



## **EAST AFRICAN COMMUNITY EAST AFRICAN LEGISLATIVE ASSEMBLY**

### **MOTION FOR A RESOLUTION OF THE ASSEMBLY TO SAVE, RETAIN AND CONTINUE IN THE ASSEMBLY BILLS THAT WERE INTRODUCED IN THE 3<sup>RD</sup> ASSEMBLY**

*(Moved under Articles 49(1), 59(1) of the Treaty Rule 26 and 94 of the Rules of Procedure of the Assembly)*

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**WHEREAS** Article 49(1) of the Treaty provides for the Assembly as the legislative organ of the Community which enacts the legislation of the Community by means of Bills debated and passed by the Assembly;

**WHEREAS** in accordance with Article 14(3)(b) of the Treaty, several Bills were initiated and submitted to the 3<sup>rd</sup> Assembly by the Council of Ministers and other Bills were submitted to the 3<sup>rd</sup> Assembly by private members of the 3<sup>rd</sup> Assembly in accordance with Article 59(1) of the Treaty.

**AND WHEREAS** Article 51(1) of the Treaty read together with Section 11 of the East African Legislative Assembly Elections Act, 2012 provide for the Assembly to stand dissolved upon the expiration of its 5 year term.

**WHEREAS** the 5 year term of the 3<sup>rd</sup> Assembly expired in June, 2017.

**AND WHEREAS** Rule 94 of the Rules of Procedure of the Assembly provides for the lapse of any Bills, Motions and other business pending before the Assembly at the time of dissolution of the Assembly.

**RECOGNISING** that the lapsing of business before a legislature at the time of expiration of the term of the legislature is deeply embedded in the long-standing parliamentary principle that provides that one Parliament cannot bind another Parliament;

**FURTHER COGNIZANT** of the fact that at the time of the expiration of the term of the 3<sup>rd</sup> Assembly in June, 2017, there were nine (9) Bills that had been introduced in the Assembly which the Assembly was not able to pass due to the expiration of the term of the 3<sup>rd</sup> Assembly;

**WHEREAS** the process of initiating and submitting Bills in the Assembly by the Council and by private members is very consultative within the Partner States, elaborate and takes a lot of time and financial and technical resources of the Community and as such any Bills submitted to the Assembly by the Council should not be lost as a result of the expiration of the term of the Assembly;

**AND WHEREAS** rule 94 of the Rules of Procedure of the Assembly provides for any Bill, motion or business of the assembly at the time of dissolution of the Assembly to be saved and retained in the Assembly if the Assembly passes a Resolution to retain the Bills or motions in the Assembly;

**NOW THEREFORE BE IT RESOLVED BY THE ASSEMBLY AS FOLLOWS:-**

**THAT** in accordance with Article 49(1) of the Treaty and Rule 94 of the Rules of Procedure of the Assembly, the Assembly saves and retains the following Bills that were pending before the 3<sup>rd</sup> Assembly in June, 2017:

1. The East African Community Whistleblowers Bill, 2016;
2. The East African Community Retirement Benefits for Specified Heads of Organs Bill, 2016;
3. The East African Community Sexual and Reproductive Health Bill, 2016
4. The East African Community Competition (Amendment) Bill, 2015
5. The East African Community Trade Negotiations (Repeal) Bill, 2014;
6. The East African Youth Council Bill, 2017;
7. The East African Community Cross Border Trade in Professional Services, 2017;
8. The East African Community Mining Bill, 2016;
9. The East African Community Integration and Anti-Corruption Bill, 2016.

**Moved by: Chairperson, Committee on Legal, Rules and Privileges**

**Seconded by:**