



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



**RESOLUTION OF THE ASSEMBLY ON THE PROPOSAL TO AMEND
ARTICLE 59 OF THE TREATY –PRIVATE MEMBERS BILLS.**

**By Hon. Patricia Hajabakiga and adopted by the Assembly on
Thursday 13th September, 2012.**

WHEREAS the Council of Ministers at its 25th Meeting received and considered a submission from the United Republic of Tanzania seeking to amend Article 59 of the Treaty to fetter the process of enacting Private Members Bills;

AND WHEREAS the Council has called for comments from Partner States Prior to presenting the proposal to the Summit for express decision;

AWARE that the Proposal from the United Republic of Tanzania is not founded on Parliamentary Practice and Procedures as well as Parliamentary tradition all over the Commonwealth where Parliaments have opportunity to enact legislation through executive or Private Members Bills; which process is executed judiciously taking into account all view points;

CONCERNED that attempts to fetter the legislative process of the Community will greatly impinge on the Assembly's legislative and representative function; it will interfere with the respect for the sanctity and authority of the Assembly; and interferes with the Principle of Separation of Powers as stated in the Treaty;

AWARE that the matters under contention are related to the Assembly's Rules of Procedure (Rules 26, 61-71) which therefore calls for the Rules to be amended and not the Treaty;

FUTHER NOTING that enactment of Private Members Bills are one of the main avenues through which all Parliaments get work done in the execution of their mandates which, is the same justification for the East African Legislative Assembly which enhances also its representative function;

NOW THEREFORE this Assembly-

- (i) Do urge the Summit of the EAC Heads of State to take note of the negative impact the proposed amendment will have on Parliamentary Democracy in our region and should therefore reject the proposed to fetter the legislative process;
- (ii) Do task its relevant Committee to review the rules on Private Members Bills to strengthen the consultative procedure;
- (iii) Direct the Secretary General to transmit this Resolution to the Summit of the EAC Heads of State;
- (iv) Do direct that the Clerk of the East African Legislative Assembly transmits this to the Speakers of EAC National Parliaments.

CERTIFIED BY:

 **DATE:** 24/9/12

Alex Obatre
DEPUTY CLERK

