



**EAST AFRICAN COMMUNITY**

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**EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

**Official Report of the Proceedings of the East African Legislative Assembly**

**SECOND MEETING – 1<sup>ST</sup> SESSION – THIRD ASSEMBLY**

**11<sup>th</sup> Tuesday, September, 2012**

*The East African Legislative Assembly met at 2.30 p.m. in the Old Chamber of the National Parliament of Kenya, Nairobi, Kenya.*

**PRAYER**

*(The Speaker, Ms. Margaret Nantongo Zziwa, in the Chair)*

*(The Assembly was called to order)*

## COMMUNICATION FROM THE CHAIR

**The Speaker:** Hon. Members, first and foremost, I would like to apologise that we have started a bit late because of the environment. We couldn't keep it at 2.30 but I am happy that we are getting started.

I would like to welcome you to the Fourth Sitting of the First Session of the Third Assembly and hope that hon. Members used the weekend to know more about Nairobi and to attest to Article 5(2) of widening and deepening the integration.

*(Applause)*

We thank the Kenyan Chapter led by hon. Joseph Kiangoi for the wonderful dinner to which they hosted us in favor of the East African Legislative Assembly on Friday, 7 September, 2012 at Invarite Club. And just to affirm the words that hon. Taslima used that day, we enjoyed the delicious meals prepared and the warmth in which we were served. In the presence of the Invarite Club members, who are East Africans, we committed ourselves to uphold the people's centeredness and the business driven nature of the East African Community integration. And all this was possible for both the different kinds of sections of the people in Kenya and East Africa in general.

I would just like to mention that at that meeting, **SOS** in East Africa was able to make a Bill for presentation to us and I would like to say that we, as East African legislators, we thank SOS for the good work of promoting the welfare of the orphaned children and widows and the Committee on General Purpose will coordinate with the SOS director to open channels of cooperation.

Two publications of EALA namely, the Bunge La Afrika Mashariki and the Life and Times of the Second Assembly which you received last week were also presented to the inter-organ heads of institution during the inter organ meeting held last week on Friday, here in Nairobi.

The heads of institutions commended the beautiful kind of quality of publication which appears in those two publications. And we thank those Members who contributed articles to the fourth issue of Bunge La Afrika Masahriki and the editorial board for the good work they have done.

Members of the Third Assembly who would wish to serve on the editorial board can express themselves to the Clerk.

I would also like to report that I visited INTERPOL Headquarters of the Eastern Africa Region based here in Nairobi yesterday at the invitation of the head of the organization. He briefed me about the historical background of INTERPOL, its membership and its important role particularly in curbing crime.

Established in 1923, INTERPOL has over 190 member countries and the specific one here is for the Eastern Africa region and comprises 13 member countries.

The major areas include crime prevention, terrorism. Maritime piracy offshore, trafficking in humans, drugs and organized crime, financial and high-tech crimes, trafficking in firearms, fugitive tracking, cattle rustling in East African region and environmental crime.

The main aspiration for them is to see that the laws concerning fighting crime in the region are harmonized, creating similar penalties for the same crime. They also wish to interface with EALA on matters concerning the various sectors of crime. I was grateful about the invitation and I assured them that EALA deals with this sector on peace and security and law and order- Chapter 19 of the Treaty and I put it to them that EALA through the Committee on Regional Affairs and Conflict Resolution will be more than glad to meet with INTERPOL to share the strategies of curbing crime in the region.

As I conclude my remarks, allow me to inform you that the EALA Women Caucus was recently inaugurated and we congratulate and thank our leaders who were elected and at an appropriate time we shall have our report tabled and an opportunity for a meeting. Thank you very much.

*(Applause)*

## LAYING OF PAPERS

### AUDITED FINANCIAL STATEMENTS AND COMMITTEE REPORTS

**The Chairperson Council of Ministers (Mr. Peter Munya:** Thank you, Madam Speaker and hon. Members. In accordance with Article 134(3) of the Treaty for the establishment of the East African Community, I beg to lay on the table the following audited financial statements of the Community for the financial year ended 30 June, 2011:

1. The audited consolidated financial statement of the East African Community which include accounts of the EAC Secretariat, the East African Legislative Assembly, the East African Court of Justice, East African Partnership Fund Regional Integration Support Programme, the African Union Capacity Development Programme Phase I&II, Avian Influenza Response Project, Conflict Prevention Management and Resolution Project, EAC Regional Political Integration and Human Security Support Programme, EAC-EU Investment in Adolescence Health Project, EAC-EU Participation of African Countries in Sanitary and Vital Sanitary Standards Organisations, EAC HIV and AIDS Programme, East African Trade and Transportation Project, EAC Broad band ICT infrastructure Project, EAC/ADB Natural Gas Pipeline from Dar-es-Salaam to Tanga and Mombasa, EAC/ADB Regional Power Master Plan Grid Code Study Project, EAC Arusha-Namanga Road Project, EAC/World Bank Financial Sector Development and Regionalization Project, African Capacity Building Foundation Project, EAC/USAID Assistance for Comprehensive Regional Assistance and EAC/TMEA Action Plan.
2. The audited financial statements of the Lake Victoria Basin Commission which include the accounts of: Lake Victoria Basin Commission, Lake Victoria Environment Management Programme II, the Lake Victoria Basin Commission Management Fund.
3. The audited financial statements of civil aviation safety and oversight

**The Speaker:** Thank you very much, Chairperson Council of Ministers. The audited reports stand committed to the Committee on Accounts. I invite the Committee Chair on the Committee on Regional Affairs and Conflict Resolution.

**The Chairperson of the Committee on Regional Affairs and Conflict Resolution (Mr. Abubakar Zein Abubakar):** The Rt hon. Speaker, I beg to lay on table the capacity building workshop report for the Committee on Regional Affairs and Conflict Resolution on the role and mandate of the committee held between August 22<sup>nd</sup> and 23<sup>rd</sup> at Chester House Conference Hall in Nairobi, Kenya. I beg to lay.

**The Speaker:** Thank you very much, Chairperson Regional Affairs. I wish to invite the Chairperson of the Committee on Legal, Rules and Privileges.

**The Chairperson of the Committee on Legal, Rules and Privileges (Ms. Dora Byamukama):** Madam Speaker and hon. Members, I beg to lay on table the report on the capacity building workshop for EALA Committee on Legal, Rules and Privileges which was held in Laico Hotel from 26<sup>th</sup> to 29<sup>th</sup> August, 2012 in Nairobi, Kenya. I beg to lay.

**The Speaker:** Thank you very much, Chair Legal, Rules and Privileges.

CAPACITY BUILDING WORKSHOP ON THE COMMITTEE ON REGIONAL AFFAIRS  
AND CONFLICT RESOLUTION ON THE ROLE AND MANDATE OF THE COMMITTEE  
MOTION

**The Chairperson of the Committee on Regional Affairs and Conflict Resolution (Mr. Zein Abubakar):** Madam Speaker and hon. Members, I beg to move the motion that the capacity building workshop report of the Committee on Regional Affairs and Conflict Resolution on the role and mandate of the committee be adopted.

**The Speaker:** Seconded. Hon. Chair, proceed.

**Mr. Zein:** Madam Speaker, given that this is my first time to speak in this House, allow me to congratulate the people of East Africa and their parliaments for electing this hon. Member of this House.

*(Applause)*

Allow me also to congratulate the Members of this House for electing the first female Speaker for EALA.

*(Applause)*

Madam Speaker, the confidence this House has shown in you, I believe is partly because of the agenda that you promised to undertake in these five years and key among these was your pledge that we should make our unity our strength. So, I hope you will continue with zeal to promote this unity in this House and for the whole of the EAC. *Hongera sana.*

*(Applause)*

Madam Speaker on behalf of the Committee let me proceed to read the report. The East African Legislative Assembly's (EALA's) Committee on Regional Affairs and Conflict resolution (RACR) conducted a two-day capacity building workshop to its newly elected members in Nairobi, Kenya from August 22<sup>nd</sup> – 23<sup>rd</sup>, 2012. The workshop was aimed at enabling the Committee Members to fulfill their new mandate more judiciously, responsively, effectively and efficiently.

Madam Speaker, the RACR Committee is mandated according to Rule 79 of the EALA Rules of Procedure (2008) among others, to advise and assist in the exercise of the representative, legislative and oversight roles of the EALA as provided under Chapter 17, 23, 26 and 27 of the Treaty for the Establishment of the East African Community (EAC).

The workshop which was opened by the Chairperson of the Committee was attended by all Committee Members, resource persons from the United Republic of Tanzania, Hon. Dr. Aman Walid Kabourou and from the EAC Secretariat Mr. Leonard Onyonyi, the Peace and Security Expert.

Madam Speaker, the workshop objectives were four-fold:

- (i) To conduct a capacity building workshop on the newly elected Committee members to fulfill their mandate.
- (ii) To build a cohesive and strong Committee team of regional legislators with clear regional objectives and targets.
- (iii) To reflect upon their roles as a regional parliamentary Committee team providing regional parliamentary leadership.
- (iv) Generate a report and disseminate to various stakeholders.

Madam Speaker, the expected outcomes of this workshop were as following:

- (i) Capacity building workshop on the newly elected Committee members to fulfill their mandate conducted;
- (ii) A cohesive and strong Committee team of regional legislators with clear regional objectives and targets developed;
- (iii) Committee Members' roles as a regional parliamentary team providing regional parliamentary leadership reflected and enhanced; and
- (iv) Workshop report generated and disseminated to various stakeholders.

Madam Speaker, In order to achieve the objectives of the workshop, the Committee employed two methods that included:

- (i) Listening to two presentations from the Resource Persons on the Committee mandate as outlined in the Treaty for the establishment of the EAC and the EALA Rules of Procedure, challenges and opportunities; and on the challenges of the EAC Common Market Protocol focusing on peace and security.
- (ii) Interactions and plenary discussions with the Resource Persons on the Committee mandate. Specifically, it focused on:-
  - the mandate and functions of the Committee within the context of the Treaty and Rules of Procedure of the Assembly; and

- the operational challenges of the Common Market Protocol from the peace and security perspectives.

**Presentation on: “The Mandate and Functions of the Committee within the context of the Treaty and Rules of Procedure of the Assembly”, by *Hon. Dr. Aman W. Kabourou***

The presentation provided an overview of the mandate and functions of the Committee on Regional Affairs and Conflict Resolution as per the Treaty for the establishment of the EAC and the EALA Rules of Procedure, challenges and opportunities.

Dr. Kabourou noted that EALA is a creation of the Treaty for the Establishment of the EAC Organ (Article 9). He further noted that other Organs include: the Summit; the Council of Ministers; the Coordinating Committee; the Sectoral Committees; the EAC Secretariat; and the East African Court of justice.

He pointed out that Article 49 provides for the mandate of EALA. He generally summarized the mandate as legislative, oversight and representation.

Dr. Kabourou informed the Members that the Committee on RACR is established under Rule 78 (2) (f) of the Rules of Procedure and derives its mandate under Rule 79 and Annex 5 (E) of the Rules of Procedure.

He noted that the Committee is charged with the mandate to legislate, oversee and represent; provisions under Chapters 17, 23, 26 and 27 of the Treaty for the Establishment of the EAC.

He informed the Committee that the Members of the Standing Committees are nominated from among the Members of the Assembly and shall serve for a term of two and half years and thereafter fresh nominations shall be done. He further informed the Members that subject to EALA Rules of Procedure, the Chairman of each Standing Committee shall be elected by the Members of that Committee from among their number and shall serve for a term of two and half years except the House Business Committee.



He noted that each elected Member shall serve on two Committees other than the House Business Committee provided that a Member may serve on three Committees to reflect equal representation by Partner States.

He further noted that the Membership of each Committee other than the House Business Committee shall be fifteen and quorum shall be at least half of the Members.

During his presentation, Dr. Kabourou cited a number of challenges, the Assembly and the Committee in particular face in executing its mandate. His presentation is attached to this report as **Annex I**.

**Presentation on: "An Overview of Discussions and Operational challenges of the Common Market Protocol", by Mr. Leonard Onyonyi**

In his presentation, Mr. Onyonyi asserted that having achieved the level of the Customs Union, the next step envisaged in the integration process in the EAC is the implementation of the Common Market whose primary objective is the free movement of goods, persons, services and capital; the rights of establishment and rights of residence.

He informed the Committee that the Third Meeting of the Sectoral Council on Interstate Security meeting in Bujumbura, Burundi on 16th April 2011 directed the Secretariat to undertake a rapid assesment study of the likely implication of the Common Market on Security and vice versa and propose appropriate responses.

He noted that arising out of the above directive, a study was undertaken and the outcome shared with Directors of Criminal Investigation Department and Directors of Operations. Threats were identified and summarized as follows: safe transfer, movement and use of motor vehicles across the region; drug and trafficking in humans and or smuggling in persons; illicit circulation and use of small arms and light weapons; money laundering; counterfeiting; illegal immigrants; illicit trafficking in minerals and natural resources; illicit trafficking in radioactive material; and terrorism.

He further noted that other security threats identified included: Combating threats in maritime security domain; Xenophobia; Cattle rustling; Vandalism and theft of infrastructure components; Fraud and cybercrime (export and import, banking); Harmonization of Road Traffic Management practices; Environmental Crimes; Kidnapping and hostage taking for ransom; and Laxity in Border Management.

The presenter highlighted platforms which the EAC Secretariat has established to operationalise the Common Market Protocol in order to avert security threats in the EAC region. This include; the Chiefs of Police; the Chiefs of Prisons and Correctional Services; the Heads of National Counter Terrorism Coordination Entities; the Heads of National Disaster Risk Reduction coordination Entities; the Heads of National Focal Persons on Small Arms and Light Weapons.

Mr. Onyonyi underscored that all the above platforms require frameworks to regulate cooperation in their respective areas taking note of national, constitutional and legal contexts of each Partner State.

The presenter also highlighted challenges and or constraints which the EAC Partner States were facing in averting security threats arising out of the implementation of the Common Market Protocol. These include: Institutional structure; Legal framework and Financing of the security operations. The presentation is attached to this report as Annex II.

### **Committee Observations and Emerging Issues**

Arising out of the presentations, the Committee noted the following emerging issues, challenges and or observations in a bid to discharge its mandate:

- (i) The Committee appreciated the achievements and initiatives of its predecessor and the Second Assembly. Commitments were made to build on and consolidate the work already undertaken.
- (ii) It was observed that the inferred mandate of the Committee on matters relating to regional Peace and Security under Article 124 and Defence under Article 125 should be

made explicit in order to allow the Committee and EALA carry out its mandate more effectively.

- (iii) The Committee appreciated its wide mandate and the cross-cutting nature of its thematic concerns. The Committee is committed to improved co-ordination and building of synergy with other Committees in the carrying out of shared mandate, overlapping jurisdictions and/or donated mandate.
- (iv) The Committee noted the challenge of developing a shared sovereignty is particularly acute in the matters under its mandate including security, defense and foreign affairs. The Committee believes that addressing these matters by enhancing integration will have a positive effect on the imperative of developing shared sovereignty as a requisite condition for political federation.
- (v) The Committee noted the existing tensions between the development of protocols and enactment of legislation. Given the challenges of actualizing protocols, in many cases due to lack of clear and effective mechanisms for implementation, the Committee will propose critical analysis of the utility of protocols. The Committee advises that use of protocols should be limited and only be used when laws cannot be enacted.
- (vi) It was apparent from the Committee discussions that the majority of the people of East Africa lack or don't have enough knowledge on the operations of the EAC Common Market Protocol; The Committee noted the apparent low levels of information and knowledge on the integration process by the citizens of East Africa. This in turn has a negative effect on the participation of the people and pace of integration. Further, the Committee observed that it was important to address the issue of mindset and seek ways and means of developing solidarity among the citizens of East Africa and the appreciation of a sense of "East Africanness".
- (vii) It was observed that for EAC integration to be comprehended right from the grass roots' level there was a need for the Community to develop and introduce into all primary schools, curricula on the East African Community and the integration process.

- (viii) There was consensus that the past approach to funding of the Community's peace and security needs to be changed. The current state where more than 70% of the budget for peace and security is funded by development partners is untenable. Taking into account the sovereignty imperative and the importance of peace and security for the integration process and development, the partner states should shoulder the entire or the large portion of the peace and security budget.
- (ix) The Committee listed seven priority areas as well as past activities which the Second Assembly Committee didn't finalize and are not funded by the current Financial Year budget. They include:
- Organize a Conference on the Causes of Conflict in the Great Lakes Region as a follow up of the previous Conference on the Causes of Conflict Conference held in Bujumbura in October 2008;
  - Conduct a conflict sensitive mapping of the EAC region to input on the EAC Early Warning mechanisms;
  - Hold a workshop to develop modalities for the implementation of the EAC Election Observations instruments developed by the Second Committee and EALA including developing the time table for various missions.
  - Develop a framework for Civic Education mechanism for EAC; and
  - Organize a regional workshop to address the critical issue of refugees and internally displaced persons.
  - Organize a regional workshop to reflect on the question of marginalization and governance.

- (x) There was need for the Committee to engage new partnership and collaboration to source for funds to implement the aforementioned unfunded activities from the mainstream budget for 2012/2013.

### **Committee Recommendations**

Arising from the discussions during the workshop, the Committee recommends to the Assembly:-

- (i) That the inferred mandate of the Committee on matters relating to regional peace and security under Article 124 and defence under Article 125 should be made explicit in order to allow the Committee and EALA carry out its mandate more effectively.
- (ii) That guidelines and or a mechanism be developed to enhance coordination in discharging shared mandates, jurisdiction, or donated mandate by the various Committees of EALA.
- (iii) Fast track modalities for the development of the East African Federal Constitution.
- (iv) Wider and deeper sensitization should be undertaken to enable East Africans understand all issues pertaining to the EAC integration in general, and the four stages of integration in particular;
- (v) Apart from developing the civic education framework the Committee recommends as part of the process of reviewing the education system of partner states, a common curriculum on the East African Community for schools should be developed urgently.
- (vi) The EAC should develop strategies to expand funding of the integration budget from resources by partner states and as critical first step, the partner states should take the

responsibility of funding peace and security sectors due the sovereignty imperative and the importance of these sectors to the integration process and development in general.

- (vii) EAC Partner States to ratify the EAC Peace and Security Protocol approved by the EAC Heads of State during the April 2012 Summit held at Ngurdoto Mount Lodge, Arusha–Tanzania by December 2012 as per the Summit directive. The ratification will facilitate Partner States to negotiate the EAC Mutual Defense Pact, which will enable EAC to act together and in a coordinated manner on all security threats to the region;
- (viii) That the official EALA Prayer be used not only at the beginning of the plenary but also be used by all Committees when in formal sessions.

In conclusion Madam Speaker, the capacity building workshop managed to impart critical information, knowledge and skills that will enable Members to carry out their mandate effectively. It also built team spirit amongst Members and staff of the Committee. Further, the Committee managed to sharpen its priorities for the coming financial year. The Committee endeavoured to transform the challenges identified into opportunities that may be used to deepen the integration process for the benefit of East Africans.

Finally, Madam Speaker, the Committee would like to thank the following personalities and institutions for having facilitated it to build its capacity to discharge its mandate effectively and efficiently:

- (i) The Rt. Hon. Speaker EALA for facilitating and making sure that the Committee was able to fulfill its activity in the EALA annual calendar of activities;
- (ii) The Government of Kenya in general and the EALA Kenya Chapter for the warm reception, hospitality and courtesies extended to the Committee during its three-day stay in Nairobi;
- (iii) AWEPA for funding the Workshop;

- (iv) The Office of the Clerk for ensuring that all logistics were in order prior to the workshop in Nairobi; *and*
- (v) All Members of the Committee, stakeholders and resource persons for having participated fully during the workshop.
  
- (vi) Last but not least the Committee Staff for their diligence and technical input in the planning and organizing of the workshop.

**The Speaker:** Thank you very much, hon. Zein for that very important report and I thank you for the manner in which you have presented it. Hon. Members, the motion on the floor is that the capacity building workshop report of the Committee on Regional Affairs and Conflict Resolution on the role and mandate of the committee be adopted. Debate is open.

**Mr. Abdul Karim Halerimana (Rwanda):** Thank you, Madam Speaker for allowing me to take the floor and thank you Hon. Zein for this presentation.

Madam Speaker, I declare that I am a member of this committee and before I take my ideas on this report, I would also like to take this opportunity to congratulate you upon your election to that highest chair in the East African region.

I would like to thank H.E. the President of the Republic of Kenya, the Parliament and the people of Kenya and in particular to thank our brothers and sisters, colleagues, the Kenyan Chapter for the reception given to us.

*(Applause)*

Madam Speaker, I support the whole report although I would like to put more emphasis on some of these recommendations. One is about the farming; you heard it right from the beginning of the session that we are getting more than 30 percent of our budget in all sectors of the Community from Development Partners. Everybody here who contributed talked about that issue and observed that it is very crucial. I think it is also very difficult for us to say that we can run our affairs depending on others.

I remember one of the leaders of Africa who said that there is no independence for the people who get their bread from overseas. This is very true. How can you say that you are free while being fed by someone? I think your freedom lies in the hands of the one who feeds you and can't say that you have peace and total security if your security is in the hands of someone else especially when that person is a far from your region. So, I beg the Community to stand up and take this matter very seriously and see ways of us funding ourselves especially in the areas of peace and security.

Secondly, Madam Speaker, recommendation No.8 where we talk about the prayers is our obligation, which we take from the Rules of Procedure and I totally support it. But when we sit in committees to do work which is official like the plenary work, we hear different prayers, some of them beginning with *Bismillah Rahman* especially when taking oaths, some of them end in the name of Jesus etcetera, while we have the one which we voted for and accepted. So, I wish to support this recommendation that when the committee clerks arrange the documents, they put the other prayer which we usually recite here so that whoever is selected to pray uses that one. I beg to support the report, Madam Speaker.

**The Speaker:** Thank you very much, hon. Abdul Karim. I invite hon. Rwigema.

**Mr. Pierre-Celestin Rwigema:** Thank you, Madam Speaker. Since it is my first time to take the floor, I would like to congratulate you for being elected as the first female Speaker of this august House.

*(Applause)*

I thank you very much. It is also an opportunity for me to extend my congratulations to all colleagues, hon. Members of the Third EALA.

*(Applause)*

Madam Speaker, I ought to also congratulate people of Kenya for their hospitality. We really feel at home and I would also like to thank H.E. Mwai Kibaki, the President of the Republic of Kenya for his commitment while he was making his address at the opening of this plenary session. Really, his speech showed the leadership we are looking for. Thank you.



Madam Speaker, in this kind of situation, we are looking for strong leadership and I should say that we are proud of your leadership and your professionalism and I am confident that together we shall meet the expectations of our people, the East African citizens for the complete integration and the political federation.

I know it is very hard but you know the most important thing to this road has been accomplished by the people who kept on pushing when there was no hope at all. And I think we can get it if we dream it and achieve it with your effort, Rt hon. Speaker. We are behind you.

*(Applause)*

Rt hon. Speaker, coming back to this report, I am a member of the committee and I stand to support this motion and congratulate the members of the committee for the work well done mainly the Chair who did a wonderful job in summarizing and making it easy to follow.

I would like to add one or two elements which I would like to be taken as part of the report during its consideration. First is considering the civic education which has been mentioned in this report. Last week, I was very impressed by what hon. Sebalu said about fast tracking Swahili because if we have to develop a framework for civic education, I think that we should use Swahili as a tool for the EAC.

*(Applause)*

Swahili may not only be a tool for integration but healthy way through which to manage and resolve our conflicts by restraining conflicts in relationships.

The element I would like to add, Rt hon. Speaker is also in the same report where it said that we are awaiting the ratification of the Protocol on Security Matters. What I am wondering about is as to what is happening in our region. Four or five of the Partner States share borders with the DRC and we are following what is happening there mainly to do with women and child abuse. There are too many issues going on to keep quiet about.

I am wondering if before we get approval of the ratification of the Protocol on Security, cant the Committee on Conflict Resolution in any way to follow what is happening there and get any kind of information that we have to use because we have a representative role; an oversight role;

a legislative role; and we have parliamentary leadership, which means that we have to get to know what is happening in this region and inform the whole world and East African region other than letting one or two Partner States becoming scapegoats of a certain weakness in leadership in DRC.

Madam Speaker, I shouldn't take too long on this though it was my first time. But I stand to support the motion and I thank you very much. *Hongera sana.*

*(Applause)*

**The Speaker:** Thank you, hon. Member.

**Mr. Mike Sebalu:** Thank you very much, Madam Speaker. The chairperson of the committee who has made a very good presentation of what transpired in the meeting and the capacity building workshop, hon. Members of the committee and colleagues, hon. Members of the East African Legislative Assembly, I also want to start by declaring my interests. I am a member of this committee and not only a member but a chairperson emeritus of this committee.

*(Applause)*

So, I really want to begin from there.

Rt hon. Speaker and colleagues, this capacity building workshop was very important and it indeed met the expectations of their committee members in terms of expanding and deepening their knowledge base regarding areas of their core competences as a committee. We are now moving on the same page and the committee is steadfast in that respect.

Issues of conflict and security are of paramount importance and if you look at page 6; emerging issues No.9, there are those priorities that were put and in priority No. 2, you see that there is need to conduct a conflict sensitive mapping of the East African region in put on the EAC early warning mechanism. So, you find that we need to be relevant as committees of EALA regarding our areas of jurisdiction that we oversee.

The issue of conflict has taken a dimension that makes it important for us to be proactive as a committee of EALA. Recent developments in the region and dynamics that are taking place in

the region are such that we need to be on top of our game if we are to offer solutions as part of the leadership of the region.

When it comes to the leadership of the region, we tend to imagine that this is a preserve of only the Executive arms of Government within our Partner States. But as legislators, as people's representatives, we have a responsibility to put forward the aspirations of our people. And definitely, I don't believe there is any better aspiration for the people of East Africa than for them to enjoy an enabling peaceful environment to be able to engage in their way of life and enhance their welfare. So, the issue of peace then becomes of paramount importance and the committee coming up with this innovative idea of conducting a conflict mapping is something that needs to be supported and encouraged and funds allowing, we need to mobilize so that this is done sooner than later.

We are a peaceful region but in a neighborhood, that is characterized by instability. When you look at what has been happening in Somalia, definitely you appreciate that there are threat levels from that direction. When you look at what is happening in the DRC, from the perspective of shared borders of two Partner States, Uganda and Rwanda, these are issues that are quite important we need to look at. And what is interesting is that some of the recommendations that we have made have not been adopted the way they are in terms of practice but the situation on the ground is such that what the Partner States are doing is what we have been advocating for for a long time.

For instance, there has been a meeting in Kampala of the Great Lakes Region leaders and what was agreed yesterday or the other day was that we get countries from within the region to create a neutral force to go and pacify the DRC. And Kenya, Tanzania and another country from SADC which is part – when it comes to the Great Lakes Region, it is wider than the EAC. So, we have countries that are in SADC region like Angola, DRC and Congo Brazzaville – so they have agreed to create a neutral force to be able to pacify the DRC. Definitely Uganda and Rwanda disqualified themselves because they share borders and they have been having threats from these groups that have been fighting there. So, now you get Tanzania and Kenya from within to be part of that and even Burundi disqualified itself.

But what we have been advocating for as a parliament is to get to the level of a security architecture where we manage and deal with threats to any of the Partner States as a unit. That is why some of us have always been saying that the situation in Somalia although it was an initiative of the AU definitely at a bilateral level, Burundi and Uganda being there alone from EAC was not strategic and it wasn't sending the right message. Even if it were an AU initiative we would have agreed as a region to be part of the solution so that amongst ourselves we share out contingents and form one single entity as a contribution to the AU Force in Somalia so that we are seen to be moving together on matters of peace because on of our strategic imperatives to integrate is security driven. Integration can be very useful in dealing with matters of security and promoting peace once you work together.

I want to thank God that the developments in Somalia are very encouraging. What happened the other day, getting Somalia to elect their President clearly shows that they are transiting from a lawless stateless failed state status, which is something to write home about. But definitely there has been a contribution and a hand from the East African region given the two participating nations that played part in pacifying that part of the world. So, issues of security are that important and the committee is taking them very seriously.

Madam Speaker, when you go to page 7 on the recommendations that the committee has been able to make. You will find that recommendation No.3 is talking about encouraging fast track modalities for the development of the East African Federal Constitution. Now there is a Summit directive to the effect that the EAC Secretariat should work out modalities and give a kind of picture of what kind of integration the East African people want. Definitely that is a short cut of saying, "Let us get the Constitution or the architecture of what we want."

We are looking forward to the outcome of that process from the EAC Secretariat, what ideas they will put on table but one challenge that is in place regarding the way forward is because the people actually don't know exactly what it is that we are proposing. We don't have any working document to that effect; we don't have any projections and so the earlier we opened debate on what kind of integration we want, the better it will be for us to interest the people in this debate. We need to get this debate on the table; we need to make it a topical issue in all our countries because we need to make it a simple issue to be debated from a view point of an ordinary East

African because that is what is creating a lot of fears and suspicions because the people don't have an idea of where they are going, given where they are coming from.

So, the committee is simply saying that during our tour of duty, and our mandate as the Third EALA, we need to elevate and create an avenue for this to be debated so that the integration process becomes truly a people centered process where even the ordinary person is making a contribution from an informed position. It doesn't do any harm if they don't agree with the proposal but we must have a working document to generate their interests and the debate around the kind of integration that we want to have because there are many integration arrangements the world over.

You have got the United States arrangement; you have got the Nigerian and even the South African has an arrangement of power sharing. So we need to get all these things together and create a mechanism that will allow our people to debate. So, the committee is simply saying this needs due consideration and the time is now, for tomorrow may be too late.

Rt hon. Speaker, recommendation No. 4 wider and deeper sensitization is related to the above. We must really go out and as an assembly; there is nothing that stops us from going out to have rallies. We can go and engage the population in mass action. That is the only way we are going to build a critical mass of pro integration East Africans. Let us engage them in topical issues; let us engage them in mass rallies; let us engage the academia; we need to go to the universities and engage the professors and students. Those are good people if you convert them, then you will have a good critical mass of people who are going to help you do the campaign and explain this intricacy further. So, as the Third EALA let us take this to another level. I appreciate what we have done in the First EALA, what we did in the Second EALA but we need to take it to another level; academia, in the media and mass action not negatively. You know mass action is always taken to connote negative energy but you can always derive positive energy from mass action when you explain and you make these issues well appreciated.

Finally, Madam Speaker, there is the issue of the curriculum; let us go out in the schools both primary and secondary and have a curriculum that has within it content that has EAC integration so that we recruit the young ones who will grow up while integrating and appreciating the integration process. So, the idea of engaging the sector of education is something that we need

to undertake and Madam Speaker, you promised that there will be moments when you will engage sector ministers to explain and give direction in their areas. I think this is something that we need to consider so that the education sector gives us what it is that they can contribute in terms of ensuring that integration gets to another level. With those not too few words, I would like to thank you for your indulgence and the Members for their kind attention. I beg to support and encourage all Members to support this very serious report without any dissent. Thank you very much.

*(Applause)*

**The Speaker:** Thank you very much hon. Sebalu. I think at an appropriate time the Chair Council of Ministers may make comments on the issue of the Constitution among others. I think you were quite attentive when hon. Sebalu was suggesting that it is quite important that we should start initiating a Constitution for the federation so that people think aloud about this issue.

**Mr. Emmanuel Nengo:** Thank you, Madam Speaker. As it is my first time to take the floor of this House let me congratulate you upon being elected as Speaker of this House.

*(Applause)*

Madam Speaker, this morning I discussed with my better half and she reminded me to say this; I take this opportunity to thank all of you for the moral support, contributions and complements during my wedding.

*(Applause)*

During my wedding, there were some representatives of EALA and the hon. Jeremy; Chair Burundi Chapter took the floor on behalf of the House. He explained much and I take this opportunity to say that it was a wonderful and memorable day for me because it was my first time to see top EALA officials participating in the Batwa ceremonies.

*(Applause)*

It was memorable because in my life, I had never seen any people participating in social ceremonies because it was forbidden for Burundians and other people to share food, drinks and

social ceremonies. So, on this day, it was the beginning of a new era in our community. That is why I thank all of you so much for your support and contributions.

*(Applause)*

Madam Speaker, as you are aware, vulnerable groups are sometimes not integrated within their countries and because of discrimination, marginalization and exclusion that is why I call upon EALA to look out for this and come up with some solutions to this. It can prevent conflicts within our region.

Madam Speaker, I support the motion the Committee on Regional Affairs and Conflict Resolution. That is the end of my English speech.

*(Laughter)*

Thank you so much.

**The Speaker:** Thank you so much, hon. Nengo. I think you have done very well and we once again salute you on your wedding.

**Mr. Bernard Mulengani:** Thank you, Madam Speaker. I am not a member of the committee. Madam Speaker, on page 4 paragraph 4, I am addressing myself to cross cutting issues and this one particularly is mentioning the challenges of the Assembly and the committee in particular is facing to execute its mandate.

You notice, Madam Speaker and colleagues, Members of EALA that the issue of our mandate is related to space. Our independence; the issue of executing our mandate totally is also related to the funding. We are being suffocated by those that have been bestowed with the authority to allocate monies. And the way forward to do this is for us to continue pursuing and fighting for our total independence of the Legislature including the total authority of allocating resources like our members States do.

Madam Speaker, on page 5 paragraph 3 from above, the committee is gain saying that the Common Market cannot be implemented because of institutional structures. Now to me I think after member States have signed these protocols, and then they are unable to put in place what

they have signed it is a deliberate laxity by the member States and to Council to pursue their responsibilities and obligations.

This now drives me to the issue which was mentioned in 5 under Committee Observations and Emerging Issues; if there is existing tension between the development of protocols and enactment of legislation- Madam Speaker, again this tension is intentional by the Executive because if they have good will, we all have good will for purposes of integration. If the protocols are becoming difficult to implement, why don't we go for legislation and also encourage legislation.

Madam Speaker, I will tell you that we are unable to pursue our mandate yet again as legislators because even the little funding that comes through the Partnership Fund where the Council and the Secretariat have got authority to allocate without involving the Legislature they have given the Legislature peanuts. The Legislature only got 2 percent of the Partnership Fund and the massive allocation goes to the Secretariat.

Now, you will realize that we are unable to do oversight functions; the committee is crying for issues to do with sensitization in this report. But when you look at the money that is being given to the Legislature where the Council has got a mandate on the Partnership Fund they are giving us just a small percentage. Now we keep on asking ourselves why?

Madam Speaker, I would also like to say here that there is a member State that has applied and is requesting the Council to amend the Treaty that Members don't bring Private Members Bills. I would like to know from Council, are you in support of this? In any case, is it happening because you will be suffocating our rights? World over in the Commonwealth, there is no where Private Members Bills are prohibited. And this will show the support that this particular Member State has for the tension between the development of protocols and legislative functions.

We go out to public hearings but who supports us? Whenever we have Bills and I would like to tell you Members that we are going to start receiving Private Members Bills but you will not find any funding from either the Partnership Fund or the line submissions from the Member States. It is mainly AWEPA that sponsors and when they do so, they give you money to go for public



hearings for only two or three days. But what public hearing will you do in a State like Tanzania with all that mass of land for two days? And when will you ever involve the people –citizens if we are using AWEPA? So, these are serious issues that indeed if the Council has the good will towards the Legislature, they should wake up and take us positively.

Madam Speaker, on page 6, bullet 6, and the committee is talking of lack of knowledge among the East African people. This falls back to lack of sensitization. The committee has raised this and I have referred to it in my previous submissions. I would like to know, how will people know if even our Members in the Houses in the Members States are ignorant of the progress of the Community? They are extremely not knowledgeable of what is taking place at the regional level, and this falls back to the Council of Ministers who sit in both Houses; they sit in the Regional Parliament and also sit in the Member State Parliament. But also the Treaty mandates them to cause to lay our reports and proceedings in the national assemblies. Recently one Member said: “We have realized that it is not our Madete who is incompetent.”

**The Speaker:** Hon. Mulengani, just for parliamentary practice, I think the word “ignorant” may be a little overboard; maybe we could use a better word. Make sure that our National Assemblies do not take us in bad breath.

**Mr. Mulengani:** Madam Speaker much obliged. I would like to withdraw that word and use “they are not informed.” They are not informed because that will relate to the Council not informing.

Madam Speaker, with your permission if I can proceed. There is no way citizens will be informed if our Members States Parliaments are not informed. And this touches the role and responsibilities of the Council who sit in both Houses because they are not causing to lay on table the relevant reports that are given to them. And this touches the recommendations by the committee on page 7. Recommendation 4 talks about – hon. Sebalu hinted on it widely and this is wider and deeper sensitization. Indeed if we have to do a lot of sensitization, I would like to request that this time round let the Council and the Secretariat release money to the Assembly in the area of the Partnership Fund for us to be able to execute our oversight and representative

roles. I would like to thank you, Madam Speaker for the opportunity and to thank the chairperson of the committee. I support the report.

**Ms Ndahayo:** Thank you Rt hon. Speaker. I would first of all like to congratulate our chairperson who did a very good job. I want to support the report by putting more emphasis on one issue raised among our priorities on page 6 in the last bullet where we said that we need to organize a regional workshop to address the critical issue of refugees and internally displaced persons.

You know that these categories of people are there as a result of internal conflicts within our countries. So, these people are in a complicated situation; they are East African refugees within the East African Community. They are not enjoying their rights as it is stipulated in the Chapter 27- Article 104 of the Treaty where they should enjoy the rights of establishment of the EAC and free movement of persons. So, I think as representatives of the people we have to do something.

The suggestion here is to conduct a regional workshop to address this critical issue but I think that we should also think about organizing site visits to assess their situation and push in order to influence decision makers in order to put in place protective measures for the well being of these persons. With that, I would like to support the motion. Thank you.

**The Speaker:** Thank you very much, hon. Isabella. I invite hon. Chair, Council of Ministers.

**The Chairperson Council of Ministers (Mr. Peter Munya):** Thank you, Madam Speaker. May I also take this opportunity to congratulate the committee that has produced this very well written report that is making very good recommendations.

Madam Speaker, last time I forgot to congratulate the Members for being elected to this House. I don't think it was that easy; this was the most difficult election after the change of rules. The previous ones were easier. So, somebody to manage to go through that process and be here shows the high regard the leaders of your countries have placed on you to be able to drive the East African agenda.

Madam Speaker, the recommendations are very good. We will take them into account when we are making decisions at the Council level but if I may comment on some of them; recommendation on sensitization to continue sensitizing the citizens is very timely. We have been carrying out a sensitization programme as a council where each Partner State has been mandated to carry out sensitization in their own country and those programmes have been going on. I am sure you have seen and even attended some of the workshops that have been organized by the Partner States.

The Secretariat is also supposed to carry out its own sensitization programme and they have been doing it. They have sometimes been doing joint sensitizations with the Secretariat. Partner States have also been involving Members of EALA in their sensitization programmes. Indeed I remember some of the meetings that have been done in Kenya have involved the Kenyan Chapter of Members of EALA to be resource persons in some of the meetings and in some of the workshops. So, Madam Speaker, let me assure the Members that whenever funds are available, we are carrying out sensitization we shall make sure that the Members of this House are fully involved and engaged in the exercises.

But the sensitization programme is affected by the shortage of resources; the budget is very limited; the mandate that we are given by the Treaty is very wide and yet the sources that are at our disposal are very limited. So we end up doing less than what we would want to do.

We are also affected by the fact that this House is very keen on us weaning ourselves out of donor support. And we cannot effectively wean ourselves out of donor support when we are not able to raise enough resources locally to exercise our mandate. So, we are torn between a rock and a hard place. Whereas for us to be completely in control of our destiny properly and to be able to move our agenda properly, we need to be able to raise our resources locally, but you know the state of our economies in East Africa.

Madam Speaker, they are not that high; we are still developing countries. Some of our countries are emerging from conflicts; they are reconstructing. So, even much as we would want to stand on our own feet, we have to be realistic that it will take some time before we are able to raise

enough budgets to be able to get on our own, indeed our own national budgets. So, when you talk of the Community budget being 70 percent donor supported, even the national budgets, as you see, are also donor supported.

So, how would the Member States providing the budget be able to give you enough money if they themselves are being donor supported and yet they cannot even be able to meet their national budgets on their own? So, these are the realities of our situation, Madam Speaker, which we must confront. We must keep engaging ourselves in how to figure out to raise this money on our own. And as I said at the beginning, this will take some time but I am sure we will get there at one point in our history.

**Ms Byamukama:** Thank you very much, Madam Speaker. Hon. Chair, Council of Ministers whom I respect very much, I have a simple clarification, if you have a cow and it is giving you a lot of milk, and the more you feed it the more milk you get, how come that when it gives you more milk is when you continue rationing it?

Why am I saying this? We all know that we have benefitted from the integration process; we all know that trade has been boosted from 2 billion to 5 billion in the last period we have been in integration and, therefore, we do not appreciate the point that even our own Partner States are donor funded. We believe that the East African integration is a very important aspect of our development and, therefore, would like the hon. Minister to maybe allude to the fact that the Summit has already issued a directive that there should be alternative sources of funding and then from this we should be able to also fund East Africa in a way that we should because otherwise, we would be shooting ourselves in the foot and the integration agenda can be hijacked because he who pays the piper calls the tune. I thank you.

*(Applause)*

**Mr. Munya:** I would like to thank hon. Byamukama for seeking that clarification but it appears, Madam Speaker, that hon. Byamukama would have wanted to contribute to this report. And it is good she has taken that opportunity to make a few comments on the state of affairs in East Africa

where we need to move out of donor support and stand on our own. Indeed she is correct to say that whoever is the piper calls the tune, that is where I began that we assessed the matter as a council and as Partner States and we are doing everything we can to improve on the situation that is well described by the report so that we can eventually wean ourselves out of donor dependency. And I said at the very beginning that our total independence can never be there until we are able to fund our programmes entirely.

It is true even the Summit, the highest decision making body in the Community had time to express itself on this particular issue. But what I was saying is that until our economies grow to that level where we are also able to free the national budgets from donor support, it would be unrealistic to expect the Community, which is constituted by Partner States to free itself of donor support when the Partner States themselves are not yet free from donor support. So, that is the only point I was making while agreeing with committee that an effort needs to be made in that direction.

About the peace and security budget being funded by donor support, Madam Speaker most of – I don't have the statistics but I know Partner States budgets on peace and security are almost entirely funded by local resources. In fact peace and security budget is not a popular donor area. Donors rarely fund areas dealing with peace and security. Most of these budgets that we have in that area are from our own resources. So, impression created that we also get donor support in that area is not true. Having been in Government I know that hardly do they give money in that area. Most times they give you money relating to other areas. But the idea that area should not be funded by donors for the sake of our sovereignty is spot on because even when you are supported, there are certain areas that you would want your neighbor to keep off from your house. There are certain sections of the house that you can't invite your neighbor to the table room; you can invite your neighbor to probably the kitchen area and the garden area but once you start inviting your neighbor to your bedroom, then problems start there. So, there are certain areas where privacy is required for individuals and even for states.

Madam Speaker, the other recommendation which perhaps I needn't comment on is on the issue of the need to start drafting a federal constitution for the Community. That recommendation is in

order. All the efforts have been made by the Council and Summit in that direction. A committee of experts was appointed at one time to give recommendations on a road map that can lead us in that direction and a report was submitted but was not very clear. So, the Summit decided to appoint another committee to relook into the matter and give recommendations on what needs to be done to prepare ourselves for that eventuality and what needs to be done in order to start preparing a draft to give us an indication of what kind of federal we would like to have. Therefore, a debate on that area is in order. I think it is a good idea that the House also takes over the debate and give ideas so as to catalyse the debate. I don't think it would take us a year or two but debate needs to be encouraged on what kind of structure we would like to adopt eventually when we become a the East African Federation.

Madam Speaker, the issue of reviewing the education curriculum to inject community matter into the curriculum is also timely. I know many institutions in East Africa are now ready. They are training students on East African matters. I know many law schools, for example, in Kenya already have chapters dealing with East African law. I had an opportunity of visiting a local university here that is also teaching Community law. I know the Catholic University for East Africa that is already opening a centre for studying on the East African integration. So, many institutions are already doing it and we encourage those that have not done it to do so.

But at the East African level we are already doing a curriculum harmonization with the Inter University Council for East Africa and the Sectoral Council on Education that will make our curriculum uniform so that whatever will be taught in one Partner State will exactly be what is being taught in another Partner State to make it easier for free movement of the human resource that is developed. That is exercise is already going on because it would not be easy for you to move if the education that is being offered in one Partner State is different from the one being offered in another. An accountant produced in Kenya may find it very difficult to work in Burundi if the process of producing an accountant in Burundi is different from that of producing the one in Kenya.

The same process applies to teachers. If the material that comes out of the teaching process in Kenya or in Tanzania is totally different from the process that produces a teacher in Rwanda, it

will become difficult for teachers to move freely to find job opportunities in the East African region even if the Common Market is fully implemented. So, curriculum harmonization, Madam Speaker is key and it is already being done. And from the information I have, what is being done is not concentrating on the systems; it is not dealing with the system at such. What they are doing is more of content than the structure because what matters really is the content. So, as long as the content is the same, it doesn't matter whether a particular content is achieved in Form 1 or Form 2 or Form 4 but what matters is what you acquire at secondary level in Kenya when you graduate is the same content that you would acquire in secondary level in Tanzania or Burundi when you graduate. So, they are concentrating on content of the curriculum other than the structure.

Some of us may ask why we are not changing, for example, the Kenyan System, which is 8-4-4; the Ugandan System which is 7-6-3. So, these are the questions that may be asked but the experts who are doing it are saying that is not what is important, what is important is the content so that the end product is the same. So that is already taking place, Madam Speaker.

I think I have been able to comment on the key issues that are raised in the report. The other key issue that has been raised is the issue of The Protocol on Peace and Security that is going through ratification at the moment. The crucial pact that is already proposed within the protocol – there was some misunderstandings at the time when this protocol was being negotiated that the protocol itself was a common peace and defence pact, which was not true. The protocol was dealing with issues related to peace and security for the region but within that protocol there is a proposal – not even a proposal but a decision that the East African Partner States must negotiate a common mutual defence pact. So that mutual defence pact is not yet negotiated but it is one of the key provisions in The Peace and Security Protocol.

The other issue that is raised by the report is the need to move away from protocols and concentrate on Bills when you want to legislate on East African matters. I think protocols and Bills serve different purposes and we cannot leave any one of them out because protocols cover wider areas and then legislations are meant come and fill in the gaps that are left by the frameworks that are usually given by protocols. So, we continue having protocols negotiated

because they step up the general framework that is required and then legislators – Members of this House are left to give us the nitty-gritty that is required to make the protocols effective.

**Mr. Sebalu:** Thank you very much Rt hon. Speaker. I thank the hon. Minister for giving way. I think what the committee and the Legislature is raising is not doing away with the protocols completely, as you have indicated, they do serve different purposes. But the issue of overemphasizing protocols at the expense of legislation because if you look at the Second EALA and look at the proportion of the protocols that were brought vis-à-vis the legislation, you may find that someone may be at a loss giving you what piece of legislation that was initiated by the Council. So, it is the concern and you could give us a feedback with that view in mind.

**Ms Byamukama:** Madam Speaker, I would like to agree with hon. Sebalu and also seek further clarification. When you look at Article 151 (1) of the Treaty, it says that: *“The Partner States shall conclude such protocols as may be necessary in each area of cooperation which shall spell out the objectives and scope of and institutional mechanisms for cooperation and integration.”* Apart from the numerous numbers for protocols, we in the Legal, Rules and Privileges Committee are concerned about the protocols. The protocols come out in such a way that they almost look like the laws that we should be making. So, we would like clarification on that. Much as we would not like to hinder the making of protocols, the fact is that in some instances they are over used and in others the content is very similar to what a law would be like. So, this is what I would like clarification on.

**Mr. Munya:** Thank you, Madam Speaker. I think it is also useful for the House to appreciate that legislative mandate is still a shared area between this House and the Council so that the Council is free to bring legislation whenever it feels that it needs to do so and also the House needs to conclude protocols as the Treaty empowers the Partner States to do. That area is still not conclusively the responsibility of the House. So, it is a shared mandate between those institutions that I have mentioned.

It is true sometimes the protocols are so detailed that there is really no room for further legislation on those areas. And I think that it is an important observation that the members of the



Council need to take whenever we are making protocols because even though protocols are supposed to be more detailed than the Treaty, they are not necessarily required to be as detailed as specific legislations on particular matters so as to allow room for this House to also improve and give meat to the protocols.

But I also wanted to agree with what hon. Sebalu said. It is true there were very few Bills that were presented to this House by the Council and I am sure hon. Sebalu appreciates the decision making process that Council has to go through before producing a Bill to bring to this House. We have to go through many phases; we have to consult Partner States who may sometimes not agree and if one Partner State doesn't agree, even if the four agree, the Bill cannot be brought to this House. So, sometimes it is not the fact that Council do not want to bring Bills here. It is sometimes that process which takes long and at times certain issues are not yet politically agreed on by the Partner States, which slows the process of bringing Bills to this House. So, in other words once political will is missing, Bills can't come.

**The Speaker:** Thank you very much. The ending note has been a little open ended. So, I would like to thank you for that quite open ended ending note. But of course just to emphasise that the prayer of the committee was just to make sure that there is a lot more use of laws than protocols. I think that is a good prayer. I would like to invite hon. Zein to wind up the debate and also to note that he presented a report that didn't have his beautiful signature appended. So, that is important for us to know that you signed that report and maybe bring forth again the request by INTERPOL at an appropriate time.

**Mr. Zein:** Thank you Rt hon. Speaker. First and foremost, allow me on behalf of the committee to thank all the speakers who have contributed and added value to this report and as you can tell, Madam Speaker, it has generated the kind of debate that we were hoping to have. So, at the end I would like to ask, with your indulgence and permission, to name all the members of this committee. So, allow me at this time to thank directly by naming hon. Mulengani and hon. Munya, Chair of the Council for their input.

Allow me, Madam Speaker to say only three or four things that I think are very critical. Let me start with what hon. Munya ended with while talking about the protocols and laws and the tensions that exist between them. I think what we are saying is that this is a shared mandate like you were saying and whenever there is a shared mandate, there is need for discussion as to how to execute and implement that shared mandate. That is all that we are saying.

We are also saying that when you are focusing on law making which has a force of law in other countries, it might be much more useful in terms of how you implement them and enforce them than many of the protocols that have challenges in terms of how you will enforce them. So, I am sure this discussion will continue and I don't want to preempt other discussions by other committees but I am sure we shall continue discussing this particularly when it comes to overlapping or shared mandate or jurisdiction.

Secondly, Madam Speaker, allow me also to talk about a very critical issue that has been raised by the debate in this House, which is the level of awareness and participation of our people in the integration processes. This is absolutely critical if you take into account the ultimate objective of political federation. If we don't walk with our people now, when it comes to that political federation question, take for example, Kenya where I come from, when you talk about matters of sovereignty, which are guarded by the first Article of our Constitution; sovereignty of the people, it means that when we want to integrate and allow for Kenyans to donate part of their sovereignty to have this East African shared sovereignty, we would have to have a referendum in Kenya. So, if we have not walked with our people to accept integration as a destination that is good for all of us, it will be very difficult at that point to get people to accept.

Related to this matter, Madam Speaker is also the question of resistance and mindset. Part of the resistance to this integration process emanates from the Non Tariff Barriers. In our case the opinion is also formed by lack of awareness. We need to work hard to increase on the levels of awareness among our people and among the decision makers at lower levels of the community to understand the imperatives of integration.

Thirdly, Madam Speaker also allow me to speak about the good examples we have had, a number of universities have been mentioned and institutions of higher learning who have contributed to development of this sense of East Africanness and on this count we would like to commend Makerere University and the University of Nairobi who have jointly developed a postgraduate peace programme with Coventry University which they are already implementing and they are hoping that this would be the vanguard of introducing peace education in lower levels of education.

Lastly, Madam Speaker allow me to thank all those who made very good comments and who showed kindness to the committee and with your indulgence, Madam Speaker allow to present the names of the members who participated in this workshop and generated this report with the staff: Hon. Nkanae , hon. Sebalu, hon. Bonaya, hon. Ndarubagiye, hon. Nengo, hon. Ndahayo, hon. Opoka-Okumu, hon. Mukasa Mbidde, hon. Isa Twaha Taslima, hon. Charles Makongoro, hon. Murunya, hon. Halirimana, hon. Muhongayire, hon. Rwigema and I had the humble privilege of chairing this committee. Thank you very much, Madam Speaker, I beg to move.

*(Applause)*

**The Speaker:** Thank you very much, hon. Zein for that important report and the winding up. Hon. Members, the motion on the floor is that the capacity building workshop report of the Committee on Regional Affairs and Conflict Resolution on the role and mandate of the committee be adopted.

*(Question put and agreed to.)*

# CAPACITY BUILDING REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES

## MOTION

### **The Chairperson of the Committee on Legal, Rules and Privileges (Ms Dora Byamukama):**

Thank you, Madam Speaker and hon. Members, I beg to move a motion that the capacity building workshop report on the Committee on Legal, Rules and Privileges on the role and mandate of the committee be adopted. I beg to move.

**Mr. Abdul Karim Halerimana:** Seconded.

**Ms Byamukama:** Madam Speaker, the report reads as follows;

### **Introduction**

#### **Mandate of the Legal, Rules and Privileges Committee**

Madam Speaker, the Committee on Legal, Rules and Privileges derives its existence from Article 49 (2) (e) and (g) of the Treaty for Establishment of the East African Community (Treaty) which states that “The Assembly may for purposes of carrying out its functions, establish any committee or committees for such purposes as it deems necessary; and shall make its Rules of Procedure and those of its committees.”

The Committee on Legal, Rules and Privileges is a Standing Committee provided for under Rule 78 and its functions are spelt out under Rule 79 and annex 5 (B) of the Rules of Procedure as follows:

- To examine, discuss and make recommendations on Bills laid before the Assembly; Initiate any Bills within its respective mandate; Assess and evaluate activities of the Community; Carry out relevant research in its respective mandate; Examine policy matters affecting its subject areas; Initiate or evaluate action programmes under its subject areas and make appropriate recommendations thereon; Examine the Community’s recurrent and capital budget estimates; and Report to the Assembly on its functions.

This mandate also includes work to:

- To receive, review, scrutinize, investigate complaints against legal entities within EAC of denial/deprivation of enjoyment or inappropriate enjoyment, and use contrary to provisions of the Treaty, Protocols and Agreement by any person resident within the EAC, regardless of the legal status or the presence of such persons; oversight of the work of EAC – Sectoral Committee and organs.
- The broad functions which hinge on complaints falling within but, not restricted to provisions of:-
  - Chapter 24 of the Treaty –Legal and Judicial affairs;
  - Chapter 29 of the Treaty – General, Transitional and Final Provisions;
  - Complaints of breaches of the provisions of:
    - Rule 3 Independent mandate, Privileges and Immunities;
    - Rule 4 Incompatibilities.
- Complaints of alleged breaches of the established Code of Conduct, Dress Code for Members, staff and strangers.
- Establishment of requisite codes of conduct and dress code for members, staff and strangers while within the precincts of the Assembly.
- Investigation into and recommendation of solutions of breaches/non compliance with provisions of Annex II – Declaration of a Member’s Financial Interests; of the Rules of Procedures;
- The receipt and disposal of proposals for the amendment of the Rules of Procedure.
- Complaints and alleged non-compliance with provisions of the Treaty.
- Ensure adherence to Good Governance Principles as stated in the Treaty under Article 6 on Fundamental Principles of the Community; and Article 7 on Operational Principles of the Community.

Added on to the Committee of the Second Assembly, allow me to read this particular Article because it is very important because Article 6 (d) states that Good Governance including adhering to principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender, equality as well as recognition promotion and protection

of Human Rights in accordance with the provisions of the African Charter on Human and Peoples Rights. I would like to move on to 1.2.

### **Capacity Building Workshop Report**

The objective of the Capacity Building Workshop was to:

- a) acquaint Members with operations of the Committee;
- b) enhance Members' understanding of legislative processes; and
- c) to enhance their skills and technical knowledge - for effective execution of the Committee's mandate.

The Workshop covered the following topics:

- a) Introduction to the Committee Mandate which included;
  - Overview of work executed by the Committee since 2001
  - Proposals on activities that the Committee could undertake 2012-2017.
- b) Overview of Law of Treaties and Constitutional law:
  - Introduction of Basic Skills in Legislative Drafting and Law making process
- c) Overview of Parliamentary Procedure:
  - Focus on EALA Rules of Procedure
  - Drafting of Bills, Motions and Questions
- d) Overview of Community Laws in particular;
  - Overview of Parliamentary Powers and Privileges – Focus on EAC Powers and Privileges Act
- e) Exposure to Best Practices in Execution of Parliamentary Work.

## **Methodology**

Madam Speaker, the Committee adopted a participatory approach, which was enhanced by presentation of topics, followed by discussions.

Papers were presented by highly skilled and experienced experts in the names of Hon. Daniel Wandera Ogalo; and Mr. Stephen Musalia Mwenesi. Committee Members also benefitted from each other's experiences during the discussions.

## **Observations and Findings**

### **Work Executed**

Madam Speaker, the Committee was informed that the former chairpersons of the committee since 2001 were; Hon. Jared Kangwana; Hon. Medi Kaggwa; Hon. Abdullah Mwinyi; Hon. Fredric Ngenzebuhoro and currently Hon. Dora Byamukama. It was further noted that the hard work, commitment and efficiency enabled the Committee to distinguish itself in areas of legislation and oversight.

Since its inception, the work done by the Committee on Legal, Rules and Privileges includes:

#### **a) Amendment of Rules of Procedure;**

- The Rules of Procedure initially provided for 60 working days including weekends which totalled to 44 working days a year; this was increased to 80 working days and currently 120 working days as per Rule 11(9) which Rule is yet to be further amended.
- It was noted that over time amendment of Rules of Procedure had been done piece meal and not exhaustively. A case in point is that of the Republic of Burundi and Rwanda where the rules had to be amended to incorporate the members into the Assembly. The original rules were hurriedly adopted in 2001 and have several gaps or lacuna, for example there is no procedure to handle defamation cases amongst Members or minority reports.
- It was further noted that the publication needs to be re-organized and re-packaged so as to make the Rules of Procedure handy – so as to fit easily into the pockets and bags of members.

## **b) Initiation of Private Members Bills;**

In the last 11 years, it was noted that the Committee initiated the following Bills:

- The EAC Emblems Bill, 2002; hitherto, the EAC had no emblem, seal or flag.
- The EALA [Powers and Privileges] Act, 2003 to enable the Assembly effectively execute its work.
- The Acts of the EAC Act, 2004 which provide for the form and commencements of Acts of EAC for the procedure following passing of bills or for other related matters. The EAC Immunity and Privileges Bill, 2004 was adopted and still pending enactment into law.
- The EAC Trade Negotiations Bill, 2004 which was subsequently enacted into law in 2008.
- The East African Community Service Commission Act, 2010.
- The EALA Elections Act, 2011.
- The East African Community Human and Peoples' Rights Act, 2011.

It was noted that Article 14 (3) (b) of the Treaty provides that the Council shall initiate and submit Bills to the Assembly. With respect to bills it was further noted that the Council of ministers since the inception of EALA not submitted a legislative calendar.

It was also noted that the Council of Ministers has tabled a limited number of Bills in the Assembly. The presenter informed the Committee that the First Assembly has to wait for three years before the Council submitted the first bill.

## **c) Audit of EAC laws- on enforcement and implementation of laws**

- It was noted that audit of EAC enables the Committee to monitor and evaluate the impact of Community laws.
- In auditing of EAC laws the need for links with the relevant Committees of Partner States and on spot assessment of entities that enforce Community laws, was highlighted.

## **d) Compliance with Articles 6 and 7 of the Treaty**

Madam Speaker, this activity includes on-spot assessment of compliance with good governance principles and human rights. It was noted that the Committee should produce an annual report in time for the debate during the State of EAC Address by the Chair of the Summit.



e) **Amendment of the Treaty** – Notwithstanding that this function is the exclusive domain of the Summit; the Committee proposed amendments to the Council but to date there has been no response and or comments. There is need for a update from the Council of Ministers on action taken.

### **3. Treaties; Constitutional law; Legislative Drafting**

The committee noted the following from the presentations:

a) The EAC Treaty is treated differently by the Partner States owing to the manner in which each State handles its law on Treaties. Some Partner States give Treaties automatic force of law while others require domestication.

It was noted that for example, The Republic of Kenya gives the EAC Treaty higher standing because Treaties are considered at the same ranking with Constitutional Provisions, which takes precedence over other laws. Madam Speaker, permit me to quote the Constitution of the Republic of Kenya, Article 2 (5) provides that the general rules of international law shall form part of the law of Kenya and Article 2(6) provides that any Treaty or Convention certified by Kenya shall form part of the law of Kenya under this constitution. Members noted the need for harmonizing the manner in which the EAC Treaty is treated by EAC Partner States.

b) With respect to legislative drafting, Members were encouraged to adopt a reading culture; and to carefully look out for punctuation; hidden meanings and unintended consequences of legislative drafting. Members were urged to carefully scrutinize drafts in order to ensure that the draft law addresses the mischief that it intends to address.

c) Contextual issues such as values need to be taken into account during legislative drafting and that in most cases laws have loopholes which need to be identified and addressed in order for them to be effective.

d) Members were further advised to base their Bills on Summit Communiqué and EAC Protocols in order to limit discord.

- e) Considering that legislative drafting is technical; Members were advised to effectively utilize the Parliamentary services available such as researchers and the Community legislative draftsman in order to effectively utilize technical input.

It was noted that Parliaments have fully fledged departments to assist in legislative drafting. In line with this, it was proposed that the Assembly considers employing a draftsman. Request was also made for more exposure to this subject matter.

### **Parliamentary Processes; EALA Rules of Procedure; drafting Bills, Motions, and Questions**

The following points were noted in respect to EALA Rules of Procedure:

- a) All work executed in plenary has foundation in the Rules of Procedure. There is thus need to master certain Rules that are frequently used and these include:

- Rule 13 based on Article 57(1) on Quorum – quorum is half provided that there shall be at least 3 of the elected members from each partner state. Quorum can only stop the business of the House if a Member raises the issue. It was noted that the current trend in parliaments allows debate and requires quorum only when voting is to take place;
- Rule 38 which provides for Time and Manner of Speaking; Rule 43 on Contents of Speeches;
- Rule 49 Conduct of Members during Debate – (vi) “No Member shall bring into the House any lethal weapon, camera, tape recorder, transistor radio, mobile telephone, or other unauthorized electronic device.” I believe Madam Speaker, that if we tested out that rule, there will be many culprits here - (applause)- there will be many culprits especially on the issue of mobile telephone. Questions on this were raised - *What if these gadgets can assist with research? Should we maintain such a Rule in this time and era?*
- Part VIII on Motions and Amendments – Members need to know the type of motion you can move and for what purpose.
- Annex 4 of Rules of Procedure on the Dress Code was highlighted. Note that “For Hon. Members – For Ladies under (ii) (a) should be decently and smartly dressed (trouser or skirt suits, skirt (below the knee), blouses, shoes, while the gloves and hats will be

optional.”) For Gentlemen under (i) (b) there is provision for “Safari Suit (short or long sleeved)) and long trousers. These issues raised a lot of debate especially on the issue of skirts being below the knee. At which point should they be below the knee when standing or sitting and other issues were discussed at length.

*(Laughter)*

Questions were raised about adopting western traditions without reason such as the wearing of the wig and whether a requirement that all should be just “decently and smartly dressed” would not be adequate? These issues are for your debate hon. Members and we hope that we shall come to some conclusion.

b) The Workshop noted the need to amend the following Rules, for the following reasons:

- Rule 14 on Adjournment of the House: Rule 14(2), (3), (4), and (5) are out of place. The Rule mixes adjournment of the House and an adjournment for debate on a matter of public importance. These two should be distinctly provided for.
- Rule 18: Procedure of Business is found under Part VI which provides for Questions to the Council of Ministers. Rule 18 should accordingly be moved to Part IV which provides for Order of Business.

The Rules should provide more guidelines on admissibility of questions – for example there is need to include that a question must not be asked of matters that are subjudice.

- Rule 20 (1) provides that priority questions which require immediate answers but not detailed research shall be answered within three weeks. Since the House normally sits for two weeks, this means no ‘short notice question’ can be asked and answered within the same sitting unless “within three weeks” is interpreted to mean any time before three weeks lapse.
- Rules that set time frames that are not adhered to, for example Rule 74(5) which limits debate on financial statements to 15 days; Rule 75(3) which limits debate on annual estimates to seven days; and vote on account to one day totalling to 23 days. Experience shows that not more than 10 working days are allotted for an entire sitting - so provision for 23 days is not practical.

It was noted that the time frame prescribed in Rule 74 and 75 should be adjusted and the Budget Act provisions should also be incorporated in the time frame for Budget process.

- In respect to time bound Rules; likewise Rule 11 (9) which provides that the House shall sit for not less than 80 days for plenary and not less than 40 days for Committee meetings has not been adhered to in the last 11 years; as integration widens and deepens - the Assembly should make every effort to adhere to this Rule.

## **Overview of Community laws, powers and privileges**

### **Overview of Community laws**

- (a) An overview of various Community laws such as the EAC Appropriation Acts; Customs Management Act 2004; EAC Joint Trade Negotiations Act 2008; The Summit (Delegation of Powers and Functions) Act; the EAC Standardization Quality Assurance, Metrology and Testing Act 2006 - manifest almost similar trends in form of: Limited awareness of the law; non enforcement of the law; and reluctance to adhere to set time frames; for example, the Competition Act 2006 provides for an Authority which Authority has to date not been established.
- (b) Review of Community laws specifically highlighted the fact that multiple memberships to other regional blocs like SADC and COMESA distorts the principle of Customs Union which requires a common external tariff and renders it difficult for EAC Partner States to negotiate as a bloc.

### **Powers and Privileges**

Article 61 of the Treaty provides for Powers, Privileges and Immunity of the Assembly and its Members.

This article provided a basis for the Privileges, Powers and immunities Act, which provides for, inter alia:

- Freedom of speech- No court of law has authority to try a Member for what they say within the four walls of parliament or in committee. The only exception is where a

Member defames a fellow member; even then the trial is by a Committee of Parliament and not a Court of law.

- Publication of Parliamentary Proceedings printed or published under authority of the Assembly are protected by absolute privilege when printed and published into and by qualified privilege when printed and published in total.
- No member or officer of the Assembly is allowed to give evidence anywhere on the contents of any document laid before the Assembly without special leave of the Assembly in writing.
- Immunity from arrest – is provided to secure attendance of Members; and Immunity from civil liability – a Member who acts or omits to do an act which results in injury to a third party cannot be held liable provided the Member was acting in good faith.
- The Assembly has powers to order attendance of witnesses, compel production of documents and apprehend witness. These powers enable the Assembly and its Committees to exercise quasi judicial powers. Officers of the Assembly are vested with powers and privileges under the Act similar to that of a police officer.

This Act facilitates Members to work effectively and without fear of intimidation.

### **Best Practices in Execution of Parliamentary Work**

- Promotion of the doctrine of separation of powers – the Assembly should continue to strive for financial and administrative autonomy by building on the gains made in the 1<sup>st</sup> and 2<sup>nd</sup> EALA.
- The role a Parliament plays in the budgetary process determines how influential it can be. EALA should therefore effectively utilize Article 132 (5) and proactively propose alternative methods of funding for the Community under a Finance Act.
- The Assembly should establish a monitoring tool (score card) for effective delivery of service.
- It should also promote new concepts, tools, such gender responsive budgets and laws to eliminate discrimination.
- Another best practice that was highlighted and may be Assembly could take it up is that already undertaken by the EACJ and the Assembly should set up centres for receipt of people's concerns in Partner States. It should continue holding public hearings; inter-

parliamentary activities in order to elicit citizen participation and sustain liaison with National Assemblies.

- Finally there is need to recruit and utilize experts and sustain capacity building of staff for effective service delivery; and strengthen the research department and information systems.

The Presentations made at the workshop are attached as **Annex I, II, III, IV, V, VI and VII**. These presentations are very interesting and informative and I would like to urge the hon. members to take time and read them.

## **RECOMMENDATIONS**

The Committee made several recommendations taking into account the Committee's Findings and Observations:

1. The Committee requires more financial and technical support to effectively execute its mandate and in particular:

a) The legislative process in its scope of operation, for example enactment of Immunities & Privileges Bill;

b) Review; harmonize and re-package (portable) Rules of Procedure; and

c) Establish mechanisms for receipt of and response to - complaints at the national and regional level.

2. The Committee recommends support for on-going work in the key areas of:-

a) Audit of EAC laws to ensure effective enforcement of laws, in particular those that underpin Customs Union and the Common Market;

b) Assessment of compliance to principles of Good Governance and human rights in the EAC which will facilitate enactment of The EAC Constitution; and

c) Election Observation and Monitoring in order to oversee implementation of the EAC Elections Act.

3. a) The Committee proposes to assess operationalization of Chapter 24 of the Treaty on Legal and Judicial Affairs which inter alia obliges Partner States to take steps to harmonise their legal training and certification; and to encourage standardization of judgments of courts within the Community.

b) The Committee recommends that the Assembly continues advocating for EACJ for the extension of jurisdiction and concerns.

4. The Committee also proposes to assess implementation of Chapter 29 of the Treaty which provides for General, Transitional and Final provisions; this work will focus on:

a) Headquarters and other offices of the Community- Article 136;

b) Official Language – Article 137; Linked to this, is an urgent request was made for Members to undertake courses in Kiswahili in order to facilitate its development into a lingua franca of EAC;

c) Status, Privileges and Immunities – Article 138;

d) Sanctions – Article 143; and

e) Amendment of the Treaty – Article 150.

5. Noting that about seventy per cent (70%) of Community activities are funded by donors, it was recommended that the Assembly follows up on the Summit directive to the Council of Ministers which required proposals for alternative funding mechanisms. Council of Ministers should present a report to the Assembly in the next Sitting.

6. It was further noted that Article 132 (5) of the Treaty which states that “the resources of the Community shall be utilised to finance activities of the Community as shall be determined by the Assembly on the recommendation of the Council”, should be effectively utilised to ensure adequate funding for all Community activities.

7. The Committee recommends that the best practices captured in this Report should be considered for adoption.

8. The Committee further recommends that exposure to Basic Legal Principles and Legislative Drafting should be extended to all Members.

### **Conclusion and Acknowledgement**

The Committee acknowledges the support provided by the Speaker of EALA and the Assembly.

The Committee is grateful to resource persons - Hon. Daniel Wandera Ogalo and Mr. Stephen Musalia Mwenesi who took off time to whole heartedly share their vast knowledge and expertise.

The support of the Staff of EALA – The Committee Clerk – Mr. Stephen Mugume; the Committee Secretary Ms. Elizabeth Gitonga and Mr. Yusuf Mlonge is greatly appreciated.

The Committee is indebted to AWEPA for providing facilitation for such an important Workshop.

The Committee on Legal, Rules and Privileges looks forward to many more such training opportunities in the 3<sup>rd</sup> Assembly. Indeed knowledge is power.

Madam Speaker, allow me to appreciate contribution the members of this Committee and these members are: Hon. Nyirahabineza, Hon. Twaaha, Hon. Mathuki, Hon. Yahya, Hon. Pareno, Hon. Kiangoi, Hon. Ngendakumana, Hon. Mossi, Hon. Ngenzebuhoro, Mukasa Mbidde, Hon. Kidega, Hon. Bazavamo, Hon. Mwinyi, and Hon. Halerimana. With this, I beg to move that this report be adopted.

*(Applause)*

**The Speaker:** Thank you very much, hon. Dora Byamukama for that comprehensive report and I would like to thank the members of the committee. The debate on the floor is that the capacity building workshop report on the Committee of Legal Rules and Privileges on the role and mandate of the committee be adopted; debate is open.



**Ms Judith Ramata Pareno (Kenya):** Thank you so much, Rt hon. Speaker. I wish to support this motion. But I would wish to first congratulate the Chair and her committee for the job well done.

*(Applause)*

And not to forget, I wish to pass my gratitude to the former members of the Legal Committee because it has come out in this report that they came out with more than 10 Bills, which I think was really remarkable during their tenure.

*(Applause)*

Madam Speaker, I wish to highlight a few issues that may be out of this report and basically to emphasise on the issue of the review and harmonization of the Rules of Procedure. If you look at the report, which the members have been given, it indicates that even rule 11 has not been adhered to by this House in terms the process that is undertaken by this House. I think it is important to look at these rules and the 120 days which are not indicated on our calendars. So, we really need to put most of these things under the rules that we are operating under. It is important that we review these rules and harmonize the areas where we have issues and review all the rules as well.

According to the way the presentation has been done, the rules were done hurriedly. Let us work on these rules and be able to guide ourselves properly. I think, Madam Speaker we cannot also be a House that makes laws and rules for other people when we are not even able to focus on ensuring that we adhere to the rules of this House.

Again if you look at the kind of rules that we have, that is the reason that has even made us call for a review and harmonization, it is like an A4 size document. It is not even user friendly; you cannot carry it along as you come to the House. We need a pocket size document that can even be put in the pocket for the men and for the ladies in the hand bag. This will be easier to handle because it is a day to day tool that we need in this House but carrying it around is quite cumbersome. I think to harmonise it and have it repackaged will help us do better business because it will be easier to even have a friendly one that you can easily carry to the House. So,

we call for that review; we call for that harmonization and we propose that we can have better and friendly Rules of Procedure.

I think we have also seen from the report, Madam Speaker that it has been the habit of the past Assemblies to do piece mill reviews of these rules. It is indicated that when Burundi and Rwanda came onboard, they hurriedly made amendments just to include them in the in Assembly without looking at the entire document. It will do us good service if we exhaustively reviewed, harmonized and repackaged the rules that we have and are using for our business.

Madam Speaker, we are being told in this report that in parliamentary practice, when Members disagree on a report as presented, those that disagree have an option to put in a minority report. We were educated on a minority report but do we have it under our rules? Again we are saying that there is nowhere that you can present it because we are not provided with a channel through which to present a minority report in this House. It is important we all see this proposal and see to it that those who may have minority reports have a channel through which to present it. It is missing in our current rules.

Madam Speaker, on the mandate of this committee - I didn't say that I am a member of this committee but I am – that we are supposed to look out for or receive complaints on issue of code of conduct, but we don't have a code of conduct. So, we are mandated to look out for breaches of the code of conduct which we don't have. I think this is one thing that needs to be looked into; we need to have a code of conduct and then have the mandate as the Legal Committee to look out and ensure that there is compliance to that code of conduct.

If you have a Member defames another Member as has been provided under our rules, the Rt hon. Speaker can refer to the Legal Committee and then after the reference it is to be followed by the Legal Committee to deal with this Member. So, we need to get a procedure when an issue of defamation arises and how the committee deals with it. You might refer hon. Sebalu to me and if I don't like him, I will at the end of the day give him undue justice. So, it is important we have a standard procedure to handle Members when they are referred to the committee or handle a defamatory case when it is referred to the Legal Committee. So, it is a food proposal that we

should have a standard procedure to deal with these people in our rules so that it is just. It is important for us to develop a code of conduct and procedure to handle these complaints.

Another aspect, Madam Speaker that came out of this report is the way our different Partner States handle the Treaty; how we have appreciated the Treaty differently. The chairperson read out the Kenyan Constitution; it has placed it at a constitutional level; very high level. Our Constitution, in fact the person who follows up on the implementation of this Constitution is on alert. But we are not saying that the other countries have not followed this Treaty. I know for the whole of East Africa, the Community is important to all of us; it is important to all our States and we can all have a uniform way of appreciating it. Probably it will be easier for us to put it at a Constitution level. It is that important for all of us. So, probably as we go on, it is proposed that we develop or push for a uniform way of appreciating the Treaty and how we can implement it at the same level.

I notice that some of our Partner States automatically just have the reception of the Treaty though others have to go back and enact other laws to domesticate this Treaty. I think it is important that we have a uniform treatment and give it the highest treatment it deserves by putting it at a constitutional level.

Finally, Madam Speaker of the legislative drafting; we were taken through legislative drafting and the report indicates that it is important for us to look out for the meaning as we draft; what is this problem that we are trying to cure by drafting? We have to have that reading and at the end of the day, what is important for us as legislators as shown is whether we can interpret it in the same, how we place our words and our commas. The presenter had given us an example and said, the word “kale” in Kenya means something different; “kale” in Uganda, Rwanda and Burundi means something different. So, we have to look out for the proper word that will appeal to all of us and we shall interpret it in the same way. So, we benefitted from this training because it showed us how important it is to use the right word that applies to all of us so that we can interpret all these words in the same way. You might have a very good Bill but because of the way you have placed your sentences, they will interpret it differently. It is important for us as legislators to put across the same meaning and try and reach everybody in the entire Partner

States without giving different meanings to the same words and end up interpreting them differently.

Madam Speaker, of great importance is the issue of having a draftsman for this House. It is in the best practices of other parliaments to have draftsmen within Parliament. I don't know whether this is an exception to this Assembly but it was proposed that we have a draftsman so that we can use him. We really appreciate the assistance of the Draftsman and the Legal Counsel to the Community but it is important we have a draftsman to assist us in the drafting because our core business is about making laws; it is about drafting. We might have all those good ideas but if we turn them into legislation, then we won't have achieved our legislative duty. I think it is important as proposed for this House to have a draftsman who can help us in doing the legislative drafting.

Finally, is on the issue of separation of powers. It is in the report that we need autonomy of both financial and administrative functions for this Assembly to be able to operate in the best way that it can. If you have the Assembly's employees recruited by somebody else and you at the end of the day don't have proper control in the finances or full autonomy, then you are curtailed in terms of performance and I think this is one of the proposals that need to be taken seriously. Thank you, Madam Speaker. I beg to support this motion.

*(Applause)*

**The Speaker:** Thank you very much hon. Pareno. I wish to invite hon. Taslima.

**Mr. Issa Twaha Taslima (Tanzania):** Thank you, Madam Speaker. As it is my first time, I would like to take this opportunity to congratulate you as the first lady Speaker of EALA. I also congratulate my colleagues who have been elected to the Third EALA for the betterment of the East African people. I also want support the motion and I have to declare that I am one of the members of this committee.

I wish to thank the Kenyan Chapter, first of all from the call that was given by the Kenyan President who said that we should feel happy. Indeed we felt happy and we are continuing to feel happy and hope that we shall remain so for the rest of the time that we shall be here because of the good things that we have seen here.

*(Applause)*

I wanted to point out what we got last Friday where we had a good invitation for us hosted by the Kenyan Chapter at the **Invariera** Club. You have also said it here, Madam Speaker but I would like to just congratulate the Kenyan Chapter under the able chairmanship of hon. Kiangoi upon that mouth watering dinner and we ask them to keep it up so that next time or even during this same session, we get another invitation.

*(Applause)*

Madam Speaker, on the report, I would like to pick on the recommendation 4(b) which appears on page 13 about Kiswahili, which says that: *“The official language as provided under Article 137 linked to this is an urgent request that was made for Members to undertake courses in Swahili in order to facilitate its development into a lingua franca of the EAC.”* If you may allow me to look at what Article 137 of the Treaty provides: *“(1) the official language of the Community shall be English.”* 137 (2) says: *“Kiswahili be developed as a lingua franca of the Community”* Now, what is an official language and what is a lingua franca? If you look at the report, it says, “Official language and it means that the committee has taken the words “Kiswahili being developed into a lingua franca” to mean Kiswahili to become the official language of the Community. If you look at what the presentation has given us.

Now, on my part, I would like to start with what President Mwai Kibaki said when he was here during the official inauguration of this sitting. He emphasized the importance of using Kiswahili all over so that many people could get involved in the process that we are undergoing; the good things that we are trying to impart into them and the development of the East African Cooperation among the people.

Apart from that, I know that there was an attempt during the Second EALA, whereby Members went to Zanzibar for a two weeks course and for this one we haven't heard of any plan so far. Some of those who went to Zanzibar are here but many of us here are not among them, therefore, it is my sincere call and hope that we shall have another chance for the Members of the Third EALA to undergo such a course and even for a longer duration so that we can get to know what Kiswahili is; what Kiswahili has in store to steer what we are doing here up to the end of our period here.

I would also like to say that we from Tanzania are more than ready to assist in conducting such a course and my East African Minister is here and he has given a nod to confirm that he is for it. I am sure I am just expounding on what he and the rest of the Tanzanians have to say on this issue.

*(Applause)*

Madam Speaker, it is common knowledge that Kiswahili is widely spoken in the East African Community area. I was surprised to hear about two weeks ago people in Southern Sudan speaking Swahili which I didn't expect. They were complaining why various countries are coming there. But in the first place I didn't expect people in the Southern Sudan to be speaking Swahili at such. I need not mention the Somali, leave alone all the other countries that we have in East Africa.

Studies have revealed that a person would be ready to accept whatever good intentions or whatever good things that you would want to tell them if you are to do that in a language that they understand and use. Now, here we are talking very much about imparting knowledge to the East Africans about the EAC activities which are not yet known to most of the people. So, if we take seriously issues to do with Kiswahili education, it means we shall be in a better position to impart whatever knowledge and whatever requests we shall have to the East African people.

**Mr. Halerimana:** Thank you, Madam Speaker. *Namushukuru Mheshimiwa Taslima* for what you are saying but *nawukliza tu naweza tuzungumize Kwa Kiswahili hapa Bungeni?* Thank you, Madam Speaker.

*(Laughter)*

**Mr. Taslima:** Madam Speaker, that question – I am not really sure whether I am –let alone being entitled, I don't know whether I have the capacity of answering it. If I was asked as Twaha Taslima and not as a Member of this House, I would say, yes straight away. But since we are talking in the official capacity here, and looking at what the Treaty's Article 137 has to say, which says the official language of the Community shall be English, I am afraid I cannot say now that you can start taking Kiswahili without amending this Article.

*(Applause)*

Madam Speaker, from what I have earlier said, I would like to add one thing about Kiswahili; Kiswahili as a language has no tribe in the world that can boast and say it is their vernacular. We have people along the coast in Zanzibar who don't speak any other language but they cannot readily tell you what their tribe is and in naming the tribes in either Kenya or Tanzania you cannot find any tribe referring to themselves as "Waswahili."

"Waswahili" are Swahili speaking people and only know Kiswahili because it is spoken widely where they live or when they were being brought up. So, I think that there won't be any boasting about Kiswahili being the property of a person or tribe. I can see my chair here speaking to himself because he is one of those people who can easily say that Kiswahili is their language. Yes, it is their language but if you go ahead to ask him what his tribe is, that speaks only Kiswahili and he will tell you that it is those people around Mombasa and Dar es Salaam and Zanzibar though he won't say which particular one it is. I challenge him on that and let him speak out.

Madam Speaker, I think I don't have much more to say apart from insisting that the call that has been made by Article 137 that we should develop Kiswahili as a lingua franca should be taken seriously, it should have plans in place –yes, I can hear people talking about going to Zanzibar and all that so that we can have this language in the ownership of all the tribes in East Africa, which will make our work much easier to have our goals expressed to the people and have them

join us towards the development of the whole of East Africa. Thank you very much, Madam Speaker and I support the motion.

**The Speaker:** Thank you very much hon. Taslima. I would like to assure you that the need for the Swahili course has been expressed by the House Business Committee and it is under consideration. So, I wanted you to be made aware. I will take hon. Halerimana- hon. Members; I would request that we take about five minutes each so that we are able to give an opportunity to everybody.

**Mr. Halerimana:** Thank you, Madam Speaker for giving me the floor. I am a member of the committee and I support the motion. But when time comes for us to amend the Rules of Procedure, we should look into point No. 6 bullet 1 where we say about freedom of speech that a court of law has the power to try a Member about what they say on the floor of Parliament. I think they do also provided that it is not the law also like applauding and so on.

Madam Speaker, point No. 7 bullet 3 when time comes for us to establish a code of conduct for Members and monitoring tools I think there are so many things that we shall have to talk about like the dress code and it featured in the workshop. We talked about it because there are some other things which are not traditionally from our region and we have traditions which I think are better than those ones.

One of such traditions is the wig, which sometimes the Speaker is required to put on. I am told that that is a symbol of wisdom but I think that we have our own symbols of wisdom.

When we talk about the mace also which in some cultures here in East Africa looks like a club which is a weapon and if we are following the events in places like the Tana River area, you see people walking with it to kill one another and destabilize the region. So, if it is a symbol for security and power, in the region we have drums, stools and so on, which we can use instead of that.



Madam Speaker, coming to the tools which we talked about there like the laptops, I pads, etcetera, I think we are in the era and age of ICT and sometimes it is just a chance to capture the Speaker's eye. So, if we can do like the new chamber of Kenya National Assembly we could also have it. So, let us go that way and improve on ourselves so that we move with the times otherwise time won't wait for us. I beg to support, Madam Speaker.

**The Speaker:** Thank you very much, I will take hon. Kiangoi.

**Mr. Joseph Ombasa Kiangoi (Kenya):** Thank you, Madam Speaker for offering me this opportunity to also contribute to this motion. Madam Speaker, the overriding mandate of any legislature including ours is to legislate on laws besides the oversight responsibility. Once a legislature transforms its deliberations into laws, the other responsibility it has is to obey those laws by itself. I am saying this because we as EALA, and we are talking in house, we don't seem to be strict observers of our own laws. Previous speakers who have contributed to this motion have pointed it out. I heard hon. Pareno, the hon. Chair of the committee pointing out to the requirements that we should have 80 days of plenary and 40 days of committees. When we don't do that, have we complied with the law as a legislature?

Madam Speaker, there are so many loopholes in our procedures, and I implore you and this House to look at this matter seriously. I am a new Member in as far as coming to EALA is concerned but I have looked at these rules and they are not supportive of our cause. When you, for example look at Annexure III, it doesn't relate to any rule.

Madam Speaker, in legislation matters cannot be left hanging. There are so many others, for example rule 4, who is charged with the responsibility of pinpointing the areas which are incompatible with the laws of the Community? Nobody is charged with that. But that is an area which we should look at and correct.

There are archaic laws like the skirts above the knee; we should use language that is dignifying to the ladies. Words like "dress smartly," are enough. The ladies know how to dress; it is not to

prescribe that the skirt should be below the knee, which I don't understand whether it means where it is below the knee only and what happens above the knee?

*(Laughter)*

Madam Speaker, Article 54, for example, compels us as a House to make provisions for inviting persons who are not members of this Assembly to speak but up to now in the Third Assembly no provision has ever been made in compliance with Article 54. There are so many areas but in a nutshell, the cumulative effect of what I am saying is that these rules need urgent amendment. And I would urge this honorable House to resolve to that effect very soon so that we look at these rules.

Rule 11 has been talked about; I need not repeat it. There is one area which I need to mention; the procedure. If, for example, you are to go overseas or you are not in the House for any other reason, Madam Speaker, the procedure for electing somebody to sit in your place is so cumbersome; it is like while holding the election of a Speaker. The Treaty should be allowing us to create a Speakers Panel so that we make work easier here

Madam Speaker, we go to committees, there is no provision as to how the chairperson can be assisted if they are not present, whether they have to appoint somebody or the committee has to appoint somebody. All those areas need to look into so that as a Parliament we sit well knowing that we are doing things in the right way because if the Parliament fails to follow the proper procedures, then we have no reason to tell anybody to follow the law. With those few remarks, I beg to support the motion, Madam Speaker.

*(Applause)*

**The Speaker:** Thank you very much.

**Mr Jeremie Ngendakumana(Burundi):** Thank you very much, Madam Speaker for giving me this opportunity. Let me first congratulate you upon your election as the first female Speaker of EALA. This was a good example for the Community and also a lesson for other communities about democracy and equality of gender roles.

First as we are talking about the Rules of Procedure, I think that the ones we have fitted well in the previous Assemblies. Different examples have been given to show that now there is need of improving on them. It is time to look into these rules to add what can be added; remove what can be removed and amend what can be amended.

Secondly, I would like to talk about the different legal pronouncements that guide the different activities of the Community, its organs and institutions. As I was reading the different instruments, an idea came to my mind in reference to the short time I was a member of the Pan African Parliament. When it was time to elect a new Speaker and Deputy Speaker, each country of the different caucuses was allowed to present a candidate as a Deputy Speaker. That was within the written rules. But slowly we were told that the new Members were not allowed to compete and then after the elections, it was clear that the unwritten rules were stronger than the written rules.

*(Laughter)*

Given such a situation, we need to think about what we call common law, which is known by everybody even if they are not written down. So, this is part of the practices rooted in the Commonwealth.

And then in Burundi and Rwanda, our laws stem from those of France and Belgium, which are in the Napoleon Code in the Roman laws. Those are well written and if we are in such a situation, we ask to be shown where it is written and then things are cleared.

With the first presentation made by the Regional Affairs and Conflict Resolution Committee, and they referred to rules 124 and 125, which they recommended to be explicitly amended. This means that the legislator who has not been well explicitly made and supposes that everyone knows and yet you surely don't know.

I am also happy that the Regional Affairs and Conflict Resolution Committee came back to the implementation of the Common Market which is a strong pillar in our integration process. It means that it won't be at such until it is freedom of movement; freedom of goods; freedom of establishments is implemented.

I would like to say that the legislation which guides this pillar and others should be clear enough so that in case of any problem, the laws are clear because if someone asks to be shown where it is written, you don't say, "You are supposed to know because in the unwritten law this is done like this." So, my concern here is that we need laws in which the language of the legislators is clearly and fully explained to avoid confusion or contradiction while interpreting those legal instruments. With those few observations, I support the report, Madam Speaker.

*(Applause)*

**Ms Susan Nakawuki (Uganda):** Thank you, Madam Speaker. I would like to thank my colleagues who have ably contributed to this motion. But not to take a lot of time because I can see time is against us, I just have one proposal; Madam Speaker, as you are aware, Article 60 of the Treaty that establishes the East African Community provides for amendments to the Rules of Procedure plus adding to the Rules of Procedure.

Maybe you will guide me on this, Madam Speaker, I really find it funny when a committee presents a report to the House and then it is the same committee members contributing towards the very report. So, you find that non committee members find very little or no time at all to make their submissions on the report. In fact if I may draw an example from the Ugandan Parliament, where I sat for five years, a committee member is not allowed to contribute towards a report of that very committee because they would have had ample time during the committee meeting to make their submissions and these submissions are echoed by the chairperson of the committee.

Therefore, Madam Speaker I am proposing that as we are planning to amend the Rules of Procedure, with reference to Article 50 of the Treaty, we should add the fact that at least non committee members get this chance to also submit to the committee. I thank you.

*(Applause)*

**The Speaker:** Thank you very much, hon. Susan Nakawuki. I think I should just mention that within the rules currently as they pertain a member of a committee can actually be given an

opportunity to also contribute. But the Speaker will try as much as possible to make sure that even the non members of that particular committee are given prior opportunity.

**Mr Zein:** Thank you very much, Madam Speaker. I would like to assure hon. Nakawuki that I am not a member of that committee.

*(Laughter)*

First, I would like to commend this committee for the work that they have done and to support the motion. But specifically talk about one thing only, and that is, the envisaged review, and I think there is consensus in the House, about the envisaged review and transformation of the Rules of Procedure.

If we are not going to transform these rules, we will not be able to exercise and carry out our duties effectively. This means that our representative, legislative as well as the oversight roles might not be done effectively.

On the level of the representative role, we need to harmonize our Rules of Procedure to allow for citizens participation in our business including how they can raise petitions to this House and if there are matters that disturb them, there are ways of them to come before the House and raise those issues.

H.E Mwai Kibaki on his State Opening of this august House gave a good suggestion, in my opinion, and from gauging the foot thumping of the Members, I suppose that was to show the consensus of many of the Members. He said, for instance, that we should think of having joint House sittings. Do our rules permit for joint House sittings? How can we have joint House sittings if we don't have those rules clearly spelling out how that can be done?

I would like to agree with those who say that we as a chamber which makes laws should be at the forefront of fighting to establish the rule of law to build constitutionalism. That can really be done if we are able to transform these rules and we are also able to abide by them.

Madam Speaker, I must admit that I was really challenged on the first day after the State Opening, I had my I pad and I was taking notes until one Member sent me a note and out of respect for the rule of law, I said I will abide by the rule, which is offensive because it doesn't

take into account the realities of today and we are hoping some of, and I am hoping that many of the Members of this House if not all of them are hi-tech. They would like to see a day, not in the distant future, that will become a paperless chamber and that we will be able to transact business without carrying leaflets or papers like this which are always left in this House. I beg to support the motion.

**The Speaker:** Thank you very much. I will take hon. Sebalu.

**Mr. Mike Sebalu (Uganda):** Thank you, Madam Speaker. I would like to declare that I am not a member of the committee. (*Laughter*) Nonetheless, I vehemently support the report as though I were a member of the committee.

Regarding the issue raised by hon. Susan Nakawuki, I think we need to appreciate it in context. I know ordinarily the non members can be given first priority and engage the report on the understanding that the members of the committee do subscribe to the contents of the committee and it is obvious that they support it because if you are a member and you stand and say you don't, it is a bit funny. But for non members, you may want to draw the consensus of the non members so that when the report is adopted, it is a report of the entire House of Parliament but that cannot totally exclude the members of the committee because they may want to elucidate certain points of view and give support to the chairperson in terms of clarity and appreciation of the report.

In all, it is at the discretion of the Speaker to balance those two aspects since you cannot rule out one. At the end of the day, they are all contributions of Members of the House, which House is going to adopt the report. So, it is administrative and there is no exclusive role to that. It can be applied in a manner that builds consensus.

Madam Speaker, I am in support of this report and it has raised very important issues. One of the most important issues that we need to appreciate from the report is that the whole issue of reviewing Rules of Procedure is at any one time work in progress. This is because even if you make the rule today, the dynamics on the ground may change and you find that you need to review it the next day. It is possible because the operating dynamics on the ground are such that they can change and as of necessity, you need to review and be in tandem with the recurrent situation on the ground. That is why even policy documents like the constitutions must always

have a chapter on amendments so that you provide for the incidental and unexpected issues that you may have overlooked.

So, I would like to thank the committee for this and I think we need to engage in the process. It is not that the people who did them in the first place did a poor job. They did a good job in the circumstances and at the time that was pertaining on the ground. I don't want us to create an impression that those who made these rules didn't do a good job. That would be very selfish on our part because even the rules we are going to review and put in place today may be irrelevant tomorrow and not up to date given the ever changing situations.

So, we must always be objective in these aspirations to appreciate that it served the purpose but the way things are moving, we may need to adjust them to the demands of the day. It is not that they were not good in the first place. So, they were good; they served the purpose but a lot has changed that needs to be updated and be in tandem with the realities on the ground. So, in that respect, I whole heartedly support the ideas that have been put forward for review.

As for the idea of the skirt, whether below or above the knees that can be very subjective but it is decent dressing at the end of the day because even the one above the knee could be decent to some people whose definition of decency is in that respect.

*(Laughter)*

I have heard people talking about the beauty of a mini skirt; that it is long enough to cover the subject and short enough to arouse interest. That school of thought exists. So, it is a matter of definition.

**The Speaker:** Hon. Sebalu.

**Mr. Sebalu:** I withdraw that one.

*(Laughter)*

May I make my quick comment on page 14, recommendation 4 (c) and (e); that is why I am going to make my intervention. The issue of status, privileges and immunities- Article 138; I think this is something we need to look at very seriously and I would like to thank the committee for bringing it up because we have serious issues to do with what is called the host nation

obligations. You know those host nations that do host international organizations like EAC normally make host nations obligations to which they must fulfill.

There has always been a complaint because this report definitely caters for us as Members of EALA but equally it must also protect members of staff. Now, there has been an issue raised to do with work permits. This whole idea of renewals every single year- you find even as senior staffs as the Secretary-General and his deputies, our Clerk, Deputy Clerk are asked to go and renew their work permits every year and yet they are staff of the East African Community where we are integrating to a level of a political federation. If we talk about Non Tariff Barriers, what do you want to call that when it gets to your staff in Arusha? They are staff whose contracts are known to be valid for five years but in the five years they have go and line up to renew work permits every single year. Are we being serious? We need to look at these issues.

*(Applause)*

And it is not only in Arusha, I want us to look at wherever there are institutions and organs of the Community so that we create standard procedures and give a level of confidence because if you don't trust me As your staff at the level of Secretary-General, and every year I must seek for renewal of my work permit, then what confidence building are putting in place for the ordinary people? I think we really need to look at this issue. To me it is simply ugly for a Secretary-General who is in charge to be given permission every year to operate in a duty station. I really find it contradictory, to say the least, very pathetic.

We need to reconsider that and out of this report we must come up with very strong recommendations so that our staff have contracts and get their work permits for the period of contract. And there are other procedures if they are found to be wanting and for one reason or the other they cannot complete their contract but to be subjected to an annual ritual of going and lining up for a work permit and you are a diplomat at the level of EAC – thank God we Members of Parliament are not in these places where we would go because it would definitely be demeaning, to say the least.



About amendment of the Treaty, it is something that we need to give due consideration. The report raised very important issues; Parliament has made submissions regarding certain areas of the Treaty that need to be amended to be in tandem with the realities of the day. But what is disturbing is that there is even no sense of mutual respect in terms of a feedback. For God's sake be courteous enough and polite to say, "Your recommendation was good but for reasons a, b, c we may not be in position to consider it now, it may be considered next year." But to sit and behave as if a whole institution of Parliament has not made any input in the process of amending the Treaty is arrogance of the highest order and it should be discouraged.

So, we should be courteous, have mutual respect and mutual trust. None of us is more East African than the other. We are all East Africans. When we bring ideas we bring them in the best interest of East Africa. If for one reason they cannot be applied at that point in time, be courteous enough to say, "This may not be applicable now but we acknowledge receipt." Even when you send a mail to someone and he doesn't want to answer, a polite person will say, "Noted with appreciation," and you on the other side will feel good to know that someone has received your mail and replied.

But for an institution of Parliament to give a report and submit for a process of reviewing indicating that we would like certain areas to be amended and there is no feedback made is really not being fair and not being good to one another. So, I feel that this idea of amendment specifically to our colleagues, Council of Ministers we have voices and our voices are also voices of reason. Give us a hearing; give us a feedback and let us know the processes so that we can work together as a team because at the end of the day we all have the responsibility of serving this region with dignity and in decorum. Thank you very much for your kind attention.

*(Applause)*

**The Speaker:** Thank you very much, hon. Sebalu. I had noticed hon. Bazivamo and hon. Nyiramilimo but I was constrained; I was about to ask the Chair Council to reply. I think let Council reply and then the chairperson of the committee comes to wind up.

**Mr. Peter Munya:** Thank you, Madam Speaker. Let me congratulate the committee for doing a very good job in producing this report and commend you for continuing with the tradition of getting the new Assembly informed by the accumulated knowledge that the previous Assembly

has left so that the tradition that is set by the previous Assembly is continued so that there is no knowledge that is lost. This is clear from the reports that have been debated today.

Madam Speaker, I do not have any major issues to raise other than saying generally that again the proposals given here will be taken into consideration when deliberations are being made at the Council level.

I would also like to express myself on the issue raised by hon. Sebalu that proposals made in this House need to be taken into account and at least some feedback to acknowledge receipt. That is true that there is need for working out a way of giving feedback to the House even when a matter has not been concluded like the issue of amending the Treaty. This has not been concluded. There are proposals everywhere; there are proposals from Partner States; there are proposals from a conference that was hosted where even the previous Speaker took part and gave his views and some Members also gave their views.

The report was compiled and tabled before the Council of Ministers and that report was sent to Partner States for their inputs and so far no decisive step has been made in the direction of amending the Treaty. So, as far as feedback is concerned, we can admit that we have not been able to give that feedback which we should give. But let me assure the House that there is really no major decision that has been made yet on those key amendments that are required. So, as hon. Sebalu likes saying, the matter is still work in progress. And if there is any major decision made, we should be able to communicate to the House.

The other issue which I would like to comment on is the issue of lingua franca that was highly discussed. I agree with the Tanzanian colleague who said that the fact that the Treaty describes Swahili as the lingua franca doesn't mean that it declares it an official language. I was thinking that if we were to interpret the Article in a more progressive and wider way, perhaps we would use Kiswahili for the debates in this House if we were to amend the rules and interpret that provision in a more permissive way because we can take this from Partner States like Kenya where English is the official language but still our National Assembly debates in both English and Swahili.

*(Applause)*

So, if we take that practice that is obtaining in our Partner States that being a lingua franca means the National Assemblies can debate using that language because National Assemblies are representatives of the people, then in that kind of interpretation it is possible to start using Kiswahili in this Assembly.

Let me also say that another major step has also been taken by the Council in creating the Kiswahili Commission whose objective is to develop and promote Kiswahili in the region. I congratulate the United Republic of Tanzania for being chosen to host the Kiswahili Commission and I am told that it will be hosted in Zanzibar, which is rightfully so. So, we would expect urgent measures will be taken by the hosting republic to do everything required to have this commission in place so that Kiswahili can be promoted especially in the East African countries that where it is not very widely spoken.

I also wanted to observe that there are a few Members who joined this House sometime back who could hardly speak Swahili but after interacting with Kiswahili speakers here and deepening or widening, wherever they go across the region, you hear them very fluent in Kiswahili. My friend, hon. Dan Kidega could hardly speak; hon. Mulengani could hardly greet in Kiswahili but he is now spot on when he speaks Kiswahili.

Madam Speaker, the other issue I would like to finally comment on because of time is that of alternative funding mechanisms that we have found in all the previous reports and even this one. There is that proposal that has been tabled on looking for a better way of funding the Community instead of relying on the current modal where Partner States contribute equal amounts of money irrespective of the size of their economy or GDP or share of regional trade. So, there have been alternative methods of raising funds for the Community in maybe a percentage of regional trade, percentage of the GDP and there was a study that was commissioned by the Council and come up with a report that will be tabled before Council so that it can make a decision.

But let me also say that this matter look like a simple matter though Partner States seem to prefer the current modal of funding the Community because questions arise as to what happens if other Partner States contribute more, is that an indication that they should get a bigger share of whatever benefits that accrue from the Community? So, those are some of the key issues; do you get more benefits if you pay more?

So, the issue of equality of Partner States arises because when you look at the Treaty, there is that emphasis on equality, sovereignty and such principles; where do you place them if you start using other mechanisms? So, when the matter is discussed, you find Partner States reluctant to have other mechanisms of funding.

But if you asked me, Madam Speaker where the Community has reached now, the challenges it faces- implementation of the Common Market which must be done. We cannot continue funding the Community the way we are doing. We must take that courageous decision of coming up with an alternative mechanism of funding so that we can again deal with that perennial problem of donor dependence.

Madam Speaker, I think those are the key issues that I wanted to comment on and, therefore, also say finally that once the report of the study is out and is presented to the Council, we shall also inform this House and table the report here. There is nothing wrong with tabling the report in the House to inform the Members so that they can also study it and make their input. I thank you, Madam Speaker.

*(Applause)*

**The Speaker:** Thank you very much, Chair Council. I had wanted you to also comment on the benefits and privileges, which hon. Sebalu elaborately made particularly on the issue of staff. But I think you took note. Let me invite the Chairperson of the Committee on Legal, Rules and Privileges to wind up.

**Ms Byamukama:** Thank you, Madam Speaker. I stand here to thank each and every one of you who contributed and permit me not to repeat the names because of time. But since it is the tradition, let me just do it; hon. Pareno, hon. Taslima, hon. Abdul Karim, hon. Kiangoi, hon. Ngendakumana, hon. Nakawuki, hon. Zein, hon. Sebalu and the Chair Council of Ministers. I beg your pardon if I have missed you out.

Madam Speaker, I didn't hear any voice of dissent and, therefore, I will not endeavor to go on and on but to share with you that the workshop was very interesting and enjoyable. One of the things that were said was that every law has a loophole and there was a quotation from the Bible about the Ten Commandments, which you could permit me to say here that: "Though shall not

caveat your neighbors' wife." Now, can the wife caveat the neighbors' husband? Would that be a sin? In effect what I am trying to say, like hon. Sebalu said, rules always change. And I believe if these Ten Commandments were to be given out again, may be it would be gender neutral to take into account all those other challenges.

Mention was made of the traditions and practices citing whether we could substitute the mace with the drum.

*(Laughter)*

These are innovative ideas because some of these traditions and practices, Madam Speaker and hon. Members are really from the Commonwealth and we belong to the Inter Parliamentary Union and so the mace is still recognized and by the time you explain that the drum is actually symbolizing a parliament, you may have missed out on a few opportunities. So, some of these have taken on an international kind of understanding. Change is kind of possible but it obviously has a few challenges.

The issue of rules has been clearly talked about but I wanted to highlight that the issue of rules is very important. When you look at Article 49, this is clearly our mandate. But every time you look at the rules you find that there is work which needs to be done. Even before we came to this point, for example, we were arguing on rule 6, which says that: "*(1) Except for the purpose of electing the Speaker, no Member shall sit or vote in the Assembly before taking the oath or affirmation of allegiance to the Treaty.*" In effect, the question we were asking was in what capacity do you vote?

If you have not taken oath, then how can you now come in to vote? So, these are some of the changes that could be taken on. Maybe that time they didn't have a clerk because I know in other places, for example, where I come from, you take your oath before the Clerk and then you go ahead and vote for the Speaker. But here we vote and then be sworn in. The question is, what capacity are you voting in? Are you a Member of EALA or what? So, it has many of such challenges which will keep on coming up. It is work in progress and I believe that we shall continue to work on the issues.

On the issue of Swahili, I think my understanding is that we need to spread it. We only limited it to training Members of EALA. But what you have learnt today is to look at it in a more systematic manner. Maybe the Council of Ministers should come and tell us how Kiswahili is being developed as lingua franca for the whole region. Do we have radio programmes, do we have it in the school's curriculum and what can be the incentive so that the whole population learns Kiswahili? Because if I learn Kiswahili, like hon. Mulengani has learnt Kiswahili, and I go and address the Parliament of Uganda in Kiswahili, I am telling you about a quarter or even less may be able to understand what I am saying. So, again we need to look at it in abroad sense.

The idea of training Members of EALA started in the last Parliament and I am glad it is continuing. It is very noble.

Finally, I would like to thank you and I would like to thank the Republic of Kenya for hosting us. I would like to thank the Chair Council of Ministers for the support you always give us and being frank. We hope you will continue to be ministers even post the Kenyan elections; we pray for you.

*(Applause)*

I ask you kindly to support the report so that what we have proposed will be adopted. I thank you again. I beg to move.

**The Speaker:** Thank you very much hon. Byamukama for the report and the answers you have given. Now, hon. Members the motion on the floor is that the capacity building workshop report of the Committee on Legal, Rules and Privileges on the role and mandate of the committee be adopted.

*(Question put and agreed to.)*

**The Speaker:** Hon. Members, I thank you for the input which you have made today. I am sorry I has been a long day but I think you appreciate because of having started rather late. There is an announcement; the chairperson of the EALA Women Caucus Forum invites members for a meeting tomorrow, Wednesday after the plenary. And I think she suggests that the sitting will take place here in the Chamber after the EALA sitting has been adjourned. With that announcement, hon. Members, I beg to adjourn the meeting to tomorrow, 2.30 p.m.

*(The House rose at....p.m. and adjourned until Wednesday, 12 September, 2012 at 2.30 p.m.)*