



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 113TH SITTING - THIRD ASSEMBLY: SECOND MEETING – FOURTH SESSION

Wednesday, 14 October 2015

*The East African Legislative Assembly met at 2:41 p.m. in the Mini Chamber, County Hall,
Parliament of Kenya, Nairobi.*

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Good afternoon, honourable members. I would like to take this opportunity to congratulate you upon successful hosting of the President of the Republic of Kenya. Indeed the President was very happy with your hospitality and he pledged all support towards this Assembly. I thank you for your conduct during the hosting.

Honourable members, one of our allies, the Kenyan Cultural Centre, which is one of the oldest cultural centres in this region of Africa and which was a major stakeholder when we were dealing with the Creative Industries Bill, has invited us to, one, express their appreciation on the passing of that Bill, and two, to show to us what they do, this evening at 6.00 p.m. at the Kenya Cultural Centre. The office of the Sergeant-at-Arms will organise with the Office of the Public Relations Officer

to see how best we can attend to this very important group. I thank you so much.

MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES

The Chairperson, Committee on Legal, Rules and Privileges (Mr Peter Mathuki) (Kenya): Thank you, Mr Speaker. I beg to lay on the table the report of the Committee on Legal, Rules and Privileges on tracking the implementation of the resolutions and questions of the Assembly. I beg to lay.

**BILLS
SECOND READING**

The East African Community Forest Management and Protection Bill, 2015

MOTION

The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo) (Rwanda): Thank you, Mr Speaker. I beg to move that the East African Community Forest Management and Protection Bill, 2015 be read for the second time. I beg to move.

The Speaker: Seconder? Hon. Mike Sebalu, hon. Peter, hon. Dr Odette, hon. Rwigema, hon. Dr Martin, hon. Leonce and all the members standing. Hon. Bazivamo, please move to justify.

Mr Bazivamo: Mr Speaker, we all know that in our Community we are facing many problems when it comes to the environment, and this is because of forest degradation. We have also had a study in the region, which shows that the state of degradation of forests in our region is actually important, and that in all the five Partner States, we are losing many forests. Therefore the need to provide for an effective and sustainable protection of natural forests and trans boundary forest eco systems in East Africa calls for our Parliament to come up with legislation.

We face degradation in our Partner States and, actually, the report of East Africa in 2012 indicates that in Tanzania they have the largest share of deforestation accounting for almost 60 per cent, followed by Kenya at 43 per cent in the period of the last two decades. In Uganda and Rwanda, it is reported that maybe there is a kind of area, which is reforested, but in general, we see that forests are degraded. This causes a loss of

biodiversity when it comes to the environment.

The other ailment we see in the region is many disasters, like floods and landslides. This is generally caused by the fact that areas have been degraded and the soil is no longer protected. This causes problems in the hillsides, as well as in the areas below.

What we observed also is that because of trade in forest products, many areas are degraded, and we see in some areas trade in forest products, which is not well regulated, which can cause problems and harm our environment.

We have seen that in general, according to the *State of East African Report, 2012*, in our region, 107 million hectares of forest shrunk by more than 9 per cent to 89 per cent hectares between 1990 and 2000, and a further 13 per cent to 85 million hectares in 2010 due to rampant degradation and deforestation. Therefore, we have a problem when it comes to cutting of trees, which is not matched with afforestation.

We also have a problem when it comes to trade where trade is not well regulated. We see illegal trade of timber across borders, and this causes alarming deforestation in some countries.

When it comes to afforestation, we see problems, which are caused by introduction of species, which are not controlled or certified. We have witnessed this in our region for some time where the introduction of *siprous* or *lusanica* brought with it some negative insects, which have destroyed our plantations.

When we see all the disasters caused by lack of forests, and when we see that in our Partner States the management of forests... Yes, it is coordinated, but when it comes to the cross border management of the forests which are cross border, or

because of cross border trade, this area is a bit smooth and it causes problems. This is the reason why we think it is important to have such a Bill to help in the management of forests, especially cross border forests, and in the management of cross border trade.

For all these reasons, we have come with this kind of Bill, which has been read for the first time, and we have done the public hearings, which will inform on what stakeholders think and what they wish when it comes to the original law to help in the management and protection of forests.

If I can give some examples, I remember that time in Rwanda when the country faced a problem of energy, which was caused by the degradation of land that had been deforested and by landslides, which had caused loss and lack of water penetration. The mulch lands, which were a source of power in the hydro power stations, were almost dry, and the result was lack of enough water, which caused lack of electricity. It took two or three years to reforest the environment and to protect the mulch lands so that at the end, the water could come back and the production of power was possible.

We are facing this problem in Tanzania now where we have heard in the media that some hydro power stations have been stopped because of a problem of water. This problem is also caused by hillside degradation, agriculture which is done in a manner which is not protective, and so there is need to cater for reforestation, afforestation, and forest management All these have benefits, not only in the environmental sector, but also on the economic side, directly or indirectly. Directly, when it comes to trade in timber and other forest products, and indirectly when it comes to these problems that we have faced in the past, or what is being

faced when it comes to hydro power stations.

Therefore, this Bill actually calls for taking measures to make sure we take care of our environment, especially by protecting our forests, by managing them correctly, and helping when it comes to trade and other elements.

Mr Speaker, I think that since we have done the public hearings on the bill, the report will help members to have a clearer picture on the situation so that we can go far in the debate on this Bill. Thank you.

The Speaker: Thank you, hon. Christophe Bazivamo. Honourable members, the motion before the Assembly is that the *East African Community Forest Management and Protection Bill, 2015* be read for the second time. Debate is open.

I hope the report has been circulated to members, so I call the Chair of the committee to present the report. It has been a long afternoon. I would like to make it clear that hon. Sebalu is standing in for the Chair because the mover of the Bill is also the Chair of the Committee. Hon. Mike Sebalu, proceed.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I would like to thank the mover of the motion and the mover of the Bill, hon. Bazivamo for moving this very important Bill for consideration by this House. I would like to thank him for the trust put in me to present it on his behalf and on behalf of the committee.

Mr Speaker, this Bill was read for the first time, it went through the formalities of this Parliament, and it was forwarded to the Committee of Agriculture, Natural Resources and Tourism for consideration, as is the requirement by the procedures of this House.

Public hearings were arranged in all the capitals for the committee to interact with different stakeholders and be able to inform and improve on this Bill. This report forms the basis of our interaction in all the capitals.

I am proceeding on the understanding that members have read the report so I may not read verbatim. I may highlight areas of interest for us to follow so that is the premise under which I am proceeding.

Mr Speaker,

1.0 Introduction and Background Information

The need to provide for an effective and sustainable protection of the national forests and trans-boundary forests ecosystem in East Africa calls for the East African Legislative Assembly to come up with urgent legislation geared towards ensuring a better management and protection of Forests in the region.

This initiative is largely premised under Chapter 19 specifically under Articles 111, 112, and 114 of the Treaty for the Establishment of the East African Community, in which the Partner States commit themselves to cooperate in the management and sustainable utilization of the natural resources within the Community for their mutual benefit of the Partner States.

It has emerged both through reports and empirical research conducted by leading academic institutions that East Africa region has lost more than 22 million hectares of forest cover in the past two decades, as pressure on land intensifies in all the five Partner States of the regional bloc. This is unprecedented and worrying that it calls for concerted efforts by both state and non-state actors if the trend is to be reversed.

According to the State of East Africa Report 2012, the region's 107 million hectares of forest shrank by more than 9 per cent to 98 million hectares between 1990 and 2000, and a further 13 per cent to 85 million hectares in 2010 due to rampant deforestation.

1.1. Status of Forest situation in East Africa

The State of East Africa Report 2012 indicates that Tanzania had the largest share of deforestation, accounting for 67 per cent followed by Kenya at 33 per cent in the period under review.

Uganda and Rwanda are reported to have expanded their forest cover by 43,000 hectares and 3,000 hectares respectively, over the past two decades. However, the increase is still a very small percentage compared with the total deforested area.

Despite the deforestation, Tanzania still has the largest share of forest cover, including wooded land, with a total of 45 million hectares (53 per cent).

The report, however, expresses concern over the significant deforestation in the Country in the past two decades, adding that the forested area has reduced by 15 million hectares.

Kenya's forest area in 2010 was 32 million hectares (38 per cent) which was almost 18 per cent less than in 1990. Burundi also lost 117,000 hectares of forest.

Given its size, Tanzania has the largest share of East Africa's arable land of 41 per cent, and pastures of 46 per cent. At 44 per cent, Uganda leads in the region in the share of land under permanent crops, ahead of Tanzania's 30 per cent.

Tanzania and Kenya have less than 4 per cent of their total land under permanent crops in contrast with Uganda, Rwanda and Burundi, which have, between 14 per cent and 16 per cent.

Total agricultural land in East Africa amounts to 81 million hectares, almost 48 per cent of the region's land area. Pastures take up to 5.7 million hectares (64 per cent), arable land 24.2 million hectares (30 per cent) and 5 million (6.2 per cent) are under permanent crops.

The proportion of East Africa's agricultural land use under irrigation was 328,000 hectares (0.4 per cent) in 2008.

Tanzania had the region's most irrigated cropland of 184,000 hectares, an increase of 9 per cent from 168,000 in 2002.

Kenya's 103, 000 hectares in 2008 is an expansion of 18 per cent from 2002 level.

Burundi had 23, 000 hectares under irrigation followed by Uganda and Rwanda with 9,000 hectares each.

The main reason for water withdrawal in the region was agricultural use in the 1998 – 2007 period. This use accounted for 89 per cent of Tanzania's withdrawal, 79 per cent of Kenya's, 77 per cent of Burundi's and 68 per cent of Rwanda's. Uganda had the least withdrawal of 40 per cent.

In the East African Community Partner States, as observed, deforestation is on the increase due to changes in land use and especially cropland expansion into forested areas, illegal logging and trade in forest products, and this has a negative impact not only on environment, but also on agriculture.

The Agriculture and Rural Development Policy as well as the Climate Change Policy highlight the importance of Afforestation, reforestation, Forests Management and Protection for sustainable development, food security and Climate Change makes an impact on Mitigation. This bill is timely to help in the implementation of these above policies.

1.2.1 Objectives of the Public Hearings

The objectives of the Public Hearings were:

- a) for the Public Hearings to form an effective medium for sensitization of stakeholders on the EAC Forests Management and Protection Bill, 2015;
- b) for the invited stakeholders to contribute to any proposed amendments to the Bill thereto; and to collect Partner States views on the EAC Forests Management and Protection Bill, 2015 which will be compiled for consideration and input into the Bill by the Committee.

2.0. Methodology

During the Public hearings, after the first meeting in Kenya the Committee undertook its activity in two teams. The first team covered Tanzania and Burundi, the second one covered Uganda and Rwanda, and both teams converged again in Nairobi, Kenya, to compile their findings. In each meeting, after the opening session, Team leaders made presentations on the bill and on the objectives of the public hearings, and these were followed by interactive sessions between Members of the Committee and various stakeholders. The Committee considered written submissions by Partner States as well. In addition, the committee had a presentation on East African Community key forestry activities, forests status, challenges and forest governance by the officer in charge of the forestry sector at the East African Community level.

Public hearings were officially opened by representatives of the Ministries responsible for East African Community Affairs, namely the Permanent Secretaries in most cases, and stakeholders included representatives from Ministries responsible

of East African Community Affairs, of Environment, of Agriculture, of Forests, representatives from Forests Services Authorities, Civil society, Private sector, the academia, the media, etc.

The Committee also reviewed the following documents namely;

- The Treaty for the Establishment of the East African Community;
- The Climate Change Policy, and Strategy
- The Agriculture and Rural Development Policy
- Socio-Economic Valuation of Losses from Non-Compliance with Forest Law Enforcement, Governance and Trade in EAC Partner States
- The East African Community Forests Management and Protection Bill 2015; and
- The Rules of Procedure of the East African Legislative Assembly.

3.0. Findings of the Public Hearings

3.1. Specific Findings

The Republic of Burundi

In the Republic of Burundi, stakeholders came from the Ministry of East African Community Affairs, Ministry of Water, Environment and Urban Planning, Ministry of Agriculture and Livestock, Apex Farmers' Association" CAPAD", the academia, the media, the Civil Society and the Private sector among others.

Ambassador John Rigi officially opened the Public Hearings on behalf of the Minister of East African Community Affairs Hon. Leontine Nzeyimana. In his remarks, he expressed his support for the Bill on Forests Management and Protection in the EAC, and commended the East African Legislative Assembly for having recognized the importance of

forests and the need of having a regional forest Law to maximize the contribution of the forest sector in improving people's livelihood and economic prosperity.

Finally, he implored Participants to analyse deeply issues and principles underlying the bill and to come up with inputs for improvement.

In a participatory manner, stakeholders raised mainly the following concerns:

- i. The need to define clearly the words *afforestation*, *forest management*, *Secretary General* , *and Community*;
- ii. They highlighted the importance of the bill and they recommended to put in place regulations on the use of forests because they are vital for a big number of the population which depend on the forests and forest products e.g. firewood, charcoal, wood;
- iii. They also appreciated the consideration of certification and Traceability by the bill and proposed to consider forests the same way people consider minerals, and to put in place tracing mechanisms in the trade of forest products;
- iv. They urged the Committee to include a stand-alone objective on Climate Change in the bill
- v. Finally, they pointed out the importance of putting in place mechanisms to ensure local communities participation; moreover, they expressed the need to provide for enforcement mechanisms to sanction and hold accountable those who will fail to implement the content of the bill.

The Republic of Kenya

In the Republic of Kenya, Committee Members interacted with stakeholders from National museums of Kenya, those from the State Department of Agriculture, from the Ministry of East African Community Affairs and from the Kenya Forest Service Authority

The meeting was opened officially by Mr. Julius Mwabu representing the Ministry in charge of EAC affairs. He appreciated the regional Parliament for bringing the law on Forestry and invited experts present to give their inputs.

Stakeholders pointed out the following key issues in the Bill:

General measures of Forest Management and Protection

- 1) The bill should strengthen the mandate of Institutions and forest Agencies in the Partner States in the following areas:
 - Afforestation;
 - Curbing illegal trading;
 - Logging activities; and
 - Trading in forest products.
- 2) Strong mechanisms should be put in place to ensure that trade in forest products adhere to certification, regulation, traceability and the trade in forests products should be transparent and open.
- 3) Value addition measures and mechanisms should be introduced and/or encouraged.

Stakeholders further informed the Committee that they are in the process of preparing a draft Bill on Forest Management and Conservation, which captures 80% of the content of the regional Bill and is going to be comprehensive enough to address the issues of environment, cross border trade in forest

products, trans-boundary forest reserves like in Mt Elgon forest Areas. They said that the Bill is currently before the Parliamentary Committee on Natural Resources.

Stakeholders also informed the Committee that in order to mitigate damage and illegal exploitation of the forest reserves, the Kenya Government signed a memorandum of understanding with the Government of the United Republic of Tanzania to explore areas on how to manage the commonly shared resources together and ensure harmony in the protection of forests.

The Kenyan delegation sought clarification on the structure of the East African Community Board and its reporting mechanism, if it will report to the Sectoral Council on environment or to the Council of Ministers.

After Committee Members had clarified on the principle for a regional bill to cater for supra national and cross boarder matters, leaving details for the implementation to national Laws, and after responses to questions, Kenya stakeholders commended the Committee for initiating a legislation which is going to address the issues of the Trans-boundary environment urged the Committee to make it mandatory to ensure that adequate funding is set aside in all Partner States to address issues of environment rather than relegating them to the donors, and that this should also apply in the EAC budget.

The United Republic of Tanzania

In the United Republic of Tanzania, Stakeholders were from the Ministry of East African Community Cooperation and from other ministries and departments which have direct mandate of conserving and protecting the environment.

They observed the following:

- a) EAC does not have a Forestry Policy;
- b) The EAC Protocol on Environment and Natural Resources is not yet ratified by all EAC Partner States;
- c) Situation analysis;
- d) The institutional review of the East African Community organs is not concluded;
- e) The Bill, by providing for the East African Community Forest Board and the transboundary brigades, in their view, contravenes article 59(2) (a) (i) of the Treaty for the Establishment of the East African Community.

Considering the observations above, stakeholders in the United Republic of Tanzania were of the view that the EAC Forests Management and Protection Bill should wait for the Forests Policy to be initiated and concluded, for the EAC Protocol on Environment and Natural Resources to be ratified by all Partner States, and for the institutional review of the East African Community organs to be concluded. They were of the view that there is no policy guidance in place from which the Assembly can initiate the bill. However, on these issues, it was explained that the bill is based on the Treaty, especially on Articles 111, 112, 114, on the Agriculture and Food Security Policy and on the Climate Change Policy, which policies documents highlight clearly afforestation, reforestation and forests management as key approach towards water catchments protection, water regulation, and Climate Change impacts mitigation.

On the issue of the situation analysis on forests matters, it was noted that the forests situation analysis has been conducted under a study commissioned by Lake Victoria Basin Commission (LVBC) in 2013. The study titled “A socio-economic Valuation of Losses from non-Compliance with Forest Law Enforcement,

Governance and Trade in East African Community Partner States,” identifies some of the causes of revenue losses as inadequate institutional capabilities and arrangements, corruption, bribery, ad hoc rules and regulations, poor pricing, as well as inconsistent rates in revenues collection.

It highlights the fact that observed lack of forest law enforcement and governance has led to the illegal conversion of forests into other land uses (deforestation) and the irrational use of forests in general, leading to forests degradation. The Committee has considered the above study and find that the EAC Forests Management and Protection Bill is a timely appropriate legal for promotion and regulation of cooperation between the Partner States to strengthen primary forests production, circulation and trade in forest products, and targeting to promote better management of trans-boundary forest ecosystems.

In addition, the Committee is of the view that the Assembly should not wait for the conclusion of the EAC Institutional review to conduct activities in its mandate, especially legislation.

Concerning the EAC Forests Board, the committee clarified also to the Stakeholders how the Board will operate composed by CEOs of National Competent Bodies, and how trans-boundary brigades are mixed national designed personnel operating in collaboration and cooperation , especially in protected trans boundary ecosystems.

The Republic of Rwanda

In the Republic of Rwanda, the Permanent Secretary from the Ministry of East African Community Affairs, Mr. Innocent Safari, opened Public Hearings. In his remarks, he stated that deforestation is on the increase and yet the Economies of Africa still are Agro based. Africa has not yet reached the manufacturing age and

therefore it is a sad state of affairs for the region to continue destroying forests at the alarming rate that is being witnessed currently. He gave examples of Northern Tanzania that is currently very dry as well as areas in Kenya and Rwanda. He further stated that the Bill has come at the right time and was assured it will ensure that the existing forests are protected. He was of the view that concerted efforts from all citizens are needed to encourage trees planting and to protect forest areas.

The participants included officials from the Ministries for East African Community Affairs, Rwanda Agriculture Board (RAB), Ministry of Environment and Forestry, the Rwanda Environmental Management Authority, Researchers, the Civil Society and the Private Sector.

Stakeholders highlighted the following:

- i. Partner states should put in place regulations and mechanisms to monitor the exportation, production and importation of certified forest seeds and seedlings for afforestation. This is meant to ensure that evasive and destructive species which can be harmful to the environment are prevented from entering the respective partner states and the East Africa Region. They further proposed that lists of recognized and certified seeds and seedlings providers shall be periodically published.
- ii. In order to ensure sustainability in respective Partner States, forests and agro forestry research, extension and capacity building activities should be strongly supported by the Governments core budgets than leaving it to the will of the donors.
- iii. Urban forestry should be promoted and use of fruit and ornamental trees should be adopted at considerable levels.
- iv. Strong measures should be established for joint controls in trans- boundary check points and bridges in trans- boundary areas in order to contribute to the fight against the illegal exploitation and trade in forest products and to maintain peace and security in the transboundary areas.
- v. Finally they proposed to have the term “ Non timber forest products” included in the definitional clauses to mean the products of biological origin rather than wood derived from the forest resources other than wooded land and trees outside forest products”

The Republic of Uganda

The Republic of Uganda sent written submissions through the Ministry of East African Community Affairs.

Stakeholders made the following inputs on the Bill.

- i. They observed that it is prudent to use the term “competent authority” for forest management instead of “National Forest Authorities” because in some Partner States particularly Uganda the mandate of the National Forest Authority is limited to management of Central Forest Reserves and the scope of the bill is wider. They therefore observed that in order to widen the mandate of the bill it is

- important to adopt competent authorities as opposed to national authorities.
- ii. They noted that for consistency, it is important to use specific terms throughout the Bill. They cited the example of “non-timber products” in the interpretation clause as opposed to “ non-timber Forest Products”
 - iii. They further observed that in clause 4 regarding forest management and protection, that another measure on farm forestry be added and the proposed measure should be phased as “the Partner States shall put in place appropriate measures to promote farm forest /agro forestry among the local communities to prevent encroachment on natural forests ecosystems.

Findings from interaction with the group of experts on Forestry

The Committee met and interacted with various experts and stakeholders in forestry and forests related institutions including Centre of International Forestry Research (ICRAF), Vi-Agroforestry, Climate Change Agriculture and Food Security East Africa, Tanzania Association of Foresters, Department of Forest Mensuration and Management (Tanzania), Department of Forestry and non-Renewable Natural Resources (ZANZIBAR), Makerere University (Uganda), Apex Farmers’ Federation of Burundi (CAPAD), Natural Resource Authority (Rwanda), Association of Uganda Professional Women in Agriculture and Environment (AUPWAE),

National Union of Coffee Agribusiness and Farm enterprises (NUCAFE), Uganda Farmers Federation (UNFFE), Tanzanian Grassroot Oriented Development (TAGRODE) and the Eastern Africa Farmers' Federation (EAFF) . All these stakeholders from all EAC Partner States were in support of the Bill.

Their contributions included the following inputs to the Bill.

- i. **Use of carbon credits to fight poverty.** They observed that in order to promote forest investment and trade in forest products carbon credits can be used as a means to fight poverty and to contribute to the socio-economic development of the people of East Africa. This is because the Forest has goods and services and the bill can go a long way in considering the trade in the services which the forest can offer.
- ii. **Promotion of the participation of the private sector and civil societies.** In order to have a holistic approach and strengthen the technical, human, material and financial capacity to improve the forest management and control in the region with partnership of stakeholders (private sector, civil societies, local communities, among others)" the Bill should endeavor to adopt a multi-level participation of all the stakeholders.
- iii. **They proposed to rephrase objective f) to read “objective (f) to read:**

"To promote good forest governance and harmonize national forestry laws and regulations as well as the

implementation of existing international instruments on forests” This is because forest governance is key to suitable forest management, transparency and accountability.

iv. Targets to maintain forest cover

In order to provide concrete targets to maintain forest cover and to adhere to the 10% minimum target stipulated in the Kenyan Constitution, they proposed to insert clauses, to specifically emphasize minimum tree and forest cover. They also proposed that Partner States shall promote agroforestry at the farm level, field level and landscape level so as to relieve pressure on the natural forests.

v. Safeguarding the security of the tenure/the rights of occupants

In order to have all the rights of the occupants guaranteed, they proposed to have a clause that compels all Partner States to adopt legal means to ensure that the rights of

indigenous/local communities, women and other marginal groups are legally recognized and adopt mechanisms to secure the tenure rights of these groups, including free prior informed consent. This will go a long way in promoting mutual coexistence and harmony with the occupants especially those who reside in areas adjacent to the forest reserves.

vi. Strengthening the functions of the forestry boards.

In order to strengthen and give more influence to the forestry board in the Partner States, they proposed to add the following additional functions of the Forest Board:

- to develop guidelines to mainstream agro-forestry into national development plans
- to develop and periodically update details of existing agroforestry practices to match different local agro climatic zones across Partner States
- to organize, support and coordinate regional research to help policy makers in partner countries to make informed decisions;

- to meet with stakeholders outside the forest sector, including trade, finance, agriculture and mining;

The reasons are the following:

- Agroforestry has significant potential for income generation and poverty reduction,
- There are agroforestry innovations across the world that should be adopted in the East African Community, for example, agro sylvicultural systems in the hot lowlands of India that have potential for livestock grazing and construction;
- To ensure that research efforts are harmonized across the region;
- To ensure multi-sectoral approach to addressing challenges in the forestry sector

Other specific findings are proposals for amendments, which will have been captured in a schedule attached to this report.

3.2. General Findings

3.2.1 Appreciation of the Bill and need to enact it into law.

It was apparent and clear that most of the Partner States the Committee visited and the group of experts clearly appreciate and realize the importance and the urgency of the East African Forests Management and Protection Bill because of the critical issues it is going to address in Forest Management and protection, especially in the Trans boundary ecosystems. Stakeholders from Tanzania wish the bill to come after a forestry policy has been concluded, but it has been explained that the bill is anchored on the Treaty for the establishment of the EAC, on the Agriculture and Food Security Policy and on the Climate Policy, which both call for Forests Management and Protection, reforestation and afforestation as Forests

play a big role in water catchment protection, water regulation, and most importantly in Climate Change impacts mitigation.

In addition, Forests stakeholders urged the Committee to make it mandatory to ensure that adequate funding is set aside in all Partner States to address issues of forests management and protection in particular, and environment in general, rather than relegating them to donors. This should also apply for the EAC budget.

3.2.2. Regulatory mechanism to control trade in forests products

The Committee observed that some Partner States have signed memoranda of understanding or other bilateral arrangements in order to manage and protect forest resources in cross border areas, or in order to overcome other trans-boundary challenges like illegal timber trade. But even with these arrangements, it is reported that in East Africa the illegal trade in timber is greatly undermining the conservation and sustainable livelihoods for rural communities that depend on the resource.

In addition, the Committee observed the following:

- Insufficient control in harvesting and trade of forests products across the partner states has exacerbated illegal practices, which have been detrimental to the environment.
- Stakeholders highlighted the need for harmonized forest regulations on sanctions and penalties to offenders in order to stop illegal practices and enhance forests protection.
- Stakeholders wish that further emphasis should put on certification and traceability to ensure open and transparent trade in forests products.

- They expressed the need of measures and mechanisms to be put in place to promote value addition on forests products in order to ensure maximum benefits from the forests.
- There was a general understanding and consensus among stakeholders that the EAC Forests Management and Protection bill will help to strengthen national laws, and is of high value addition for the management and protection of resources of a trans- boundary nature, and for cross border forests products movements.

3.2.3. Collaboration between the East African Community Forest Board and the National Competent Forestry Authorities

The Committee observed that there were concerns from some Partner States on the creation of the EAC Forest Board, and its roles compared to the roles of the National Forestry Authorities.

It was clearly explained that the Chief Executive Officers of National Forests Bodies who will take best practices informed decisions at regional level and will come back and ensure their implementation at national level would compose the Board. It was further explained that a Chief Executive Officer of a National Forest Authority on a rotational basis should chair the Board. It was then clear that there was neither overlap nor duplication.

3.2.4 Promotion of Afforestation in Urban Areas

Considering the importance of urban trees and forests, stakeholders expressed their wish to have this bill to promote urban forests. The Committee, recognizing the role of urban trees and forests, especially beautification and air cleaning among

others, appreciated the concerns of participants and committed to take this into consideration.

3.2.5. Misinterpretation of Article 59 of the Treaty vis-a-vis Private Members' Bill

The Committee observed some of the stakeholders were concerned that the Bill, by establishing an EAC Forests Board will impose a charge on the Community despite article 59 of the Treaty restricting Members to enact such legislations. It is equally important to note that it is the presiding officer who is the Speaker, to determine if a bill causes an extra cost.

4.0 General Observations

The Committee observed an emphatic and overwhelming need to strengthen and give more mandate to the institutions and forest agencies in the Partner States, which are involved in the management of forest resources.

It was noted that Forest management encompasses the administrative, economic, legal, social and technical measures involved in the conservation and use of natural forests and forest plantations. It involves various degrees of human intervention to safeguard the forest ecosystem, its functions and its resources for the sustained production of goods and the provision of environmental services.

The Committee further observed that while the objectives of management vary widely and include the protection of resources in protected forests and nature reserves, the primary objective has often been the production of wood products. A basic tenet of forest management with emphasis on wood production is 'sustained yield', or harvesting the wood increment without drawing down on the forest capital.

Accordingly, although sustained yield forestry continues to be widely practiced, there is an increasing trend towards the management of forests as ecological systems with multiple economic benefits and environmental values, and with broad public participation in the decision-making process. It will ensure that the benefits - both material and intangible - derived from the forest meet present needs, while at the same time ensuring their continued availability and contribution to long-term social and economic development.

The Committee observed that at the rate on which environmental degradation is taking place, efforts to promote and conserve forests could not be postponed. Most of stakeholders found having this bill urgent and pertinent as this is a matter of concern for not only the people of East Africa but also the world at large.

The concerns of some Stakeholders of not having a forestry policy on which to base the Bill were addressed by the fact that the bill is anchored on the Treaty, on the Agriculture and Rural Development Policy and on the Climate Change Policy.

In general, Stakeholders made very useful contributions, which, after consideration by the Committee, call for amendments as proposed in the annexed schedule of amendments.

With regard to the need for a strong regulatory mechanism to control trade in forests products, the Committee was of the view that Partner States should put in place strong mechanisms to control the trade in forest products because the trade in forests has contributed to massive deforestation in the East Africa region. These mechanisms should involve sharing of information and sharing of joint operations to combat the illegal logging and ensuring that there is coordinated movement and well-documented legal trade in the Partner States.

Moreover, Partner States should put in place regulations and mechanisms to monitor exportation, production and importation of certified forest seeds and seedlings for afforestation. This is meant to ensure that invasive and destructive species which can be harmful to the environment are prevented from being imported in the respective Partner States and the East Africa Region. The lists of recognized and certified seeds and seedlings providers should be periodically published by Partner States.

With regard to Targets to maintain forest cover, the Committee observed that, in order to provide concrete targets to maintain forest cover and to adhere to the minimum settings which were set, the Council of Ministers should set a regional target for forest cover. The Committee was of the view that Partner States should promote agroforestry and maintain a database of existing agroforestry practices and update it periodically on the details to match different local agro climatic zones across.

Finally, the Committee observed that Partner states should put in place sustainable mechanisms for financing to ensure protection and management of forests.

5.0. RECOMMENDATIONS

After consideration of the Public Hearings findings, the Committee hereby makes the following recommendations:

1. The Committee urges the House to adopt the Report of the Public Hearings on the EAC Forests Management and Protection Bill, 2015 with the amendments captured in the attached schedule.
2. The Committee requests the House to pass the EAC Forests

Management and Protection Bill, 2015 with the schedule of amendments.

6. 0. CONCLUSION

The East African Community Forests Management and Protection Bill, 2015 is a culmination of the interaction of the Committee with stakeholders in Partner States capitals. During interaction, the Committee noted with appreciation stakeholders' enthusiasm and expertise and these contributed to enrich the Bill. The Committee also noted through interaction the need to pass the Bill to address the issue of forests degradation. It is therefore urgent and pertinent to pass the Bill to address needs of the people of East Africa and the world at large.

7.0. ACKNOWLEDGEMENTS

The Committee appreciates the Speaker and the Clerk of the East African Legislative Assembly for his continued facilitation to the Committee to allow it fulfil its mandate, and thanks also AWEPA for its continuous support.

The Committee expresses thanks to the various stakeholders from EAC Partner States for having responded positively to the invitation extended to them and for their contributions to enrich the EAC Forests Management and Protection Bill, 2015.

The Committee extends its appreciation to ICRAF and EAFF for hosting and having co-organized a workshop for all experts on forests and forestry matters in the East African Region to bring useful contributions from knowledgeable people. The Committee thanks those experts as well as the ones from LVBC and from African Forests Forum for their valuable contributions during the preparation of this EAC Forests bill.

A special thank goes also to LVBC for having commissioned the above mentioned important Study on Forests and all forests related matters in the whole EAC region, which study has been instrumental when it comes to the situational analysis on forests status in the EAC region.

The Committee expresses its gratitude to the technical team from EAC/EALA Secretariat for a work very well done.

Rt. Hon. Speaker, before I conclude, I need to report that prior to the presentation of this report, the Council of Ministers requested to meet with the Committee on the 8th of October 2015 but on that occasion, only one Minister attended but declined to make any comment on the ground that the Minister was not mandated. On the second occasion on 11th October 2015, no member of the Council showed up. On both occasions, the Counsel to the Community attended. I beg to move.

The Speaker: Thank you so much, honourable members. The motion is that the East African Community Forest Management and Protection Bill, 2015 be read for the second time. Debate is open.

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. I rise to support the motion but before that, I would like to thank His Excellency the President of Kenya sincerely for addressing us this morning. We want to thank all the people of Kenya and I want to thank the members from Kenya Chapter who have made it for us to integrate in this country since our arrival, specifically yesterday with Kenya Private Sector Alliance (KEPSA) and today with the cultural community. I think we really feel in East Africa and we feel East Africans. Thank you very much, Kenyans.

Mr Speaker, I would like to thank the mover of the motion and the acting Chair of the Committee on Agriculture, Tourism and Natural Resources for this Bill. I am a member of the committee and I am very proud that we could have these public hearings as you all heard and see how East Africans want to have their forests protected. This was well cleared in whatever we heard in the different Partner States.

Mr Speaker, this Bill takes its ground from the Treaty; Article 111 where the Partner States recognise that development can lead to degradation of the environment and that degradation- of course when we talk of degradation of the environment, we immediately think of deforestation. Of course, there are many other forms of degradation but deforestation is one of the biggest causes of degradation of the environment.

Actions to be undertaken by the Community are well described in this Article 111 and sub article 2 where the actions by the Community relating to the environment shall have the objective to preserve, protect and enhance the quality of the environment, contribute towards the sustainability of the environment, to ensure sustainable utilisation of natural resources like lakes, wet lands, forests and other aquatic terrestrial eco systems.

Mr Speaker, I would not like to go further in reading what is enshrined in the Treaty but Article 114 proposes what the Partner States should do and this is in this Bill. With regard to conservation and management of forests, the Partner States agree to take necessary measures through adoption of common policies, joint promotion of common forestry practices, joint utilisation of forestry trainings and research facilities, adoption of common regulations for conservation and management of all catchment forests

within the Community, establishment of uniform regulations for utilisation of forestry resources, establishment of epi-agro forestry systems and so on.

How can we achieve this if we do not have a law to harmonise the policies in our Community?

Mr Speaker, without much ado, I think everybody understands that this Bill, which was very well researched and well written where we were very lucky to receive contributions from all the Partner States- I think that all members will find it appropriate to support and pass the Bill. Thank you, Mr Speaker.

The Speaker: Thank you, hon. Odette.

Mr Chris Opoka-Okumu (Uganda): Thank you, Mr Speaker for giving me this opportunity to contribute. Before I do so, just like hon. Odette has done, I would like to thank His Excellency President Uhuru Kenyatta for having given us a very powerful address, which was very inspiring. I would also like to thank the Kenya chapter for everything they have done so far to make our stay here very comfortable.

I am a member of this committee, and I did participate in the public hearings. I think when one looks at the report of the committee right from the outset the committee has shown how much degradation is taking place in East Africa.

On page two, the committee states that according to the State of the East Africa report of 2012, "The region's 117 million hectares of forest shrunk by more than 9 per cent to 98 million hectares between 1990 to 2000 and it has shrunk further to 85 million."

We are actually going down in terms of forest cover in this region and unless drastic action is taken to protect the forests

in the East African region, we are going to face a very big problem in the future.

Therefore, the need for this Bill. The Bill has come very timely. The enthusiasm shown by the East African people as we went through the public hearings tells us that in accordance with Article 7 of the Treaty that the Community is a people-centred Community, which must take into account the interests of the ordinary people and private sector led.

Mr Speaker, we have to appreciate the use of forests since forests help us breathe. We may take for granted the oxygen that we breathe in but if forests do not breathe out oxygen, we would not have the fresh air we breathe in Africa.

I have managed to live outside, and when you go there for the first time, your teeth begin to become black. When you wipe your face with a handkerchief, it is black-it produces soot. When you blow your nose, it is black. That is because of industrialisation. The spewing of effluents, the by-products of industrialisation that we yearn for in Africa is that and this creates global warming, and the lack of freshness of air.

In Africa, we take it for granted so first and foremost when we sit down here, we are breathing, it is because of the forests. Forests help us keep cool. In urban areas, forest cover help people to keep cool and therefore reduce the reliance on electricity. The over reliance on electricity is reduced.

The forest cover in our area help influence the regional weather. The forest cover in Congo, Uganda and Kenya help influence regional weather and therefore make it possible for rain that help feed us because they help plants to grow.

Forests fight flooding. With their roots, they reduce the impact of flooding and that helps us live comfortably.

The block winds; they are very important windbreakers which would otherwise be very destructive. You have heard about hurricanes destroying so many other places but the wind that we have in our region would be devastating to us if we did not have forests.

Therefore, Mr Speaker, when you travel and see Lorries carrying charcoal and logs uninhibited, you wonder that it is not a surprise that we have reduced forest cover.

Forests also help us in medicine. We have a lot of herbal medicine in this region and all this is coming out of forests. If we do not have forests, we would not have the birds, the animals in the forests, which provide us with food.

Therefore, Mr Speaker, it is extremely important that we need to protect the forest cover in our region. Recommendation number five of the committee was that there is need for Partner States to put in place sustainable mechanisms for financing and ensure protection and management of forests.

Mr Speaker, permit me to comment on the last point that was raised by the acting Chair of the committee, which is in the report of the problems that we had with the Council of Ministers. It was at the request of the Council of Ministers that they needed to participate and this came through a letter from the CTC. The committee happily granted that request but it was disappointing that the Chair of the Council and other ministers did not show up.

Various reasons were being given that the minister was out of the country yet in fact, the minister was around. That was very

disappointing; the fact that the person is around and reasons were being given to obscure the inability to be present to attend to a responsibility that was requested by the Council.

I do not know and I hope it has not had a bearing on the reactions that we met in Tanzania.

Mr Speaker, I would not like to take a lot of time but with those few words, I would like to support the report and also support the Bill. Thank you, Mr Speaker.

Ms Emerence Bucumi (Burundi): Thank you, Mr Speaker for giving me the floor to contribute on this report. First of all, I would like to thank His Excellency Uhuru Kenyatta for his speech this morning in which I have captured his serious concerns on the slow pace of the integration agenda.

Secondly, Mr Speaker, I would like to congratulate the Committee on Agriculture, Tourism and Natural Resources for the job well done.

Mr Speaker, I rise to support the report especially the concern raised by the stakeholders on the need for Partner States to promote agro forestry at the farm level, field level and landscape level. We all know the role played by our forests when it is about rain and water cycles. We know that when it rains, there is infiltration and after evaporation and condensation, it rains. Sometimes we complain about the lack of rain and the diminishing water levels but the ball is in our camp.

Mr Speaker, I remember in my childhood there was a song that said, if you cut one tree, plant two trees. However, two trees are not enough. For me it would be better that if you cut one tree, you plant five trees.

Of course, we need a legal instrument to protect our environment, but we also have to do something to push people to better the issue of environment protection understand. As members of EALA, we can teach by example.

Mr Speaker, suppose one member per country planted trees in an area around 10 hectares- But that is not enough. Nine members will make it 90 hectares but 45 members will be 450 hectares. Of course, it is not enough but it will show something to our population. It should be beyond that and I take this moment to encourage this House to continue planting trees in our Partner States.

From my experience, I have already done it on six hectares but to reach my target, it remains to plant at least four more hectares. Of course, planting trees is a long-term investment but as champions, we need to do so.

Another thing is we need to develop a mechanism to avoid the use of charcoal in our family activities, as cooking but our population do not have an alternative. They will still use charcoal whose use is the one major destroyer of our environment and forests. We know that cooker machines demand use of electricity and we know that nowadays electricity is not enough in our region. Even if it were enough, how many of our population have that electricity to use?

We need to look into this. Mr Speaker, if not, deforestation will still rear up with its consequences. Thank you, Mr Speaker. I support the report and the Bill.

The Speaker: Thank you so much, hon. Emerence, for reminding us to plant more trees in the Partner States. Maybe next time when we go there, we will request you to sing for us, “Cut one tree, and plant

two more” before we plant trees in the Partner States.

Mr Abubakar Zein (Kenya): Thank you, Mr Speaker. I am one East African who had the privilege of knowing the late Wangari Mathai and today I will tell you two or three stories. Once Wangari Mathai cried. We were at the National Constitutional Conference of Kenya and people were haggling about the minimum 10 per cent forest cover as a constitutional principle. I am sure that among the participants were either active developers and would be developers in the future who once Wangari Mathai defined as Kenyans who are immune to empty spaces. Every time they see a space, they want to build something.

She cried because one misguided politicians called her names, not because she has not been called names before but in putting his misguided arguments against the 10 per cent cover, which was the popular demand of Kenyans citizens through public hearings such as the hearings that were undertaken by this honourable committee, and you will recall that she had been called many names before when she was trying to protect the park here, she cried.

When we asked her why she cried, she said, “I cry for my country, I cry for my continent and I cry for this world because of our myopic interest of profit and refusing to see our responsibility to future generations and to the well-being of this world.” I do not know- maybe the tears are the ones that killed that debate and the 10 per cent minimum provision was then entrenched in the Kenya Constitution but I will tell you the second story.

Wangari Mathai had a big war with a friend of hers who was also a politician. This politician, who will remain unnamed, had no problem with what Kenyan people

call Ashamba system. What is Ashamba system? Ashamba system is the misguided policy of administrators who allow citizens to farm in the forest.

Wangari Mathai was trying to educate this fellow and said, “In the forest it is an eco-system; self-sustaining, self-driving, living” but the fellow could not understand that. He said, “No, you see the trees can grow and we can also grow other things underneath.” Again, she was right that a forest is an eco-system and a part of a larger eco-system.

The third story of Wangari Mathai was that she reminded us and said, “All of us, particularly those who are in leadership positions have a duty.” I know you heard President Uhuru said we have a duty; we have obligations to East Africans. Wangari Mathai said, one of our duties is to protect the environment. She added, this struggle of protecting our environment is so important that we as leaders and as citizens must decide what the most important thing in your life is and do it. She said, do your little thing. She said, “For me, my little thing is to protect the environment.”

I will say three things and then sit down. The first one is this: there is not an eloquent demonstration of the logic of integration than Lake Victoria. Lake Victoria happens to be bordering three of the founding members of the East African Community but its basin and its eco system includes Burundi, Rwanda and even further. This means that the waters of that great lake, the living organisms in that lake, and the fish in that lake depend on what somebody does in Burundi. It depends on what somebody does in Rwanda and the other three founding members of the East African Community but it also depends on what people do not do.

Therefore, this report is saying to us that we are trying to get you to say certain things, to do certain things and not to do certain things in order for the great Lake Victoria to survive into the future. Without the forests of this region, that lake will die. If that lake dies, the Nile will die. If the Nile dies, trouble will follow us from this region to Alexandria in Egypt, which makes me wait for two last points.

One, I know yesterday we were happy to talk about peace and security and I was very keenly listening. Yesterday was my day of listening- Maybe today is my day of talking. Your Excellency says it is not normal, there are always first times for first things and always-new ground to be broken.

To speak about peace and security and I hurry along on this, there are different types of peace. If we want to bring peace to this region and to our world, first we have to be at peace with ourselves. You start with the self. Then for those who believe, you must be at peace with your maker. You also have to be at peace with your neighbour. However, you also have to be peaceful with your environment. So peace will not come to our region if we continue to deforest and cut down forests.

It will remain but a mirage and I am careful to use the word mirage because the desert is moving down from the Sahara, seeking to embrace slowly and choke us to become part and parcel of the desert. If we do not do, something radical now, our future generations will judge us harshly.

Mwalimu Nyerere said, “It can be done” but what was the magic behind this statement? He said, “It does not happen by itself. It can be done when each and every one of us play our part.” Therefore, the part of this Assembly is to pass this Bill. Let it be the responsibility of others to

refuse. Let us accept. Let others play their part.

Everybody is given his or her part to play, and I make a prayer and I see the Chair, Council of Ministers seated next to another minister. Chair, Council of Ministers, this is a good Bill, it seeks to protect all of us, it seeks to unite us. Let us walk with the Council on the matter I pray but you will hear me say “Aye” when you call it out. I will say so loudly, clearly without fear. Thank you, sir.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Mr Speaker for giving me the opportunity to contribute to this very important motion. From the onset, let me join my colleagues in congratulating and appreciating His Excellency Uhuru Kenyatta for the kind words and words of wisdom he expressed this morning when he was addressing this Assembly.

Indeed, it was a pleasure to have him as a guest this morning but he also reminded us to preach by example and to fulfil or implement all the commitments we have undertaken so far.

In line with this report before us today, when all our five Partner States joined the East African Community, they committed themselves to be governed by this Treaty; the Treaty for the establishment of the East African Community, which Treaty asks that we should cooperate in different areas including cooperation in environment and natural resources management. It is clearly enshrined in this Treaty, specifically under Article 111 and the other Articles that have been mentioned in this Bill.

I thank the mover of this Bill but also the Committee on Agriculture, Tourism and Natural Resources for bringing this very important Bill which requires that we implement what we promised East

Africans to do in as far as protection and management of forests and environment in general is concerned.

My colleagues who spoke before me have highlighted Mr Speaker, many of the things one would say here. I will just give some examples. We were very lucky to travel to Gulu in your beautiful area, Mr Speaker. While going there, we noticed that there is a big part, which is covered by forests, especially on the side of the road. We did not get ample time to interact with the people but we could see that people were cutting down trees, and the same phenomenon is happening all over in our Partner States.

You could see that if one decides to move today to that very area, it was just a matter of looking for men and women who can help him or her cut trees so that one can plant either beans or any other thing. Like I said, the way that phenomenon is happening in all our Partner States, it is something, which is not regulated at all. You go to an area, you do not even know that maybe the local government must be seen, you just go and embark on cutting trees the way you want simply because you have some other wishes behind; you want to trade in forest products or maybe you want to plant other commodities.

This is a phenomenon, which should be stopped, and our local leaders should be involved in helping the Central Government to stop that kind of problem.

When people start cutting trees, it has been ably mentioned by hon. Chris Opoka that many animals who happen to live in the forests and who have been attracting tourists are immigrating. I do not know whether in some countries, it is happening like the way it is happening in my country but we have been receiving complaints from neighbouring countries saying that either there are gorillas, elephants and

other animals have migrated to Rwanda simply because trees and forests are being destroyed and animals are nowhere to be seen. They prefer to migrate where they can find forests to live in.

Mr Speaker, not only is it a problem for our resources and we know that tourists come to visit animals and other eco systems so when our animals leave our countries to other countries; it is a big problem for our economies.

There is also a bad habit of people who go into forests to look for medicine. They go and cut trees the way they want. I do not know whether there is a well-equipped laboratory in our region, which can allow our population to go and cut trees the way they want. This is a very bad phenomenon, which must be put to an end. That is why when the Treaty stipulates that we should cooperate in the area of environment protection and forest management, we should embrace that idea and act uniformly to protect the forests and put regulations so that whatever product is coming out of forests is regulated for our economies and for our people to benefit.

Mr Speaker, there is also a very bad trend of people who cut trees to export wood. They do that especially during the night, and when some forests have a very nice management, but because there is complicity with some leaders or some people around the forest, people go there, cut trees during the night, and export wood be it inside or outside East Africa. I think this is something that should be regulated, and that is why the Board that is proposed in this Bill should really be put in place.

As to the point that it is going to have budget implications, if I am not mistaken, this is just a Board comprising members from Forest Management Authorities from our five Partner States. I do not know whether when they are meeting...of

course, it is going to have a small implication just for the meeting but they have to meet for us to implement fully to the letter what is enshrined in the Treaty.

Mr Speaker, I may go on and on because the need for us to keep and manage forests cannot be over emphasised but I think that whatever is highlighted in this report specifically ideas coming from stakeholders tell allot. Everybody has expressed the wish to see this Bill passed and implemented so that our forests can be well managed and protected for the betterment of our people in East Africa.

I will not dwell much on this. I am in full support of the report and I urge my colleagues to adopt the report so that the Bill can be passed wholesomely. Thank you so much.

The Speaker: Thank you so much, hon. Valerie.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much, Mr Speaker. Let me also join my colleague to thank His Excellency President Uhuru Kenyatta for blessing us with his presence and his very good speech.

I also would like to thank the Kenyan chapter and the Kenyans for their warm hospitality.

Mr Speaker, I am standing here to support the Bill with some reservation but I am supporting the bill; it should be known clearly. I know the importance of this Bill, especially in terms of protection of our environment because we can now see clearly the effect of climate change so it is a very good Bill and it is eminent.

Having said that, I must declare that I am a member of the Legal, Rules and Privileges Committee and a few weeks ago, we conducted an activity, which allowed us to

monitor and evaluate our resolutions and implementation of our Bills in the Partner States. Why I am saying this is because as hon. Zein finished in his speech which he finished with very few sentences saying that we must and we should make sure that in the future we include the ministers on these issues and get their views before we continue with other stages, I believe that this law has come for a long time. It has come for the introduction, it has come for the first reading and according to the report, and there are a very impressive group of stakeholders, which the committee has met.

Having said that, it is still very important to make sure we include the ministers. I am not standing here defending the ministers. I am not in the opposition doing so. I am not standing here to protect the minister who was said to be around but did not attend the meeting but at the same time, we are five Partner States. Did we have all the ministers around? Even if we did not have, did we try to find their representatives so that we can hold the meeting with them? I think it is very important.

I would also like to remind my colleagues that our mandate just ends at legislating. We do not have any powers on implementation and our ministers mostly play the implementation. Therefore, it is very good that while we are passing our Bills, we include them. We could find a way of getting their views in any way possible before we pass this Bill because why I am saying we did the monitoring and evaluation of our Bills, we found that there are some Bills that have been passed and are not implemented. There are some which were just partially implemented and some few which are implemented.

Our aim is to make – *(Interruption)*

Dr Nyiramilimo: Thank you, Mr Speaker and thank you my colleague, hon. Maryam. I think what hon. Maryam is alluding to about the ministers- I would like to inform her that the ministers you are talking about are also members of this Assembly and when they are invited to participate in a committee meeting and they confirm their attendance and even ask the committee to delay a meeting and put it at another time but do not show up, I think that my colleague should know that that is not normal and it is not fair.

Because they are part of this Assembly, the ministers have to know our agenda and they are aware that protecting the environment is one of their roles, not only the role of the Assembly. They are part and parcel of this legislation. Thank you, Mr Speaker.

Ms Nakawuki: Thank you very much, Mr Speaker. I would like to inform my honourable colleague that we actually undertook due diligence to meet and interact with the Council of Ministers. We sat in this Chamber twice in a bid to interact with Council and we had special interests with hon. Abdullah Saadalla as Minister from Tanzania because when we met with the stakeholders, they had issues.

Therefore, we badly wanted to meet with him. I even took an initiative, looked for him in the hotel, and informed him that we were supposed to be here in a meeting with him. *Mheshimiwa* told me that he was too busy for such things. We came here as members and talked to ourselves. What more should we do because you want to do this but at the same time we have to execute our mandate of legislation.

So, I just wanted to inform my colleague that we are actually trying our best to have these meetings with the ministers but maybe the ministers are too busy doing other things. I thank you.

The Speaker: Hon. Ussi, the floor is yours.

Ms Ussi: Thank you very much, Mr Speaker. I know I put myself in the line of fire defending ministers but as I said earlier, I am not standing here to defend. I understand their concern and information but my point was in the future, we should just make sure that even though we drag them to the meetings ourselves, because I want to say that the implementation role relies on them. It is very important that we work together with the Council of Ministers because they are the ones who make sure that these laws are actually implemented in the Partner States.

Having said that, I support the Bill. Thank you very much, Mr Speaker.

The Speaker: Thank you. There is information from hon. Leontine.

Ms Nzeyimana: Thank you, Mr Speaker. I would like to give information on what I have just heard about the attendance of ministers. We met here, I was here but no one is saying that I was here. They are saying that no minister showed up but I was here for the first time. You should at least recognise the effort made by someone and say it. I was here although my colleague hon. Saadalla was not here but I was here.

For the second day, the Chair invited us for a meeting on Monday and I did say that I would not be available as I was travelling back home but he insisted that we have to sit on Monday. Once my boss in Bujumbura calls me, it is very difficult for me to say I will be here and in Bujumbura at the same time. I think we have to be ... Thank you, Mr Speaker.

The Speaker: Thank you, honourable. I think honourable Chair you will have the

time to- Maybe let us hear that clarification first.

Mr Sebalu: Thank you, Mr Speaker. I know I am supposed to respond to these issues but for purposes of guiding the debate in terms of what is contained in the report, hon. Leontine, we indicated that the first meeting that was held, there was one Minister or member of Council who could not undertake to commit because that minister was not delegated. We just did not want to go into naming names, but that minister is hon. Leontine Nzeyimana, because she was in that meeting, and the record here is very correct that there was a minister but who could not proceed with the business then because she was not delegated to do so.

That clarifies it, and to me that is a true record of what transpired.

The Speaker: Thank you so much, hon. Sebalu. Before I give the honourable members, I think there is something, which we need to get clear as an Assembly here. We have five ministers who are members of this Assembly coming from five Partner States. Some of them have deputy ministers or ministers of state who deputise them meaning they can share dockets. Others do not have; they are just one minister from their Partner State dealing with the EAC docket.

Others in other Partner States do not only lack deputies but they also have more than one sector to take care of. So, it is incumbent upon the Council of ministers under the leadership of their chairperson to make sure that they ration their time and presence to allow smooth working of the Assembly.

As the Speaker, I deeply appreciate the dilemma of balancing between being here and taking a call from your appointing authority but we can strike a balance and

make sure it works for the East Africans. I wanted to make that clarification. Thank you.

I want to finish with this side. hon. Ngoga.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I want to support the motion and thank the committee for what they did. It is very encouraging to note that issues of environmental protection and particularly forest management are now part of some of our constitutions in the region. I did not know that the Kenyan Constitution addresses this issue with this level of clarity. It would be interesting to know what other constitutions in other Partner States say about this matter because it is a weighty issue that really requires attention at that level of our legislation.

I am particularly encouraged by the fact that this Bill addresses issues of technical capacity because much as we want to mobilise our population on this subject, where we are lacking most is technical capacity. We need a critical mass that is able to sustain what we do in the process of forest management.

On this note, I remember that maybe the committee did not have time to do some sort of an inventory on how many learning institutions we have in the region that are specialised in the area of forest management. I know that there was, for example, a college in Arusha that was specific on issues of forest management. There is a whole faculty in the Sokoine University so we could do this inventory and possibly think of establishing centres of excellence and I believe the Inter University Council can be involved in this process.

If we had centres of excellence in the region that can be a driving force of the technical part of management, I believe the

population can be sufficiently mobilised but the technical aspect of it is where we need to address our attention most. It would be interesting to know how many centres we have and possibly single or point at some of them and elevate them to a level of becoming centres of excellence under a certain arrangement that can be put in place.

These could be the driving force or the guiding part in terms of what we need to do, the policies that we need to develop domestically when we have people who have the technical know-how and who can guide us in this process.

There is a college in Arusha called *Urumutonyi*. It would be interesting to note from our Tanzanian counter parts if it is still there and what it is doing. Rwanda used to send students there many years back. I do not know whether we still do it. I want to acknowledge that I do not know whether in Rwanda we provide training in the area of forest management, but centres of excellence is something that we can think about. It would be very important that it find its way in this Bill because if we establish it outside the Bill, it may not be as effective as it can be if it was part of the law. Thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Martin.

Mr Ole Nkanae (Kenya): Thank you, Mr Speaker. I stand here to support the report. I am a member of the committee. May I thank our able Chairman, Christophe Bazivamo who is the mover of this Bill? He passionately sat and drafted and because he is a botanist like me, he was very passionate.

I also thank our current *Salongo*, hon. Sebalu, for accepting to chair this sitting temporarily.

Mr Speaker, I would like to make you believe that green plants, including the forest, is life, and I will give a very simple example. If you are living in N'Djamena, the capital of Chad and you move 200 kilometres north with food that you have eaten but not carrying anything, you will live for seven days because of two things; water and oxygen.

If there were no water, you would live for four days because of oxygen. I am saying this because green plants have some chemistry they do with carbon dioxide and water to produce carbohydrates and oxygen. That simple circle is life. Therefore, in life, we have what we call the food chain. It starts from the plants. They produce that carbohydrate then it goes into two circles. There are those who are herbivores and then carnivores and those in between omnivorous.

Man happens to be an exploiter of the three. You eat plants, you eat meat and you eat both. That is to say, without plants there is no life. There is an inter relationship. To give an example, we have that chemistry called photosynthesis using the greenish thing called chlorophyll to produce carbohydrates.

So ladies and gentlemen, I urge this House to understand that without plants there is no life. An animal called the mammoth, the biggest land mammal in the dark ages when men used to live in caves is a relative of the elephant. When men came out of the caves in Ireland, they destroyed the forests and the mammoth was extinct. That is exactly what we are doing to ourselves. If we are not careful – For example, a few years ago, Narok was a very clear river like River Nile when I saw it the other day but now it is muddy and red because of soil erosion.

With that educative contribution, Mr Speaker, I beg to say let us not waste a lot

of time with this because plants are life and the same applies to forests. I support the motion, thank you.

The Speaker: Thank you, hon. Nkanae.

Mr Peter Mathuki (Kenya): Thank you, Mr Speaker. I would want to be as brief as possible in words but of course, very long in terms of affection of the subject we are discussing this afternoon. Let me start by thanking you, Mr Speaker for ably hosting His Excellency the President Uhuru Kenyatta and going by the discussions that you had with him for the welfare of this House, I am sure that they will bear fruit.

I thank my colleague Martin Ngoga for the very good words of acknowledgement. Indeed, he moved the point that it is very important that we be facilitated as members so that we can possibly do what is right.

Mr Speaker, as you were talking about the Council of Ministers, I want to assure hon. Leontine that as a Committee of Legal, Rules and Privileges, when we shall be tracking performance of the Council of Ministers, he shall be recorded as one of the best in terms of performance. Therefore, you must not have worries of how we intend to take you. We appreciate your presence in all these meetings and we appreciate the Chair, Council, hon. Mwakyembe.

Honourable members, we are political leaders. Tanzania is going into elections in the next 10 days and the honourable minister is here very comfortable sitting. He is supposed to be looking for votes. Hon. Mwakyembe, we wish you well because you must succeed. Even the times when you are not here, we have your assistant minister around and that shows that you are committed as the Chair, Council of Ministers.

Possibly some of your colleagues are letting you down. Please use your chair to caution them because that is very important. They must respect you as the Chair.

Coming to the point, I think consciously it would be unfair to talk about the environment and forests without talking about one late hon. Wangari Mathai. Wangari Mathai died and gave her life because of the environment and forestry, she was a member of the Kenya National Assembly, and now she is the late. May her soul rest in eternal peace. She moved, stripped naked when Uhuru Park that is next to hers- they wanted to make it a hotel, which is supposed to have been the tallest hotel in this country. She went naked to say that will not happen. She lived to that.

Of course, the government that time had to respect that position. She even went ahead and wrote in her will that the time she was to leave the earth to her maker, she must not be put in a wooden coffin, she must be put in any other- Maybe to be burnt or cremated and that is how committed she was. This is what happened and she lived to that. That shows that she gave her life for the protection of the environment and forests and she is a Nobel Prize winner.

Following that, we need to respect. If people have died and given their lives because of protecting the environment and forests for that matter, why as legislators in the region who have a bigger responsibility than our colleagues at the national level take this higher and ensure that we protect?

Karura forest where she went and we wanted to change that land for different use so that we could put skyscrapers and the tallest buildings, she went and said, "No, that will not happen." That is a great lady. In fact, we are yet to discover

another tall lady in the region in as far as issues of environment and forest management are concerned.

In honour of that lady, respecting that legacy, I think it is befitting for this Assembly therefore to support this Bill, which seeks to manage our forests and protect them in respect of those kinds of people. We do not have any other calibre of such a person in this continent. It was only Wangari Mathai.

I believe this Assembly of East Africa can come out to support this in honour of that lady of Africa. I am sure we shall stand tall; we shall be supporting the right thing. Wherever she is, she is watching is debate this particular Bill. Therefore, I think it is very important to come out as an Assembly and put this.

The other day I was driving across Namanga to Arusha and I was surprised that the town of Namanga is becoming a charcoal town. All over, everywhere, people are selling charcoal meaning that much as we have the one stop border post, on the other side we are busy burning trees and selling charcoal. We are speaking one thing on this side and doing something different on the other side.

I think it is important, as members of this Assembly, as the Assembly of East Africa that we stand to be counted on some of these things. Let us do whatever it takes to come out to support our forests and protect our environment because many other things have been said including things like honey. Who does not like honey in this place? Honey comes from trees. Every morning each one of us is eating honey on bread. We have to support this because it is very important.

Leave alone the good and quality water that we are taking every time and the fruits, when you are talking of fruits,

snacking after – After this we shall go for snacks and take a fruit, it is coming from trees.

Therefore, Mr Speaker, I think it is very important that – As we count we say this and that city are polluted. Forests make cities not to be polluted. Therefore, it is very important to make sure that we protect our environment and forests so that we live longer and we live to be counted as an Assembly that protects the environment and our forests. I thank you, Mr Speaker.

The Speaker: Thank you.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for giving me this opportunity to contribute to this debate. From the onset, I would like to say that I support the motion and I would like to use this opportunity to congratulate hon. Christophe Bazivamo, my brother for being passionate and very professional about this issue of management of forests and protection of the environment.

Mr Speaker, I will make three quick points and before I do that, permit me to add my voice to those who have thanked the President of the Republic of Kenya, President Uhuru Kenyatta for his brilliant speech and for taking off time to be with us.

Mr Speaker, I will not repeat what he said because all of us were there but I want to say that for us who were born in the early 60s, which is, also the time when he was born, this is our time. We used to say in Law School that the time is now and we are the people. It is very refreshing to see someone who was born within our age range leading a country very brilliantly and very innovatively in ways that we have not seen in the East African region for a long time.

I would like to say it very clearly on the floor of this House that we wish him the very best, we wish him every success because his success is our success.

Mr Speaker, I would like to move on and maybe anchor what he said when he talked about the issue of encouraging innovations. I would like to talk about this and link it to the issue of causes. Why are we having forests being depleted? There are many causes and all of us know the causes but I want to bring to the fore one particular cause which is linked to women and this is the issue of fuel because when a person goes home, they expect to be fed and in most cases, the person who is in charge of the kitchen and who ensures that the food is brought to the table is a woman.

Therefore, women go to great lengths to ensure that there is food on the table and in some instances; you will find that women are sexually abused as they try to look for firewood.

I saw some recommendations about encouraging farming but I think as an Assembly, we can go around encouraging families to have wood lots because as hon. Zein said, we have to begin with ourselves. If each family can have a wood lot then this would help the family in ways that we cannot imagine because from the wood lot, a person can get wood for fire, they will be able to ensure that they have more wood because this wood is useful, they can even maybe have some bee hives, they can plant some medicines and from the wood lot, I believe that the communities would have forest cover because if we start small, if we do our little thing like Wangari Mathai said, I believe that we will be able to leave a legacy.

Mr Speaker, I want to thank the Kenya chapter, in particular for linking us with KEPSA. Last night was phenomenon.

Again, I believe that we can partner with our private sector who usually sponsor such causes as what we would like to promote.

I would like to thank you for practising what you preach. It was very refreshing for us when we came to Gulu your hometown and we planted trees. Some of us will one day go back to make sure that those trees are doing well. Therefore, I believe that we as an Assembly can think of many innovative ways of ensuring that we address the causes and that we actually practice what we preach.

On the issue of management and protection and this is my last point, I would like to say something which always perturbs me because when I read through a law and I do not see an offence or a penalty, it reads like prose and poetry. I am glad that one of the recommendations is to harmonise laws.

I think I am living maybe ahead of my times. I wish Political Federation were done today so that we would have an EAC Organ, which would be able to crack the whip and ensure that whoever breaches this Act is penalised. So somehow I think we have to acknowledge that we have to start with the small steps, we have to work within the framework which is available but I want to put it on record that Political Federation is in a way hampering our efforts to legislate and to do so authoritatively in a way that we make laws with teeth that bite.

This really perturbs me because if you talk about management, that can be technical and professional but when you talk about protection and in protection there is no incentive, there is nobody cracking the whip then how are you going to protect because protection can be done through Partner States and I am glad that throughout the law we are saying "Partner

States shall...” so we are actually obliging the Partner States.

Better still, at some point, this Board which is proposed under clause 14 should be able to see how Partner States legislation is being implemented and to see for example the kind of penalty that is given in certain instances.

I am concerned very much about the issue of intellectual property, as you know Mr Speaker. This intellectual property is one of the resources from the forests. Herbal medicine is sought after the world over and here in Africa, we actually have the potential to be the source of all herbal medicine in the world but we do not seem to take this very seriously.

So, I would like to see that area also included in the issue of protection because when we look at forests as the Bill says, we are also looking at what is in the forests, the eco system and concerned about the kind of pests that may be introduced which can damage and destroy our trees – (*Interruption*) -

The Speaker: Hon. Dora, those are very important points. I hope you will find time and draft some amendments that you will submit at an appropriate time to address those issues if the mover and the Chair will concur. Proceed.

Ms Byamukama: Thank you very much, Sir. Yes, I will find time and I will do that. Actually, we have had a long talk about this with hon. Bazivamo.

I would like to talk about the issue of herbal medicines and conclude on this note. One time when we were touring the Mount Elgon Eco system and I am glad this Bill is talking about trans-border eco-systems, when we were doing the oversight activity, we were told of a tree which is a source of medicine for prostate cancer

and unfortunately there were no seedlings to be given out to members but I know if there seedlings, all of us would run for them.

So, I would like to urge the East African Partner States that apart from creating the data bank which is mentioned in this particular law, to also find a way of having a data bank on the medicinal trees and herbs that we have so that we can find a way of protecting these trees and also protecting our intellectual property and seeing how we can get together to exploit this.

Mr Speaker, I am not a farmer but before you took office, you were one of the people who encouraged me to plant trees and I would like to say that I am trying; I have a few acres- only four. Hon. Bucumi is encouraging us to plant trees. I think we should take this to heart and live by example. I support this motion and I really cannot envisage anybody who would not support such a very important law. I thank you, sir.

The Speaker: Thank you, hon. Dora.

Ms Isabelle Ndahayo (Burundi): Thank you, Mr Speaker. I rise to support this report and the Bill because of its importance in the protection of the environment and climate change mitigation.

Mr Speaker, the main objective of this Bill is management, protection of national, and Transboundary forest eco systems. This Bill is very important because I am a member of this committee and I was with other members when we were doing public hearings on this Bill. The way we were received by all the Partner States stakeholders- It seems we were late in bringing this Bill, looking at the way forests are being decreased in our region.

Therefore, I support this Bill because of this.

Mr Speaker, when I look at the content of this Bill, I thank the mover for having thought about putting in place mechanisms of managing and protecting forests but I would like to advise that when putting these mechanisms in place, thought should be put on capacity building of local leaders because these are the main managers of forests in their local areas.

In addition, locals need to be sensitised on this. I am raising this because of the experience I have in my last years when I was a refugee. I was a refugee in Kigoma, and when we entered that place where we were settled as refugees, there was a very huge forest to the extent that you could not see a person who is two metres from where you were. However, within three years, to see a tree was like a miracle. When we entered there, we cut down all the trees because we wanted to build houses and make seats and for firewood. We created a problem in that area to the point when UNHCR was obliged to distribute firewood at a given time.

I realised that there was a problem because there was no prepared mechanism because it was like a disaster. To cut down such a big forest in three years was very bad and I realise that if the local leaders were trained, this could have helped us to protect these areas and maintain these forests. I also realised that after the three years, some mechanisms were taken. We started to plant trees and there were some special trees, which we planted, and within three years, we could cut them again for firewood. Therefore, I would like to put emphasis on capacity building of local leaders and sensitisation of local people.

The other thing is about developing research in forests. This is because this research will help to develop different

species of trees, which can intervene in different situations like this one where we need to have firewood and other needs. This research will also help to develop indigenous knowledge.

I remember when we were in Zanzibar, people were busy not only because of learning Kiswahili but because of spices. These spices are made from forest products. I was surprised to see that in Zanzibar, there are not many trees but you can see how it is very active because of spices. I would like to encourage research on indigenous knowledge so that we can make use of this and the importance of these products. I thank you and I support the motion.

The Speaker: Thank you so much.

Ms Shy-Rose Bhanji (Tanzania): Thank you, *Mheshimiwa* Speaker for giving me the floor so that I can also make my comments. Before I begin, I wish to thank His Excellency President Uhuru Kenyatta for gracing our Assembly this morning and for his visionary outlook on integration.

Mheshimiwa Speaker, I also wish to inform this House that today we are marking 16 years since the passing of *Mwalimu* Julius Kambarage Nyerere. We are all aware that he was one of the founding fathers of this Community and he played a key role, together with other founding fathers.

Mheshimiwa Speaker, *Mwalimu* was a firm believer of integration and today we are honoured to have Makongoro Nyerere, one of *Mwalimu*'s sons as one of our colleagues. Makongoro is also a firm believer, like all of us, in this integration. *Mheshimiwa* Speaker knows where Makongoro is.

Mheshimiwa Speaker, I wish to declare that I am a member of this Committee on

Agriculture, Environment and Natural Resources and I second the report with a plea. I wish to make a plea for the Chair of our committee, for this august House to agree that we adjourn this debate to give room for our committee to deliberate further with the Council of Ministers.

Mheshimiwa Speaker, let us all bear in mind that this was not an opportune moment for EAC Ministers from Tanzania to be present at the time, considering that we are going to have elections on 25 October but also, both ministers are contesting in their constituencies.

I am not here to defend the ministers but I am just making a plea, given that Tanzania is the only country, which had expressed reservations to the Bill. *Mheshimiwa* Speaker, I think the whole idea of bringing the Bill, debating and passing and assenting is for the benefit of all East Africans. I do agree that this is a very important Bill but please I hope and pray that you will agree with my request that we adjourn the debate so that we meet with the ministers and deliberate further so that we can reach an amicable solutions so that at the end of the day, we can come back in this Assembly and pass the Bill without any problem. I beg to submit, *Mheshimiwa* Speaker.

The Speaker: Thank you, hon. Shy-Rose.

Ms Susan Nakawuki (Uganda): I thank you so much, Mr Speaker. Allow me also to add my voice to those of my colleagues who have appreciated the President of the Republic of Kenya for the address this morning. I hope Mr Speaker that you still remember the appointment.

On the onset, I would like to declare that I am a member of this Committee on Agriculture, Environment and Natural Resources and I participated in the different consultations we had with the

stakeholders. As a committee, we realised that it was very important for us to take on the views of all the stakeholders in the region and indeed that explains why the report of the committee is very pregnant, if I could use that word for lack of a better word.

Mr Speaker, I appreciate the way we do work as an Assembly because when we went to do the field visits and the consultations, we were operating on the grounds of Article 7 of the Treaty particularly 7(d) which provides for the operational principles of the Community involving multi-level participation and involvement of a wide range of stakeholders in the integration process. That was ably done.

Mr Speaker, in that interaction, most of the stakeholders really supported the Bill. In fact, they were of the view that it should have been passed yesterday. At the same time, we also found those who still had issues. For example in one Partner State, we were told that it was too early to come up with such a Bill on forestry.

Mr Speaker, when we had our interaction with the stakeholders in the Republic of Kenya, it was noted that in the last two decades, that is between 1990 and 2010, just in the East African region, we have lost 20 million hectares of forest cover and that is enormous. In fact, this Bill is so timely that we should not wait for even another day because at this rate, we are headed for a disaster and we need to make sure that we arrest the situation as quickly as possible.

As you all understand, forests mean good environment. Mr Speaker, I really appreciate the framers of the Treaty because when you read the Treaty for the establishment of the East African Community, two chapters concentrate on issues of conservation of the environment

for example chapters 19 and 20. In those chapters, the Community made a commitment to conserve the environment and wildlife.

In fact, thereunder, Partner States agree to take concerted measures to foster cooperation in the joint and efficient management and utilisation of natural resources in the Community.

Mr Speaker, there are some few issues that caught my eye in this Bill. There is an issue of the cross border eco-systems. As you are all aware, many of our natural resources transcend border, at least in this East African region. For example, we have the Serengeti Mara between the United Republic of Tanzania and Kenya, we have the Rwenzori, we have the Ambroselli Kilimanjaro and this is all cross border. We have a number of forests crossing between different Partner States and before we have been using memoranda of understanding, which are sometimes not, complied with 100 per cent.

Therefore as a committee, we feel that it is very important of we come up with a piece of legislation, to address critical issues concerning the environment.

Mr Speaker, allow me also to note that the Secretariat has been very instrumental in issues of conserving the environment, much as we still have a lot to do. I remember the Deputy Secretary General of Social and Productive Sectors; hon. Jessica Eriyo has been very keen when it comes to us scaling up cross border eco systems management and conservation.

Mr Speaker, as I wind up, allow me to say that there is need for commitment to boost investment in our nature solutions to hold bio diversity laws because we know very well if we do not tackle issues of climate change, if we do not fight hard to make sure that we are secure in terms of food

and water then we are headed for a disaster and our region is going to suffer.

Therefore Mr Speaker, allow me to say that this Bill is very important since we need information sharing and joint enforcement when it comes to cross border eco systems. So, I beg to support the report of the committee.

The Speaker: Thank you so much. I now give hon. Rwigema then the minister then call the Chair.

Mr Celestin Rwigema (Rwanda): Thank you, *Mheshimiwa* Speaker for giving me the floor. I want to start by congratulating you for being awarded recently in Uganda. It is my first time to take the floor and I congratulate you.

I also want to congratulate His Excellency President Uhuru for his eloquent speech this morning and for his commitment for the integration. In his speech, you understand his commitment and we have to follow.

Mr Speaker, I am not a member of this committee and I have to congratulate the members of this committee and mainly my friend and brother, hon. Bazivamo Christophe for bringing this Bill. It is an important Bill.

Some say this Bill is on time, I think it is late. It would have come a long time ago because this is the way to maintain our lives; by managing and protecting our forests. It is not only by getting some honey or fresh air but it is also a source of life because this is what Africa used to have better than Europe or some other countries. Now, we are assisting total deforestation. This Bill is for management and protection. When you have some forests to protect or manage, yes we can do them.

Mr Speaker, I am wondering what we will do when we do not have any more forests. It is not a kind of protection; it is now a new policy.

I have taken my car and driven from Dar-es-Salaam to Arusha, Singida, and Kisumu to Kigali. Tanzania has big forests and a youth park, which is very good, and an asset. However, when you are driving from Dar-es-Salaam to Rusumo and then Kigali or Bujumbura, on both sides of the road 100 miles away, you will see total deforestation. This reminds me of what hon. Bucumi was saying. For some it was a joke but it is not a joke because when you cut one tree, you can plant 10 or more. If not, we will get more problems.

This Bill is very important but it can be connected to some other Bills that really encourage us or put us on track on how we can get a policy of tree planting. For this reason, I think as we are here sometimes for plenary sessions, as members of Parliament we can ourselves be encouraged to start these kinds of activities every time we are in a plenary session for a few hours and start our sensitisation to EAC citizens. We can start and encourage people to follow us. This would be very important for us.

Mr Speaker, deforestation- we will miss not only honey or other things but we will also miss crops because we will not get rains. We will be in a situation where we will need assistance while we were in position to get crops and assist the population. It is what I come to say when my colleague, hon. Nkanae was saying trees are a source of life. I agree with hon. Martin Ngoga that management and protection are technical issues but the protection is a kind of leadership on the local population. It is mobilising the population to protect the forests.

Mr Speaker, I am a farmer and I have trees. I want to let you know that it is also a source of income because every three years, you can cut and protect the new plant and get some money. We should not see trees only as a source of fresh air or where we can get honey but you can also get some money which is very interesting as an activity if you can plant for example Avocado or orange trees. Those trees are also sources of income.

Mr Speaker, again I want to say to my friend and brother hon. Bazivamo that if I were able to do so, I would have prepared an award; a golden medal for you for this Bill because it is a very important Bill. Thank you very much, I support it.

The Speaker: Thank you. I have a passionate appeal from hon. Mbidde. I will give you three minutes then I will invite the Chair, Council.

Mr Fred Mukasa Mbidde (Uganda): Thank you very much, Mr Speaker. I have had to make this appeal. Mr Speaker, as you know very well, my history of activism while at the university included being imprisoned on behalf of fighting for a forest in Uganda. So, I really felt that I needed to spring up and support a report seeking to establish a mechanism for protection of forests in East Africa.

Mr Speaker, although from the onset I would also say that I have been incited by the submission by hon. Shy-Rose that probably if it is in the interest of the committee, a lot may need to be added on.

I was further incited by the submission by hon. Dora. Why do I say this? For purposes of protecting forests, there are majorly two things that you need to do, in addition to what has been provided for in the Bill. One, sanctions, and two, you provide a mechanism for purposes of appreciating those that have done it.

World over, it is done under what they call Reducing Emissions from Deforestation and Degradation (REDD). The sanctions are established for purposes of those that have degraded forests and have had carbon emissions for purposes that such funding goes to those that have now preferred to conserve forests for purposes of restoring the national and regional forest cover.

You cannot arrive at any progress except where the input of Council is extremely substantive and it has not been covered in this Bill so it will be in the interest of the chairperson and members, if they so wish, to have this matter accomplished heavily by way of having it appended as a debate for any other next-

Particularly, there is also another matter to do with sensitisation of forest conservation. This is extremely important and I expected it to be covered and well canvassed in the Bill. There must be a provision for sensitisation on the same. Why do we say this? It is because when you look at – (*Interruption*) I will take the information but I hope it does not injure the three minutes, Mr Speaker.

Mr Bazivamo: Thank you, Mr Speaker and thank you, hon. Mbidde for giving me the floor. I just want to give information on the fact that when it comes to sensitisation and research, all these things have been catered for. They are in the Bill and all from the public hearings proposed by stakeholders. From Tanzania, we have had official submission from the ministry in charge, which submission has been considered and concerns that were in the submission – (*interruption*) -

The Speaker: Hon. Christophe, I thought you were giving information to hon. Mbidde on the issue of sensitisation not the submission from the Minister of Tanzania.

Mr Bazivamo: Yes, on the issue of sensitisation, we have captured this and this is informed by the public hearings we have had from everywhere and even from Tanzania, we have had official submissions, which we have included in the Bill. Thank you.

Mr Mukasa Mbidde: Thank you very much, Mr Speaker. Yes, I ought to have looked at the copy of the Bill having provided for an Organ that would conduct such sensitisation. In my opinion, since it has been reflected by way of public hearings, it may again need to be given time for it to be reflected in the Bill as a substantive framework established.

Mr Speaker, I say this because when you look at the causes for deforestation, some of them are traditional, rudimentary misunderstandings by persons in terms of what – For example if an Indian looks at a tree, at the sub conscious level of the brains of an Indian, when he looks at a tree, he looks at it in terms of timber.

When an East African looks at a tree, he sees it in terms of shade. When you look at the two people, none of them is practically looking at a tree while recognising what it stands for in the economic and scientific equation in East Africa. That calls for sensitisation. The one who looks at it as timber will immediately cut it in order to realise timber. The one who looks at it as shade will only maintain it for that purpose without knowing its actual nature. That calls for substantive sensitisation in order for you to arrive at an East African that conserves trees.

You also need to sensitise governments. Some governments look at forest cover as land, which is available for allocation to investors. I am not particular with any government but even investors, while they are looking for such land to be allocated to them for purposes of investment,

especially land intensive investment, begin to point at forestland as land, which is not being used.

There was a time when I heard some leaders in East Africa explaining that well, you can remove these trees but for as long as one intends to plant trees, the forest cover would be returned. You wonder. Those who are scientists know that for example if a company is engaged in planting of trees, by removal of natural forest cover and establishment of trees for purposes of extracting oil, I doubt whether- I do not know how you call these ones. I am not a scientist but the amount of humid conditions for purposes of obtaining rain- I doubt whether the same forest cover would provide rainfall for the same region as it would have done once it was left as natural forest cover.

Therefore, Mr Speaker, in my opinion, the Bill needed to capture substantially in no uncertain terms, a schedule of the forests in East Africa. Which forests do you intend to protect? For example, Mabira forest is there, Kakamega is there. So, I needed a schedule of forests created. It must form part of this Bill so that we know that when this Bill is coming, there are some forests I can even pay a visit to, to know that at least now we have provided protection for you – (*Interruption*) -

Ms Byamukama: Thank you, hon. Mbidde for giving way. Please bear with me. When hon. Nakawuki my sister contributed, she talked about cross border bio diversity and I was intrigued because when she did the listing, she actually missed pout Muhavura between Rwanda and Uganda and particularly Kabale and that Northern region of Rwanda is a very important eco system. It actually harbours the mountain gorilla and you know for a person t just see that mountain gorilla, for you who have never seen it, I think currently we pay over \$ 100.

So, you can see that if there is no forest cover in that area then it is a very big problem. So even the listing of the cross border areas which list protection is important and I want to support hon. Mbidde that we may need to come up with those forests we want to protect and highlight especially those which are cross border because sometimes it is no man's land and they are bound to suffer more. I thank you.

Mr Mbidde: Thank you, Mr Speaker. For purposes of providing rewards and sanctions by way of carbon trading and cost payments for forest management for those countries that have complied, having established a practical system of forest management and conservation, there must be a reward for those that have complied and a sanction for those that have not and all these can only be arrived at by way of – For example, we may establish an EAC REDD program but all those require the practical input – Yes, a scorecard. I think I am being reminded properly by hon. Dora. We may need the input of the Council of Ministers so that we can come up with this law, which should have come yesterday.

This law is extremely important and it needs a proper agreement. In law, we call it *consensus ad idemo*. We want all the ministers and members of Parliament to have agreed on this law so that assent to it is not a problem at all. It is urgent that these trees are protected; it is supposed to be done in the best way possible.

Finally, I did not thank His Excellency the President because I associate myself with the vote of thanks that was given on behalf of Parliament by hon. Martin Ngoga. I thank you, Mr Speaker.

The Speaker: Thank you so much, hon. Mbidde. Hon. Mbidde has raised a very interesting aspect in his debate that the

Chair and mover should capture the question of the schedule that would capture that which you want to protect. It may not be all. You could say, "The following but not limited to..." Thank you so much. I would like to invite the honourable minister to say a few things and then I invite the Chair.

The Minister for EAC Cooperation, Tanzania (Dr Harrison Mwakyembe): Thank you, Mr Speaker for giving me the floor. Allow me first to join hands with my colleagues who have thanked His Excellency President Uhuru Kenyatta for taking the time out of his busy schedule to share with us his passion for deeper integration of the East African region.

Mr Speaker, please pardon me. My voice is not clear; I am just from the field. You understand what is going on in Tanzania now and it has even gotten better just by staying in Nairobi for a few hours but it was worse.

Mr Speaker, the President's thought provoking speech has touched every one of us here and I believe it is going to be food for thought for most of us in our discussions in the days to come.

As regards this Bill, Mr Speaker nobody doubts that this is a very important Bill. I also commend my brother the Chairman of the committee for the good statement he came up with. You can feel the urgency in his statement and nobody underrates that. The only problem, which I have here and I want to be very sincere, is that the presentation lacks the requisite consensus we would have expected from the Council.

Mr Speaker, I just wanted to address myself to this question of teamwork because what we are trying to do here is for the benefit of the whole of East Africa and we can rectify whenever there is a

problem. I do not think this is a question of blame shifting.

Mr Speaker, the absence of the Council is not really a question of attitude on the part of the ministers. It is more than that. You touched on the matter briefly on the situation facing the different Member States. Kenya for example have a Cabinet Secretary who has no assistant with three heavy dockets so these are things which maybe should be brought back to the respective jurisdictions to consider.

It is not possible at all for the minister to keep up with a huge volume of work in the East African Community. Take the case of Rwanda and Burundi. They do not have assistant ministers and this is why hon. Leontine deserves a part on the back because she is always here. She strives hard to be here because if she is not there, nobody will come.

Mr Speaker, I simply wanted to say that the Council itself also encounters the problem you encountered as members of this Assembly. I just want to be very frank with you. Last week, Mr Speaker, we had a very important session in Arusha. It was a session by the Council to consider the application by the Republic of South Sudan. It is an application for admission to the East African Community.

I just wanted to inform you that I was the only minister present and of course I had to be beefed up by three other Tanzanian Ministers of Trade, Industry and others who came but I simply want to say that all the ministers from Rwanda, Burundi, Uganda and Kenya had commitments and we could not adjourn the meeting simply because the government of the Republic of South Sudan was heavily represented with more than 10 ministers so we could not put off the meeting.

What we did was to simply call our colleagues and they had trust in me so I conducted the meeting and we came to a consensus that yes, we would approve their application but for onward submission to the Summit for final consideration and decision. I do not want to go into that because Mr Speaker, we do not have time.

I simply wanted to say that the stalemate in the Council on the matter is understandable. I do not blame the other members of the East African Community. It is Tanzania, which has raised serious reservations as regards to this Bill, but for consensus sake, it is the other ministers who simply want to accommodate Tanzania to understand the urgency of passing the Bill but also to understand Tanzania's complaints and fears about this Bill.

Mr Speaker, more than 30 per cent of that country called Tanzania is reserved land so there must be a lot of sensitivities on that matter. As one of the members said here, this is not a very good time for Tanzania as well, not now. Maybe five months ago. Our constituencies are on fire, and even Dr Saadalla, the Deputy Minister .I really congratulate him on his performance because I do not understand if he really followed the discussions properly in the last two months because his constituency is in a very fluid position. This is why he said, "Minister, you have to fly from Southern Tanzania and go to Nairobi, I am not going there. My constituency is in trouble."

Therefore *Mheshimiwa* Speaker, let us not – (*Interruption*)

Mr Mathuki: Mr Speaker, I want to thank the Council of Ministers but you see, and I think I am saying this out of experience, as a Committee of Legal and Rules, we had a similar experience where one of the Bills that was sponsored by hon. Dora on cross

border services and the Chair, Council said, "Please give us time to consort with the Partner States on the issues." The commitment was yes, this would be done. That is the fear of the Assembly. With a lot of respect to the Chair, Council because in the consultation, it could be a smooth way of killing this very important Bill and that is the fear we are putting across, appreciating and respecting the situation you are in as a country of Tanzania and I started by saying that. However, the only fear is that we do not use that as an NTB to kill this Bill. Thank you very much.

Mr Mwakyembe: Thank you, Mr Speaker. I can understand the honourable member's concern. He is lucky he is taking one example as the issue for making judgement here. I face that problem every day in the Council and this is why I am saying-

Let me just disclose. We are working on the amendment, not only of the Treaty but also even of the Rules of Procedure so that when the Council sits, even if there are two ministers, we can proceed and make a decision. We are also facing a problem. It is not only you, it is even the Council. We cannot move because our decisions are based on consensus so you have to wait for all the five ministers to be there. Even if you are four and there is a permanent secretary there, the permanent secretary is not, under the Treaty, qualified enough to be at the same level with the ministers and come up with a consensus.

I am having problems here. If I ask the honourable members that we adjourn this discussion, I may not be well understood but I am so sincere that I was supposed to travel to Tanzania this evening because I have to be in my constituency tomorrow but I have decided to stay up to tomorrow. Mr Speaker, I wanted to consult with the Chairman of the committee and other members who will be interested, this

evening and see how we can rescue this Bill because the result is so important.

You have the power to pass this Bill but I am 100 per cent sure that it will not be operational in one or two of the entities. We are all part of this movement. I simply wanted all of us to be on board. I do not know if one day we will create a serious environmental disaster in East Africa. Mr Speaker, if the members are ready, I will be happy to see how we can rescue this Bill.

As I said, it is an important Bill, I agree with members and I can now understand that maybe the problem is on the part of Tanzania because we did not show concentration in the last two months but really, the situation in Tanzania is not all that calm at the moment, Mr Speaker. I just wanted to send this message to the honourable members. Thank you.

The Speaker: Thank you so much, honourable minister and Chair of Council. This Assembly does appreciate the situation the ministers' face and our expectation is not that we want to see all the five ministers lined up here every time the Assembly sits. We know that you have a lot of work to do. The Assembly is just part of the many things that you do. What is important is that there must be a mechanism that at least at any given time the Assembly is sitting, there are one or two ministers.

On a very positive note, I would like to congratulate hon. Saadalla who has been so consistent with the Assembly. Not only the Assembly but also even attending the Commission. He has not missed almost any meeting of the Commission. He has done a good job. We only pray that you make sure that the presence is not a permanent feature of only two or three ministers. We can have two sitting at any given time but it should allow us to see

many of them at different times. That is our concern.

We would like to wish you very well, hon. Dr Mwakyembe in your elections and the Republic of Tanzania. We wish you luck in your election as a person.

Honourable members, I will invite the Chairperson of the committee to respond but we will not proceed to the Committee Stage. It has been a long day and based on the plea from the Chair, Council of Ministers, I am trying to cut a middle ground to make sure that between now and tomorrow when the House resumes, you will have time to consult because from tomorrow, we will proceed. For now, I invite the Chair to respond to the debate from the members.

Mr Sebalu: Thank you very much, Mr Speaker. I want to proceed on the basis that this Bill has generated a lot of interest and therefore clearly indicates how badly needed it is for this region.

Many statements of appreciation have been extended to His Excellency the President and I believe the best way we can thank him is by passing this Bill because his address was very clear in terms of our output. It was very clear in terms of a legacy so if we protect the forests of this region, I do not see a better legacy than that to offset the challenges of climate change and environmental degradation.

Therefore, as we thank the President, let us be mindful that there is a deliverable we can use to show that actually we thanked him because the report has been presented just after his very important address.

Another aspect was raised of Wangari Mathai. The best way of paying tribute to this icon, the environmentalist of all time in this region, again is by passing this Bill.

Those two variables inform my way forward regarding this.

Many members have supported and I really want to appreciate them. Dr Odette supported and gave a very good justification, which I appreciate and I do not believe that anyone has any doubt of the necessity of this Bill. Many members have quoted various provisions, various instruments to justify the need for this Bill.

Hon. Chris Opoka did the same and he went further to demonstrate that actually details of the air and what comes with it and it was also giving a dimension to the necessity of the Bill.

Hon. Emerence, I thank her for the trees she has planted and the agro forestry. All was in support.

Hon. Zein, the Wangari there stories were all for justification.

Hon. Valerie justified very well and I cannot thank you any better than that.

Hon. Ussi Maryam supported with reservations. I always get problems with those who support with reservations; you are neither here nor there. Either you are hot or cold. I do not believe in grey. It is either black or white. So this reservation thing- Actually to be very honest with hon. Ussi, what I wanted her to ask because in our submission, we did indicate that the Council requested us to meet them. We provided time on two occasions to meet them. Now I expected her to ask Council why they did not come. To me that would make good reservation on the side of Council not on the side of the committee because the committee provided opportunity and time. So, I could not answer that question. I believe the Chair has attempted to answer it because they are the rightful people to answer why they did not come.

Hon. Leontine, I think we resolved that matter and we are at peace with that because the record and the report clearly indicated that you were the only honourable minister and member of Council that was available and if, for any reason, the understanding came out different, I beg to apologise but the record is very clear and that is what we meant.

Hon. Ngoga Martin raised the issue of capacity and centres of excellence. This is provided for and it is well handled within the Bill; the functions of the Board, among others take care of those concerns and the situation analysis highlighted it properly in terms of capacity gaps and what needs to be done, even within ministerial regulations that can be taken care of. Therefore, clause 14(c) specifically addresses it and it should not bring any cause for worry.

Hon. Mathuki, of course the Wangari dedication and tribute was well put and I think that should be a motivation for us to ensure that this Bill is passed; to pay homage and tribute to one of our own who dedicated her entire life to fight for the cause of humanity in respect of environment.

Hon. Dora definitely your support is appreciated and acknowledged. The idea of partnership with private sector is something that needs to be appreciated but you also raised the very important issue of penalties and rewards. That is already catered for, if you refer to my report. It was one of the major issues that we got from the stakeholders in Burundi. They were very specific on this matter and they feel that we need to have a provision for it.

What we are dealing with now is that there is a window of opportunity because when we go to the Committee Stage, definitely

we welcome all ideas whose effect is to improve the Bill.

The Speaker: Honourable Chair, I kindly request you to move a little faster. We have another official activity that is supposed to kick off in about 10 minutes. It is a heavily loaded day.

Mr Sebalu: I appreciate your indulgence. This can summarise. Regarding all the very good ideas that are available, the window of opportunity is available at Committee Stage where we come to improve – *(Interruption)* -

Mr Nkanae: Everybody has been mentioned, I thought I stood up.

The Speaker: Hon. Ole Nkanae, the Chair is quite in order and he is still proceeding. Many other persons who have spoken have also not yet been mentioned. Chair please proceed.

Mr Sebalu: Hon. Ole Nkanae Saole made very good contribution in terms of issues of how we eat. He went into the dynamics of mammals and all these aspects. You really did a great job and your contribution is very well captured.

Hon. Isabelle, your idea of sensitisation was catered for in the functions of the Board and the issue of research is handled in some of the proposed amendments that the research issue handled.

Hon. Shy-Rose called to have the debate adjourned. I think that was overtaken and how I wish the Council of Ministers had requested for that because it is within their – For us we should keep a bit this way and the ministers do their thing also because we are a committee and as such, our primary objective, especially as a member of the committee, is to defend our report. We have an obligation to defend it and definitely, given that the minister had an

opportunity to give a submission as he has done, I believe then the office of the Chair can appropriately handle.

Hon. Nakawuki supported and gave support in terms of justification.

Hon. Rwigema supported the Bill and gave other dimensions as well.

Hon Mbidde supported the Bill. He also re-echoed the issue of reward sand penalties. The issue of schedule of forests that you raised – If you look at clause 4(3), we are talking about mapping to be undertaken by Partner States because this is an on-going process. You do it now, the schedule could be overtaken but your idea is captured under mapping of forests within the region.

Chair, Council, the issue of consensus is definitely something we appreciate. The issue of teamwork is something we appreciate too but it takes two to tango. We want to move as a team and that is why on two occasions the committee was ready, available, and willing to engage so that we conclude the subject that is very important for the East African people.

However, we are open and flexible. On behalf of the committee and the substantive Chair, Mr Speaker, I think the substantive Chair may have a word or two. There are even areas since he has been at it for long but all I can say is that we can make time and engage because if there are amendments to the Bill, we are open to have amendments. Just like we have accepted amendments from other stakeholders, there is no way we can lock out amendments from Council if they so wish in view of improving the Bill because at the end of the day, we want a Bill that will be easily implemented, that will be appreciated by all stakeholders, that will be owned by all the stakeholders within the East African Community.

As for my role, I want to leave it at that and maybe there could be areas where the substantive Chair who is the mover may want to clarify. I thank you, Mr Speaker.

The Speaker: Honourable Chair, you are just Chair of the committee. Honourable members, let us move like this. You are the Chair of the committee; he is the mover of the motion. We are extremely constrained by time. We are proceeding the way we proceed on any Bill. There is no motion for any adjournment for debate. This must be made very clear to this House. What has happened is that the mover of the Bill moved the motion. He justified his motion, the Chair of the committee presented the report, very good debate has ensued and the Chair has eloquently replied to each and every member.

Therefore, for avoidance of complication of matters and in the interest of time, I am putting a question for us to move to the next stage, unless the mover would prefer that we do not move to the next stage, I would seek his opinion.

Mr Bazivamo: Mr Speaker, I fully agree with what you are proposing. I wish from here first of all to thank the minister for the availability and to make sure that we meet before the next plenary and we conclude on the concerns they have so that we continue – *(Interruption)* -

The Speaker: Hon. Bazivamo, I do not know whether I am getting you correctly.

Mr Bazivamo: I wanted to say that we leave here and I expect that we will come back tomorrow having discussed with the minister because he has said he is leaving tomorrow also. I pray that we discuss it before he leaves. Thank you.

The Speaker: Thank you so much. I was worried when you talked of the next plenary because that would have meant in Kigali. Otherwise, I thank you for that.

Honourable members and particularly the acting Chair of the Committee and members of the committee, we should exploit every available option of time. We are racing against time in everything we do right now. We understand the plea of the Chair, Council of Ministers and I request that you create time between now and 10.30 when we are going to resume tomorrow to find avenues of further discussion to bring harmony to the Bill.

With those – *(Interruption)* -

Mr Sebalu: Mr Speaker, we are also mindful of the time pressures we have and I just want to request that members give this the utmost attention. After adjournment, we can have opportunity to meet and agree on the way forward because we do not want to be the reason that the minister is uncomfortable. We want him to be re-elected so this Bill will pay tribute to his re-election as well. We will cooperate, Mr Speaker.

The Speaker: Thank you so much. Honourable members, the motion before the House is that the East African Community Forest Management and Protection Bill, 2015 be read for the second time.

I now put the question that the East African Community Forest Management and Protection Bill, 2015 be read for the second time.

(Question put and agreed to.)

The Speaker: Honourable members, it has been a long day. I think we have covered good ground in our work today. I would like to take this opportunity to remind

members that the Kenyan Cultural centre has invited us. In the spirit of us engaging with our stakeholders, let us go and give them one hour from the time we adjourn and then we will request that those who are programmed for meetings like the subcommittee, F&A Commission. We may not have to go the whole team to the cultural centre. A representation can go because the Speaker is going to be there and it is good that a number of the member accompany the Speaker in this.

With those few announcements, I now adjourn the House to tomorrow 10.30 a.m. The House stands adjourned.

(The House rose at 6:00 p.m. and adjourned to Thursday 15 October 2015 at 10.30 a.m.)