



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**

COMMITTEE ON LEGAL, RULES AND PRIVILEGES

**REPORT OF THE COMMITTEE ON THE CONSIDERATION OF THE
PROPOSAL TO AMEND THE RULES OF PROCEDURE OF THE EAST
AFRICAN LEGISLATIVE ASSEMBLY**

15 MARCH 2017

Clerk's Chambers
EALA Headquarters, 3rd Floor
EAC Headquarters
Arusha - TANZANIA

March 2017

1. INTRODUCTION

On 3rd March 2017, the Committee on Legal, Rules and Privileges received a proposal for amendment of the Rules of Procedures of the Assembly from Hon. Dora Byamukama. Likewise, on 8th March, 2017, the Committee received another proposal for amendment of the Rules of Procedure of the Assembly from Hon. Abdullah Mwinyi. Both proposals were submitted in accordance with Rules 85 (1) and (2) of the Rules of Procedures of the Assembly. Rules 85 (1) and (2) provides as follows:

- (1) Any Member may propose amendments to these Rules.
- (2) Any Member wishing to propose any amendment to these Rules shall forward his or her proposal to the relevant Committee which shall consider the proposal and report to the House.

The Committee on Legal, Rules and Privileges is empowered by Rule 81 and Annex 5. B. 2 (g) of the Rules of Procedures to receive and dispose proposals for the amendment of the Rules of Procedures.

2. METHODOLOGY

The Committee hold a Meeting in Kigali on 14th March 2017 to consider the proposals it received. The Meeting of the Committee held in the Committee Room "A", Parliament of Rwanda Buildings, Kigali, Rwanda. In considering those amendments, the Committee referred to the following instruments:

- i. The Treaty for the Establishment of the East African Community;
- ii. The Rules of Procedure of the Assembly;
- iii. The East African Legislative Assembly Elections Act, 2011; and
- iv. Rules of Procedure of the Parliament of Uganda and the National Assembly of Kenya.

3. PROPOSAL BY HON. DORA BYAMUKAMA

The proposal by Hon. Dora Byamukama aimed at amending Rule 94 of the Rules of Procedures by adding two Sub- Rules: Sub-Rule (2) and Sub- Rule (3) as follows:

"Rule 94 (2): Business of committee not to lapse on prorogation of the House

- (a) A committee which is unable to complete its work before the expiration of its term or before the dissolution of House may report to the House that the committee has not been able to complete its work.*
- (c) Any preliminary report, memorandum or note that the committee may have taken shall be made available to the new committee.*

Rule"94(3): Lapse or reinstatement of the Assembly Business upon dissolution of the House

- (a) A Bill, petition, Motion or other business before the House or any of its committees during a term of the Assembly lapses upon dissolution of the Assembly.*
- (b) Notwithstanding sub rule 94 (3) (a), a bill, petition, motion or other business before the House or any of its committees may be reinstated in the next Assembly by a resolution of the Assembly.*
- (c) The reinstatement of a bill, petition, motion or other business before the Assembly or a Committee shall be treated as a fresh reference to that committee".*

The Committee observed that the main purpose of the proposal by Hon. Dora Byamukama is to provide for the saving and reinstatement of the pending activities of a dissolved Assembly. Section 11 of the East African Legislative Assembly Elections Act, 2011 provides that "the Assembly shall stand dissolved at the expiration of the 5 year term. It is has been a practice that once an Assembly is dissolved, all the pending works of that Assembly are dissolved.

It has been a practice that most of the works transacted by EALA are generated by Members, therefore it is imperative for the Rules of Procedure to save the activities left by the out-going Assembly to be considered by the up-coming Assembly. It was observed by the Committee that the Parliament of Uganda have provisions to save the pending activities of the dissolved Assembly.

The Committee made changes to the proposed new Rule 94 (3) by adding new paragraphs (b) and (c) that reads as follows:

- (b) The Clerk shall submit to the Commission the report of the pending businesses of the dissolved Assembly immediately after the commencement of the new Assembly*
- (c) A report on pending business of a dissolved Assembly shall be moved by way of a motion by the Commission at the commencement of the business of the new Assembly*

Basing on the amendments made by the Committee to the proposal by Hon. Dora Byamukama, the following are the adopted proposals to be considered by the Assembly:

"Rule 94 (2): Business of committee not to lapse on prorogation of the House

- (a) *A committee which is unable to complete its work before the expiration of its term or before the dissolution of House may report to the House that the committee has not been able to complete its work.*
- (b) *Any preliminary report, memorandum or note that the committee may have taken shall be made available to the new committee.*

Rule 94(3): Lapse or reinstatement of the Assembly Business upon dissolution of the House

- (a) *A Bill, petition, Motion or other business before the House or any of its committees during a term of the Assembly lapses upon dissolution of the Assembly.*
- (b) *The Clerk shall submit to the Commission the report of the pending businesses of the dissolved Assembly immediately after the commencement of the new Assembly.*
- (c) *A report on pending business of a dissolved Assembly shall be moved by way of a motion by a Member of the Commission at the commencement of the business of the new Assembly.*
- (d) *Notwithstanding sub rule 94 (3) (a), a bill, petition, motion or other business before the House or any of its committees may be reinstated in the next Assembly by a resolution of the Assembly.*
- (e) *The reinstatement of a bill, petition, motion or other business before the Assembly or a Committee shall be treated as a fresh reference to that committee.*

*** 4. PROPOSAL BY HON ABDULLAH MWINYI**

The proposal by Hon. Abdullah Mwinyi aimed at amending Rule 12 (1) of the Rules of Procedure of the Assembly by changing the composition of elected Members that shall constitute the quorum of the Assembly as follows:

12 (1) *The quorum of the House or of the Committee of the Whole House shall be half of the elected Members and shall be composed of at least one third of the elected members from three Partner States.*

The proposal aims at changing the requirement of the composition of Elected Members who shall form the quorum of the Assembly to be from three Partner States instead of all Partner States as it is required in the current Rules.

The Committee was informed that the amendments intends to improve and facilitate the activities of the Assembly by ensuring that businesses of the House are conducted as

planned. That proposal took into account Article 57 (1) of the Treaty for the Establishment of the East African Community that reads as follows:

57 (1) Subject to this Article, the rules of procedure of the Assembly shall make provision as to the number and composition of the elected members that shall constitute a quorum of the Assembly.

The Committee considered the proposal and agreed that it is a high time for the Rules to be simplified to ensure that the activities of the Assembly are conducted as planned. However, the Committee found that the requirement of having Partner States as in the composition of the quorum may still hamper the activities of the Assembly, therefore it decided that the quorum be only half of the elected Members.

Basing on that decision the Committee recommends that Rule 12 (1) of the Rules of the Assembly be amended by deleting the words *"and such quorum shall be composed of at least one third of the elected Members from each Partner States"*.

5. RECOMMENDATIONS

The Committee recommends to the Assembly to adopt the proposed amendments to the EALA Rules of Procedure (2015 Edition) as amended by the Committee as follows:

- i. Amend Rule 12 (1) of the Rules of Procedure by deleting the words *"and such quorum shall be composed of at least one third of the elected Members from each Partner States"*

The amended Rule 12 (1) shall read as follows:

12 (1) The quorum of the House or of the Committee of the Whole House shall be half of the elected Members.

- ii. Amend Rule 94 by adding the following new Sub-Rules:

Rule 94 (2): Business of committee not to lapse on prorogation of the House

(a) *A committee which is unable to complete its work before the expiration of its term or before the dissolution of House may report to the House that the committee has not been able to complete its work.*

(b) *Any preliminary report, memorandum or note that the committee may have taken shall be made available to the new committee";*

Rule 94(3): Lapse or reinstatement of the Assembly Business upon dissolution of the House

- (a) A Bill, petition, Motion or other business before the House or any of its committees during a term of the Assembly lapses upon dissolution of the Assembly.*
- (b) The Clerk shall submit to the Commission the report of the pending businesses of the dissolved Assembly immediately after the commencement of the new Assembly.*
- (c) A report on pending business of a dissolved Assembly shall be moved by way of a motion by a Member of the Commission at the commencement of the business of the new Assembly.*
- (d) Notwithstanding sub rule 94 (3) (a), a bill, petition, motion or other business before the House or any of its committees may be reinstated in the next Assembly by a resolution of the Assembly.*
- (e) The reinstatement of a bill, petition, motion or other business before the Assembly or a Committee shall be treated as a fresh reference to that committee".*

As consequences to the amendment to Rule 94, the current Rule 94 will be 94 (1).

**REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON
CONSIDERATION OF THE PROPOSAL TO AMEND THE RULES OF PROCEDURE
OF THE ASSEMBLY**

1. Hon. Peter M. Mathuki



2. Hon. Judith Pareno



3. Hon. Joseph Kiangoi Ombasa



4. Hon. Twaha Issa Taslima



5. Hon. Maryam Ussi Yahya



6. Hon. Charles M. Nyerere



7. Hon. Mukasa Fred Mbidde



8. Hon. Susan Nakawuki



9. Hon. Dora C. K. Byamukama



10. Hon. Isabella Ndahayo



11. Hon. Frederic Ngenzebuhoro



12. Hon. Leonce Ndarubagiye



13. Hon. Francois Xavier Kalinda



14. Hon. Martin Ngoga



15. Hon. Oda Gasinzigwa



**EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY**



INTERNAL MEMO

REF : EALA/MEM/11

**TO : Chairperson
Committee on Legal, Rules and Privileges**

CC : Rt. Hon. Speaker; Clerk

FROM : Hon. Dora Byamukama

DATE : March 03, 2017

SUBJECT : AMENDMENT OF EALA RULES OF PROCEDURE

Pursuant to rule 85 (2) of the Rules of Procedure of the Assembly, I submit my proposal to amend rule 94 which reads:

"The Assembly shall stand dissolved upon expiration of its term as prescribed by the East African Legislative Assembly Elections Act, 2012," to read:

94 (1) "The Assembly shall stand dissolved upon expiration of its term as prescribed by the East African Legislative Assembly Elections Act, 2012,"

Further add other two new clauses 94(2) and 94 (3) to read:

"Rule 94 (2): Business of committee not to lapse on prorogation of the House

- (a) A committee which is unable to complete its work before the expiration of its term or before the dissolution of House may report to the House that the committee has not been able to complete its work.*
- (c) Any preliminary report, memorandum or note that the committee may have taken shall be made available to the new committee";*

EAST AFRICAN COMMUNITY
EAST AFRICAN LEGISLATIVE ASSEMBLY



INTERNAL MEMO

REF : **EALA/MEM/11**

TO : Chairperson
Committee on Legal, Rules and Privileges

CC : Rt. Hon. Speaker; Clerk

FROM : Hon. Abdulah Mwinyi

DATE : March 08, 2017

SUBJECT : **AMENDMENT OF EALA RULES OF PROCEDURE**

Pursuant to rules 85 (1) and (2) of the Rules of Procedure of the Assembly, I submit my proposal to amend rule 12 (1) which reads:

"The quorum of the House or the Committee of the Whole House shall be half of the elected Members and such quorum shall be composed of at least one third of the elected Members from each Partner State.

The proposed amended rule 12 (1) will read as follows:

12 (1) "The quorum of the House or of the Committee of the Whole House shall be half of the elected Members and shall be composed of at least one third of the elected members from three Partner States.

The proposed amendments aims at improving and facilitating the activities of the Assembly by ensuring that business of the House are conducted as planned. This proposal takes into cognizant the requirements of Article 57 (1) of the Treaty that the Rules of Procedures of the Assembly should provide for the number and composition of the elected Members required to constitute a quorum of the Assembly. Article 57 (1) reads as follows:

Subject to this Article, the rules of procedure of the Assembly shall make provision as to the number and composition of the elected members that shall constitute a quorum of the Assembly.

I submit for your consideration.

11. Hours of Meeting

(1) Sittings shall, unless the Assembly otherwise resolves, ordinarily commence at 9.00 a.m. in the morning up to 1.00 p.m. in the afternoon, and resume at 2.30 p.m. in the afternoon and conclude at 6.30 p.m. in the evening.

(2) The Speaker may at any time suspend a Sitting or adjourn the House.

(3) The Speaker shall at the close of business of a Sitting announce the time and date of the next Sitting.

(4) The Commission shall fix the time when a Meeting of the House shall adjourn *sine die*.

(5) The Speaker may, if he or she thinks fit, call a Sitting of the House before the date or time to which it has been adjourned or at any time after the House has adjourned *sine die*.

(6) The House shall ordinarily not sit on gazetted public holidays in the Partner States.

(7) Subject to these Rules, the Sittings of the House and its Committees shall be public.

12. Quorum

(1) The quorum of the House or of the Committee of the Whole House shall be half of the elected Members and such quorum shall be composed of at least one third of the elected Members from each Partner State.

(2) If at any time of Sitting, or when the House is in Committee, any Member objects that there is no quorum present, the Speaker or the Chairperson shall, on ascertaining it to be true, suspend the proceedings of the House for an interval of fifteen minutes during which a bell shall be rung.

(3) If on resumption of proceedings after the expiry of fifteen minutes, the number of Members present is still less than half the Speaker or the Chairperson, as the case may be, shall adjourn the House or the Committee of the Whole House without question put.

13. Adjournment of the House

(1) A Member may at any time, for reasons stated, seek leave to move "That, this House do now adjourn to debate a matter of urgent public importance".

(2) A Member seeking such leave shall not speak for more than twenty minutes without leave of the House.

(3) An adjournment under sub rule (1) shall be for the purpose of debating a definite matter of urgent public importance.

(4) Unless it appears to the Speaker that the motion is an abuse of the Rules of the House or an infringement on the rights of any Member, the Speaker shall put the question on the motion without debate.

14. Adjournment of Debate

(1) A Member who wishes to postpone the further discussion of a question which has been proposed from the Chair to some future date may move, "That, the debate be now adjourned", or in Committee of the Whole House "That, the Chairman do report progress".

(2) The debate on any Motion under sub-rule (1) shall be confined to the matter of the Motion.

(3) If the Speaker is of the opinion that such dilatory Motion is an abuse of the proceedings of the House, he or she may forthwith put the question thereon or may decline to propose the Motion.

(4) A Member who has moved or seconded a dilatory motion which has been negatived may not subsequently move or second another such motion during the same debate, whether in the House or Committee of the Whole House.

85. Amendment of the Rules

(1) Any Member may propose amendments to these Rules.

(2) Any Member wishing to propose any amendment to these Rules shall forward his or her proposal to the relevant Committee which shall consider the proposal and report to the House.

(3) Amendments to these Rules shall be adopted only if they secure the votes of the majority of the Members.

(4) Amendments to these Rules shall enter into force immediately following their adoption.

PART XVI PETITIONS

86. Right of Petition

(1) Any Citizen of the Partner States, and any natural or legal person residing or having its registered office in a Partner State, shall have the right to address, individually or in association with other citizens or persons, a petition to the Assembly on a matter which comes within the Community's fields of activity and which affects him, her or it directly.

(2) Petitions to the Assembly shall show the name, occupation, nationality and permanent address of each petitioner.

(3) Petitions shall be written in the official language of the Community, which is English, and petitions written in any other language shall be considered only where the petitioner has attached a translation or summary drawn up in the official language of the Community.

(4) Petitions shall be entered in a register in the order in which they are received if they comply with the conditions laid down in sub-rule (2), and those that do not shall not be filed and the petitioner shall be informed of the reasons therefore.

(3) Where any Member is alleged to have infringed sub-rule (2), the conduct of such Member shall be referred by the Speaker to the Committee on Legal, Rules and Privileges which shall consider the matter and report to the House.

(4) A Member shall be entitled to compassionate leave on any of the following grounds—

- (a) sickness necessitating hospitalization whether the Member is hospitalized throughout the period or is in and out of the hospital;
- (b) death of a Member's immediate family member, including parents and siblings; or
- (c) any other emergency as the Speaker may in his or her opinion determine.

(5) The Commission shall make guidelines to regulate and provide for absence of a Member arising out of compassionate leave.

94. Dissolution of the Assembly

The Assembly shall stand dissolved upon the expiration of its term as prescribed by the East African Legislative Assembly Elections Act, 2012.

95. Commencement

These Rules shall come into force on the day of adoption by the Assembly.

96. Adoption of Rules of Procedure

(1) The first sitting of the Assembly elected under the Treaty shall be an informal meeting during which the Rules of Procedure of the Assembly shall be adopted.

THE EAST AFRICAN LEGISLATIVE ASSEMBLY
MATRIX OF PENDING BILLS OF THE ASSEMBLY

1. BILLS PASSED BY THE SECOND ASSEMBLY BUT NOT YET ASSENTED

SN	NAME OF THE BILL	STATUS
1.	The East African Community Tourism and Wildlife Management Bill, 2010	Tanzania withheld assent with reasons
2.	The East African Community Trans boundary Ecosystems Management Bill, 2012	Tanzania withheld assent with reasons
3.	The East African Community Service Commission Bill, 2011	Tanzania withheld assent with reasons
4.	The East African Community Human and Peoples Rights Bill, 2011	Assented to by KN, BR, UG, and RW. It was sent to URT in Oct 2014
5.	The- Inter University Council for East Africa (Amendment) Bill, 2012	Assented to by KN, RW, UG. It was send to URT in Oct, 2014.

2. BILLS PASSED BY THE THIRD ASSEMBLY BUT NOT ASSENTED

SN.	NAME OF THE BILL	STATUS
1.	The East African Community Cultural and Creative Industries Bill, 2015	Tanzania withheld assent with reasons
2.	The East African Community Electronic Transactions Bill, 2015	Tanzania withheld assent with reasons
3.	The East African Community Forests Management and Protection Bill, 2015	Tanzania withheld assent with reasons
4.	The East African Community Disaster Risk Reduction and Management Bill, 2012	Kenya withheld assent with reasons
5.	The East African Community Persons with Disability Bill, 2015	Kenya withheld assent with reasons

3. BILLS PENDING BEFORE COMMITTEES

SN	NAME OF THE BILL	TYPE OF THE BILL	STATUS / COMMITTEE
1.	The East African Community Cross Border Legal Practice Bill, 2015	Private Member	The Council moved a Motion to postpone the 2 nd reading to allow for further consultation and research

3.	The East African Youth Council Bill, 2017	Hon. Susan Nakawuki	Leave granted on 23/1/2017
4.	The East African Community Cross Border Trade in Professional Services Bill, 2017	Hon. Fred Mbidde	Leave granted on 23/1/2017
5	The East African Community Protection of People with Albinism Bill, 2017	Hon. Shy Rose Bhanji	Leave granted on 24/1/2017