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KENYA NATIONAL ASSEMBLY

TENTH PARLIAMENT

THE DEPARTMENTAL COMMITTEE NO. C ON DEFENCE AND FOREIGN RELATIONS

REPORT ON THE PROPOSED HARMONISED RULES TO HANDLE EAST AFRICAN LEGISLATIVE ASSEMBLY BUSINESS

CLERK'S CHAMBERS,
PARLIAMENT BUILDINGS,

NOVEMBER, 2009

PREFACE

Mr. Speaker, Sir,

1. The Departmental Committee on Defence and Foreign Relations was constituted on 17th June, 2009 pursuant to provisions of Standing Order 198 (1) and (2). Under the provisions of Standing Order 198 (3) the Committee is mandated to:-

- (i) investigate, inquire into, and report on all matters relating to the mandate, management, activities, administrations, operations and estimates of the assigned Ministries and departments;*
- (ii) study the Programme and policy objectives of the Ministries and departments and the effectiveness for the implementation;*
- (iii) study and review all legislation referred to it;*
- (iv) study, assess and analyse the relative success of the Ministries and departments as measured by the results obtained as compared with its stated objectives;*
- (v) investigate and inquire into all matters relating to the assigned Ministries and departments as they may deem necessary, and as may be referred to them by the House or a Minister, and*
- (vi) make reports and recommendations to the House as often as possible, including recommendation of proposed legislation.*

Further, pursuant to provisions of Standing Order 212 (1) (2) and (3) the Committee is mandated to:-

- (1) Members of the East African legislative assembly and the pan African Parliament shall present half yearly reports of the respective activities of the Assembly and Parliament to the House through the Committee on Defence and Foreign Relations.*

(2) Members of the East African Legislative Assembly and the pan African Parliament may present any report to or consult with the Committee on Defence and Foreign Relations or any other Committee of the House on any matter relating to the work of the East African Legislative Assembly and the Pan African Parliament respectively.

(3) The Committee on Defence and Foreign Relations or other concerned Committee shall submit the reports referred to in this part to the House with its recommendation, if any.

2. The Committee oversees the performance of the following Ministries and Government Department:-

- (i) Defence;
- (ii) Foreign Affairs;
- (iii) East African Community and;
- (iv) National Security Intelligence Service.

3. Under the above Ministries, the Committee covers the following subjects;

- (i) Defence matters;
- (ii) Foreign policy;
- (iii) Treaties , Conventions and Agreements;
- (iv) International and Regional Organisations;
- (v) Bilateral and Multilateral Relations;
- (vi) Regional Cooperation policy;
- (vii) East African Community affairs;

MEMBERSHIP

4. The Committee comprise the following Members:-

- (i) The Hon. Adan Keynan Wehliye, MP - **Chairperson**
- (ii) The Hon. Hassan Ali Joho, MP – **Vice Chairperson**
- (iii) The Hon. Julius Kiema Kilonzo, MP
- (iv) The Hon. Eugene Ludovic Wamalwa, MP
- (v) The Hon. Charles M. Kilonzo, MP
- (vi) The Hon. Jeremiah Ngayu Kioni, MP
- (vii) The Hon. George Nyamweya, MP
- (viii) The Hon. Joshua Serem Kutuny, MP
- (ix) The Hon. Peter Edick Omondi Anyanga, MP
- (x) The Hon. Benedict Fondo Gunda, MP
- (xi) The Hon. Wilson Mwotiny Litole, MP

ANALYSIS OF THE PROPOSED HARMONISED RULES OF PROCEDURE ON HOW TO HANDLE EALA BUSINESS

5. The Committee analysed the proposed harmonised rules of procedure on how to handle EALA business during its sitting held on Tuesday November 17, 2009. During the analysis of the proposed harmonised rules the Committee noted that the proposed rules are in line with the National Assembly Standing Order 212, which provides for the procedure on reports of the East African Legislative Assembly and the Pan African Parliament and that the rules will further harmonise the activities of the National Parliaments and those of the East African Legislative Assembly in terms of reports and Bills.


While analysing the proposed rules the Committee took cognisance of the provisions of Article 49 2 (a) of the Treaty for the Establishment of the East African Community which provides that the Assembly shall liaise with the National Assemblies of the Partner States on matters relating to the Community. Further the Committee noted the provisions of Article 65 which generally provides for the exchange of information on matters relating to EAC between Clerks of the National Parliaments and the Clerk of the East African Legislative Assembly.

Mr. Speaker, Sir,

6. The Committee wishes to record it's appreciation to you and the Clerk of the National Assembly for the continuous facilitation of our operations. We also wish to record our appreciation to the Ministry of East African Community for working closely with the Committee during the analysis of the proposed harmonised rules of procedure on how to handle EALA business.

7. It is now my humble duty, on behalf of the Committee to table the report and commend it to the House for adoption, pursuant to provisions of Standing Order 181.

Thank you,

Sign: 

THE HON. ADAN W. KEYNAN, MP.

CHAIRPERSON, DEPARTMENTAL COMMITTEE ON DEFENCE AND FOREIGN RELATIONS

Date: 18/11/09

ADOPTION OF THE PROPOSED HARMONISED RULES OF PROCEDURE ON HOW TO HANDLE EALA BUSINESS

8. The Committee in its 18th sitting adopted the proposed harmonised rules to handle EALA business in line with Articles 49 2 (a) and 65 (a), (b), (c) and (d) of the Treaty for the Establishment of the East African Community.

Article 49 2 (a) provides that the Assembly shall liaise with the National Assemblies of the Partner States on matters relating to the Community. Further Article 65 generally provides for the exchange of information on matters relating to EAC between Clerks of the National Parliaments and the Clerk of the East African Legislative Assembly.

The Committee noted that the harmonised rules will synchronise the activities of the National Parliaments with those of the East African Legislative Assembly in as far as reports and Bills are concerned. The harmonised rules are in line with the spirit of East African Community.

9. After analysing the proposed harmonised rules, the Committee further noted that they are in line with the National Assembly Standing Order 212, which provides for the procedure on reports of the East African Legislative Assembly and the Pan African Parliament, and approved them as follows.

PROPOSED HARMONISED RULES OF PROCEDURE ON HOW TO HANDLE EALA BUSINESS

(a) SUBMISSION OF REPORTS TO PARLIAMENT

1. The Members of the EALA shall present a bi-annual report of the activities of the Assembly for the relevant year to the House through the Minister responsible for the East African Community Affairs.
2. The report shall be referred to the appropriate Committee of the House for consideration.

Annexure

PROPOSED HARMONISED RULES OF PROCEDURE ON HOW TO HANDLE EALA BUSINESS

(a) Submission of Reports to Parliament:

1. The Members of the EALA shall present a bi-annual report of the activities of the Assembly for the relevant year to the House through the Minister responsible for the East African Community Affairs.
2. The report shall be referred to the appropriate Committee of the House for consideration.
3. The Committee shall submit its report with recommendations, if any, to the House for debate.
4. The House shall within two months of receipt of the report of the Committee, debate it and the records of the debate transmitted to EALA.
5. If after the above period in (4) above has elapsed before the House is able to debate the report, the report shall be taken to have been approved by the House and EALA informed as such.
6. The Members of the Assembly may, if they consider it desirable to do so, present any special report to the House on any matter relevant to the work of the Assembly or EAC. The presentation of the special report shall follow the same procedures as above.

(b) Consideration of Bills and other records:

1. Bills and other records transmitted from EALA shall be laid before the House by the Minister responsible for East African Community Affairs.
2. The Bills shall be referred to the appropriate Committee of the House for comments.
3. The comments of the Committee shall be transmitted to EALA forthwith.