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EAST AFRICAN LEGISLATIVE ASSEMBLY

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PCA

COMMITTEE ON LEGAL, RULES AND PRIVILEGES

REPORT OF THE COMMITTEE ON THE CONSIDERATION OF THE PROPOSAL TO  
AMEND RULE 80 (6) OF THE RULES OF PROCEDURE OF THE EAST AFRICAN  
LEGISLATIVE ASSEMBLY

THE NATIONAL ASSEMBLY	
DATE:	03 AUG 2023 Thursday
TABLED BY:	Hon. Naomi Wago, MP Deputy majority whip
CLERK-AT-THE-TABLE:	Anne Shubuko

Clerk's Chambers  
EALA Headquarters, 3<sup>rd</sup> Floor  
EAC Headquarters  
Arusha – TANZANIA

April 2023

## 1. INTRODUCTION

Articles 49(2)(g) and 60 of the Treaty empower the Assembly to make rules to govern its procedure and the procedure of its Committees. Accordingly, the Assembly made the East African Legislative Assembly Rules of Procedure which the Assembly is currently applying.

## 2. POWER TO AMEND THE RULES OF PROCEDURE OF THE ASSEMBLY

Article 60 of the Treaty provides that the Assembly may make, amend, add to or revoke rules governing the procedure of the Assembly. In effect, the Assembly has power to amend, add to or revoke its own rules.

The procedure for amendment of the Rules of Procedure of the Assembly is provided by rule 85 of the Rules of Procedure of the Assembly which states 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.*

*(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."*

The relevant Committee for the purposes of rule 85 (2) is the Committee on Legal, Rules and Privileges which is mandated under Rule 81 and Annex 5 B(2) (g), to receive and dispose of proposals for the amendment of the Rules of Procedure.

## 3. PROPOSAL TO AMEND RULE 80(6)

At its sitting held on 14<sup>th</sup> February 2023, the EALA Commission underscored the need to urgently amend Rule 80 (6) relating to the Membership of each Committee of the Assembly. Consequently, the decision of the Commission was referred to the Committee on Legal, Rules and Privileges through the Committee Chairperson. Specifically, the Commission requested the Committee to review the provision to

replace the word "fifteen" with the relevant number or where possible, cater for any future expansion of the Membership of the Assembly.

Rule 80 (6) provides as follows:

*"The Membership of each Committee shall be fifteen and the quorum shall be at least half of the Members".*

#### **4. METHODOLOGY**

The Committee met on 30<sup>th</sup> March 2023 in Bujumbura, in the Republic of Burundi, to consider the proposal as received from the EALA Commission. In considering the proposal for amendment of the Rules of Procedure, 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. Previous reports of the Committee on Legal, Rules and Privileges on the review of Rules of Procedure of the Assembly.

#### **5. POWERS OF THE COMMITTEE ON LRP TO CONSIDER PROPOSALS TO AMEND THE RULES OF PROCEDURE OF THE ASSEMBLY**

While considering the proposal from the Commission to amend rule 80(6), the Committee noted that according to rule 85, it is only Members of the Assembly who can propose amendments to the Rules of Procedure of the Assembly. In particular, the Committee found that the Commission is not empowered or envisaged, by our Rules as they are currently, as a body that may propose amendments.

The Committee established that Rule 81 and Annex 5. B. 2 (g) of the Rules of Procedures empowers the Committee to receive and dispose proposals for the amendment of the Rules of Procedures.

The Committee also recognised the functions of Standing Committees under Rule 81 (1) (d), (e), (f) and (h) of the Rules of Procedure of the Assembly which provides as follows:

- "(1) The functions of the Standing Committees shall be to –*
- (d) carry out relevant research in their respective mandate;*

- (e) *examine policy matters affecting their subject areas;*
- (f) *initiate or evaluate action programmes under those subject areas and to make appropriate recommendations thereon;*
- (h) *report to the Assembly on their functions.*

The Committee therefore decided to invoke its mandate under rules 80 and 81 and examine rule 80(6) and make recommendations for the House to consider.

## **6. JUSTIFICATION FOR THE PROPOSAL TO AMEND RULE 80 (6)**

The proposal to amend Rule 80 (6) is aimed at addressing the challenge of the number of Members to the Standing Committees of the Assembly following the increase of the Partner States from 5 in 2015 when the Rules were made to 7 in 2023. It is the tradition of the Assembly to have 3 Members of the Committee from each Partner State.

In December 2022, after inauguration of the 5<sup>th</sup> Assembly, the Assembly constituted the Standing Committees provided for under Rule 80 with 3 Members from each Partner State. Since Rule 80 (6) provides for fifteen as the number of each Committee, there is urgent need for the Assembly to regularise the Committees, as they are currently constituted by amending Rule 80 (6) to reflect the current membership.

## **7. OBSERVATIONS OF THE COMMITTEE**

While considering the proposal for amendment of Rule 80 (6), the Committee made the following observations:

- (a) The entire Rule 80 needs to be reviewed because Sub Rule (6) was made taking into consideration of the entire Rule.
- (b) The increase in the number of Members of the Assembly requires the Assembly to review the entire Committee system of EALA. In some circumstances, the more the number of Members of a Committee, the less effective the Committee may be while increasing the cost of managing the Committee.
- (c) Committee on Legal Rules and Privileges of the 4<sup>th</sup> Assembly undertook detailed review of the entire Rules of Procedure of the Assembly and its report was tabled and presented before the Assembly, although it was not debated.

(d) There is urgent need for the this Assembly to review all the Rules of Procedure of the Assembly. The work already done by the Committee in the 4<sup>th</sup> Assembly should constitute one of the working documents for the Committee while reviewing the Rules of Procedure.

## 8. PROPOSAL BY THE COMMITTEE FOR RULE 80 (6)

After examining Rule 80 (6), the Committee considered the following two options:

- i. to review the provision to replace the word "fifteen" with the relevant number; or
- ii. to propose any amendment that will cater for any future expansion of the Membership of the Assembly.

The Committee decided to consider the second option in order to ensure that the amendment takes care of the possibility of increase in Membership in the future without being required to amend this provision.

The Committee therefore presents the following proposal for the Assembly to consider.

**80 (6) *The Membership of each Committee shall be twenty one or such other number as may be determined by the Assembly and the quorum shall be at least half the Members of the Committee.***

The above proposal provides for the current membership of Committees and ensures that the Assembly will not be required to always amend this Rule to reflect the number of Member of Committees of EALA.

## 9. RECOMMENDATIONS

The Committee recommends to the Assembly to:

1. Amend Rule 80 (6) of the Rules of Procedure of the Assembly by substituting the word "fifteen" with the words "***twenty-one or such number as may be determined by the Assembly***"
2. Direct the Clerk to constitute a technical team of to undertake a comprehensive review of the Rules of Procedure of the Assembly and taking into account the gaps, inconsistencies, experience of the Assembly and best practices from national and regional Assemblies and submit recommendations to be considered

by the Committee on Legal, Rules and Privileges as its first activity during the next Financial Year (2023/2024).

3. Direct the Clerk to circulate to all Members the report of that was prepared by the Committee during the 4<sup>th</sup> Assembly and request Members of this Assembly to submit any comments and proposals for amendment of the Rules of Procedure for consideration by the Committee on Legal, Rules and Privileges.
4. Resolve that the Committee on Legal, Rules and Privileges should be given extra budget allocation during the next financial year to enable it consider the comprehensive review of the Rules of Procedure of the Assembly. The Committee will need a minimum of ten days to undertake that assignment.

REPORT OF THE COMMITTEE ON THE CONSIDERATION OF THE PROPOSAL  
TO AMEND RULE 80 (6) OF THE RULES OF PROCEDURE OF THE EAST  
AFRICAN LEGISLATIVE ASSEMBLY

1. Hon. Khalfan N. Mashaka



2. Hon. Alex Bahati




3. Hon. Clement Musangabatware



4. Hon. Dennis Namara



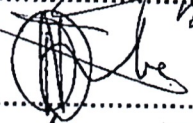
5. Hon. Dr. Gerald Siranda Blacks



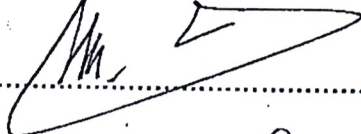
6. Hon. Dr. Ipenda Boulu Desire



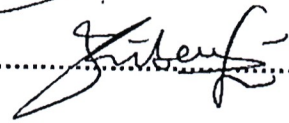
7. Hon. Dr. Maghembe Ngwaru



8. Hon. Amb. Dr. Mathias Harebamungu



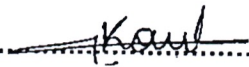
9. Hon. Dr. Saidi Kibeya



10. Hon. George S. Odongo



11. Hon. Geraldine Kaubo



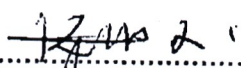
12. Hon. Hassan Omar Hassan



13. Hon. Jeremie Maswama



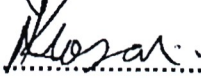
14. Hon. Kachwamba Ansar Abubakar



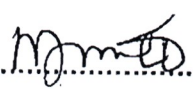
15. Hon. Kanini Kega



16. Hon. Kennedy Kalonzo



17. Hon. Kennedy Mukulia



18. Hon. Kim Gai .....

19. Hon. Luke Thomas Thoan .....

20. Hon. Olivier Nkurunziza .....

21. Hon. Victor Burikukiye .....

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