

CHAPTER NINE

THE EAST AFRICAN LEGISLATIVE ASSEMBLY

ARTICLE 48

Membership of the Assembly

1. *The membership of the Assembly shall comprise-*

(a) *nine members elected by each Partner State; and*

(b) *ex-officio members consisting of:*

(i) *the Minister responsible for East African Community affairs from each Partner State; and*

(ii) *the Assistant Minister or Deputy Minister or Minister of State responsible for East African Community affairs from each Partner State;*

Provided that an Assistant Minister, Deputy Minister or Minister of State may only participate in the meetings of the Assembly when the substantive Minister responsible for East African Community affairs is for any reason unable to participate; and

(iii) *the Secretary General and the Counsel to the Community.*

- 2. The Speaker of the Assembly shall preside over and take part in its proceedings in accordance with the rules of procedure of the Assembly.**
- 3. The Assembly shall have committees which shall be constituted in the manner provided in the rules of procedure of the Assembly and shall perform the functions provided in respect thereof in the said rules of procedure.**
- 4. The Council shall appoint a Clerk of the Assembly and other officers of the Assembly whose salaries and other terms and conditions of service shall be determined by the Council.**

ARTICLE 49

Functions of the Assembly

1. The Assembly shall be the legislative organ of the Community.
2. The Assembly:
 - (a) shall liaise with the National Assemblies of the Partner States on matters relating to the Community;
 - (b) shall debate and approve the budget of the Community;
 - (c) shall consider annual reports on the activities of the Community, annual audit reports of the Audit Commission and any other reports referred to it by the Council;
 - (d) shall discuss all matters pertaining to the Community and make recommendations to the Council as it may deem necessary for the implementation of the Treaty;
 - (e) may for purposes of carrying out its functions, establish any committee or committees for such purposes as it deems necessary;
 - (f) shall recommend to the Council the appointment of the Clerk and other officers of the Assembly; and
 - (g) shall make its rules of procedure and those of its committees.
3. The Assembly may perform any other functions as are conferred upon it by this Treaty.

ARTICLE 50

Election of Members of the Assembly

1. The National Assembly of each Partner State shall elect, not from among its members, nine members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine.
2. A person shall be qualified to be elected a member of the Assembly by the National Assembly of a Partner State in accordance with paragraph 1 of this Article if such a person:
 - (a) is a citizen of that Partner State;
 - (b) is qualified to be elected a member of the National Assembly of that Partner State under its Constitution;

- (c) is not holding office as a Minister in that Partner State;
- (d) is not an officer in the service of the Community; and
- (e) has proven experience or interest in consolidating and furthering the aims and the objectives of the Community.

ARTICLE 51

Tenure of Office of Elected Members

1. Subject to this Article, an elected member of the Assembly shall hold office for five years and be eligible for re-election for a further term of five years.
2. The terms and conditions of service of the Members of the Assembly shall be determined by the Summit on the recommendation of the Council.
3. An elected member of the Assembly shall vacate his or her seat in the Assembly upon the happening of any of the following events:
 - (a) upon the delivery of his or her resignation in writing to the Speaker of the Assembly;
 - (b) upon his or her ceasing to be qualified for election as an elected member;
 - (c) upon his or her election or nomination as a member of the National Assembly of a Partner State;
 - (d) upon his or her appointment as a Minister in the Government of a Partner State;
 - (e) upon his or her having been absent from the Assembly for such period and in such circumstances as are prescribed by the rules of procedure of the Assembly; or
 - (f) upon his or her conviction by a Court of competent jurisdiction of an offence and sentenced to imprisonment for a term exceeding six months and if no appeal has been preferred against such a decision.

ARTICLE 52

Questions as to Membership of the Assembly

1. Any question that may arise whether any person is an elected member of the

Assembly or whether any seat on the Assembly is vacant shall be determined by the institution of the Partner State that determines questions of the election of members of the National Assembly responsible for the election in question.

2. The National Assembly of the Partner States shall notify the Speaker of the Assembly of every determination made under paragraph 1 of this Article.

ARTICLE 53

Speaker of the Assembly

1. The Speaker of the Assembly shall be elected on rotational basis by the elected members of the Assembly from among themselves to serve for a period of five years.
2. The Speaker of the Assembly shall vacate his or her office:
 - (a) upon the expiry of the period for which he or she was elected;
 - (b) if he or she delivers his or her resignation in writing to the elected members;
or
 - (c) if he or she ceases to be qualified for election as Speaker of the Assembly.
3. The Speaker of the Assembly may be removed from office by a resolution supported by not less than two thirds majority of the elected members for inability to perform the functions of his or her office, whether arising from infirmity of mind or body or for misconduct.

ARTICLE 54

Invitation of Persons to Assist the Assembly

1. The Speaker of the Assembly, may invite any person to attend the Assembly, notwithstanding that he or she is not a member of the Assembly, if in his or her opinion the business before the Assembly renders his or her presence desirable.
2. The rules of procedure of the Assembly shall make provisions for a person so invited to take part in the proceedings of the Assembly relating to the matters in respect of which he or she was invited.

ARTICLE 55

Meetings of the Assembly

1. The meetings of the Assembly shall be held at such times and places as the Assembly may appoint.
2. Subject to the provisions of paragraph 1 of this Article, the Assembly shall meet at least once in every year at Arusha in the United Republic of Tanzania and at a time to be determined by the Assembly.

ARTICLE 56

Presiding in the Assembly

There shall preside at any sitting of the Assembly:

- (a) the Speaker of the Assembly; or
- (b) in the absence of the Speaker of the Assembly, such elected member of the Assembly as the elected members may elect for the sitting.

ARTICLE 57

Quorum and Vacancies in the Assembly

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.
2. In reckoning the number of members who are present for the purposes of paragraph 1 of this Article, the person presiding shall not be taken into account.
3. The Assembly may transact business notwithstanding that there is a vacancy among its members, and the attendance or participation of any person not entitled to attend or participate in the proceedings of the Assembly shall not invalidate those proceedings.

ARTICLE 58

Voting in the Assembly

1. All questions proposed for decision in the Assembly shall be determined by a majority of the votes of the members present and voting.
2. The ex-officio members of the Assembly shall not be entitled to vote in the Assembly.
3. When in the absence of the Speaker of the Assembly a member is presiding in the Assembly, the member presiding shall retain his or her right to vote.
4. If the votes of the members are equally divided upon any motion before the Assembly, the motion shall be lost.

ARTICLE 59

Bills and Motions in the Assembly

1. Subject to the rules of procedure of the Assembly, any member may propose any motion or introduce any Bill in the Assembly:

Provided that a motion which does not relate to the functions of the Community shall not be proposed in the Assembly, and a Bill which does not relate to a matter with respect to which Acts of the Community may be enacted shall not be introduced into the Assembly.

2. The Assembly shall not:
 - (a) proceed on any Bill, including an amendment to any Bill, that, in the opinion of the person presiding, makes provision for any of the following purposes:
 - (i) for the imposition of any charge upon any fund of the Community;
 - (ii) for the payment, issue or withdrawal from any fund of the Community of any moneys not charged thereon or the increase in the amount of any such payment, issue or withdrawal;
 - (iii) for the remission of any debt due to the Community; or

- (b) proceed upon any motion, including any amendment to a motion, the effect of which, in the opinion of the person presiding, would be to make provision for any of the said purposes.
3. In addition to the provisions of paragraphs 1 and 2 of this Article:
- (a) the Council shall publish annually and present to a meeting of the Assembly a general report on the activities of the Community and which the Assembly shall consider at its meeting;
 - (b) the Assembly may by a majority of votes cast request the Council to submit any appropriate proposals on matters on which it considers that action is required on the part of the Community for the purpose of implementing this Treaty; and
 - (c) the Assembly shall hold an annual debate on the report to be submitted to it by the Council on progress made by the Community in the development of its common foreign and security policies.

ARTICLE 60

Rules of Procedure of the Assembly

The Assembly may make, amend, add to or revoke rules governing the procedure of the Assembly.

ARTICLE 61

Powers, Privileges and Immunities of the Assembly and its Members

1. The Members of the Assembly shall be immune from legal action for any acts of omission or commission in the discharge of their functions under this Treaty.
2. The Community may, for the orderly and effective discharge of the business of the Assembly, enact legislation for the powers, privileges and immunities of the Assembly, its Committees and members.

ARTICLE 62

Acts of the Community

1. The enactment of legislation of the Community shall be effected by means of Bills passed by the Assembly and assented to by the Heads of State, and every Bill that has been duly passed and assented to shall be styled an Act of the Community.
2. When a Bill has been duly passed by the Assembly the Speaker of the Assembly shall submit the Bill to the Heads of State for assent.
3. Every Bill that is submitted to the Heads of State under paragraph 2 of this Article shall contain the following words of enactment:

Enacted by the East African Community and assented to by the Heads of State.

ARTICLE 63

Assent to Bills

1. The Heads of State may assent to or withhold assent to a Bill of the Assembly.
2. A Bill that has not received assent as provided for in paragraph 1 of this Article within three months from the date on which it was passed by the Assembly shall be referred back to the Assembly, giving reasons, and with a request that the Bill or a particular provision thereof be reconsidered by the Assembly.
3. If the Assembly discusses and approves the Bill, the Bill shall be re-submitted to the Heads of State for assent.
4. If a Head of State withholds assent to a re-submitted Bill, the Bill shall lapse.

ARTICLE 64

Publication of Acts of the Community

The Secretary General shall cause every Act of the Community to be published in the Gazette.

ARTICLE 65

Relations Between the Assembly and the National Assemblies of the Partner States

In pursuance of the policy of the Community of popular participation in the achievement of its objectives and so that the Council may be able to take into account in the exercise of its functions, the opinion of the general public in the Partner States on matters relating to the achievement of the objectives of the Community as expressed through the debates of the elected members of their National Assemblies, and those of the Assembly and to foster co-operation between the Assembly and the National Assemblies of the Partner States hereinafter referred to as “the National Assemblies”:

- (a) the Clerk of the Assembly shall as soon as practicable transmit to the Clerks of the National Assemblies copies of the records of all relevant debates of the meetings of the Assembly to be laid before the National Assemblies, by the respective Ministers responsible for *East African Community affairs*;
- (b) the Clerk of the Assembly shall as soon as practicable transmit to the Clerks of the National Assemblies copies of the Bills introduced into the Assembly and Acts of the Community to be laid before the National Assemblies for information;
- (c) the Clerks of the National Assemblies shall as soon as practicable transmit to the Clerk of the Assembly copies of the records of all relevant debates of the meetings of their National Assemblies other than those with respect to the matters laid before their National Assemblies in pursuance of the provisions of sub-paragraph (a) of this paragraph; and
- (d) the Clerk of the Assembly shall as soon as practicable transmit to the Secretary General copies of all the records of debate referred to in sub-paragraphs (a) and (b) of this paragraph for information to the Council.