation by hon. Members and by the Committee of Legal Rules and Privileges, the bill is most likely to be enacted by this august House.

The question is what will happen to the Rules of Procedure? Mr Speaker, let me bring it to the attention of the House that the Treaty is very clear on this. Once a bill has been passed and published and it commences in accordance with the acts of the Community Act, it becomes law and once it has the force of law, all other subsidiary instruments will have to be amended accordingly.

So what happens is that once this bill has commenced and after it has been enacted then in accordance with Rule 83 of the Rules of Procedure, the Rules of Procedure will be amended accordingly. Where they are referring to a House Business Committee - So that you don't have the House Business Committee discharging the same functions as the Commission under Rule 81 and under the Act.

Mr Speaker, sir, I support the motion.

The Chairperson, Council of Ministers (Ms Hafsa Mossi): Mr Speaker, Sir, I wish to contribute to the debate on this motion mainly for the reason that it relates to the need to facilitate the East African Legislative Assembly.

The Council of Ministers will not relent in supporting the Legislative Assembly. (*Applause*) I thank and congratulate hon. Dora Byamukama for introducing this Bill. The aim of this Bill, which is to create a Commission for the Administration of the Legislation Assembly into a viable legislative organ that will sustain the integration process, is a timely development that rhymes with the need to strengthen the Community's institutional framework.

The strengthening of the capacity of the Assembly in enhancing its mandate remains a long outstanding development objective. It is a development that is informed by both the EAC Development Strategy 2006-2010 and the Strategic Plan of the Legislative Assembly for the period 2010-2012.

Mr Speaker sir, I find the functions of the proposed Commission to be in tune with the provisions of the Treaty that enable the Legislative Assembly to make recommendations to the Council on matters of policy, staffing and budgeting.

I also observe that other functions of the proposed Commission are similar to existing ones under the House Business Committee under Rule 81 of the Rules of Procedure of this august House.

Mr Speaker sir, the Commissions' proposed functioning with the Legislative Assembly's committee set up will enable the Legislative Assembly get timely and reliable advice on among others, the following: the management of the affairs of the Legislative Assembly, the organisation of the business and program of the Legislative Assembly and the pursuit of the objectives through the proposed Commission should contribute to the realisation of the Legislative Assembly's Strategic Plan.

This in turn serves to actualise the provisions of Article 49 of the Treaty as it has been stated by others. Mr Speaker sir, I support the motion. (*Applause*)

The Speaker: I now call the chairperson of the committee if you have anything to say. Any comment?

Mr Frederic Ngenzebuhoro: Thank you, Mr Speaker. I have no special comment to make except if the mover has a special comment otherwise I will come back to the proposals made by hon. Byamukama later. Thank you, Mr Speaker.

Ms Byamukama: Mr Speaker, Sir, whereas I know it is the tradition to thank each and every person who contributes to a motion by name; I would like to beg for your indulgence and to thank you most profusely. I know it is on record so that we can move forward.

Having said this, I would like to say I thank everybody who has made amendments and I would like to, in particular, thank the honourable Council to the Community for all the support that he has given so far.

Secondly, I would like to thank hon. Dr Odette Nyiramilimo for her proposal to have the chairpersons as part of this particular committee but I am constrained in accepting this because much as it is a good idea, what the honourable Council to the Community has said is true. We are transforming one of the standing committees, which has its explicit composition and therefore in light of this, I would propose that maybe the hon. Dr Odette Nyiramilimo could go ahead and maybe propose an expansion to the Rules of Procedure whereby we can create maybe another committee, which is usually known as the Budget Committee because in some of the Partner States, the chairpersons do make up what is called the Budget Committee so that they can have input to the budget.

Having said this, Mr Speaker, Sir, I think the point she has made is very critical and as we await enactment of this bill into law, we could find some mechanisms of this particular House Business

Committee meeting with the chairpersons of the committee so that we can interface and we are able to steer this Assembly to higher levels.

Finally, I would like to thank you, Mr Speaker for allowing me space; you have again allowed Members of this august House to exercise the right to move a Private Members' Bill. This is very important and it also energises us as backbenchers and makes us more creative. So I want to thank you in a special way and I hope that this support will continue. I thank you.

The Speaker: Hon. Members, before I put the question, I would also like to remind you that if you have any amendments that you want to bring to this bill during the Committee Stage, the rules say that you have to do it in writing and present it to the clerk so I hope you are ready with your amendments in writing. Hon. Members I now put the question that "The Administration of the East African Legislative Assembly Bill, 2010" be read the Second Time.

(Question put and agreed to.)

BILLS

COMMITTEE STAGE

The Administration of the East African Legislative Assembly Bill, 2010

Clause 1

The Chairperson: Hon. Members, I propose that clause 1 be part of the Bill?

(Question put and agreed to.)

Clause 2

The Chairperson: Hon. Members, I propose that clause 2 be part of the Bill?

(Question put and agreed to.)

Clause 3

The Chairperson: Hon. Members, I propose that clause 3 be part of the Bill? Committee chairperson, do you have any amendments? Any Member can help the Chair- I think the Legal Committee has 15 Members; you should not just leave it to the chairperson. But the problem I have is that you will find your proposed amendments and if you look at the Bill itself, it is the same. So, I don't understand what you are looking at because the Committee gave us a document here that they are moving amendments but when you look at the report and the Bill, it is the same thing. So, I don't understand.

Dr Nyiramilimo: Thank you Mr Chairperson, Sir. I come back to the proposal that I had made. I understand as hon. Dora Byamukama explained that this Bill if it is passed as an Act it will claim for amendment of the Rules of Procedure. That is true. Also the Counsel to the Community has explained this well and since it will be that the Rules of Procedure will be reviewed anyway, I would again recommend this amendment that I had made because if this Commission is put in

place and it will have to interface with the chairpersons of the standing committees as I had explained, it will be doubling the work. If the members of the Commission include the chairpersons of the committees, it will be much easier to determine and discuss and define the work and program of the whole Assembly. Therefore, I would propose the amendment that wrote and I am going to give it to the Clerk.

Clause 3: “The Commission shall be composed of the Speaker, the Chairperson of the Council of Ministers, who shall be an Ex-Officio member, the chairpersons of the standing committees and one member of the Assemble from each Partner State elected by the Assembly.” This is a new commission we are putting in place Mr Speaker, Sir and we can compose it differently from the existing House Business Committee. Thank you, Mr Speaker, Sir.

Ms Byamukama: Mr Chairman, Sir, I have an issue with what my sister, hon. Dr Odette Nyimamirimo has said. I have already explained my case but let me go to the issue of legality. When you look at the memorandum and this was very clearly put by the hon. Counsel to the Community. It says: “The object of this Bill is to create a Commission for the administration of the East African Legislative Assembly. The commission shall be created from within the existing standing committees established by Article 49(2) (e) of the Treaty and rule 79 of the Rules of Procedure. “At the moment we do not have a committee composed of the composition of Chairpersons as well as members of the House Business Committee. Therefore, I am constrained to accept this amendment because it would go against the Treaty provision which only allows the Summit to create organs and institutions. And, therefore, it is an illegality, which I may not be able to accept. As I proposed, she can maybe bring some proposal to create a budget committee or maybe another issue. Thank you.

The Chairperson: Hon. Member, how is it an illegality because understand; she is only proposing the membership; she is not creating anything new, what illegality are you talking about?

Ms Byamukama: Mr Chairperson, my proposal is that: “The Commission shall be created from within the existing standing committees established by that Article.” And, therefore, when you look at this Rule 79, the actual standing committee, which is referred to, is that of the House Business Committee and therefore, I do not know how this can be in tandem with what we wish to create. My memorandum, which is really a spirit of what I am proposing, will have been thrown into disarray. I thank you.

Mr Sebalu: Thank you very much, Rt hon. Chair. I do appreciate the issue by hon. Dr Odette but my concern is on the number. This suggestion seems to create a bigger committee and the way I really want to see this and in light of what we are doing, it is to enhance efficiency of how we function as a parliament. So, I would prefer that we have a lean committee, that is very efficient so that the meetings of such a committee don’t end up being a plenary in itself. I am just concerned about that aspect because this one is just 11 but the other one ends up with 16. So, my issue is with the numbers.

Mr Mwinyi: Thank you very much, Mr Chairman. I would like to add my voice on the proposed amendment by Dr Odette. Further to the legality point that was raised by my hon. friend, hon. Dora Byamukama I would also like to point out matters of function. It is very clear

that I can understand from the mover her wish to marry the roles of the chairpersons and House Business Committee for the purposes of more efficient budgeting. However, the roles of chairpersons of committees are distinct from that of the House Business Committee. The House Business Committee or the Commission is tasked with the administration of the Assembly. The chairpersons are tasked with the running of their respective committees. And both of these roles are time consuming.

What I would suggest would be to have an ad hoc meeting between the two committees for the budgeting function. But to leave the composition as it is because the roles are distinct and they would make for more efficient administration of the Assembly if the distinction were to remain as it is. I thank you, hon. Chair.

The Chairperson: Anybody else before I call upon hon. Odette? Hon. Odette.

Dr Nyiramilimo: Thank you, Mr Chairperson, Sir. I first of all want to assure hon. Ssebalu on the big number because I have proposed that the representatives from countries will not be two, but one per country. So, only one person will be added if we change the composition of the Commission from what was the House Business Committee.

I don't see the problem of the legality that hon. Dora Byamukama is talking about because it is well said that: "The Commission shall be created from within the existing standing committees." And in that situation, we are still creating it from within the existing standing committees. So, Mr Chairperson, I think that if the chairpersons of the committees are really part of this commission, even the administrative role will be facilitated because they are also not only at the functioning of their committees but also the administration of the committees. We have clerks, secretaries and all these. If the Commission can look at whatever is administrative, they should be of an added value to be members of the Commission. Thank you, Mr Chairperson.

The Chairperson: Hon. Members, when I have been asking for votes, nobody has been voting. So, I am not hearing anything. So, please you either say, "Aye" or "Nay," so that we know which way you are voting. I now put the question to the amendment being moved by hon. Dr Odette. So, when you say, "Aye" or "Nay," remember what you are saying. Don't just say, "Aye" for the sake of "Aye." So, I now put the question to hon. Odette's amendment; I think it says, "The Commission shall comprise of the Speaker and the Chairperson of Council who shall be an Ex-Officio member and chairpersons of committees and one member of the Assembly from each Partner State."

(Question put and negatived)

The Chairperson: Hon. Members, I now put the question on clause 3 to be part of the Bill.

(Question put and agreed to.)

Clause 4

The Chairperson: Hon. Members, I propose that clause 4 be part of the Bill.

Ms Zziwa: Mr Chairman, Sir I would like to move an amendment that clause 4 be deleted. The reason why I am moving this clause to be deleted is that much as I appreciate clause 4(b) it says, *“The Commission shall nominate Members of the standing and other committees.”* I appreciate that in the Rules of Procedure, this role is assigned to the House Business Committee but I have also to say that The Administration of the Assembly Act or the Bill is seeking to improve on the administration and management of the affairs of the Assembly. And in most cases, the issues relating to the effective participation of Members within the House should actually be left in the House.

I am envisaging a situation where a Member would wish to serve on a specific committee. Whilst, yes there can be caucusing within the chapters, whilst there could be lobbying within the Members, but I think the role should be left to the House- the Assembly should be given that responsibility of appointing- and I don’t want to say, “nominating,” but appointing the members to the standing and other committees. I think when we put this role outside – in the Administration of Parliament Act; we are like taking away the role of parliament itself. So, I would suggest that this role – since we are envisaging that this is going to be a superior law to the Rules of Procedure, we should have this role left to Parliament and not to the commission itself. I beg to move.

Ms Byamukama: Mr Speaker, as hon. Margaret Zziwa has put it, this is part of our rules under Rule 81 (3) (c) and this is one of the functions of the House Business Committee. That is how it found its way here. Having said that, I know that in a national Parliament, when you wish to join a committee, you have to do it through your party, but I also know that in other systems you can make your request to the Clerk’s office.

So, there should be some form of mechanism because if everybody for example, wants to be a member of the House Business Committee or on the general purpose for whatever reason, how does the House resolve this? Does it vote on each member in each committee? So, I think the whole arrangement, notwithstanding what may have happened before was to find an orderly way of getting members to serve on different committee. So, I would prefer that the mover of the amendment proposes a sustentative on how members to a committee can be nominated so that we do not have a stampede or disorganization if he chooses to follow through with her amendment.

Dr Nyiramilimo: Thank you, Mr Chairperson. I would like to make a suggestion on –

The Chairperson: We are still on (b). Yes, hon. Zziwa.

Ms Zziwa: Mr Speaker, Sir, I want to say that yes, a mechanism or procedure can be worked out and it can actually be put in the Rules of Procedure, which can detail out how a member gets to present their intentions to stand or serve on a specific committee. I am saying this because I am envisaging that the Administration of Assembly Act is not going to erase the Hose Business Committee or if it going to – (*Interjections*) -

Okay, but I am also envisaging that in there we are going to get what we call the presentation of – what pertains to the daily operations or day-today policy aspects of the running of the Assembly. What we are envisaging in the member’s participation actually would be partly

brought in – like hon. Byamukama said – partly from the party or if not a mechanism can be worked out. That mechanism can be just detailed from the Clerk and it will be sort of adopted as the procedure for use. Otherwise, I think that it is also not fair to have that role - I am saying this because I am looking at the appointment of the members of a committee to be done by Parliament and not really by the commission as it were. That is my submission.

The Chairperson: Hon. Byamukama, I don't think you have anything mush. That is why I called you guys earlier – no, hon. Byamukama. Hon. Members, you know when I call you to participate and you do not do it, then it becomes a problem. I didn't allow hon. Nyiramilimo and Hajabakiga to do it. So, I cannot change it. Yes, hon. Byamukama.

Ms Byamukama: Mr chairman, Sir, I have heard what hon. Zziwa has said, but I would like to repeat that short of a proposal that will enable us to put in place the substantive mechanism, it becomes very difficult for me to agree to her proposal.

Secondly, we also have issues of maybe – we may be thinking about the issue of experience, but I also would like to say that we have precedents, like I have said that the clerk's office or in certain cases, the parties or as we have been doing and what I lifted from, the rules as is. So, I am constrained in accepting the proposal because I do not have alternative to what I had proposed. That is my status.

The Chairperson: Hon. Members, I now put a question to hon. Zziwa's proposal that Clause (4) (b) be deleted.

(Question put and negatived)

Clause 4 (c)

The Chairperson: Yes, hon. Counsel to the Community.

Mr Wilbert Kaahwa: Thank you, Chairperson. In Clause 4 (c) of the Bill, I propose that the words, "on salaries and," which appear in the first line of that clause be deleted. My proposal is informed by the provisions of Article 51 (2) of the Treaty, which refers to terms and conditions of service of the Members of the Assembly. It is further informed by what I referred to during the debate that the terms and conditions include salaries. So, the words "on salaries and" are not only – I propose that those three words be deleted.

Ms Byamukama: Mr Chairman, I am fully cognizant of the Treaty provisions and since I was not in charge of the printing, I do not know how this could have come about. But that notwithstanding, I fully accept to the amendment.

The Chairperson: Hon. Members, there is no more debate. It all shows that you have agreed. Anything else before?

Mr Kaahwa: Mr Chairperson, my other amendment is with regard to Clause 4 (g) of the Bill, which reads thus: "Recommend the Council staff rules and regulations for the staff of the Assembly."

My humble proposal is that the word “for” be replaced with the word “on.” The reasons are as follows: that the Treaty, in Article 14 (3) (g) and also in Article 140 (3), refers to staff rules and regulations of the Community. In that case you can only have one set of staff rules and regulations for the Community and for individual organs. And I believe that the intention of this provision is to enable the East Legislative Assembly Commission to recommend staff rules and regulations on the staff of the Community rather than for the staff of the Community. So, I am proposing the replacement of the word “of” with the word “on.” I thank you, Sir.

Ms Byamukama: Mr Chairman, Sir, I concur entirely.

The Chairman: Anything else on this paragraph. Yes, Counsel to the Community.

Mr Kaahwa: Mr Chairman, Sir, I was looking at the provisions of Rule 69 of the Rules of Procedure of this committee – and you will guide me accordingly – I want to propose a new provision under Clause 4 and this relates to my contribution on the debate regarding Clause 18. The provision I would like to propose, which should be “h” should read: “Make recommendations to the council on the financial rules and regulations.”

Mr Chairman, according to the Treaty - and this is with particular reference to Article 140 of the Treaty and Article 135 of the same Treaty – there is only one set of financial rules and regulations for the Community. Whereas Clause 18 talks of financial rules and regulations of the Assembly, it is practically impossible to find that set. So, my proposal here is about making recommendations to the Council on the financial rules and regulations of the Community as paragraph “h” which will enable the Commission contribute to their making, amending and reviewing of the one set of financial rules and regulations. I thank you, Sir.

The Chairman: Maybe before I let hon. Byamukama say something, I just want to ask one thing as well. Do the other organs and institutions for examples CASOWA, Lake Victoria and so on have their own financial rules or they just follow the Community financial rules and regulations?

The Counsel to the Community: Under the Act establishing CASOWA, it has the privilege to establish its own financial rules and regulations. But if you use an example of an organ that is at par with the East African Legislative Assembly within the provisions of Article 9 of the Treaty, like the East African Court of Justice, it does not have its own separate set of financial rules and regulations.

The Chairman: But if this House can have an Act for CASOWA, why can't it have an Act for the Assembly now.

The Counsel to the Community: Yes, but Mr Chairman, the Bill is not in respect of the Assembly as such; it is in respect of the Commission.

Ms Byamukama: Mr Chairman, Sir, I do not appreciate why the honourable Counsel to the Community wants to move a sustentative clause so as to put it under the functions of the Commission. This particular clause was put as it is, bearing in mind the sub accounting status that the Assembly enjoys. And since the content of what he has said does not substantitively differ from what is in Clause 18, I feel constrained to bring it under Clause 4 as a key function of the Commission. So, I would rather suggest it remains as it is.

Mr Kaahwa: Mr Chairman, as I indicated earlier, my proposed amendment is based on the need to conform to what is provided for in the Treaty. As I did debate, what is contained in Clause 18 as the financial rules and regulations is a set of rules and regulations which one would find hard to get. So, I still humbly recommend to this committee to consider making a substantive amendment to Article 4 by providing for recommendations in line with the whole thrust of this Bill for the Commission to be able to contribute to the one set of financial rules and regulations, which is the rate of the Treaty.

Mr Ogalo: Thank you, Mr Chairman, Sir. The Counsel to the Community's argument is that the amendment he is proposing would be bringing it in line with the Treaty because it envisages one set of financial rules and regulations for the Community. There are only two issues that do not seem to be clear. If, as you have pointed, Mr Chairman, we have done this before by law and enabled one institution of the Community to make its regulations and it was okay, why then would it be difficult when it comes to us making the recommendations here in respect of financial rules for the Assembly?

Secondly, Sir, these are recommendations to the Council. The Council will have its last word on it. If at that stage the Council feels that there is no – and the Council has the authority to make those regulations – and so if at any stage the Council feels it can make it for us alone, so be it. So, I do not see the reasons why we should restrict ourselves – and I would rather go with the argument as put by hon. Byamukama.

Mr Sebalu: Thank you very much, Mr Chairman. I think hon. Ogalo has brought out a very important point that we need to look at because we are not suggesting that we make financial regulations, but just recommend. The fact that you are making these regulations, is in conformity with the Treaty provisions because we are not making any other; we are just making recommendations being part of the process that may adjust or otherwise. So, fundamentally I find the position as it is in the Bill, to me acceptable and applicable.

The Chairman: Any contributions before I call the Counsel to the Community?

Ms Byamukama: Really, I think it has been ably put by hon. Ogalo and hon. Sebalu and we make recommendations, Mr Chairman on the basis of the fact that we are a user organ. We use these facilities for example service provisions and therefore we may have substantive rules and regulations, but where in the course of utilizing certain services, we find that there is need to make recommendations, I think this is health and should be supported because it would actually be improving onto what may already be prevailing. I don't see any harm and I beg that the honourable Council to the Community leaves it as is. I thank you.

The Chairman: Before the CTC stand up, I just wanted to ask for guidance to find out. In (g) you are saying it is okay- I think we have only staff rules and regulations for the Community right? Here you are agreeing to have staff rules for the Assembly. In this particular case you say, "To recommend to the Council staff rules and regulations on the staff of the Assembly" but I thought we only had one staff rules and regulations for the Community as well?

Mr Kaahwa: That is correct, Mr Chairperson. What you have pointed out is correct. We have only one set but when the clause provides that the Community to the Council staff rules and

regulations of the staff of the Assembly, that gives an impression that this could be a separate set of rules and regulations. That is why I was saying if the recommendation is to be made, it should be made on the same set but on the staff of the Assembly. That is the difference.

Mr Chairperson, I take it that it is clarified but on my new proposed inclusion of a new function which is informed by the contribution I made on Clause 18, I don't have anything useful to add to what I have just said and you may wish to put it to the vote much as I don't vote myself.

The Chairman: Hon. Members, I think we are going to vote on the inclusion of this particular vote whether it should be there or not. I put the question that a new clause (j) be included in Clause 4 of this Act.

(Question put and negatived.)

The Chairman: Hon. Members, I now put the question that Clause 4, as amended, be part of the bill.

(Question put and agreed to.)

Clause 5

The Chairman: Hon. Members, I propose that Clause 5 be part of the bill. The Chairperson?

Mr Ngenzebuhoro: Thank you, Mr Chairperson. On Clause 5, the committee have an amendment. As it is about tenure of office, we propose to say that, "Members of the Commission, elected by the Assembly shall hold office for a period of two and a half years and shall be eligible for re-election". Thank you.

The Chairman: Honourable, you haven't given us a reason why you want the change.

Mr Ngenzebuhoro: The reason is that we don't want to repeat that those members shall be elected.

Ms Byamukama: Mr Speaker, I thank the Chairperson to the Committee. All he has done is to cancel the words "shall be". It is better drafting but it could also be taken for emphasis. I concede.

Ms Hajabakiga: Thank you, Mr Chairperson. I was reading this article in relation to what exists in Rule 81 (2) of the Rules of Procedure, which require that the constitution of the House Business Committee should be constituted as soon as the Assembly is fully constituted.

I looked through the bill and there is an omission in the sense that there can be an abuse of as to when this Commission should be elected and I thought that Clause 5 could be amended by including the aspect of when the election of the commissioners should be held. I said, "Members of the Commission shall be elected by the Assembly as soon as the Assembly is fully constituted

and shall hold office for a period of two and a half years and shall be eligible for re-election". I just added the time frame when it should be done instead of leaving it open. Thank you.

Ms Byamukama: Mr Chairperson, I conceded to the principle but I beg that what we should do is maybe have a 5(a) where we say, "Members of the Commission shall be constituted as soon as the Assembly is fully constituted" then we make this 5 to become 5(b) "Members of the Commission elected shall hold office for a period of two and a half years and be eligible for re-election". The reason is one of them would be compositional constitution and the second is tenure.

Ms Hajabakiga: I agree hon. Chairperson.

Mr Masha: Mr Chairman, just for clarity, I hope both the mover of the amendment and the mover of the bill are aware that the amendment makes it such that there will not be a Commission until after 2012, sometime in June maybe. I hope they realise that is what the consequence of that amendment is.

The Chairman: I think the House is already fully constituted now, isn't it?

Dr Masha: Mr Chairman, the Assembly will be re-constituted- It is already constituted so when it is re-constituted, that will be the new Assembly. That is what in effect we are saying. I just wanted us to be aware that by introducing that language or maybe we should find a different language, we are pushing this to the next Assembly. This is my understanding of the English, Mr Chairperson but I am not one of the learned ones. Maybe they know better.

Ms Byamukama: Yes, I concede with hon. Dr Masha because what that will do is actually paralyse the whole bill until the next Assembly and I don't think that is the intention of the mover and just like any other parliamentary committees or commissions are constituted, I think if we adopt it- I would like to take it back and ask that it be expunged because we shall lose out on the other advantages that are contained in this bill. So I would like to plead with the seconder of this bill to withdraw it in view of that.

Mr Augustine Lotodo: Thank you, Mr Chairperson. Basically I just wanted to concur with hon. Masha that if this bill that we are proposing is approved and it becomes an Act, that means it has to be implemented immediately and the amendment as said by the mover will actually affect the whole thing. So I want to agree with Dr Masha that we really need to withdraw the amendment. Thank you.

The Chairman: So hon. Members, when should this be done then? The bill is silent also on when it should be done.

Ms Hajabakiga: Mr Chairperson, while I agree with the proposal by hon. Masha for the time being, we also need to also bring in issues of transition in the bill because it does not exist. Today it is quiet as to where the transformation will come from. The House Business Committee

we have today and going to the new Commission when the law comes into force. We will not have any two and a half years left or whatever the case may be.

Also regarding the period as to when, once a new elected Assembly comes in 2012, it does not indicate the issue of period so I thought it is irrelevant to look into it and see how we can redraft it and encompass what hon. Masha said and what I am trying to say. Thank you.

The Chairman: So what have you people said because there was an amendment to Clause (a) (1) and you agreed. Now you are again disagreeing. What do we have now? Vote on what?

Hon. Members, I need to be guided. Vote on what now? Where are we? Because we are just talking. There was a proposal by hon. Patricia, which was agreed to by hon. Byamukama. There was clarification from hon. Masha, which hon. Byamukama again agreed to. So where are we now?

Ms Byamukama: Mr Chairperson, I see what hon. Patricia is saying. We are actually putting in place this Commission not for us. Let us not misunderstand it. We are putting it as a mechanism to strengthen the institution. I would like to agree and I beg for your support that we put in a transition proposal in the miscellaneous where we say, pending the enactment of this bill into a law, then the House Business Committee will perform the functions of the Commission because we do need the transition in light of what hon. Masha has said so that we can move on. Otherwise we shall be paralysed and we shall not reap the benefits of this law. I thank you.

The Chairman: So we leave it as is and then we have a miscellaneous later on? Start writing now. Hon. Patricia, have you withdrawn?

Ms Hajabakiga: Mr Chairperson, I think what hon. Byamukama said is we deal with my amendment and deal with the transition at the end.

The Chairman: So have you withdrawn from five? That is my question.

Ms Hajabakiga: No, I can't withdraw because I think she supported it.

The Chairman: Hon. Patricia, I think hon. Byamukama agreed with you and she agreed with hon. Masha but she said we bring it later on at the end and that is what happens with most of the bills in terms of commencement. We put it at the end in most bills, I think. CTC will help me. It is at the end of the bill when it comes into force. So I think we can do it at the end. She is agreeing with you but they say at the end. We put it later on.

Ms Hajabakiga: Mr Chairperson, if we just leave it at the end then for future reference or for the new Assembly, it will remain empty as there won't be any period for election for the new Commission so what I thought is that hon. Byamukama agreed with me that we move that amendment but we also make another amendment towards the end, which deals with the transition, which was the problem hon. Masha had.

The Chairman: So can you move your amendment so that we know it? We do not have it in writing here so if you could tell us what it is. She is the one who wants to move it and she has insisted so she should give it to us in writing so that we can read it out and put it to vote.

Hon. Members, as the Member does not have anything in writing according to the rules, I am going to put the question on the amendment moved by the Chair, which was conceded by the hon. Member. I put the question that Clause 5, as amended, be part of the bill.

(Question put and agreed to.)

Clause 6

The Chairman: Hon. Members, I propose that Clause 6 be part of the bill. I now put the question.

(Question put and agreed to.)

Clause 7

The Chairperson: Hon. Members, I propose that Clause 7 be part of the bill. Hon. Chairperson of the committee, you know you gave us a document here and you people are just sitting. You have some amendments here.

Mr Ngenzebuhoro: Mr Chairperson, I must apologise because we didn't make an amendment on this. It is the same.

Mr Harelimana: Thank you, Mr Chairperson. In this Clause we are coming to remove the commissioner and we are coming with a condition, which is somehow difficult that a resolution be supported by not less than two thirds of the Members of the Assembly while in Clause 5 where we are bringing these commissioners to the Commission, we just said be elected by the Assembly. I request that the mover accepts to remove this condition and that it is done by the Assembly without that condition of two thirds. Thank you.

The Chairperson: Honourable, I think that is the practice all the way round. Everywhere you go it is always by majority and removal is two thirds in most cases but I will say –

Ms Byamukama: Mr Chairperson, whatever is in this bill is hinged on the law or Rules of Procedure so I am constrained. I don't understand what he is trying to say.

Mr Sebalu: Thank you very much, Mr Chairman. I think when we are making these laws, we also need to make sure that we create laws that ensure stability. If you make the process that easy, the House may be preoccupied with that activity throughout the year. Someone is put the next day- So you must have a number that ensures that the issues raised are substantive and supported by a majority. That is the genesis of such numbers and it is standard practice in all

offices that have that kind of mandate. So let us not make it easy for people to make it an activity of a daily basis. Thank you, Mr Chairperson.

The Chairman: Hon. Harelimana, do you concede? Hon. Members, I now put the question that Clause 7 be part of the bill.

(Question put and agreed to.)

Clause 8

The Chairperson: I now put the question that Clause 8 be part of the bill.

Dr Nyiramilimo: Thank you, Mr Chairperson. I want to make an amendment on this Clause 8 (1) “Every decision of the Commission shall be made by consensus.” I would wish that we remove “as far as possible” and we just leave it as it is. Thank you, Mr Chairperson.

Ms Byamukama: Mr Chairman, I concede.

The Chairperson: Mr CTC, I think what the clerk is saying is that we have to be consistent with the Treaty. How is it said in the Treaty in terms of consensus?

Mr Kaahwa: Mr Chairperson, the Treaty with regard to decision making emphasises consensus. During the Second Reading of this bill, I had indicated that the Treaty provides for decision making by consensus. That applies to decision making by the Summit under Article 12 paragraph 3 of the Treaty and decision making by the Council under Article 15 of the Treaty.

Mr Chairperson, when it comes to the Assembly, the Assembly according to Article 60 may make amendments to add to or revoke rules governing the procedure of the Assembly. Now when I checked on the rules with particular reference to part 15 of the Rules of Procedure, I found that consensus may not necessarily be required in the Assembly. That is why when it came to this committee stage, I didn’t move the amendment myself. I had become wiser as far as decision making in the Assembly is concerned.

The Chairman: The reason why I asked that is even if we remove that, it negates number two and then even we who are sitting here will have to start taking everything by consensus if we go by – Because when we say “shall”, it makes it mandatory that we have to have consensus. I thought you lawyers would say something, you have been quiet.

Mr Kaahwa: Mr Chairperson, all these other lawyers have been quiet but I have been trying to be vocal. I am saying that whereas during the debate I had indicated and given notice that I would be moving an amendment in the same manner as that which hon. Dr Odette Nyiramilimo has moved, I have now become wiser and I think those words are necessary in conformity with part 15 of the Rules of Procedure of this august House.

The Chairman: Honourable, what do you say? You concede?

Dr Nyiramilimo: Mr Chairman, I had proposed that the words “as far as possible” be removed and I think the Council to the Community is proposing the same.

The Chairman: No, he is saying it should left there.

Dr Nyiramilimo: I concede.

The Chairman: Hon. Members, I now propose that Clause 8 be part of the bill.

(Question put and agreed to.)

Clause 9

The Chairman: Hon. Members, I propose that Clause 9 be part of the Bill.

Mr Kaahwa: Mr Chairperson, my proposed amendment is with regard to Clause 9 paragraph 2 and that is in respect of the notice pertaining to the meetings of the Commission. My humble proposal is that rather than three days notice, it should be three weeks’ notice. So I am proposing that the committee feels happy to replace the word “days” with “weeks”.

During the debate I gave an indication that the chairperson of the Council is a minister. In some countries, public servants like ministers cannot move out of station on three days’ notice. The requirement may be two weeks, it may be three weeks. Even in all the other Partner States, three days’ notice may not be ideal to enable the chairperson to attend the meeting.

So in my humble view, three weeks’ notice, except maybe for Extra Ordinary meetings, should be the most ideal to enable the chairperson, as an ex-officio member, participate at all meetings of the Commission.

My proposal is replacement of the word “days” in the third line of that paragraph with the word “weeks”.

Mr Ndarubagiye: Thank you very much, Mr Chairman. I think honestly if the Commission has to meet every two months and we need three to four weeks notice, it will be almost the time they are supposed to come. Let us say seven or ten days as this is reasonable. Thank you.

Mr Ogalo: Thank you, Mr Chairman. In Clause 1, it says, “The Commission shall meet at least once every two months”. That means that other meetings can be held.

Now if you look at urgent matters, which may come up, you may find that you are meeting more frequently that even these two months so to give three weeks is really too long. I would think that since there can be other meetings between the two months, one week is sufficient rather than three weeks.

Mr Sebalu: We are trying to make this law in order to enhance our efficiency and if that is to be appreciated, then the flexibility within which to be able to deal with emerging issues in a timely manner without letting them get to levels that create desperate actions – I think the time should be reasonable. I just wonder whether – CTC, what is the magic of three weeks because if issues have come up and they need to be attended to urgently to be able to make the work of the Assembly more focused, then seven days – if someone cannot be released within seven days, then there is a big problem given the subject matter – because the urgency of the matter should be able to dictate the responsiveness of someone. I think let us be efficient and make a law that enhances our efficiency not a law that promotes bureaucratic ways of doing things.

Ms Byamukama: Mr Chairman, I would like to concur with the proposal made by hon. Leonce Ndarubagiye and supported by hon. Ogalo and hon. Sebalu because this is an issue of considering flexibility and paralysis. I thought that three days were good because that would be flexible for the people to run. Also considering that we have very good precedents in the East African Legislative Assembly, I thought that would be enough. But I have heard what the honourable Counsel to the Community has said and I think we can talk about seven days, which will be realistic. I would like to support the proposal by my colleagues. Thank you.

Mr Kaahwa: Thank you, Mr Chairperson. Sir, there is no magic embedded in my proposed amendment. I was only trying to provide for time, which in the words of my honourable friend Sebalu, is reasonable to the extent of enabling the chairperson of the council who will play a very important role in the Commission as an x-official - I was only trying to ensure that adequate notice is availed to him or her so that they are able to attend. The question is about reasonable notice. The common denominator for what we are trying to do is reasonable notice and I am glad that hon. Dan Wandera Ogalo and hon. Leonce Ndarubagiye have very graciously seen that three days cannot be termed as a reasonable notice. They have proposed a seven-day notice. The committee may consider – I am also now shifting grounds – two-week’ notice, which will be a compromise between what I am proposing and what my honourable friends are proposing. Two weeks’ notice instead of three-days’ notice. I thank you so much.

The Chairperson: Hon. Members, I don’t know how many times I have to tell you these things. When I said we should have hon. Dora Byamukama and later the CTC, I think you heard that – (*Interjections*) – well, the Speaker hasn’t seen him.

Hon. Members, the proposal now is two weeks, but the only thing I would like to say is that I do not understand why the Chairperson of Council is being more important than the Members. If the Members can come in three days, then why can’t the Chairperson do the same? But anyway, that is a matter for the House to decide. So, the amendment is on two weeks, which I also think reasonable enough. I now put the question on the amendment by the CTC on Clause 9 (2) to replace three days with two weeks.

(*Question put and agreed to.*)

The Chairman: Anything else on Clause 9? Yes, hon. Ndahiro.

Dr. Ndahiro: Mr Chairman, I also would like to move an amendment on that Article in respect of quorum to read as follows: “A quorum for such a meeting will be two-thirds majority.” This is intended to enable the members to sit even when the chairperson cannot make it after two weeks.

Mr Mwinyi: Mr Chairman, thank you. I would like to slightly differ from what my friend hon. Ndahiro is saying. I agree to a quorum, but not a two-third majority. I think half the membership should be sufficient. Thank you.

Ms Hajabakiga: Thank you, Mr Chairman. On the same issue, I would like to suggest that we take a simple majority of its members instead of two-thirds. And I have a written submission.

The Chairman: Hon. Ndahiro, what do you think of having a simple majority?

Dr. Ndahiro: Mr Chairman, I think there is a practice in the Community. We also have a definition of what quorum is – probably if we can borrow from that. Otherwise, I don’t have any reasons to withdraw from my position. Thank you.

The Chairman: Hon. Ndahiro, I think in terms of the practice of parliaments, you can either use a third of half – yes, in some parliaments, they use a third of the members.

Dr. Ndahiro: If it is a third, then I concur with simple majority. *(Laughter)*

Ms Byamukama: Mr Chairman, I think you have resolved it because even when you refer to Parliament, it is subject to our Rules of Procedure and we have the power, even when we enact the law, to provide for this. For example, under Rule 13, the quorum of the House of the Committee of the Whole House shall be half of the elected members. Therefore, we are even talking a simple majority, which is one person more than just half. This means we are in tandem.

The Chairman: Hon. Members, I now put a question to hon. Ndahiro’s new clause that quorum of this commission shall be a simple majority.

(Question put and agreed to.)

(Clause 9, as amended, agreed to.)

Clause 10

The Chairman: Hon. Members, I propose that Clause 10 be part of the Bill.

(Question put and agreed to.)

Clause 11

The Chairperson: Hon. Members, I propose that clause 11 be part of the Bill.

(Question put and agreed to.)

Clause 12

The Chairperson: Hon. Members, I propose that clause 12 be part of the Bill.

Ms Muhongayire: Thank you, Mr Chairman. I would like to propose an amendment on clause 12 as follows: “The Commission should be involved in procurement of Assembly items through the Clerk.” If I can say, “The Clerk shall be a member of the procurement process of the items of the Assembly.” Thank you.

The Chairperson: Hon. Member, do you have it in writing?

Ms Muhongayire: Yes, Sir.

The Chairperson: But I was also going to say that while hon. Byamukama says, “Head of administration,” I thought administration also includes procurement and everything else because administration involves many things. You cannot just single out procurement only. I thought that the head of administration means head of all those things. Anyway, I was just suggesting.

Ms Byamukama: I fully concur with hon. Muhongayire; I only have some small reservation, Mr Chairman when you say, “*The Clerk shall be the head of the Assembly administration.*” And we go ahead and talk about (e) and we say, “*Carry out such other duties and exercise such powers as may be conferred upon him or her by the Treaty, any law, rules, regulations and practices of the Assembly.*” Procurement is one function. We also know that for example, he would represent the Assembly at certain meetings. So, if we go into detail, we may have to rationalize why we are singling out the procurement function. So, that is why we had an omnibus clause so that if he has the authority to represent the Assembly, then he will be able to carry out any other duties. Otherwise, I appreciate her concern on issues of transparency and zero tolerance for corrupt practices; I concede. That is my proposal.

Ms Muhongayire: Thank you, hon. Dora. I agree that this clause includes different obligations that the Commission could wish to accomplish through this Commission. I wanted to be on record because you know we have problems on this procurement issue and I concede. Thank you. *(Laughter)*

The Chairperson: You are not being fair to us now. *(Laughter)* Okay, hon. Members, I now put the question that clause 12 be part of the Bill.

(Question put and agreed to.)

Clause 13

The Chairperson: Hon. Members, I propose that clause 13 be part of the Bill.

(Question put and agreed to.)

Clause 14

The Chairperson: Hon. Members, I propose that clause 14 be part of the Bill.

(Question put and agreed to.)

Clause 15

The Chairperson: Hon. Members, I propose that clause 15 be part of the Bill.

(Question put and agreed to.)

Clause 16

The Chairperson: Hon. Members, I propose that clause 16 be part of the Bill.

(Question put and agreed to.)

Clause 17

The Chairperson: Hon. Members, I propose that clause 17 be part of the Bill.

(Question put and agreed to.)

Clause 18

Mr Kaahwa: Mr Chairperson, earlier on when we considered clause 4, I had proposed that this clause be deleted but its subject be reflected in a new amendment to be added on clause 4 as: “4 (h) Make recommendations to the Council on the financial rules and regulations of the Community.”

The Chairperson: So, what do you say now? Before it was transferred above, what do you want it to say now?

Kaahwa: Mr Chairperson, what I am proposing is that clause 18 be deleted but the substance of it be reflected in a new amendment with an addition to clause 4 as “4(h)” to make recommendations to the Council on financial rules and regulations.

The Chairperson: Bwana CTC, I think you already know that we cannot go back to that one; we have already finished with that. Just express yourself on clause 18. Is there any amendment you want to do on 18?

Kaahwa: My proposal is that let it be deleted.

The Chairperson: Hon. Ogalo before I come to you.

Mr Ogalo: Mr Chairman, if we take what CTC is saying, we shall be going back to revisit a matter which we have already expressed ourselves on.

Kaahwa: Mr Chairman, thank you for your guidance. My proposal is as follows: That clause 18 be amended to read: “*The Commission shall make recommendations to the Council on the financial rules and regulations of the Community.*”

The Chairperson: Hon. Members as you can see, what the CTC has stated that he wants an amendment; he is removing “Assembly” and replacing it with “Community.”

Mr Ogalo: Mr Chairman, Sir, a similar argument was raised by CTC when we were on 4 and we debated it; similar arguments were brought; we brought other arguments and voted on them and we said that we shall maintain “The Assembly” and not “The Community.” So, it will be revisiting the whole thing to bring back the argument on a matter that –

The Chairperson: No, hon. Member. At that time we were talking about 18 (b) being removed; that is what we voted on. But now it is completely different. He is amending 18. What we voted on was moving 18 to become either (j) or (h) or whatever as a function.

Mr Ogalo: Yes, Sir. But I thought that already arguments were made on the same issue. I recall, Sir that, for example, you raised the issue of – (*Interruption*) -

The Chairperson: No, hon. Member, I do not debate. Maybe you can raise those issues yourself. (*Laughter*)

Mr Ogalo: Thank you Sir. “The Commission shall recommend to the Council the financial rules and regulations of the Assembly.” CTC wishes us to amend this to say that we shall do so for the Community. And his arguments as I understand him are that it is in line with the Treaty and if we say, for “The Assembly,” it means that we shall be going against the Treaty. I don’t think that it will be going against the Treaty because as I said earlier, it will be up to the Council since it is empowered to make regulations under the Treaty whether they can grant us that or to say, we will continue under the Community. So, I think this gives us some flexibility to build institutions.

What Counsel to the Community is suggesting closes us but what the clause here does is to allow us some flexibility to make recommendations to the Council so that the Council, in its own wisdom, can consider and see whether it can adopt what we are saying and still make those regulations.

The Chairman: Honourable, before you say something, at that time when we were talking about Clause 4 and we talked about the recommendation to the Council of staff rules and regulations on the staff of the Assembly. In essence, it still means that we have one staff rules and regulations and are talking about staff of the Assembly within the staff rules and regulations.

Now in this particular case, what he is saying is there is only one financial rules and regulations under the Treaty so in essence, the other thing is maybe to say, regulations of the Community on the Assembly or something and qualify it somehow. With the first one, if you look at it properly, the staff rules will still be Community but we are giving recommendations on staff of the Assembly.

Ms Byamukama: Mr Chairman, I have my reservations and I beg to be understood because first of all, we are making recommendations. It is very clear that we are making recommendations.

Secondly, the Assembly has a semi-accounting status and thirdly, we are a user organ. And so from all these experiences, we are saying we would like to make recommendations based on our experience to the Council of Ministers. I do not appreciate why the honourable Council to the Community would like to change it in any way.

Dr Ndahiro: Mr Chairman, making recommendations to the Community is already a function and a duty of the Parliament. Now if you remove the words and interchange them with the Community, we already do that locally on that law through our budget function and it is also in

the Treaty. It provides nothing new but what the article originally provides for was for the Assembly. That the Commission was going to give recommendations to the Council in regard to the affairs of the Assembly but in regard to the affairs of the Community, it is already provided for at the Parliament level and at the budget level.

So I think it would bring confusion as if now the Assembly that is dealing with the Community affairs is being compromised to be led by a Commission, which is at the level of the committee to influence the Community's affairs. I find there is confusion there, Mr Chairman. We should clarify it before we agree on anything. Thank you.

The Chairman: Hon. Members, maybe I will read the words on 5. If you look at that phrase, it says, "The Council shall make financial rules and regulations of the Community" and then it says in number 2, "Self accounting institutions of the Community shall make their own financial rules and regulations in line with the provisions of the respective eligible legislation".

So in essence, at the Assembly we are not self accounting. We still have one financial rules and regulations under the Treaty. So I think it will be difficult for us now to talk about financial rules and regulations for the Assembly. In essence, we can say the Commission shall recommend to Council the financial rules and regulations of the committee on matters related to the Assembly. Maybe we can say something like that. I cannot make amendments so maybe hon. Masha- He is the one who was going to say something.

Dr. Masha: Actually Mr Chairman, I have been listening to the debate on this particular item. We have just passed Clause 15 in which we are saying it is the financial rules and regulations of the Community that we will be following. This we have already passed so indeed if we were to retain the word "Assembly" in Clause 18, the Assembly would be governed by two sets of financial regulations, which I think would be an inconsistency so I tend to agree with the proposal by the Counsel to the Community.

The Chairman: Now that you have brought our attention to Clause 15, we can say, "The Commission shall recommend to the Council the financial rules and regulations of the Community as are necessary for the efficient discharge of the Assembly's functions". Let him move it so you can say, yes.

Mr Kaahwa: Mr Chairperson sir, I thank you and I thank hon. Masha for further clarifying on the basis for my proposal. In which case, I will not, as I intended to do, bring to the attention of the committee the provisions of Article 14 (3) (g), Article 135 of the Treaty and Article 140 paragraph 3 of the Treaty.

Mr Chairperson Sir, my proposal now is that Clause 18 be amended to read, "The Commission shall make recommendations to the Council on financial rules and regulations for the administration of the Assembly".

The Chairman: Why don't you maintain the words already in 15 to make it easier? It is the same thing.

Mr Kaahwa: I have a bit of a problem with the words in 15 but there is no harm in borrowing from the last words of Clause 15 “For the efficient discharge of the Assembly’s functions”.

Ms Byamukama: Mr Chairman, I have had change of mind like the honourable CTC sometimes does and I concede. *(Laughter)*

The Chairman: Hon. Members, I now put the question that Clause 18 as amended be part of the bill.

(Question put and agreed to.)

Clause 19

The Chairman: Hon. Members, I now propose that Clause 19 be part of the bill.

(Question put and agreed to.)

Dr Masha: Mr Chairman, may I propose that we have a new Clause 20, which reads as follows, “Pending enactment of this bill unto law, the House Business Committee shall perform the functions of the Commission”. This is the transition that hon. Patricia had alluded to.

Ms Hajabakiga: Mr Chairperson, what I think hon. Masha meant is- Immediately this law comes into force, what will happen with the present House Business Committee? It is after the law comes into force not pending the enactment.

The Chairman: So what do you want to say?

Ms Hajabakiga: Upon coming into force of this law, the present House Business Committee will perform the duties of the Commission. This is until the end of the mandate.

Ms Byamukama: Mr Chairman, I think this cures the paralysis, which would have been introduced when hon. Dr Masha made the comment that he did so I concede and I think it is a welcome development. Thank you.

The Chairman: Hon. Members, I now put the question that a new Clause 20 as moved by hon. Hajabakiga be part of the bill.

(Question put and agreed to.)

The Schedule

The Chairman: Hon. Members, I propose that the Schedule be part of the bill.

(Question put and agreed to.)

The Title

The Chairman: Hon. Members, I propose that the title be part of the bill.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

Ms Dora Byamukama: Mr Chairman, Sir, I beg to move that the House do resume and that the Committee of the Whole House reports thereto.

The Chairman: Hon. Members, I now put the question that the House do resume.

(Question put and agreed to.)

The Chairman: The House resumes.

REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

Ms Dora Byamukama: Mr Speaker sir, I beg to report that the Committee of the Whole House has considered the bill entitled, “The Administration of the East African Legislative Assembly Bill, 2010” and passed it with amendments. I beg to move.

MOTION FOR THE ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

Ms Dora Byamukama: Mr Speaker, Sir, I beg to move that the report of the Committee of the Whole House be adopted. I beg to move.

The Speaker: It has been seconded. Hon. Members, I now put the question that the report of the Committee of the Whole House be adopted.

(Question put and agreed to.)

BILLS THIRD READING

The Administration of the East African Legislative Assembly Bill, 2010

Ms Dora Byamukama: Mr Speaker, I beg to move that the Administration of the East African Legislative Assembly Bill, 2010 be read the Third Time and do pass. I beg to move.

The Speaker: Seconded. Hon. Members, I now put the question that the Administration of the East African Legislative Assembly Bill, 2010 be read the Third Time and do pass.

(Question put and agreed to.)

The Administration of the East African Legislative Assembly Bill, 2010

AN ACT OF THE COMMUNITY TO MAKE PROVISION FOR THE ESTABLISHMENT OF A COMMISSION AND FOR THE ADMINISTRATION OF THE ASSEMBLY AND FOR OTHER RELATED PURPOSES

ADJOURNMENT

The Speaker: Hon. Members, we have come to the end of business today. I now adjourn the House until Tuesday 2.30 p.m.

(The House rose at ...p.m. and adjourned until Tuesday, 14 December 2010 at 2.30 p.m.)