



## EAST AFRICAN COMMUNITY

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### IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

#### The Official Report of the Proceedings of the East African Legislative Assembly 128<sup>TH</sup> SITTING - THIRD ASSEMBLY: FIFTH MEETING – FOURTH SESSION

Thursday, 10 March 2015

*The East African Legislative Assembly met at 2:34 p.m. in the Mt. Kilimanjaro Auditorium,  
Bank of Tanzania in Dar-es-Salaam, Tanzania*

#### PRAYER

*(The Speaker, Mr. Daniel .F. Kidega, in the Chair.)*

*(The Assembly was called to order)*

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#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable Members, good afternoon. Yesterday I should have communicated this but because the communication was long, I deferred it to today.

We would like to stand with our colleagues who, since we adjourned from Arusha, have faced some challenges at the domestic level. Hon. Bernard Mulengani lost his mother, and we thank hon. colleagues who stood with him, and the delegation that went with me for the burial.

Hon. Patricia also lost a close relative in Belgium and she went for the burial that took place in Belgium. I beg that we rise for one minute to observe a moment of silence.

*(Members stood in their places and observed a moment of silence.)*

**The Speaker:** May their souls rest eternal peace.

#### PAPERS

The following Paper was laid on the Table:  
(by the Chairperson, Committee on Accounts (Mr Jeremie Ngendakumana) (Burundi) :

The Report of the Committee on Accounts on the oversight activity undertaken with the EAC institutions on governance, project performance, and the implementation of the Assembly recommendations

**The Speaker:** I would like to draw your attention to Order No. 6 on the Order Paper. I would like to paraphrase the wording of Order No. 6, which states “Personal Explanation pursuant to Rule 40 of the Rules of Procedure of the Assembly.” The import of the provision of the Rule is for a personal explanation. However, what is going to happen here is a farewell statement

by the Secretary General to this Assembly. Therefore, I would like to rephrase this Order to mean the same but the import of the authority upon which this Order is on the Order Paper is Rule 40. So, the Secretary General will give us a farewell statement and not a personal explanation. There is no personal explanation to make here. Thank you.

## THE ASSEMBLY IN COMMITTEE

*(The Rt. Hon. Dan Kidega in the Chair)*

### BILL'S

#### COMMITTEE STAGE

The East African Community Disaster Risk Reduction and Management Bill, 2012

**The Speaker:** The Committee will go for amendments if any, and Hon. Pareno, who is representing the mover of the Bill, will either accept or decline the amendments as the case may be. I thank you so much.

Clause 1

**The Chairperson:** Hon. Members, the proposal is that Clause 1 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Speaker. I would like to propose an amendment on the Title.

**The Chairperson:** Chairperson, we are on Clause 1. The Title comes at the end. And you are not obliged to speak to this House while seated.

**Mr Bazivamo:** Mr Chairperson, I would like to propose a global amendment on all articles because as the Title – *(Interruption)*  
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**The Chairperson:** Chair, I have guided that the Title will be attended to at the end when all the clauses have been dealt with and as per the schedule of amendments that you have provided to me, there is no amendment for Clause 1.

**Mr Bazivamo:** No amendment.

**The Chairperson:** Thank you. So, I put the question to Clause 1 to be part of the Bill. May those in favour say, aye and the contrary, nay?

*(Question put and agreed to.)*

Clause 2

**The Chairperson:** Hon. Members, the proposal is that Clause 2 be part of the Bill.  
**Mr Bazivamo:** Mr Chairman, Clause 2 is proposed to be amended by:

- a) Deleting the definitions of “court”, “disaster risk management”, “national disaster” and “Partner States”;
- b) Inserting the following definitions: “Disaster management means organisation and management of resources and responsibilities for dealing with humanitarian aspects of emergencies, and in particular preparedness, response and recovery in order to lessen the impact of disaster”;
- c) Replacing “disaster risk reduction” with the following new definition: “Disaster risk reduction refers to a comprehensive framework for reducing disaster risks and building resilience to disaster in countries and in the Community”;
- d) Inserting the following new definitions: “IDRR Guidelines means guidelines for domestic facilitation and regulation of international disaster relief and initial recovery assistance adopted by Partner States and partner parties to the Geneva Conventions and the International Red Cross and Red Crescent Movement at the 30<sup>th</sup> International Conference of Red Cross and Red Crescent in 2007”;
- e) Replacing the definition of “internally displaced persons” with the following: “Displaced persons means persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence because of disaster triggered by natural hazards”.
- f) Replacing “regional disaster” with the following: “Regional disaster means a disaster occurring in one or more

Partner States, which may exceed the existing capacities of a Partner State.”

Rt. Hon. Chairperson, I beg to move.

**Ms Pareno:** Rt. Hon. Chair, the Committee deliberated on these amendments and we accept them.

**Mr Bazivamo:** I beg to move that the following amendment be inserted in Clause 2: The heading of Part 2 is amended by replacing it with the following new heading “Operational principles and guidelines.” This is for clarity. I beg to move.

**The Chairperson:** Thank you.

**Ms Pareno:** We do accept that amendment, Mr Chairperson.

**The Chairperson:** Hon. Colleagues, you realise this is not amendment of a clause but a heading. However, I think since it is part of the Bill, we can pronounce ourselves on it. I put the question.

*(Question put and agreed to.)*

**The Chairperson:** So, now Hon. Colleagues the proposal is that Clause 3, as is, be part of the Bill. Chair, do you have any amendment on Clause 3?

**Mr Bazivamo:** Thank you, Rt. Hon. Chairperson. The amendment is what I was calling a global or general amendment. Wherever we find disaster risk reduction and management, we add at the end to read “disaster management.” And why is was a global amendment is that the Bill deals with disaster risk reduction, which is a preventive approach and then disaster management, which is actually measures to fight against or to reduce the impact of the disaster, which has already occurred. So, it is important wherever we find it, we put the word “disaster” before management.

In this Clause 3, I would wish we added “disaster” before management at the end of the sentence. I beg to move.

**The Chairperson:** Thank you so much. In the schedule of amendments provided - it

may not be there with you- but what the Chairman is saying is that in Clause 3 - and others to come - wherever there is “management”, they are adding the word “disaster” thus making it “disaster management”. That is what he has just qualified. So, it is in order, and it will appear in other amendments as well. However, it also appears in Clause 3. Are we together?

So, I put the question to the amendment moved by the Chair to insert the word “disaster” before “management”. Those in favour say, aye and to the contrary, nay.

*(Question put and agreed to.)*

*(Clause 3, as amended, agreed to.)*

Clause 4

**The Chairperson:** Hon. Members, the proposal is that Clause 4 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chairperson. I propose that Clause 4 be amended as follows:

Clause 4(i) is amended by replacing it with the following: “Comprehensive disaster risk reduction measures shall be developed and implemented for the protection of persons and national environments before, during and after disasters in accordance with the legal framework for action and other relevant regional and international instruments.”

Clause 4(ii) is amended and replaced with the following; “Disaster risk reduction shall be integrated into national and regional development instruments and poverty reduction programmes to increase resilience and reduce people’s vulnerability to disasters.”

Clause 4(iii) is amended and replaced with the following; “Measures shall be taken to strengthen human capacity and financial resources in disaster risk reduction and management including preparedness, response and recovery.”

Insert a new Clause 4(iv) to read as follows: “For disaster risk reduction and disaster management shall be applied to adopt to climate change at regional, national and local levels.”

I beg to move.

**The Chairperson:** Would you like to clarify why the amendments are being done?

**Mr. Bazivamo:** Yes, Sir. In part 4 (i), this is to make it clear, to apply both to the East African Community and Partner States and for 4 (ii) it is for proper sequencing and 4 (iv) is for locality. I beg to move.

**The Chairperson:** Thank you, Chair.

**Ms Pareno:** We have no objection, Rt. Hon. Chairperson. This was really discussed by the Committee.

**Mr. Ogle:** In view of the earlier statement by the Chair that immediately after “disaster risk reduction,” there shall be added “management,” is it not fair that the suggested amendment in parts (i) and (ii) also contain that element of management which is also captured in the subsequent ones, in 4 (iii) and 4 (iv)? I thought the element of management should also be covered. Thank you.

**The Chairperson:** Thank you Hon. Ogle. I agree with you but we passed a global amendment, which should apply, to all in the interest of time. However, you are right.

**Mr. Ngoga:** Thank you, Mr Chairperson. Clause 4 refers to global framework, which has lapsed. It does not exist anymore; another instrument has replaced it. Therefore, I am finding it difficult to refer into the law on an instrument that does not exist. It lapsed in 2015. So, I am proposing that we just refer to relevant regional and international instruments. That means that each instrument that comes into place shall apply.

**The Chairperson:** I will treat Hon. Ngoga’s submission as providing an

amendment to the amendment provided by the Chair. And I would like somebody to support it and speak in favour.

**Mr. Mwinyi:** Thank you, Rt. Hon. Chair. I second and support the proposed amendment on the very reasons that he has put through. If a frame of action has lapsed and does not exist, it would not make sense to put it on record. So, in order to cover our basis, I think the proposed amendment will deal adequately on this matter. I thank you.

**Ms Pareno:** Rt. Hon. Chairperson, I think the amendment is quite logical considering that the allegations that it lapsed in 2015 and I would like to say that this is a consequence of actually having taken too long to pass this Bill. At the time when we were doing the Bill, the provision was still there. It has since lapsed and I think it is only in order that we accept the amendment.

**The Chairperson:** Thank you so much mover. You know this Bill is very old with us and so time has affected it to some extent. I now put a question to the amendment moved by Hon. Ngoga. May those in favour say, aye and the contrary, nay?

*(Question put and agreed to.)*

**The Chairperson:** I now put a question to the amendment of the Chair. May those in favour say, aye and the contrary, nay?

*(Question put and agreed to.)*

*(Clause 4, as amended, agreed to.)*

Clause 5

**The Chairperson:** Hon. Members, the proposal is that Clause 5 be part of the Bill.

**Mr. Bazivamo:** Thank you, Rt. Hon. Chairperson. I propose the following amendment for Clause 5 by replacing it with the following: “Disaster management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality and on the

basis of non-discrimination while taking into account the needs of a particular vulnerable group.” This is to fit in the general nature. I beg to move.

**Ms Pareno:** No objection.

**Ms Byamukama:** Thank you, Mr Chairman. I would like to get some clarification on what is defined as “particularly vulnerable”. Why didn’t the Committee consider taking into account the needs of the vulnerable? What is the distinction between particularly vulnerable and vulnerable?

**Dr Ndahiro:** Mr Chairman, I would like to seek clarification on the word “vulnerable” whether it included persons with disabilities and if so, why can’t we categorically mention persons with disabilities and maybe, other vulnerable groups. I do not know how it is defined in the Bill but I just wanted to be clear on that issue. Thank you.

**The Chairperson:** The vulnerability is defined in the Bill and international instruments and I think it includes that. But in case you are still bent on introducing an amendment to specifically mean that, that is another statement. But I think the Chair is still having an obligation to clarify to Hon. Dora.

**Mr Bazivamo:** Thank you, Mr Chairman. This clause is amended to take into consideration – actually, when it comes to disaster, there are people who are normally vulnerable and who become more vulnerable than they were before. So, we wanted to emphasise on the needs of such people. This is an abnormal situation where there are people who are more vulnerable and here we insist on that but we want it to be a global term as it is defined in the Bill. I beg to move.

**The Chairperson:** Let us first dispose this of but Dr Ndahiro, I understand your position, I will give you chance after we have disposed of this. I hope Hon. Dora you have been clarified to on that. If you are not

satisfied, the only way out is to move an amendment to it or something like that. I will come back to the rest of the Members.

**Ms Byamukama:** Mr Chairman, I did move an amendment and I had proposed that maybe it might be better to say while taking into account the needs of the vulnerable because when you look at the Bill, what is defined is actually not “vulnerable” but “vulnerability.” So, if we are now saying “particularly vulnerable” and you have not defined what this means, then you may lack clarity and certainty plus consistence in what we are drafting. So, maybe if the Chair or the mover could take into account this. Short of it, then you would have to define who is vulnerable and who is particularly vulnerable.

**Ms Pareno:** Thank you, Mr Chairman. I wanted to bring to the attention of the Hon. Ndahiro and Hon. Dora that the vulnerability we are talking about is defined in this Bill as follows: “Vulnerability means the characteristic and circumstances of a community, systems of asset that make it susceptible to the damaging effect of a hazard.” So, when we talk about vulnerability, we are not just talking about human beings, we are talking about vulnerability of the community, which involves the human beings, systems or assets that are susceptible to such hazards. So, we are not just restricting ourselves to individuals. That is why it is just left as vulnerability because when you have hazard, it affects all and not just human beings, even the buildings and all things are affected. That is why we left it like that as a Committee.

**The Chairperson:** Thank you so much. I think to unlock this, can I get the amendment Hon. Dora is putting forward. It makes it easier for me to capture.

**Ms Byamukama:** Thank you, Mr Chairman. Actually the explanation is making it even more complex because if the Hon. Chairperson says that vulnerability is not limited to persons, in the Bill what we

are looking at is that disaster management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality and on the basis on non-discrimination while taking into account the needs of the vulnerable. I think it may be better not to say “particularly vulnerable” because you may have to define what is particularly vulnerable. So, I would like to move an amendment to delete “particularly.”

**The Chairperson:** Seconded by Hon. Maryam, Hon. Mwinyi, Hon. Ngoga, Hon. Taslima and all the Members standing. Now, Hon. Mover, do you concede?

**Mr. Ogle:** Yes, I would like to suggest a further amendment to the amendment she is suggesting. Can I proceed? Mr Chairman, the words therein, particularly vulnerable is both open ended and political in some context. So, I don't think it is fair to retain it the way it is. I would rather that it be amended to provide this way, “...taking into account the situation of the needy people.” That is what I would like to suggest and we forget all about the whole idea of vulnerable.

**The Chairperson:** Hon. Ogle, you are introducing a very new concept of the needy people. I think let us deal with this until it cures.

**Ms Pareno:** I think Hon. Dora's amendment is only making it clearer. I do not have a problem with that.

**The Chairperson:** Thank you so much. Let me first dispose of the amendment. Hon. Members, the amendment as moved by Hon. Dora to delete the word “particularly” has been conceded to by the Mover. May those in favour say “aye” and those against, “nay”?

*(Question put and agreed to.)*

**Mr Kimbisa:** Hon. Chairman, in other literature, they use “most vulnerable.” If you go in the literature of the humanitarian industry like instead of while taking into

account the needs of the particularly vulnerable – *(Interruption)*

**Ms Byamukama:** Mr Chairman, with all due respect, I thought we had disposed of this particular point, are we revisiting it? Are we recommitting it?

**The Chairperson:** No. I think you have a right to refer to what has been disposed of if you want to have a re-committal. But a re-committal for just a word that the Mover has already conceded to...you have to think about it. But proceed.

**Mr Kimbisa:** I was just saying that instead of maybe using the word “particularly,” we would have used “the most vulnerable” which is the terminology used in the humanitarian industry while taking into account the needs of the most vulnerable.

**The Chairperson:** Hon. Kimbisa is actually bringing his own amendment, independent of the word “particular” to say “most”. That is his amendment. Is there a seconder...? Hon. Leonce, Hon. Bernard, Hon. Odette and all the Members standing.

Hon. Mover, are you taking the amendment as moved by Hon. Kimbisa to insert the word “most?” I now invite the Mover of the motion.

**Ms Pareno:** Mr Chairman, I think Hon. Dora's amendment has cured everything that needed to have been cured in this clause. Introducing a new thing will mess up the entire set up of this wording. Therefore, I do reject that amendment – *(interjection)*.

**The Chairperson:** Hon. Dr Ndahiro, on the same?

**Dr Ndahiro:** Yes, Chairman. I think I am in agreement with the mover because the definition of most vulnerable is not clear and is not in the Bill. In addition, it will actually take us back to where we were. The clause itself is based on the principle of non-discrimination but we should be clear. That is why the amendment Hon. Dora is

drafting has come in place and I will support it. Thank you.

**The Chairperson:** Hon. Dora is not drafting any amendment now, is she? Her amendment was disposed of and the word “Particular” is out of the Bill. What we are dealing with is the word “most,” which has been introduced by Hon. Kimbisa.

**Mr Mwinyi:** Thank you very much, Mr Chair. I have been convinced that this word “most” would be appropriate. It does not have to be defined. The meaning of most is in its ordinary meaning and what it would mean when you say, “most vulnerable” it covers in its ordinary meaning children, women, persons with disabilities or any other aspect acknowledged being more vulnerable than others in society. So, I believe that all those who are marginalised in certain parts – so, I believe the word “most” would be appropriate and it covers its ordinary natural English meaning. Thank you.

**Mr Mulengani:** Thank you, Chair. I will have very few words add after Hon. Mwinyi has said exactly what I wanted to say. But when you look at the clause, if you read the entire clause, the import of the Committee, I presume, having used the word “particular” was intended to achieve exactly looking at the less privileged in case disaster fell; the children, the elderly and the people with disability. Now, there is no best way we can achieve that other than inserting the word “most vulnerable.”

Mr Chairman, I want to urge colleagues to support this particular insertion and amendment by Hon. Kimbisa. It is very meaningful and it brings back the meaning that the Committee wanted to achieve by putting the word “particular.” I thank you.

**Ms Byamukama:** Mr Chairman, I think we have to look further and look at what we are trying to achieve or even how it will be interpreted. I think in the first instance, when you say, take into account the needs of the vulnerable, the vulnerable as a group

is known. And at one time Hon. Ndahiro was trying to explain whom the vulnerable are. So, when you introduce words like “particularly” or “most,” you are now introducing an element of ranking and yet this element of ranking is not clearly defined.

Will you now go, if you are going to ranking of the vulnerable, look at the women – will you look at the girl children or will you look at persons with disability? For me in my law school, which I studied and the principles of drafting, you need to be certain; you need to be clear; and you need to be consistent. So, when you start saying “most” or “particularly,” you are not drafting law; you are not enacting law; you are doing prose and poetry.

With due respect, I will stand by what you would like to vote on but my guidance is that whether you say, “most, very, particularly” this is superfluous and may be the Counsel to the Community can guide us further.

When you say, “vulnerable” this is internationally known and within the practical and administrative realities, they know who to go for in first instance, for example, if there is a fire, they will know who to go for. So, in view of this I will leave it to the House to decide but my humble view as a professional is that we should not go ahead and define vulnerable to say, “Particular” or “most.” I thank you.

**The Chairperson:** Before you proceed, you know very well that the introduction of the word “most” is bringing in a discrimination principle now. In understanding now as a trained lawyer also – (*Laughter*) - I mean as a person who presides over this law process. The Hon. Member has introduced a new understanding of hierarchy. That would imply also that when disaster falls, response is also categorised. Which one to be approached first and several other things. But it is left to you to see how to treat it.

**Dr Nyiramilimo:** Thank you, Mr Chair for giving me the chance to also debate on this matter. I rise in support of the amendment brought by Hon. Kimbisa. When there is a disaster, everybody is vulnerable and in order to help all the vulnerable people, the Partner States would have to rank – it is true that during any disaster, you have to rank and know who are the most vulnerable and you start with the wounded, the children – all these are the most vulnerable. The children who have lost their parents are most vulnerable. The other children are also vulnerable but it is the orphans who are most vulnerable. So, all this is something that has to be done during any disaster that occurs.

So, I think if we do not put the “most vulnerable,” it will be hanging and you cannot know whom to start with because everybody is vulnerable. Thank you.

**Dr Ndahiro:** Thank you, Mr Chairman. I think we are complicating the matter now. Mr Chairman, when you are responding to disaster and you want to be guided by the word “vulnerable,” one, it is subjective. Vulnerability is not a permanent phenomenon. A community can be vulnerable today and it is no longer vulnerable tomorrow. There are changes that can be only judged by human beings.

Now, if you want to introduce the administrative measures that can be undertaken by an individual or local government to define who is vulnerable and who is not, it is a problem. My concern here is, if we already know people we want to take care of, why don't we mention them and then leave the word vulnerability. This is because it is hard to determine. I am saying this because when you are responding, you always want to be prepared. Maybe you will need wheelchairs, stretchers, guide dogs or listening equipment. All those are things that you must prepare in order to respond to any disaster particularly for the so called vulnerable you want to mention. However,

I am of the view that we can instead mention persons, children, women and persons with disabilities and forget about the vulnerability because it is based on human judgment that is not always correct. Thank you.

**The Chairperson:** Hon. Members, you know vulnerability differs depending on how the disaster has befallen. Can you imagine a situation where a strong flood has swept an area and a very strong man, maybe the strongest man in the village, has been lifted and is hanging on a tree and then the most impaired person on that village is actually somewhere in a safe house. Who is more vulnerable at that point? So, we seem to be introducing administrative concepts into this law. That is what my understanding is. But let me give two or three more Members a chance and then see what to do.

**Mr. Ngoga:** Thank you, Chair. There is something that Hon. Kimbisa mentioned that I am very much interested in. He said that “most vulnerable” is standard in international instruments. We are not trying to create something new. Certainly, there is a standard – a caption that is used in international instruments. So, maybe if he can give us further explanations, we would have no option if that is the standard word that is used in international instruments.

**Mr. Mulengani:** Thank you, Chair. From your guidance and from my own judgment, as a paralegal now, much as I did not go to law school, for consistence, if the legal minds that are here can really guide us. For consistence this House, that particular while and blah, bla becomes irrelevant if the situation of disaster fell, everybody is vulnerable and if it is administrative as you guide, then we leave for the people who come to rescue to decide who is more vulnerable at that point other than describing the administrative part of it.

Why am I saying this? It is because when you read the clause, it says, “The Partner States shall ensure that disaster risk



reduction and disaster management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality and on the basis of non-discrimination.” Now there is a rider. “...while taking into account the needs of particularly vulnerable people.”

Mr Chairman, why I am saying that “...while taking into account the needs of particularly vulnerable people,” becomes redundant based on the debates that have ensued. So, I am first of all withdrawing my earlier statement and proposing to delete from “while” up to “vulnerable.”

**The Chairperson:** Let us first deal with one and then we shall come back to that later.

**Mr. Taslima:** Thank you, Mr Chairman. Having looked at what the import might be from this statement, “Disaster management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality...” All those are concerned with the people who are doing the disaster management. They must exercise the humanity, neutrality, independence and impartiality. Now, on what basis? They are saying based on non-discrimination. So, it is everybody. But this last rider says, “...while taking into account the needs of the most vulnerable.”

Now, the way I look at it, the most vulnerable are not only going to be non-discriminatory not basing on the principles of humanity, neutrality, independence and impartiality meaning that when you take special attention on the people who are most vulnerable, it means you will do more for these people because they are not affected like anybody else.

**The Chairperson:** Don’t you think that will be administrative?

**Mr. Taslima:** I think that this is a guideline on how to go about this and as Hon. Kimbisa said, it is true, when you look at the international write-ups talking about the vulnerable people, you will find the “most”

meaning that you cannot go to everyone but the most vulnerable ones. This is the import that I see.

**Ms Byamukama:** Mr Chairman, I think by continuing to think about this particular clause, we are coming up with a solution. When you look at the marginal note on Clause 5, it reads “Humanitarian principles in disaster risk reduction and management” So, what we are focusing on is the humanitarian principles. So, when you consider what Hon. Mulengani has proposed, that we should now just leave: “The Partner States shall ensure that disaster risk reduction and disaster management shall take place in accordance with the principles of humanity, neutrality, independence and impartiality and on the basis of non-discrimination,” and we stop there.

**The Chairperson:** Is it in the parent Bill?

**Ms Byamukama:** I am reading from the Parent Bill, going to what Hon. Mulengani said, and then coming to Hon. Taslima.

If we stop based on non-discrimination, I think we shall be safer because when we go, expand, and say, “...while taking into account the needs of the vulnerable,” we shall again be losing sight of the principles, which are of non-discrimination and humanity. Just as you have guided, if we go into this aspect, we are going to administrative measures, which may become a bit complicated. So, we may be safer since we are expounding on principles, just to stop at non-discrimination and then we leave it to the people who are on site to determine who is most vulnerable. Because if you are not most vulnerable, should you be left to die? I mean that is what we shall almost be saying. So, let us not contradict ourselves; the principles are clear and stop there. I thank you, Mr Chairman.

**The Chairperson:** Hon. Members, this debate is going to take us some time. What hon. Dora is expounding on what Hon.

Mulengani said, is actually even a bigger amendment than what Hon. Kimbisa has stated. So, I think we dispose of Hon. Kimbisa's by him giving us his response to, for example, what Hon. Ngoga has raised that is this a principle? However, let us have Hon. Ogle before.

**Mr. Ogle:** Mr Chairman, I was just going to seek your guidance whether my proposed amendment on Hon. Dora's amendment was still alive because it appears the debate is getting bogged down in a lot of semantics and ethical definitions of what vulnerable and what vulnerability really means here. So, can I seek guidance on that one?

**The Chairperson:** Hon. Ogle, I will guide you as you have requested. Hon. Dora's amendment was disposed of and carried the day and that is how the word "particular" disappeared from the Bill.

Now after the word "particular" disappeared from the Bill, a new amendment was introduced by Hon. Kimbisa to insert the word "most" and that is what we are dealing with right now. I am not going to conclude on this clause until all the intended amendments are done but we must dispose of one by one. Now we are dealing with Hon. Kimbisa. Let me hear from Hon. Mathuki and then I come to you.

**Mr. Mathuki:** Thank you, Rt. Hon. Chair. I am sure at the end of the day CTC may intervene because I think that is why he is here. However, most important is that when we are make laws here, we must understand what we are talking about when we are talking about vulnerability. Generally, it is associated with situations of poverty; it can also be in situations of isolation and of course in security but all in all in the face of risk.

The context we are talking about – we are saying in the event of a risk or disaster- then we must also consider the most vulnerable. Those who have no capacity to get out of the situation because of the challenges that have befallen them. So, I think we have to

be very careful and that is why I am supporting this aspect of ensuring that we put the most vulnerable because then we are differentiating between the most vulnerable and those who are vulnerable. Everyone is in the face of this disaster -this risk-but there are those who are more vulnerable. I, therefore, support Hon. Kimbisa's amendment.

**The Chairperson:** I am going to ask Hon. Kimbisa to say something but I don't know whether the CTC has any input to this?

**The Counsel to the Community (Dr Anthony Kafumbe) (Ex-Officio):** Mr Chairman, if I were to make an input now, I would propose that you just keep the word vulnerable because when you say "most vulnerable" then you will have a challenge of determining who is more vulnerable than the other, and you go into a difficult situation of categorising. Those details can be left to whoever is doing the rescue operations. Just say, the vulnerable and that is it.

**Mr Kimbisa:** Thank you, Mr Chairman. The word "most vulnerable" has passed the test of time, the test of profession, including law, the test of place and the test of industry. These words starting from "Disaster management shall take place in accordance with the principles..." are called seven principles of the Red Cross. When I saw them – go to all Red Cross literature and you will find that it is written seven principles of the Red Cross, which include humanity, neutrality, independence, impartiality and so on - they seven of them. There is no way you are going to end that with putting "the most vulnerable." There is no way, no time and no day. So, here we are not talking about something but making law. International lawyers have drafted these words.

If you go back to page 2 (d) where they say inserting the new IDRL means the guidelines for the domestic facilitation and regulation of international disaster relief and initial recovery assistance adopted by

State parties to the Geneva Conventions and the International Red Cross and Red Crescent Movement at the 30<sup>th</sup> International Conference of the Red Cross and Red Crescent in 2007. So, what I am saying – I am not coining it- it is the literature, which has been there from time immemorial, and everybody who goes to the literature of the Red Cross finds there “most vulnerable” and ends there.

**The Chairperson:** Thank you, Hon. Members. I think that on this matter I have given enough time for debate. The CTC has given his advice and as our Rules of Procedure require, we dispose it off. I now put this matter to a vote. His opinion to this House in the legislation process is advisory and that is why I, as the authority in this chair, said he has offered advice. So, I put the matter to vote. Those who are in favour of including the word “most” say, aye and those against, nay?

*(Question put and agreed to)*

**The Chairperson:** There are other amendments, which are still on the way.

**Mr. Ogle:** Mr Chairman, in view of the various conflicts this matter has elicited, I would like to suggest an amendment that the provision of this clause ends at “non-discrimination,” so that we eliminate the entire “most” or “particularly” vulnerable and all these things and just end there. Thank you.

**The Chairperson:** Seconded by Hon. Dora and the amendment of Hon. Ogle emphasises all the proposals by Hon. Mulengani and Hon. Dora.

**Mr Ogle:** The reasons for my suggested amendment is for purposes of clarity and just that so that we do not go through all these semantics of who is vulnerable and all that.

**Mr. Mwinyi:** Hon. Chair, our current discussion has raised an interesting procedural point. When is it an amendment and when is it a re-committal? Could you

have a clear definition of one because any one can bring a further amendment is you wish to go back? Therefore, could we have a clear explanation as to when there will be a further amendment and when will go back to the initial issue?

**The Chairperson:** We have not yet pronounced ourselves on the clause. Therefore, many more amendments can come. Re-committal can only happen when we have pronounced ourselves on a clause. So, what is now on the table is that an amendment to stop at non-discrimination and forget about all that is mentioned after that including the amendment introduced by Hon. Kimbisa. It has been seconded. So, can we debate that?

**Dr Ndahiro:** Thank you, Chairman. It is dangerous to stop at that. I would rather agree on the amendment because it at least gives some sense of accountability and responsibility otherwise if you put a full stop at non-discrimination, then nobody will be held accountable and even nobody will be forced to go further and find out whether there are really people who need more assistance than others. So, I would rather include that one and maybe believe that people will be more responsible and accountable. At least we shall be having something to hold people accountable. Thank you, Chairman.

**Ms Byamukama:** Thank you, Mr Chairman. When you include the words “most vulnerable” without describing or defining whom the most vulnerable are, then in fact we are saying nothing. Moreover, when you consider the issue of “most vulnerable” you will find that some people will take into account physical capacity while others will take into account poverty. It means different things to different people at different times. So, in effect, you can say it or you may not say it but it will not add any value just like the CTC has also advised.

However, I think that at this point in time, when you talk about the vulnerable – the

vulnerable have an international definition and they can be deciphered and discerned on sight by those who are in administration. So, I don't know whether we should continue on this or whether we should stand over it for more clarification but the point I want to make is that whether you say "most;" whether you say "particularly" as long as these are neither here nor there because these depend on circumstances, we are actually not adding a lot of value. That is what I would like to say. Thank you.

**The Chairperson:** Hon. Members, "particular" is out now and we have "most," and then there is an amendment to stop at non-discrimination. Let us first hear from the mover and then I come to you.

**Ms Pareno:** Thank you, Chair. I was hoping that the debate would have led us to leave it but after we have passed an amendment to insert "most," I think we are safer with that amendment that we have just passed than to leave it at non-discrimination. Now, if you imagine a disaster, there has to be some sort not really called discrimination but some sort of prioritisation when you enter a disaster zone. You will have to check who has no limbs and who has limbs to run around. So, there is some sort of priority and if we leave it at that then we shall be doing a disservice to those that are vulnerable. So, I am really praying that we leave it as passed.

**Ms Byamukama:** My clarification is simple, in the previous sentence you have said, "on the basis of non-discrimination," and now you are going ahead to talk about the "most vulnerable." You are discriminating as it were as the "most vulnerable." So, this is a contradiction in itself.

Let me just say it this way, for me and maybe for others who have said it before, this may be better left to administration because what we are dealing with here is harmonising principles in disaster risk reduction and these principles take into account non-discrimination. So, for the

operators and those who handle these issues may be in a better place to look into the issue of vulnerable. So, in effect what I am saying is that the Chairperson says we may have discriminate and look at some issues and yet the principle is saying non-discrimination. Why don't we leave it to the actors? Thank you.

**Ms Pareno:** I wish to clarify that even the word "vulnerability" in itself is some sort of positive discrimination. So, there is nothing wrong with positively trying to give priority to certain individuals. The word "vulnerable" in itself is self-explanatory. Those that are vulnerable should be given priority. So, if you leave it out then you are leaving out those that are vulnerable and need the help more.

**The Chairperson:** Thank you. It looks like Dr Ndahiro conceded. Finally, Hon. Mathuki and then I subject the matter to a vote.

**Mr Mathuki:** Mr Chairman, you are not far. Go to an accident scene where people are being rescued and then the criteria for whoever is rescued is got according to the language that you are talking and, therefore, maybe whoever is saving says let me save this particular tribe. That is discrimination depending on the circumstances that are existing. However, in this particular case of a disaster, we are saying in the context because when you are talking of a disaster, it is a situation of a diminishing capacity, of someone to resist or to cope with a crisis. That is why we are saying all discrimination notwithstanding, the most vulnerable – you could somebody is disabled or has a visual challenge and so forth and so use that to assist those that most vulnerable.

Mr Chairman, we are making a law in the context of international standards. Therefore, I think that it is only fair that we be specific. Yes, we save a situation but then we must see the most vulnerable so that they are not put in a difficult situation. So, let us be fair because this a law. Leaving

it to non-discrimination is too general. We should leave that to whoever is rescuing. They can use any parameter and then we lose it.

**Mr Ogle:** Mr Chairman, the biggest crime one can make in law making is to leave matters ambiguous, open ended, and subject to various interpretations. This is the import of the word vulnerable here, whether it is “most”, “Particularly”, or whatever. It is subject to various interpretations and we want to avoid that ambiguity.

I will give you an instance, there is an ethnic group in Kenya called the Elmoros. They are a couple of hundreds...about 400 to 500 thereabouts; their numbers never go beyond 400 to 500. Now, for them, by virtue of their numbers, they are always at a disaster. They are always considered vulnerable and so no Elmoros should be jobless, no Elmoros should go hungry. It does not matter whether there is a natural disaster striking. For the Elmoros ethnic group, it is 24 hours disaster. I am saying by virtue of their numbers. So, I am saying when the disaster as envisaged in this Bill comes in – *(Interruption)* -

**The Chairperson:** Hon. Ogle, before Hon. Mwinyi comes in on a Point of Clarification, are you insinuating that in a situation of disaster, say, an accident of a bus, if there is an Elmoros he should be the first to be attended to? *(Laughter)*

**Mr Ogle:** What I am saying, Mr Chairman is that there is that element of ambiguity in this clause. So, in order to avoid that, why don't we get rid of the whole idea of vulnerable?

**Mr Mwinyi:** Mr Chairman, I would like to seek clarification from my friend in that the basis of his argument is based on tribalism and division. He is importing something alien into the EAC that is only present in Kenya. Just being a small tribe should not denote that that tribe is vulnerable. Please, clarify further.

**Mr Ogle:** I have nothing further to clarify. Mr Chairman, I think he misunderstood the concept of my argument. I did not really mean to talk about this matter in the context of tribalism and the Kenyan thing he is talking about. Not at all. But what I am saying is for as long as you retain this idea of “most, particularly or less” vulnerable, you have a tendency for ambiguity and the only cure out of this thing is to get rid of that whole provision. It does not add value at all.

**The Chairperson:** Thank you. You have made your point. Hon. Members, the situation here is that Hon. Ogle has moved, was seconded and debate ensued that it be based on neutrality, independence and impartiality and on the basis of non-discrimination and we delete the rest. The contrary view is that we maintain that with the inclusion of “most vulnerable” which we have already passed. Now, I put the question on Hon. Ogle's proposal for deletion.

*(Question put and negative.)*

*(Clause 5, as amended, agreed to.)*

Clause 6

**The Chairperson:** Hon. Members, the proposal is that Clause 6, be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. We propose that Clause 6 be amended as follows:

Clause 6(1) is amended to read, “Persons affected by disasters shall be treated with human dignity as prescribed by this Act, and in accordance with the applicable international law.”

Clause 6(2) is amended by inserting the word “disaster” after the words “reduction and.” I beg to move.

**Ms Pareno:** No objection, Chair.

**Mr Ogle:** Mr Chairman, I have a problem with the definition of human dignity. What do they mean by human dignity? Is there

anything called human dignity? I do not quite understand the meaning of human dignity as put in this clause unless somebody somewhere is suggesting that there is inhuman dignity.

**The Chairperson:** The Hon. Member is seeking clarification on the import of human dignity and he has explored the opposite of that, which is inhuman dignity, if at all it is there. Dignity is dignity...that is what he is saying. What exactly are you raising, an amendment or clarification?

**Ms Byamukama:** Mr Chairman, I would also like to add on what my brother, Hon. Ogle has said. When you look at it and read the caption of human dignity, it does not make a lot of sense. It reads, “The Partner States shall afford persons affected by disasters, human dignity as prescribed – (*Interjection*) -

**Mr. Bazivamo:** Mr Chairman, I read the amended clause and not the former one. Thank you.

**The Chairperson:** What the Chair is saying is that read the amended clause and not the Parent Bill- the schedule of amendments in 6(1) that you are referring to in the report. Meanwhile, Chair, there is a pending clarification from Hon. Ogle on the issue of human dignity. I do not know whether you wanted to say it was just a matter of emphasis.

**Ms Pareno:** Thank you, Chair. I think it is just what he had said- just semantics because we are talking about dignity, I do not think we could be talking about inhuman – we do not have any other dignity other than human dignity.

**Ms Byamukama:** Mr Chairman, I would like to go back to what Hon. Ogle said that the persons affected by disaster should be treated with human dignity. Is this human dignity prescribed? Because when you look at the Treaty, what you have is maybe in a humanitarian manner or according- is this human dignity defined? If it is not defined, what does it mean? I see there is reference

with applicable international law but I think what would have been better would for this particular aspect to be defined – what is human dignity?

**Ms Nyirahabineza:** Thank you very much, Rt. Hon. Chair. In fact the issue I was going to raise has been ably said by Hon. Dora in that here it is written; “The Partner States shall afford persons affected by disasters human dignity as prescribed by this Act,” and yet I cannot see anywhere in this Act where this human dignity is prescribed.

Furthermore, considering Clause 5, the humanitarian principles – I think and I know that they are enshrined in many international instruments including the Geneva Convention. So, I think they should refer to these humanitarian principles and not to say human dignity as prescribed under this Act.

**The Chairperson:** I hope you have heard properly that there is no proper description of human dignity in this Act. You could go and quote other international instruments where that is very categorical. That is the issue being raised here.

**Mr Bazivamo:** Thank you, Mr Chairman. In matters of disaster, sometimes people treat victims as not normal – without respect – in an inhuman way. This Bill wishes to call for order so that even if people have become vulnerable because of disasters, even if they are weak due to the problems they have encountered, they have to be respected as human beings. We think that there is no harm to request Partner States to adhering to this principle of respecting the people while in pain. That is the reason we are calling for the implementation of that. I beg to move. Thank you

**The Chairperson:** What is critical here is the issue of saying as prescribed in this Act and yet it is not prescribed. That is one; and then two, the issue of human dignity. In dealing with human dignity, what is important here, does it cause any harm in

the law or does it just provide for emphasis? Does it hurt if it is removed or maintained? So, those are the two issues we need to address ourselves to those.

**Dr Nyiramilimo:** Thank you, Mr Chairman. The human dignity of course is a wide range of all the practices that respect the human being. If we go to Clause 7, human dignity is well provide for there. We shall see it where the Bill talks of ensuring that persons affected by disaster are recognised and treated as persons entitled to enjoy the same rights and freedoms either international, regional and domestic laws and shall not be discriminated on the basis of their race, colour, sex, disability, language, religion, political affiliation and all these are descriptions of human dignity. So, that is what it means in this law.

What has been amended is that -I am also a member of the Committee- we only removed the Partner States because it is not only the Partner State that will be asked to provide for people affected by the disasters but even the international community and organisations. So, there are so many organisations that can intervene and not only Partner States. But human dignity is well defined in what follows. Thank you very much.

**Dr Ndahiro:** Thank you, Chairman. I think the principle of human dignity is very important and we should not even tamper with it simply because, Chairman, in a disaster situation it is not only about protection but also even preserving ones dignity.

I can give you scenarios. I do not think any Member here would love to be shown on TV naked because he has just walked out of the house at night and maybe cameramen are there taking photographs. It means before you do that, you have to think that this is a human being and he or she deserves their dignity and so I cannot take their photo simply because they are running away from disaster and publish it. That is responsibility. So, the principle of human

dignity accords responsibility to people intervening in any disaster to preserve ones rights and dignity as we are calling it. Thank you, Chairman. I think it is an important aspect.

**Ms Byamukama:** Thank you, Mr Chairman. I think none of us is against the aspect or the term human dignity as such. I think our challenge is introduction of a phrase called human dignity which does not appear anywhere in the Treaty and whose definition is not clear. I think that is the biggest challenge.

Personally, let me try to be more constructive. If the clause said “the rights of persons affected by disaster shall be protected as prescribed or in accordance with international law”, or as the Treaty says under Clause 7, “with universally accepted standards of human rights”, that would be better because when you look at our Treaty, reference to human rights is before a Partner State becomes a member. Observance of human rights is under Article 3.

When you go ahead and look at Article 6, you also see human rights in the context of African Charter on People and Human Rights and then when you go to Article 7, this is even more broadened to universally accepted standards of human rights. So, the aspect, which Hon. Ndahiro is talking about in respect of someone who jumps out of their bed naked because of a disaster, is still covered under this respect for human rights in that the privacy of a person is a fundamental right. So, maybe if we could change it slightly and talk about the protection of persons who affected by disasters in accordance with universally accepted standards of human rights.

**The Chairperson:** Hon Byamukama I think I need to be helped here in the interest of time

**Ms Byamukama:** Thank you, Mr Chairman. I will draft something, Sir.

**Mr. Nduwimana:** Thank you, Mr Chairman, Sir. The clarification I would like to have is do people need to be treated with human dignity only when they are vulnerable or is it a need of all the time as well? Thank you.

**The Chairperson:** He has asked because we are talking to the context of disaster

**Dr Ndahiro:** Mr Chairman, can I propose that we remove the words referring to this Act and stop at human dignity and then probably if we want to consider international instruments, we can it but “as prescribed in this Act” be deleted. Maybe that will cure the confusion.

**Mr Ogle:** I was going to suggest so as we are clear about the kind of laws we are making here that the entire Clause 6 be deleted. It does not add any value.

**Ms Byamukama:** I would like to propose an amendment, which maybe will take into account the interests of the Committee, if it is acceptable. It reads, “The human dignity and rights of persons affected by disasters shall be respected or shall be upheld in accordance with universally accepted standards of human rights.”

**Ms Pareno:** Chair, I would like to say that what Hon. Dora is proposing is already taken care of in terms of what you have just asked. Persons affected by disasters shall be treated with human dignity and in accordance with applicable international law. So, international law wherever applicable – I do not see the difference.

**Ms Byamukama:** Mr Chairman I am still going back to the word “human dignity,” are we introducing it in the context of the Treaty because the Treaty says is human rights?

**The Chairperson:** That is in case we amended the proposal.

**Mr Ngoga:** Thank you, Mr Chair. I think I would like to share my thoughts with Hon. Dora that human rights is just one part of

international law- it is a component of international law. Human dignity is a set of values that are internationally accepted and we may not necessarily find where they are written because Customary Law is not written anywhere and it is binding on States. So, reference to international law – by the way, I am withdrawing my earlier intention to propose an amendment because I had issues with reference to international law ratified because even at times international law that is not ratified can be binding when it is part of Customary International Law.

So, a reference to International Law is safer. It encompasses everything; human rights; human dignity, which includes values and practices that are internationally accepted.

**Ms Byamukama:** Mr Chairman, in the interest of time, I would like – I am duly informed by my brother, but I would also like to say very clearly that when you have ambiguity – if people were not here when we were discussing this issue, you might eventually have problems of interpretation. I thank you.

**The Chairperson:** I now put the question on Clause 6 as amended to be part of the Bill.

*(Question put and agreed to.)*

Clause 7

**The Chairperson:** Hon. Members, the proposal is that Clause 7 be part of the Bill.

**Mr. Bazivamo:** Thank you, Mr Chairman. Clause 7(1) is amended by deleting the word “Partner States shall ensure that”

Clause 7(2) is amended by deleting the words “the Partner State shall implement” and the word “internally” and inserting the words “is realised” after the word “discrimination.” I beg to move.

**Ms Pareno:** No objection.



**The Chairperson:** I put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 7, as amended, agreed to.)*

Clause 8

**The Chairperson:** Hon. Members, the proposal is that Clause 8 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. Clause 8 (2) is amended by inserting the word “disaster” after reduction and Clause 8 (c) is amended by replacing it with the following: “Targeted measures shall be taken to include marginalised groups.” I beg to move.

**Ms Pareno:** No objection, Sir.

**The Chairperson:** I put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 8, as amended, agreed to.)*

Clause 9

**The Chairperson:** Hon. Members, the proposal is that Clause 9 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. Clause 9 (2) be amended by replacing it with the following: “For purposes of sub section 1, a Partner State shall ensure that: (a) Participatory community based disaster risk assessment are periodically cleared out; (b) area running system for the provisions of accurate and timely information are established and effectively maintained. (c) Disaster loss data bases and other open access and open source risk information platforms are established; (d) public awareness raising programmes on disaster risk reduction and disaster management are carried out to promote a culture of prevention; and (e) the disclosure of risk information is compulsory in public and private transactions.” I beg to move.

**Ms Pareno:** No objection, Chair.

**Ms Byamukama:** I wanted to move an amendment on the last sentence, Chair. To add “in all accessible formats” for it to read, “...private transactions in all accessible formats.”

**The Chairperson:** Is there somebody seconding the amendment, Hon. Odette. Yes Mover.

**Ms Pareno:** I think that is okay. No objection, Sir.

**The Chairperson:** I put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

**Mr Taslima:** Thank you, Mr Chair. As we have been using the word clause, now this arrangement says, “For the purpose of sub section, we should delete sub-section and say sub-clause. Here the word sub-section only appears all-over. We have been using clauses.

**The Chairperson:** No, we have it that is why he is referring to it. Now, I put the question to the amendment as put by Dr Ndahiro.

*(Question put and agreed to.)*

*(Clause 9, as amended, agreed to.)*

Clause 10

**The Chairperson:** Hon. Members, the proposal is that Clause 10 be part of the Bill.

**Mr Bazivamo:** Clause 10 (1) is amended by replacing it with the following: “Where needs to adaptation and risk reduction measures are not sufficient to protect persons at risk, such persons shall be facilitated to depart from the danger zone.” This is for Partner States.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 10, as amended, agreed to.)*

Clause 11

**The Chairperson:** Hon. Members, the proposal is that Clause 11 be part of the Bill. I now put the question that Clause 11 be part of the Bill.

*(Question put and agreed to.)*

Clause 12

**The Chairperson:** Hon. Members, the proposal is that Clause 12 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. Clause 12 (2) be amended by deletion of the word “can” appearing in the third line and 12 (3) to replace the word “which” with the word “where.” I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 12, as amended, agreed to.)*

Clause 13

**Mr Bazivamo:** Rt. Hon. Chair, in Clause 13(1) replace the word “persons” appearing in the first line with the word “people”, and insert the words “United Nations” after “1998”.

In Clause 13(3), delete the words “bear the responsibility” and replace with “shall cooperate with”.

**Ms. Pareno:** No objection, Chair.

*(Question put and agreed to.)*

*(Clause 13, as amended, agreed to.)*

Clause 14

**The Chairperson:** I now put the question that Clause 14 be part of the Bill.

*(Question put and agreed to.)*

*(Clause 14 agreed to)*

Clause 15

**The Chairperson:** Hon. Members, the proposal is that Clause 15 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. I propose that Clause 15 is amended by replacing the word “pupil” with the word “persons.” I beg to move.

**Ms Pareno:** No objection, Sir.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 15, as amended, agreed to.)*

Clause 16

**The Chairperson:** Hon. Members, the proposal is that Clause 16 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. Clause 16 is amended by replacing it with the following: “As much as feasible and in accordance with international human rights treaties ratified by the Partner States, interventions shall be planned in order to ensure access to food, water, shelter, health, education and livelihoods for affected persons.” I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 16, as amended, agreed to.)*

Clause 17

**The Chairperson:** Hon. Members, the proposal is that Clause 17 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. Clause 17 (1) is amended by inserting the word “to” after the word “right.” I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 17, as amended, agreed to.)*

Clause 18

**The Chairperson:** Hon. Members, the proposal is that Clause 18 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. Clause 18 (1) is amended by replacing it with the following: “Personal documentation for identification and other purposes like birth, marriage and death certificates, travel documents, land titles and educations and health certificates that are lost or destroyed during a disaster shall be restored to the affected persons by the relevant authorities in the Partner States.” I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 18, as amended, agreed to.)*

Clause 19

**The Chairperson:** Hon. Members, the proposal is that Clause 19 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. Clause 19 (1) and 19 (2) are amended by inserting the word “disaster” after the words “reduction and.” I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** But Hon. Chair, you might have to help us for our records by explaining the amendment to be captured. I know it is in the matrix but for the Hansard, it is very important. This particular one is a consequential amendment, which is okay. I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 19, as amended, agreed to.)*

Clause 20

**The Chairperson:** Hon. Members, the proposal is that Clause 20 be part of the Bill.

**Mr Bazivamo:** Thank you, Mr Chairman. In Clause 20 (1) to amend paragraphs a, c, d and f by inserting the word “disaster” before the word “management.” This is a consequential amendment.

Delete Paragraph (e) and insert a new paragraph (f) to read as follows, “Develop guidelines on the management of a fund established under Section 34.”

Insert a new paragraph g to read as follows, “Establish a regional mechanism for coordination of emergency response and humanitarian assistance with common standard operational procedures.”

20 (b) is replaced with the following: “Lay down the policies, plans and guidelines for disaster risk reduction and guidelines for disaster risk reduction management activities including risk assessment, monitoring and aerial running, sharing and dissemination of regional risk information for timely and effective preparedness and response.”

Mr Chairman, here we are amending for clarity and some are consequential. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 20, as amended, agreed to.)*

Clause 21

**The Chairperson:** Hon. Members, the proposal is that Clause 21 be part of the Bill. I now put the question that Clause 21 be part of the Bill.

**Mr Ngoga:** Thank you, Chair. When I look at the attributions of this Authority under Clause 20 and what is said about its meetings under Clause 21, I see a mismatch because here there are regular meetings established and extraordinary meetings only when the disaster occurs. However, when you go into the attributions, there are issues about early warning mechanisms and things that can be done for pre-emptive purposes. So, I am now suggesting that we amend Clause 21, keep the entire Clause as it is but we also – let me try to rephrase it: “The Authority shall meet at least twice every year and shall have extraordinary sittings each time a national or regional disaster occurs and at any other time as it may be deemed appropriate.”

**The Chairperson:** Hon. Dr Ndahiro, Hon. Sarah and Hon. Odette. The Hon. Member is saying that this provision restricts extraordinary meetings only to when disaster occurs.

**Ms Pareno:** I think that really helps the Bill in terms of holding the extraordinary meetings and any other meetings. So, it is acceptable.

**The Chairperson:** Thank you so much. I now put the question to the amendment moved by Hon. Ngoga.

*(Question put and agreed to.)*

*(Clause 21, as amended, agreed to.)*

Clause 22

**The Chairperson:** Hon. Members, the proposal is that Clause 22 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. Clause 22 is amended by inserting the word “disaster” before management.

Clause 22(2) to replace paragraph 2 with the following new paragraph: “The head of disaster risk and disaster management unit, who shall be the secretary to the board”

Clause 22(3) is amended by inserting the words “drawn from its members” between the words “shall be” and the word “on.” This is for clarity and a consequential amendment. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 22, as amended, agreed to.)*

Clause 23

**The Chairperson:** Hon. Members, the proposal is that Clause 23 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. Clause 23 (2) is amended by inserting the word “disaster” before management.

Clause 23(3) paragraphs a, b, d, f, and g are amended by inserting the word “disaster” before the word “management.”

Clause 23(3) paragraph (c) is replaced with the following: “Develop disaster preparedness and response plans to be approved by the Authority.”

Insert a new paragraph, h after paragraph g, to read as follows, “Develop organisational structures, terms of reference and job responsibilities for the unit.” I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 23, as amended, agreed to.)*

Clause 24

**The Chairperson:** Hon. Members, the proposal is that Clause 24 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. In tandem with Clause 24 (1) is amended by deleting the word “national or” and adding

after the word “occurs” the words “or whenever the board deems it necessary.”

Clause 24(2) is requesting for the following: “At any meeting of the board, the board may co-opt any person it may deem necessary for the conduct of business of the meeting.” I beg to move.

**The Chairperson:** Chair, have you finished your amendment on Clause 24?

**Mr Bazivamo:** Yes, I have finished. This part is a mistake – the remaining bit falls under Clause 25. Thank you.

**The Chairperson:** Thank you.

**Ms Pareno:** No objection, Chair.

**Mr Ngoga:** Thank you, Chair. I agree in essence with the substantive idea behind the proposed amendment but I think it is exactly the same situation with Clause 22. So, we can maintain uniformity here- what I proposed as the drafting in Clause 22 can be withheld.

**The Chairperson:** We shall treat it as a consequential amendment like the one we did earlier in the other clause. Thank you.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 24, as amended, agreed to.)*

Clause 25

**The Chairperson:** Hon. Members, the proposal is that Clause 25 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. Clause 25 as it is has no major amendment but we have another 25 later on as a proposed new clause when it comes. But on this one, the amendment is to add “disaster” before management unit. I beg to move.

**Ms Pareno:** Those are the consequential amendments.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

**The Chairperson:** Hon. Chair, if you are dealing with a clause, please deal with it comprehensively and not in parts.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. I propose that we renumber sub-clause 4 of Clause 25 to become sub-clause 2 and delete the words “under sub-section 2” and then renumber sub-clause 2 to become the new sub-clause 3 and insert the word “disaster” before management and then sub-clause 3 becomes sub-clause 4. I beg to move.

**The Chairperson:** Hon. Chair, would you like to tell the Members the justification?

**Mr Bazivamo:** Mr Chairman, it is for rearrangement for good floor of the sequence. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 25, as amended, agreed to.)*

Clause 26

**The Chairperson:** Hon. Members, the proposal is that Clause 26 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. Clause 26 is amended as follows: 26(1) is amended by inserting the word “disaster” before management and inserting after the word comprehensive the words “approach to disaster risk reduction and disaster management taking into account.” And the other follows.

Paragraph (f) is amended by transferring the words “approach to disaster risk reduction and management” to the end of the clause.

We propose to introduce a new paragraph (g) to read “Science based” and a new paragraph (h) to read “standards for risk assessment.”

After Clause 26, the Bill is amended by including a new part IV to read “Establishment of East African Community Disaster Risk Reduction and Disaster Risk Management Fund.”

Mr Chairman, I propose may be we deal with Clause 26 and then deal with this new insertion comes in between. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 26, as amended, agreed to.)*

**The Chairperson:** For clarity, the insertion that you have mentioned is a drafting matter. It is a heading. They will add it when they are drafting. Now we move to Clause 27.

Clause 27

**The Chairperson:** Hon. Members, the proposal is that Clause 27 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. Clause 27 (1) and (2) are amended by inserting the word “disaster” before management.

Clause 27 (5) is deleted. This is a consequential amendment. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 27, as amended, agreed to.)*

Clause 28

**The Chairperson:** Hon. Members, the proposal is that Clause 28 be part of the

Bill. I now put the question that Clause 28 be part of the Bill.

*(Question put and agreed to.)*

Clause 29

**The Chairperson:** Hon. Members, the proposal is that Clause 29 be part of the Bill.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. We propose that Clause 29 be deleted. The justification is for clarity. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** I put the question to the amendment as moved by the Chair.

*(Question put and agreed to.)*

Clause 30

**The Chairperson:** Hon. Members, the proposal is that Clause 30 be part of the Bill. I now put the question that Clause 30 be part of the Bill.

*(Question put and agreed to.)*

Clause 31

**The Chairperson:** Hon. Members, the proposal is that Clause 31 be part of the Bill. I now put the question that Clause 31 be part of the Bill.

*(Question put and agreed to.)*

Clause 32

**The Chairperson:** Hon. Members, the proposal is that Clause 32 be part of the Bill. I now put the question that Clause 32 be part of the Bill.

*(Question put and agreed to.)*

Clause 33

**The Chairperson:** Hon. Members, the proposal is that Clause 33 be part of the Bill. I now put the question that Clause 33 be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** Honourable Members, it is at this point that we can embark on the clauses that were not amended, if the Chairperson has any.

New Clause 5

**Mr. Bazivamo:** Thank you, Mr Chairman. New clauses are proposed and the following are the clause proposed:

New Clause 5 the heading to read “Strengthening governance for disaster risk reduction and disaster management”

New Clause 5(1) in strengthening governance for disaster risk reduction and disaster management to build resilience of Partner States and communities to disasters and climate change measures shall be taken to:

- a) Establish legal and institutional frameworks with clear roles and responsibilities for effective coordination at all levels;
- b) Strengthen and develop institutional capacities including training of all stakeholders in disaster risk reduction and disaster management;
- c) Ensure the full engagement of local governments, communities, the private sector, academia and scientific research institutions and Non-Governmental Organisations as well as interest groups such as children, youth and persons with disabilities in the determination and implementation of measures to reduce disaster risk and manage disasters;
- d) Ensure transparency and accountability in the allocation and management of resources;
- e) Establish monitoring and evaluation mechanisms;
- f) Establish periodic reporting systems to various bodies including Parliaments for oversight purposes;
- g) Strengthen human capacity and financial resources in disaster risk reduction and disaster management

including preparedness, response and recovery.

New Clause 5(2) to read, “When a disaster occurs in a Partner State, the affected Partner State shall inform the Secretary General.”

The justification is that it is a consequential amendment and in some areas, it is to make it clear in line with the changes in the title. I beg to move.

Ms. Pareno:

**The Chairperson:** Honourable Members, I propose the question that the new Clause 5 be read for the Second Time. I now put the question that a new Clause 5 be read for the Second Time.

*(Question put and agreed to.)*

**Dr Ndahiro:** Thank you, Chairman. I just wanted to ask the mover whether in consideration of Non-Governmental Organisations, it would harm the Bill if we added development partners. Because it is not always the case that development partners are Non-Governmental Organisations. And it is likely that development partners might play a big role in some of these activities.

Mr Chairman, if Non-Governmental Organisations is defined in the Bill and it includes development partners, as we know them in the EAC setting, then I will have no problem. However, if it is not defined that way, I will ask them to consider including Non-Governmental Organisations and development partners as we use them in the EAC setting. Thank you.

**Mr Bazivamo:** Rt. Hon. Chair, we have heard the concern and we think it does no harm to add them. Thank you.

**Ms Pareno:** I think Non-Governmental Organisations are also part of management of disasters and if they are included, they will just make the work of management better. So, I do not think it has a problem.

But we need a proper amendment to that effect. We have no objection.

**The Chairperson:** Honourable Members, the proposal is that New Clause 5 be amended as propose by Hon. Ndahiro. I now put the question to the amendment by hon. Ndahiro.

*(Question put and agreed to.)*

*(New Clause 5, as amended, agreed to)*

New Clause 9

**Mr Bazivamo:** Thank you, Mr Chairman. We propose a New Clause 9 under the heading “information” to read, “Information on occurrence, vacancy, patterns and durations of displacement situations shall be collected and made available in order to plan risk reduction and disaster management measures.” I beg to move

**Ms Pareno:** No objection, Chair.

**The Chairperson:** Honourable Members, I now put the question that a new Clause 9 be read for the Second Time.

*(Question put and agreed to.)*

**The Chairperson:** Debate is open. I now put the question that the new Clause 9 be part of the Bill.

*(Question put and agreed to.)*

New Clause 10

**Mr Bazivamo:** We propose a new Clause 10 under the heading “Deployment of resources” to read, “In the event of a regional disaster, and in consultation with affected Partner States, the Community shall deploy the available resources and coordinate the assessment and the management of the disaster”. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** Hon. Members, I put the question that the new Clause 10 be read for the Second Time.

*(Question put and agreed to.)*

**The Chairperson:** Debate is open. I now put the question that the new Clause 10 do stand part of the Bill.

*(Question put and agreed to.)*

New Clause 11

**Mr Bazivamo:** Thank you, Mr Chairman. New Clause 11 – “Development of technical capacities”. “The Community shall facilitate for development of technical capacities and expertise through training and other relevant initiatives in disaster risk reduction and disaster management”. I beg to move.

**Ms Pareno:** No objection, Chair.

**The Chairperson:** Hon. Members, the proposal is that that the new Clause 11 be read for the Second Time. Debate is open.

**Dr Ndahiro:** Thank you, Chair. I just wanted to seek clarification whether in that specific clause the responsibility of Partner States and the responsibility of the Community...where do they converge? Thank you.

**Mr. Bazivamo:** Thank you, Mr Chairman. I would like to highlight the fact that the responsibilities of Partner States were already captured in the previous clauses, and they were requested, either to build capacity locally or at national level. This was highlighted and well explained. Here we are dealing with the Community at the regional level. I beg to move. Thank you.

**Dr Ndahiro:** Chair, if it were building capacity for the staff of the Secretariat, it would be clear. However, if we say, Community, because Community includes Partner States. That is why I wanted to seek for convergence in this clause. Thank you.

**The Chairperson:** So, are you satisfied with the clarification? If you are not, then the next option is to introduce and amendment or else I proceed.



**Dr Ndahiro:** Chair, if the mover has no problem, I would move an amendment to emphasise the training needs or the capacity building of the Secretariat.

**Mr Bazivamo:** Thank you, Mr Chairman. I think in this clause when we say the Community shall facilitate the development, it implicitly includes the fact that they are to coordinate and help this activity to be done in collaboration with Partner States. This kind of facilitation means they are facilitating towards development of capacity, actually at Partner State level because implementers in general are at Partner State level. But if that is the meaning, Chair, then I concede.

**The Chairperson:** Hon. Members, I now put the question that the new Clause 11 do stand part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** Chair, do you have more clauses?

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. We propose a new Clause 25 – I have jumped Clauses 12 and 24 because we had already captured them. It was a repetition in this table. The last two in Clause 5 cater for clause 24.

Clause 25 – “Disaster Response Measure”:

The Partner States shall:

- a) Ensure that relief goods and personnel are ready for deployment for support in case of national or regional disaster in other Partner States;
- b) Ensure that other measures in line with the IDRL guidelines are in place.

I do not know whether the long title comes here. I beg to move.

**The Chairperson:** I now propose the question that the new Clause 25 be read for the Second Time.

*(Question proposed)*

**The Chairperson:** I now put the question that the new Clause 25 do stand part of the Bill.

*(Question put and agreed to.)*

The Title

**Mr. Bazivamo:** Thank you Rt. Hon. Chair. We propose that the Title be amended to read as follows, “The East African Community Disaster Risk Reduction and Disaster Management Act, 2013.” I beg to move.

**The Chairperson:** The Chair has moved to amend the Title because when we began our amendments, we began from Clause 1 and skipped the Title. I now put the question on the amendment of the Title as moved by the Chair of the Committee.

*(Question put and agreed to.)*

**Mr Bazivamo:** Thank you Rt. Hon. Chair. We had also proposed that the long Title to be amended.

**The Chairperson:** The long Title is consequential. It is taken care of; it will take the same wording as you have amended.

**Mr. Bazivamo:** Thank you Rt. Hon. Chair.

**The Chairperson:** Thank you.

#### **MOTION FOR THE HOUSE TO RESUME**

**Ms Judith Pareno (Kenya):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

**The Chairperson:** Honourable Members, I put the question that the House do resume and reports thereto.

*(Question put and agreed to.)*

(The Assembly resumed, and the Rt. Hon. Speaker presiding.)

**BILLS**  
**REPORT STAGE**

The East African Community Disaster Risk Reduction and Disaster Management Bill, 2013

**Ms Judith Pareno (Kenya):** Mr Speaker, Sir, I beg to report that the Committee of the whole House has considered the Bill entitled "*The East African Community Disaster Risk Reduction and Disaster Management Bill, 2013,*" and passed it with some amendments. I beg to move.

**MOTION FOR THE ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE**

**Ms Judith Pareno (Kenya):** Mr Speaker, Sir, I beg to move that the report of the Committee of the whole House be adopted. I beg to move.

**The Speaker:** Honourable Members, I now put the question that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

**BILLS**  
**THIRD READING**

The East African Community Disaster Risk Reduction and Disaster Management Bill, 2013

**Ms Judith Pareno (Kenya):** Mr Speaker, Sir, I beg to move that "*The East African Community Disaster Risk Reduction and Disaster Management Bill, 2013*" be read for the Third Time and do pass. I beg to move.

**The Speaker:** Honourable Members, I now put the question that "*The East African Community Disaster Risk Reduction and Disaster Management Bill, 2013*" be read for the Third Time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED THE EAST AFRICAN COMMUNITY DISASTER

RISK REDUCTION AND DISASTER MANAGEMENT ACT, 2013

BILL READ A THIRD TIME.

**The Speaker:** Honourable Members, I now declare that "*East African Community Disaster Risk Reduction and Disaster Management Bill, 2013*" has been dully passed by this Assembly. *(Applause)*

In a very special way, I would like to congratulate Hon. Patricia Hajabakiga who has taken leave because she has some urgent business to attend to for her hard work and insistence to make sure this Bill goes through. I really congratulate her - *(Applause)*.

I would also like to congratulate this Assembly for standing firm - pushing through- to make sure that this Bill goes through- for the last three years, they have been following this Bill. The East Africans must be happy. *(Applause)*

I thank the concessions offered by the Counsel that has made it possible for us to pass this Bill. I now hope that they will follow it closely to make sure it is assented to in order to leverage the management of disaster in this region. I congratulate you all. Thank you - *(Applause)*.

**MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON ACCOUNTS ON THE OVERSIGHT ACTIVITY UNDERTAKEN WITH THE EAC INSTITUTIONS ON GOVERNANCE, PROJECT PERFORMANCE, AND THE IMPLEMENTATION OF THE ASSEMBLY RECOMMENDATIONS**

**The Speaker:** Hon. Members, I will invite the Chair to make a small statement because we have had a discussion on this subject. We predicted that this Bill is going to take some time. But Chair, please, the floor is yours. I do not want to pre-empt you.

**The Chairperson of the Committee on Accounts (Mr. Jeremie Nduwimana) (Burundi):** Thank you, Rt. Hon. Speaker. I would like to propose that proceedings on this report be postponed, and I would like some bit of time to explain why I would like this postponement.

I would wish to inform this House that this report is about three EAC Institutions, namely LVFO, CASSOA and IUCA and each of those Institutions has its own specificities related to its governance, the performance of its projects and also the way it has implemented our last recommendations.

Mr Speaker, Sir, the House is aware that so many times I have been complaining that our recommendations have never been implemented. So, this report, since it deals with the status of implementation of our previous recommendations, I think that the House needs to have more time to read this report, internalise it and also get more time to debate it properly. So, with this, I think that I have justified why I would like the postponement of this report so that Members get copies of the report and we get time later on to debate it thoroughly and adopt it. I thank you.

**The Speaker:** Thank you so much. Hon. Members, I would, therefore, reorganise the Order Paper to bring Order No. 6 up and Order No. 5 will be dealt with later. The Order Paper stands reorganised.

#### PERSONAL STATEMENT

**The Speaker:** Honourable Members, just before I invite the Hon. Secretary General, it is known to us that the Secretary General is a Member of this House and he is about to conclude his tour of duties and has been part of the EALA family. In the next Sitting in May, we may not have him sitting with us. Therefore, I have found space for him on the Order Paper to bid farewell to this House. This is not to say that he is disappearing from the Community, but we

shall be meeting in another formation altogether.

**Mr. Abubakar D. Abdi Ogle (Kenya):** My understanding is that the Secretary General is likely to make a personal statement, which is, therefore, according to our Rules not subject to any further discussion. However, because it will be his last appearance before this Assembly, I thought this matter should have proceeded from the position of maybe a motion to allow Members have their take on that statement. However, as it is now, and if it is a personal statement we may be deprived of that opportunity to say one or two words of complement and congratulations to the outgoing Secretary General for a good job done.

**The Speaker:** Hon. Ogle, the Speaker is quite aware of Rule 40, and the import of this is to say the Secretary General is going to make his statement of farewell to us. Rule 40 categorically says, "*May make ...and may not be debated*".

The second aspect of your clarification – you are at liberty to bring this motion for debate formally. It is a subject of your rights to introduce motions to this House. You are not limited. However, this is just at such. Please, Secretary General.

**The Secretary General of the EAC (Ambassador Dr Richard Sezibera) (Ex-Officio):** Rt. Hon. Speaker, first of all, I wish to thank you for allowing me to make some farewell remarks to this House. I do rise under the understanding that you amended the Order Paper, Rt. Hon. Speaker to reflect the fact that these are farewell remarks because I would not like them to be a personal statement. The five years that I have spent at the Community have been on Community business and I really did not want to make a personal statement but I wish to thank you, Mr Speaker for ruling on this.

I also wish to thank you because it is not everybody who gets the chance to say

farewell on the floor of this House and so I do take it as an honour, for which I thank you and the Members.

Rt. Hon. Speaker, H.E. Dr John Pombe Joseph Magufuli, Chair of the Summit delivered the State of the EAC Address through the Rt. Hon. Prime Minister of the United Republic of Tanzania and I think from his statement, it is very clear that our Community is moving forward and moving on well. So, I would not like to go through all those issues he raised but I want to simply say that as I get ready to pass on the baton to my successor as Secretary General at the Community, I can only look back on five key areas which I want to mention here and a few others that I think this House and the other Organs have played a key role in achieving.

Rt. Hon. Speaker, when I was given this chance to be Secretary General, I did consult with members of the Summit and we had a discussion on the broad vision for the Community knowing fully well that the Community has a development strategy. But what were the areas that we were going to focus on? I wish to report on them formally.

The first one was to move our Customs Union, strengthen it, and move it to the next stage of a Single Customs Territory. This, as you understand, Rt. Hon. Speaker, entailed a sustained campaign to remove Non-Tariff Barriers to trade; a sustained campaign to make sure that all our laws and regulations are implemented. I am glad to report, Rt. Hon. Speaker that we now have a Single Customs Territory, which is operational - (*Applause*).

I am extremely happy to be making these remarks in Dar es Salaam because if you Hon. Members visit the port of Dar es Salaam, you will now find Revenue Authority officials from Burundi, Rwanda and Uganda who are clearing goods here in Dar es Salaam. This means that transport times have been cut tremendously. On the Central Corridor, they have moved from an

average of 18 days to the current 3 or 4 days. The Northern Corridor have moved from an average of 21 days to 5 days from Mombasa to Kigali and Bujumbura.

At the ports themselves clearance times have moved from an average of 21 days that you would have ship waiting here in Dar es Salaam and in Mombasa to offload, this is being done for less than 10 days. This has become possible because of the leadership, not only, of the Summit but also of the Council of Ministers.

In 2012, all the Ministers of Trade, EAC Affairs and others moved to these two ports, Dar es Salaam and Mombasa and we developed a programme for the removal of Non-Tariff Barriers to trade. I am glad that this has happened. So, I wish to thank all involved in this matter.

Second, Rt. Hon. Speaker, we did agree that we would have focus on the Common Market buy especially on the freedom of labour and freedom of people provisions of that Common Market. I am glad to say that now, as you know, freedom of movement is better. Our three Partner States of Kenya, Rwanda and Uganda are now using national identity cards as travel documents. I look forward quickly to the joining of the Republic of Burundi who have also accepted to do this and the United Republic of Tanzania when it is ready.

We are now all intents and purposes a common higher education area. Qualification frameworks have been harmonised, mutual recognition agreements have been signed, curricular have been harmonised and so it is possible now for students to move from one university to another with their credits. (*Applause*) They are paying local rates at universities and our degrees because of the qualifications framework are now mutually recognised in our region - (*Applause*). So, although there is still a lot of work to do in this area, I think we have made a lot of progress.

The 17<sup>th</sup> Summit of Heads of State approved a new internationalised new generation e-passport for East Africa. We will now be able to move with this passport and move East African. Therefore, this I think was a critical milestone in our integration process.

There is still a lot of work to be done with the Common Market but I think there has been tremendous progress.

The third area, Rt. Hon. Speaker, which new agreed on was to conclude the Protocol on Monetary Union to move towards our next stage. This was not easy because 2011- 2012 you know the challenges that our colleagues in Europe faced with their own monetary union. There was a lot of scepticism but by 2013, our Partner States had agreed and the Summit members signed on a Monetary Union Protocol, which has now been ratified. This is one of the fastest ratified protocols in our Community and I wish to thank the Excellences for doing this and all of you for your participation.

The Monetary Union is not only about monetary policy harmonisation. It is about fiscal and financial integration. This financial integration is ongoing – going on well. Our Central Banks since 2013 have real time gross settlement. They can pay each other in real time allowing our East African payment system to work. A number of traders can do this if they use their banks to carry out their businesses in local currency. That is the idea. This has begun and it will have to be intensified and so I am glad that financial and fiscal integration is ongoing.

Four, we did agree that we would refocus – put additional focus on infrastructure especially on rail, energy, ports and harbours and in land waterways. Rt. Hon. Speaker, I am glad that currently we have a 10-year infrastructure programme that will cost about US \$ 100 billion. But we do not only have a programme, for the very first time, this region is laying standard gauge

rail and making investments in energy that are unprecedented. (*Applause*)

All our Partner States are making energy from different sources; hydro, geo-thermal, methane gas, oil and gas but also making investments in interconnectors. It is now possible to move power from Kenya to Rwanda -we should move - to Burundi should be easy where two power interconnectors are completed between Rwanda, Burundi, and another between Tanzania and Burundi. So, investments in energy have increased tremendously.

I am glad to report, Rt. Hon. Speaker, as you have seen, that we have put a lot of emphasis on getting the private sector at the centre of our integration process. For the very first time, they did make a statement at the 17<sup>th</sup> Summit of Heads of State. They have become key pillars of our integration process. They have signed onto a code of conduct to fight corruption and promote integrity in our region and they are real partners in our integration process.

Women in business have a platform; the youth now have a platform with youth ambassadors that are working very well; the farmers federations have come on board, we are working with them to make sure that they understand this integration process. Local governments are on board, and, of course, parliamentarians, especially through EALA. Others and the religious leaders have held two meetings now, one in Bujumbura and another in Kigali. They even have a Kigali Declaration about their role in peace in our region but also their involvement in the integration process.

Not only do they have this declaration, but they have also set up a secretariat in Kampala, Uganda because they want to be part of this integration process. This includes all faiths and so the involvement of the people of East Africa is critical.

Those are the major five areas but let me point out a few other areas, Rt. Hon. Speaker. One, our region now has an

industrialisation strategy and policy. This industrialisation strategy and policy, which I would like to urge the Members to consult extensively, intends among other things to move the contribution of manufacturing from the current less than 10 percent to over 25 percent by 2032, which is critical component of our development. Secondly, it intends to create 2.3 million jobs by 2032 from the current 456,000 in manufacturing. So, this is a critical development in our region and I am glad that the Summit has taken it up. You have seen them take decisions in some areas and they will be take more decisions in other areas.

It has six critical sectors including iron ore and other minerals processing, fertilisers and agro chemicals, pharmaceuticals, petro-chemicals and gas procedures, agro processing, energy and bio-fuels.

Second, as I get ready to exit, now this region has a vision, Vision 2050. This vision was developed through a consultative process. East Africans gave their opinions on the vision; the Council of Ministers considered it and the Heads of State have passed it.

What is our Vision 2050? Rt. Hon. Speaker, the vision is to make sure that East Africa becomes an upper middle-income region by 2050. *(Applause)* This means that we want per capita income for every East African to be above US \$ 10,000 from the current – the highest now is Kenya, which is US \$ 1,105. So, we must multiply 10 times per capita income in our region by 2050. This means that we have to grow our economies by an average of 6 percent per year.

It has a number of pillars - infrastructure, agriculture, industrialisation, environment, tourism and other services, good governance, defence, peace and security as well as enablers that include health and education. I would urge this august House to follow this vision and keep pushing for its implementation. The vision will be the basis for subsequent development strategies in our region.

Rt. Hon. Speaker, I am glad to also say that when we began, I had consistently from this House on, the need for institutional strengthening, including in particular the famous institutional review. I do not know whether it is famous or – I am glad to report that as I leave Council has now concluded the famous institutional review. *(Applause)* They have taken a decision to move the institutional review into phases. In immediate short term to deal with those matters that do not need a Treaty amendment and in the long term, to deal with those matters, which need a Treaty amendment including turning the East African Secretariat into a Commission. *(Applause)*

The Secretariat will now be reorganised along four functional areas: political affairs, economic affairs, social affairs and infrastructure.

More importantly for this august House, the East African Legislative Assembly has been granted financial and human resources autonomy. *(Applause)* That also goes for the East African Court of Justice and as a measure of how important these bodies are the administrative heads of these bodies have been raised from the current professional staff P5 status to D1 status. *(Applause)*

The Counsel to the Community's office has been strengthened. The holder of the office will also move to D1, but the Counsel to the Community's office will be strengthened to make sure that they can act as real Counsel to the entire Community.

I had, at the time that I joined the Community, a strong desire for strengthening performance and we have been implementing the performance contracting process. We have automated our services as you have seen, for the last two years now, all our Institutions have made a lot of progress. You have unqualified audits for all of them, including the ones, which had struggled for a very long time, LVFO, IUCN and LVBC.

Rt. Hon. Speaker, I am also glad to report that two departments have been ISO certified now; the Directorate of Finance and that of Planning and we should be able to get the whole Secretariat ISO certified, certainly before April and then move the programme towards other Institutions.

Rt. Hon. Speaker, not only has this been done – not only have we strengthened the Institutions that currently exist but new Institutions have come on board and are now operational; the East African Science and Technology Commission, the East African Health Research Commission and the East African Kiswahili Commission. *(Applause)* Rt. Hon. Speaker, this growth is important.

However, it is not only growth of the Institutions of the Community that has occurred. The Community has also widened to include the Republic of South Sudan. *(Applause)* This is a historic decision by this Community, for the people of this Community but also for the people of South Sudan and I thank all those involved in this important decision.

So, as I look back, a lot has been achieved but much more needs to be done around the Common Market. Rt. Hon. Speaker, you know we have reviewed over 600 pieces of legislation and regulations that hinder full implementation of the Common Market. It is not possible to amend 600 pieces of legislation or regulations. I, therefore, have proposed to my colleagues and the Council and I would like to make the same proposal to this august Assembly that we think about passing one piece of legislation to cure all this. This one piece of legislation, if I was to draft it, would only have one substantive article to say, wherever the term “national” is found in national legislations or regulations means East African. *(Applause)*

Why am I saying this? In all our regulations, what is prohibiting and hindering trade is because the regulations will say, for nationals, these are your requirements and then for foreign

businesses, these are your requirements. East Africans find themselves in the definition of foreign and, therefore, cannot do what they are supposed to do as East Africans. That is the challenge we are having with the right of residence, right of establishment and other freedoms under the Common Market. If we did define “national” to mean East African, then this problem would be cured.

Second, Mr Speaker, there is unfinished business around domestic tax harmonisation; VAT, Exercise Duty and Income Tax as well as some laws that still hinder the free movement of goods especially sabotage laws. Out trucks can now move quickly – turnaround times are now very fast but they are not allowed to – if you carry goods from Mombasa to Bujumbura, for example, you cannot load goods along the way as you return to Mombasa. Therefore, it means the trucks go back empty and this raises the cost of doing business of course. So, these are some of the areas on which work is ongoing but which I wish to put before this Assembly as I leave.

Finally, Rt. Hon. Speaker, I wish to thank many people. First of all, I wish to thank the Summit for their guidance and support; I wish to thank the Council of Ministers for the tremendous work that they do. When they are on the floor of this House, you rightly point out what is remaining to be done but it is not an easy job that I have seen for them to agree and carry out the work of this Community.

I want to thank my colleagues in the Organs and Institutions. I think it has been a good team and I encourage them to continue with this. Of course, I wish to thank my family – I have already done so to my family.

I wish to, in a particular manner, thank the East African Legislative Assembly. *(Applause)* I have had among the very many productive sessions that we have carried out, I have found this House to be East African and I would like to

congratulate you. You are focused on delivering East African, an East African agenda; focused on building rapport among the Members of the House but also among East Africans.

I want to thank you for asking very hard questions of me very often, and I would like to urge you to continue asking those hard questions of those that are in leadership because this is your oversight function. I would like to thank you for this and to appreciate it. *(Applause)*

I want to thank you for the speed with which you passed the Non-Tariff Barriers Bill, the One Stop Border Bill and the Axle Weight Load Control Bill. *(Applause)* You have passed very many Bills but the speed that you passed critical four Bills- I felt they should be mentioned.

I also wish to congratulate the Council of Ministers and the Hon. Members that your terms of service became a little better during my five years. *(Applause)* I think they could have been much better but I want to thank you because we worked together to make sure that these terms –for you and the Court of Justice – became much better than they were before.

I wish to, on this note, again say, thank you because that is the only English word there is. You can only say thank you and if you want to say more, you say, thank you very much. So, thank you very much. *Asanteni sana - (Applause)*.

**The Speaker:** Thank you so much, Hon. Dr Sezibera, the Secretary General of the EAC. I have recognised you Hon. Ogle but before I give you the chance, Hon. Colleagues, this is not an ordinary occurrence. I perused through our Rules of Procedure and the nearest I could come to was Rule 40 to allow this extraordinary occurrence in our Parliament when our Secretary General is leaving after serving with him for all these years. It is upon this background that I invoked Rule 40 to allow him make this statement of farewell to us as an Assembly

to which he has been a Member. I thank you so much, Secretary General. *(Applause)*

I am informed of a notice of a motion that will come but this was necessary to get it from the horse's mouth. I would like to affirm to you on record that like the snail moves, you have left a very strong trail along your path as you served the EAC. *(Applause)*

I know this Assembly will find time to express itself in a more organised manner to pay tribute to your contribution to our integration. I thank you so much and God bless you and your family abundantly.

**Mr. Ogle:** Thank you, Rt. Hon. Speaker. As I indicated earlier, I think it is only fair that – this is not an ordinary person-Member- exiting from this Assembly. This is the CEO of the Community who is leaving and it is only fair that Members have a wider latitude to argue and complement him –sometimes even criticise him or even take stock of his performance over the last five years through a motion. I intend to bring that motion sometime next week.

Mr Speaker, there is no doubt that some successes were registered during his tenure; in the Common Market, on Single Customs Territory, on Higher Education Authority he alluded to and on so many other issues. However, there were also some outstanding challenges – the one issue that has been outstanding, at least during my time here, has been this monstrous animal called institutional review. I am glad it has been completed.

There were also some points of regret. I appreciate that during the SG's term, we have had some very slight improvement in our welfare, nonetheless our biggest regret is that our car grant has not been taken care of during the time of his office and I think we need to consider that in our debate - *(Laughter)*. I think Members have to reflect on what the challenges were; what the



successes were and what the failures of the SG- were the CEO of this Community. Thank you very much.

**Dr Ndahiro:** Order.

**The Speaker:** Are you raising a Point of Order?

**Dr Ndahiro:** If he is still on the floor.

**The Speaker:** He has already exited the floor. He has finished his contribution. Maybe let me allow Hon. Mathuki who is the Chair of the Committee on Legal, Rules and Privileges to say something.

**Mr. Peter Mathuki (Kenya):** Thank you, Rt. Hon. Speaker. Rt. Hon. Speaker, in fact, you are right to have used Rule 40 given what the Secretary General has done and we are obviously not supposed to debate after he has presented.

I recognise the very important issues that he has raised-they are very formal and, therefore, it is only fair that if Members feel that we need to debate this given the fact that he has done a very good job, that can be done during a different sitting, possibly through a motion. But for purposes of this having been based on Rule 40, we cannot proceed with debate, Mr Speaker.

So, it is only fair that we leave it at such and then allow Members to come up with a motion so that we can deliberate on some of the successes that we have obviously achieved during His Excellence's tenure as a Secretary General of the Community. I thank you, Mr Speaker.

**The Speaker:** Thank you so much, Hon. Peter Mathuki, Chair, Legal, Rules and Privileges.

Honourable Members, as we have stated earlier, yes, this was very important, but as Hon. Ogle has indicated to my office already, we shall wait for the motion through which this House will express itself to pay tribute to the contribution of Hon. Dr Sezibera as the Secretary General to this Community and as a Member of this

Assembly to which we shall pronounce ourselves as a resolution of this House. That will be procedural for us.

I would hasten to add that we are very grateful, Hon. Secretary General. We are very much aware that you are just leaving the Community to begin a new assignment and our paths will be crossing each other many times. We indeed once again wish you well. I thank you so much for your statement.

Honourable Members, with those many things we have done today, I would like to adjourn this House to next week, Tuesday at 2.30. House stands adjourned. Thank you so much.

*(The House rose at 5:44 p.m. and adjourned until Tuesday, 14 March 2016 at 2.30p.m.)*