

South Sudan impasse impedes swearing in of EALA legislators

From DEUS NGOWI in
Arusha

THE East African Court of Justice (EACJ) has restrained the East African Legislative Assembly (EALA) from administering oath of office to its members, hence stalling whatever timetable that would be set for the commencement of the fourth assembly.

The order was delivered by the First Instance Division of the EACJ, as an interim ex parte order restraining swearing-in of new members or otherwise to recognise nominees from the

Republic of South Sudan pending the hearing of inter-parties tomorrow.

The ex parte hearing was before and decided here by the Principal Judge Monica Mugenyi; Deputy Principal Judge Isaac Lenaola and judges Faustin Ntezilyayo, Fakihi Jundu and Audace Ngiye.

It comes as a result of an application filed by Mr Wani Santino Jada, a citizen of the Republic of South Sudan against the Attorney General of the Republic of South Sudan, the Speaker of the Parliament of South Sudan and the Secretary General of the

East African Community (EAC).

All parties have been served with the ex parte order that was issued by the court.

Mr Jada who represented himself at the ex parte hearing claimed that on or about the 11th of March 2017, the President of the Republic of South Sudan appointed nine persons to represent the said partner State in EALA and that it was in violation of Article 50 of the Treaty for the Establishment of the EAC.

He argued that whereas the swearing-in of EALA MPs that was due to take place on the 5th of June, 2017 and had since been

deferred incidentally, it could nonetheless transpire before the hearing of the interim orders of inter parties thus rendering the said application nugatory.

Article 50 of the EAC, on election of EALA members provides for each partner state's parliament, to elect, not from among its members, nine members of the Assembly, who will represent as much as it is feasible, the various political parties represented in the national assembly.

Among others, it provides that such election should take into consideration gender and other special interest groups in

the respective partner state, in accordance with such procedure as the national assembly of each partner state may determine.

The EACJ is one of the organs of the EAC established under Article 9 of the Treaty for the Establishment of the Community.

It was established in November 2001 and its major responsibility is to ensure the adherence to law in the interpretation and application of and compliance with the EAC Treaty. Speaker of EALA, Mr Dan Kidega dissolved the third Assembly on June 2, this year.