



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

131ST SITTING - THIRD ASSEMBLY: FIFTH MEETING – FOURTH SESSION

Thursday, 17 March 2016

The East African Legislative Assembly met at 2:30 p.m. in the Kilimanjaro Auditorium, Bank of Tanzania Conference Hall in, Dar-es-Salaam, Tanzania

PRAYER

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

(The Assembly was called to order.)

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM TANA RIVER COUNTY ASSEMBLY FROM THE REPUBLIC OF KENYA

The Speaker: Honourable Members, again, today we have visitors, Members of the County Assembly of Tana River, Republic of Kenya led by their Deputy Majority Leader, Hon. Ibrahim Adumo.

You are most welcome. Please, rise for recognition - *(Applause)*. We thank you so much for visiting us. Our regards to your good government of Tana River County.

MOTION FOR THE CONSIDERATION AND ADOPTION OF SUPPLEMENTARY BUDGET ESTIMATES FOR THE EAST AFRICAN COMMUNITY FOR THE FINANCIAL YEAR 2015/2016

The Speaker: Chairperson, Council of Ministers please proceed and move the Motion.

MOTION

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson EAC Council of Ministers (Dr. Agnes

Suzan Kolimba) (Ex-Officio Member):

Hon. Speaker, I beg to move -

THAT, this Assembly do resolve into:

- (a) A Committee of Ways and Means;
- (b) A Committee of Supply, to consider and approve the Supplementary Expenditure of US\$1,569,941 to the budget of the EAC for the Financial Year 2015/2016.

I beg to move.

The Speaker: Where are the Seconders? Hon. Hafsa Mossi, Hon. Bucumi, Hon. Valerie, Hon. Pareno, Hon. Maryam and all the Members standing.

(Several honourable Members stood up to second the Motion)

The Speaker: Hon. Minister, proceed and justify.

Dr. Kolimba: Hon. Speaker, I introduced a Bill for a Supplementary Expenditure of US\$1,569,941 under Vote 1.478 where it is the duty of this Assembly to approve the Supplementary Budget. I beg to move that this House proceed to do the same for the following justification.

During the Financial Year 2015/2016 a new concern emerged requiring the East African Community (EAC) to finance the activities that are set below:-

- 1) Pre-election assessment mission to the General Election in Tanzania to be held in October, 2015;
- 2) Support for immunization activities in the Partner States;
- 3) Support Namanga One Stop Border Post on soft infrastructure project;
- 4) Support for the Public Financial Management Coordination and Harmonization Project;
- 5) Facilitation of the negotiation with the Republic of South Sudan;

- 6) Support for the finalization of the EAC Vision2050 by the steering committee;
- 7) Support for the video clip and other related activities to support the successful launch of the new international e-passport;
- 8) Support facilitation for the Republic of Burundi dialogue process;
- 9) Support the population, health and development programme;
- 10) Support the development of the East African Science and Technology strategic plan; and,
- 11) Support renovation of East African Commission Kiswahili office in Zanzibar.

Hon. Speaker, I beg to move.

The Speaker: Thank you, Chairperson of the Council of Ministers. I now call upon the Chairperson of the Committee on General Purpose.

The Chairperson of the Committee on General Purpose (Dr. Odette Nyiramilimo) (Rwanda): Thank you, Rt. hon. Speaker. In accordance with the provisions of Article 49 and 132 of the Treaty for the Establishment of the EAC and Rule 78(1) (b) and annex 5(F), I beg to present to the House the Report of the Committee on General Purpose on the EAC Supplementary Budget for the Financial Year 2015/2016 for consideration and adoption.

Hon. Speaker, there is someone behind me. I do not know what is happening – *(interruption)* -

The Speaker: Sorry, they are just trying to make sure that the speakers do not cover you for your accessibility to the Members and the media.

Dr. Nyiramilimo: Rt. Hon. Speaker, in May 2015, the Assembly approved a total budget of US\$110,660,098 for the Financial Year 2015/2016. During the budget process, some

key activities were left out due to budgetary constraints. The EAC has been able to mobilize resources to fill the gaps.

As the Chairperson of the Council of Ministers told us, the EAC is requesting a Supplementary Budget amounting to US\$1,569,941 to finance the activities under the EAC organs and institutions as shown in the table.

For the Secretariat, the Chairperson is requesting US\$249,970. For purposes of immunization, the Chairperson is requesting for US\$52,085. For the Namanga Infrastructure Project, the Chairperson is requesting for US\$396,590. For Public Financial Management Coordination and Harmonization Project, they are claiming US\$248,666. For facilitation of negotiations with the Republic of South Sudan, they are requesting for US\$89,200. This is indicated in the table.

The other huge figure is the facilitation for the Republic of Burundi process, which amounts to US\$200,000 and the development of the East Africa Science and Technology Commission (EASTECO) strategic plan and the East African Kiswahili Commission (EAKC). The last is the Lake Victoria Basin Commission (LVBC) on the programme of population, health and environment, which is requesting for US\$160,780. The total amount is US\$1,569,941.

The justification for this is as follows: The Committee was informed by the Council of Ministers that the items were within the priorities approved by the Assembly and comprised among others, funds recently received as well as those arising due to emergent needs as a result of shortfalls after implementation of activities including among others monitoring of election activities. We also thought that some activities were completed and they are requesting the same amount to replenish their budget.

Under the EAC Secretariat on the Pre-Election Assessment Mission to the General Elections in Tanzania, under the EAC Principles of Elections, Observations and Evaluation, 2012 and Pre election Mission was deployed for the general elections in the United Republic of Tanzania. The EAC requested for support from DANIDA, Tanzania, which approved the proposal, and consequently, a funding agreement was signed on 26th August 2015 of US\$249,970. The funds came when the EAC budget 2015/2016 was under-utilization and was not included in the estimates. Only US\$33,500 had been provided for under the budget of partner States.

The second is the German KFW Support for Immunization Activities in the EAC Partner States of US\$52,085. The Committee was informed that in order to support EAC partner States to strengthen regional immunization programme by adoption and scale up of new and efficacious vaccines such as Rota Virus, Pneumococcal and Pentavalent vaccines targeting some leading causes of death, ill health and complications among children and later in life. The EAC received grants from the KFW and channelled them to GAVI, which engages UNICEF to buy and deliver vaccines based on need to the respective partner states.

The EAC Secretariat has received an additional sum of US\$52,085 through a funding agreement reached on 2nd October 2015 that was signed with KFW on behalf of the Federal Republic of Germany and the EAC Secretariat, on behalf of the partner states. This money will be utilized for a conference for coordination of the vaccines.

The third is on the Namanga One Border Post Soft Infrastructure Project (NOBPSIP). This is a sum of almost US\$400,000. Under the EAC trade and transport facilitation project of 2007, the Namanga One Stop Border Post

is part of the AFDB funded multinational Arusha-Namanga-Athi-River Road Project, which was approved for funding in 2006. The construction of the Namanga One Stop Border Post border infrastructure development commenced in 2012. While construction was supposed to end in December 2014, both Kenya and Tanzania sides, the completion dates were extended and the Tanzania side is now complete while the Kenya side is at 95 per cent completion.

The Namanga Soft Infrastructure Project aims at supporting the EAC in operationalizing the One Stop Border Post being constructed at Namanga Border Post between Kenya and Tanzania including provision of furniture, equipment, computers, accessories, capacity building of border officials and awareness creation of the One Stop Border Post operations for the local communities. The request for US\$396,590 is to cover January-June, 2016 and the balance will be utilized in the Financial Year 2016/2017 to facilitate commencement of implementation of the Namanga Soft Infrastructure Project.

Four, on the Public Financial Management Coordination and Harmonization Project of US\$248,666 funded by the World Bank, in order to support the development of a robust regional fiscal environment and among others contribute towards attainment of several benefits, the EAC World Bank, Public Financial Management Coordination and Harmonization Project was launched on 4th November, 2013. The International Bank administers the grant for Reconstruction and Development, International Development Association, which is a financial of the Public Financial Management Coordination and Harmonization Project in the partner States. The EAC PFM Project has been created to assist African countries to respond to the varying public management structures at different levels of performance.

The World Bank has made it clear that the Project will not be extended. The EAC is seeking approval for all the funds proposed to be budgeted for in the Financial Year 2016/2017 to be brought forward to the Financial Year 2015/2016 in order to allow the EAC to utilize all the funds as per the grant agreement. So, it is the Financial Year 2015/2016, not the Financial Year 2014/2015.

The fifth request is about the progress and negotiations with the Republic of South Sudan to join the EAC. The Council of Ministers at its 30th Meeting approved the negotiations roadmap which provided four technical meetings to be covered between March and August, 2015 under the following clusters: Trade, Economics and Financial Matters; Infrastructure and Services; Legal, Security, Political and Defence matter and cross cutting issues including Agriculture, Food Security, Natural Resources Management, Energy and Human Resource Development.

Arising from among others challenges of convening meetings via video conferencing, submission of outputs from the technical negotiations not being to the desired level as well as challenges of completing jointly the prepared reports, the Council found that it needed to reconsider its earlier directive and allow EAC technical negotiations extra days to improve their preparedness and also prepare post-negotiations assessment reports to inform the capitals. This requires undertaking a meeting preceded by a preparatory meeting and post-negotiation meeting in Arusha. That is why they are requesting the approval of US\$89,200.

The sixth item is on formulation of the EAC Vision 2050. They are requesting for US\$43,100. In order to finalise the draft of the Vision 2050, the Secretariat has requested the Council to consider and recommend

approval of the above amount to convene a meeting of the regional steering committee to thoroughly review and own the document before it is submitted to the Council for consideration.

Item Number 7 is on launching of the new international EAC e-Passport for US\$15,050. The 15th Ordinary Summit of the Heads of States held on 30th November 2015 in Kampala, Uganda directed that the new international East African e-Passport be launched by the 17th Summit. In order to ensure publicity for the launch, the 32nd Meeting of the Council of Ministers approved activities including development of a video clip on the historical background of the national passports and East African Passports and awareness creation of the East African e-Passport through media and other channels like brochures, flyers and banners.

In order to ensure awareness of the new e-passport during and after the launch, the Secretariat needs to recompile and consolidate partner states, video clips with interviews with Ministers responsible for home or internal affairs and chiefs of immigration in the partner States and procure DV tables, branded boxes, roll up banners, issue newspaper supplements, provide media facilitation and design and print pamphlets. So, the amount budgeted for will do that.

Item number eight is on contribution from the People's Republic of China towards the Burundi Dialogue process. The office of the facilitator of the Peace Dialogue for the Republic of Burundi submitted a budget proposal amounting to the sum of US\$2,600,000 to cover the process of mobilizing the funds. The Peoples Republic of China has already donated US\$200,000. That will be to cover DSA, tickets, conference and logistics. The funds have already been transferred to the office of the facilitator in Uganda.

The ninth item is the East African Science and Technology Commission (EASTECO). The Committee was informed that the Council of Ministers listened to the critical needs of the EASTECO. They want to prepare the strategic plan. For that, they requested to be funded. These funds will come from the General Reserve. The amount is not huge; it is US\$29,500.

The tenth item is the request from the LVBC for Supplementary Budget for the programme on population, health and development. On the population, health and environment programme under the USAID funding for purposes of galvanizing financial and technical reasons, the Danish Family Planning Association (DFPA) committed to partner with the Lake Victoria Basin Commission (LVBC) and support the population, health and environment sub-component which entitled "Sexual and Reproductive Health and sustainable development in the Lake Victoria Basin." The goal is to improve the resilience of vulnerable communities through integration of sexual and reproductive health services into environmental conservation and sustainable development programme in the basin. Consequently, a funding agreement has been signed for a total amount of US\$200,000 from which US\$160,780 will be used to implement activities up to June 2016. The remaining funds will be used to implement activities between July and December 2016.

Hon. Speaker, on the methodology, in considering the above request, the Committee on General Purpose held a meeting with the Council of Ministers and officials from the EAC Secretariat from relevant departments on 16th March 2016 and analysed the request for the supplementary budget for the Financial Year, 2015/2016. The following documents were considered:-

1. The background paper to the Supplementary Budget.
2. MTEF for the Supplementary Budget for the 2015/2016 Financial Year.
3. Financial Statement for the Supplementary Budget for the Financial Year 2015/2016.
4. An extract from the 32nd Meeting of the Council of Ministers held from 10th to 14th August 2015 in Arusha, Tanzania.
5. An extract from the 32nd Extra Ordinary Meeting of the Council of Ministers held on 2nd February 2016.
6. An extract from the 33rd Meeting of the Council of Ministers held on 29th February 2016.

The Committee further requested for and considered all the memoranda of understanding pertaining to the supplementary request, the financial statement of the EAC Reserve Fund as well as the status report for the implementation of the One Stop Border Post Project. Finally, the Committee prepared a report for consideration for the Assembly.

The Committee, in considering the Supplementary Budget for the Financial Year 2015/2016 was informed by the Council of Ministers of the basis of the request as detailed in the Part 2.1.1 to 2.1.10 of this Report, as presented to you.

On observations of the Committee and submissions by the Council of Ministers, the Committee appreciated the basis of each item comprising in the request for the supplementary budget considering the background of each item. The Committee, however, required an explanation as to why the requests for the Supplementary Budget had not been made during one of the last sessions of the Assembly to have the opportunity to continue implementation as soon as possible.

The Council of Ministers informed the Committee that due to the financial constraints that the Community has faced in the recent past, only the provisions made would be catered for and partial implementation of projects and the gaps will be filled by requests to donors, which funds were realised after passing of the budget for the FY 2015/2016.

The Committee further observed that the request comprised funds from the EAC Reserve Fund and sought to be appraised with the status of the EAC Reserve Fund to date. The Committee further required knowing where the funds for already completed activities like the Pre-Elections Assessment Mission to the General Elections in Tanzania were sourced from and how these funds would be refunded.

The Council of Ministers explained that according to the EAC Financial Rules and Regulations, funds are mobilised under specific accounts for projects while the reserve fund comprises unused funds (balances) from the budget at the end of the financial year. The gap during implementation of activities are filled with funds from the Reserve Fund and these would be replenished as spent as soon as funds are available.

The EAC Reserve Fund at present, as reported to the 33rd Meeting of Council held on 29th February 2016, stood at a book value of USD 6, 734,687. However, due to internal borrowings to alleviate liquidity challenges faced by Organs and Institutions of the Community, the account balance is USD 701,175.

The Committee referred to the Council of Ministers to request from EALA for consideration, which included funds for among others a Select Committee on Genocide (USD 450,000), Sitting Allowances (USD 168,000) to cover

entitlements since they were not factored in the approved budget and top up on DSA and Business Class Air tickets (USD 222,500). The Committee, aware of the response of the Council of Ministers to the request, took to the opportunity to remind the Council of Ministers that these too were funds that were utilised and needed to be refunded. The need to fill the gap had been because the funding from the Partnership Fund had not been received and yet some of these funds had gone toward according Members their entitlements including sitting allowance.

In response, it was explained that the EAC Partnership Fund had not received any remittances and had no funds. The Council of Ministers once again, reminded the Committee that the Council had advised EALA to reprioritise from the proposed activities within the approved EALA Budget for FY 2015/2016 for some activities and to reprioritise other activities during the planning and budgeting process for FY 2016/2017. While the Council of Ministers reaffirmed the decision of the Council on the EALA request the Council agreed with the Committee that entitlements of Members were not negotiable and should be respected, however, the Hon. Minister added that the Reserve Fund had no funds at the present time.

With regard to the top up on DSA on travel, they undertook to put in place a policy that will be presented to the 34th Meeting of the Council of Ministers scheduled for August/September 2016.

The Council of Ministers agreed with the Committee on the principle with regard to entitlements and directed the Director of Finance, EAC Secretariat to work out modalities with regard, specifically, to the entitlements of Members and work out a way forward with the Office of the Clerk.

Recommendation of the Committee

The Committee, having considered the Supplementary request recommends that a supplementary budget amounting to USD 1,569,941 be approved for implementation of the planned activities for the FY 2015/2016.

With regard to the request for EALA, the Committee recommends that the funds pertaining to the entitlement of Members of EALA be sourced from the unused balances from the EALA budget for FY 2015/2016.

Acknowledgements

The Committee would like to express its appreciation to the following:

Hon. Dr. Susan Kolimba, Chairperson of EAC Council of Ministers and Minister for Foreign Affairs, East African, Regional and International Cooperation, United Republic of Tanzania and Rt. Hon. Kirunda Kivenjija, the First Deputy Prime Minister, Minister for East African Community Affairs, Republic of Uganda.

Further appreciation goes to Mr. Juvenal Ndimuririwo, Director Finance and staff from the EAC Organs and Institutions.

The Committee on General Purpose expresses further appreciation to the Rt. Hon. Speaker and the Office of the Clerk for facilitating the Committee, the Council of Ministers and Officers and staff of the East African Community for the informative discussions held with the Committee in its meeting on 16th March 2016.

Conclusion

The Committee on General Purpose acknowledges the explanations and responses given by the Council of Ministers and takes cognisance of the financial constraints the Community is currently facing. However, the Committee has faith in the commitments made by the Council of Ministers and that the alternative funding

mechanism will facilitate the implementation of Projects and Programs of the Community.

The Committee on General Purpose therefore presents this report on the EAC Supplementary Budget for the FY 2015/2016, as well as the Supplementary Bill, 2016 to this August House taking into consideration proposed amendments and adjustments presented by the Chairperson of the Council of Ministers for consideration and approval.

Mr. Speaker Sir, I beg to move - *(Applause)*.

[Proceedings Interrupted due to a technical hitch]

[The House was suspended at 3.17 for 15 minutes]

[The House resumed at 3.33 p.m.]

[On resumption_]

The Speaker: I am sorry for the technical hitch. I hope that the public address system is now in order.

Honourable Members, the Minister moved the Motion as per Order No.2. It was fully seconded and justified. The Chairperson of the Committee on General Purpose presented the report as part of the debate on the Motion. Debate is now open to Members; debate on the Committee Report and alluding to the justification and the Motion as presented by the Chairperson of the Council of Ministers.

(Question proposed)

The Speaker: Hon. Pareno, you may proceed.

Ms. Judith Pareno (Kenya): Thank you, hon. Speaker. As I submit to this Motion, I would like to get certain clarifications from the Minister. One observation that we had as the Committee on Legal, Rules and

Privileges is that as we were doing our activity on tracking of implementation of the decisions and resolutions of this Assembly, we noted that even Appropriation Bills are not assented to on time. When an Appropriation Bill is brought to this House and it is passed, appropriation and actual spending of this money is done as we keep waiting for the Bill to be assented to.

I would like to bring this to the attention of the Council of Ministers, and probably this is being addressed by the Summit. This was one of the concerns that was raised before the Committee that these Bills are not assented to. We keep drawing money even before Bills are assented to. This is one of the issues that we need to take seriously. We need to follow up to ensure that as we pass these Bills, they are assented to on time lest we look like – *(interruption)* –

The Speaker: Sorry, hon. Pareno. Sergeant-At-arms, could you draw the attention of Members who are within the precincts to come into the House.

Ms. Pareno: Hon. Speaker, I do not want to believe that we just pass these Bills as a formality. We are seeking authority to appropriate from the funds of the EAC. This authority is by a way of a Bill. These Bills should be assented to before money is drawn.

My second issue concerns the contents of the Supplementary Budget. The East Africa Legislative Assembly submitted several items for consideration for purposes of this Supplementary Budget. In fact, at one point we thought that there would be no Supplementary Budget, but we have one. I have noted in the Report that has just been presented by the Chairperson of the Committee on General Purpose that the Council of Ministers says that we do not have money. Yes, we do not have money, but where do we expect to get this Supplementary Budget?

I have looked from where they want to draw this money. Some of it is from development partners and others is from the General Reserve. I stand to be guided but my understanding of a General Reserve is that this is money for all of us as a Community. It is all the money that has not been spent and has been sent there by all of us inclusive of EALA. An interesting answer by the Council of Ministers when it comes to EALA's request, EALA specifically made a case for several supplementary issues in this budget. One is the top up for Members in terms of their terms of service; sitting allowances, which are paid less than is prescribed in the terms of service, the East African Parliament Institute and the Genocide Committee, which this Assembly resolved, should be there. The two items had a budget line and a promise by the Council of Ministers that they would be considered in the Supplementary Budget. The Supplementary Budget is now with us but none of those items from the Assembly is there. To me, we are just an Assembly to pass a budget for the rest of the institutions of this Community without considering even one item for this Assembly.

I believe that this is not fair and that all institutions of the EAC are equal. Even if we are really straining, there should be a little amount for each of us, so that we are able to operate. My question to the Council of Ministers is how come you have something little for the institutions that you have listed in the Supplementary Budget, but when it comes to EALA, you have nothing for us? At one point, you are saying that we have no money. In fact, the answer to EALA's demands is that we do not have any money. When it comes to the others, they have something from the General Reserve or development partners. Surely, if the development partners have earmarked certain activities institutions, we do not have a problem with that. However, what about something from the General Reserve, which

are party to? How can we not get even one item listed in the Supplementary Budget in terms of what we had requested?

Hon. Speaker, I will not support this Supplementary Budget unless I get proper clarification as to why we are an Assembly that passes a budget for the rest of the EAC institutions except for ourselves.

Thank you, hon. Speaker.

The Speaker: Thank you hon. Pareno. Hon. Dora, you may proceed.

Ms. Dora Byamukama (Uganda): Thank you, hon. Speaker. I also want to thank the Chairperson of the Committee for this Report. I would like to seek clarification. On page 12 on the recommendations of the Committee, the second line reads, *"With a request for EALA, the Committee recommends that the funds pertaining to the entitlement of Members of EALA be sourced from the unused balances from the EALA budget for the Financial Year 2015/2016"*

My question is, how much are these unused balances? We are now talking about facts and figures. I know that this Committee has Members who are very articulate on this issue. This particular phrase is detrimental to the Assembly because it means that either we are under or over budgeting. We clearly need to understand why there are unused balances, how much the balances are and whether they will be able to cater for the entitlement of Members of EALA.

The other issue I would like to raise is that if I have an entitlement under my terms and conditions, should my entitlement be contingent on unused balances. If I have an entitlement, this entitlement should have been budgeted for adequately so that I do not have to make it contingent on an unused balance. This is a very serious issue because it is a rights-based one. An entitlement is your

right and, therefore, it cannot be contingent on an unused balance.

Hon. Speaker, whereas the recommendation only points to the request of EALA, I would like to hear from the Committee. I think there could have been some requests from the East African Court of Justice (EACJ). What happened to those requests? Where they entertained? Maybe the Council of Ministers can tell us what happened. We need to understand that when supplementary requests come in and they are being sourced from the reserves, like my sister Hon. Pareno has said, each organ and institution should be able to have their requests addressed rather than leaving it to only one particular entity which may be wanting to mitigate what has been used without the authority of this House. As you can see, all the money that we are passing as supplementary has already been expended without our approval. That is another aspect that I want the Committee to highlight. The facilitation of negotiations may be ongoing.

My third point is, on some of the particular aspects that they have brought up, these finances have already been expended. What we are doing now as supplementary is to legitimize that which has been expended without our approval.

Those are my questions and I would like response to them so that we are able to appreciate this particular item on the agenda better. Thank you, hon. Speaker.

The Speaker: Thank you, Hon. Dora.

Mr. Abubakar D. Abdi Ogle (Kenya): Hon. Speaker, I am a Member of the Committee on General Purpose. I stand with a heavy heart because yesterday in the afternoon they circulated a plain paper requiring our signatures. In all honesty and in good faith, I appended my signature thinking that the Report that would come before this House would reflect the engagements we had with

the Council of Ministers. Unfortunately, I do not agree with anything in this Report. It does not capture the essence, engagements and agreements thereto during that meeting.

I will now go to particular instances. The point, which was raised by Hon. Dora with regard to the request for EALA the Report, states that the Committee recommends that funds pertaining to the entitlement of Members be sourced from unused balances. This is a much-generalised recommendation - (*Interruption*) -

Ms. Hajabagika: On a point of order hon. Speaker, may be the clarification can come from Hon. Ogle or from the Chairperson of the Committee. How can one utilize and use the funds when the year is not over? You can only determine the unused funds once the budget has been executed on 30th June 2016. That is when we can know that there are unused funds.

Ms. Ogle: In fact, I was trying to explore that point. To the best of my recollection, what the Committee agreed on is not anything near what this statement reads. Members of my Committee can bear me out on this one. We gave them actual sources of funding from where we were going to get the shortfall that was required by EALA. In fact, what we referred them to then was some US\$6 million funds that was committed. They could get the money from that, pay the balance to EALA and when the Partnership Fund replenishes that, it will go back to that kitty. We gave them that specific agreement. I thought our engagement with the Council was on that line. Never was there any agreement as to suggest that EALA should be committed from unused funds. There is nothing called unused funds. There should be some clarity on that point.

As a Committee, we did not agree on this particular one. Our engagement with the Council on that point was categorically clear,

that we referred them to certain lines of funding from which they could get the money from and replenish it when it is available. This is much generalized and it does not make sense. This was not an agreement of the Committee. That should be made clear.

The Speaker: Hon. Ogle is proceeding that what the Chairperson has presented is not the position of the Committee. This is a very serious matter. Hon. Ogle, please conclude.

Mr. Ogle: Hon. Speaker, another very critical element that we raised yesterday and it took so much of our time during the engagement with the Council, although it may look like some little of money is on immunization. A sum of US\$52,085 has been set aside for immunization. It is provided that the support will be used for scaling up new vaccines in the Partner States, but what I know for a fact -and there is a provision in the budget line- is that the EAC will get US\$20 million every year for the next five years from GAVI on immunization. That translates US\$5 million to each Partner State for the next five years all set aside for the immunization project. If you look at the details for this one, we are told we require US\$52,085 more for the purpose of hiring conference, logistics for meetings, DSA and so on. We require this Assembly to pass a budget for DSA in the name of scaling up new vaccines. Really, that is out rightly ridiculous. I will not be party to that kind of situation. If this money has to go back to the donors, it should and not in this context. I am not sure this is what the donors envisage. The donors were giving money for a specific purpose of scaling up vaccination. Scaling up vaccination is not DSA and ticket payment to members of staff of the EAC. There must be some clarity on this point.

Hon. Speaker, I beg to disagree with this Report. I am not for the approval of this Report.

Mr. Yves Nsabimana (Burundi): Thank you, hon. Speaker. Mine is to seek for clarification on this recommendation about EALA. For me, this recommendation does not make sense. When we reach the end of the year, at that time we will know exactly the unused balances. Imagine if we reach the end of the year and we do not have money in the accounts. We will never get this money.

I want to correct that when they write from the EALA budget, they must add "From the EALA budget lines" because that is accountability. For me, we must change these phrases; they do not have any sense. We know about the unused balances, at the end of the financial year and we are moving into another – (*Interruption*) –

Ms. Byamukama: On a point of clarification, hon. Speaker, I t Thank you hon. Yves for giving way. If we add the words "EALA budget lines", we shall be throwing the spanner in the works. This is because if a budget line is for a particular activity, can we use unused balances from that particular line for entitlement of Members?

The Speaker: A further clarification from Hon. Mulengani.

Mr. Mulengani: The clarification I am also seeking is this. What is wrong us with us getting money from the current General Reserve Fund and the balances from the EALA be used to replace the General Reserve?

The Speaker: Hon. Yves, please proceed.

Mr Nsabimana: Hon. Speaker, I do not have a response on those questions. Probably the Chairperson will respond.

The Speaker: Actually, these clarifications are not necessarily directed to you. They are directed to the Chairperson of the Council of

Ministers, and if, maybe the Chairperson of the Committee has any response.

Mr. Nsabimana: Hon. Speaker, I was saying that at the end of the financial year all the money saved would enter the reserve accounts. We cannot use this money without the authorisation of the Council of Ministers because we will be in another year. That is why I seek from the Council of Ministers to finance this money for EALA from the Reserve Account because the money saved to EALA goes immediately to that account. That makes sense.

The Speaker: Thank you, hon. Yves. Hon. Patricia, you may proceed.

Ms. Patricia Hajabagika (Rwanda): Thank you, hon. Speaker. Earlier on, I asked for a clarification on the matter of unused funds. This is a serious issue, which we cannot just leave like that. If there are unused funds, where do the unused funds go? If at the end of the year the usual unused funds go to the Reserve Fund, it means that the Assembly is a shareholder of that Reserve Fund. This means that we have a right of absorbing a certain amount of money from the fund. This is a serious issue.

Hon. Speaker, some of these requests on the Supplementary Budget, which was sent to the Council of Ministers by EALA, have been outstanding for more than two years. Let me give an example. The Genocide Select Committee requested for a Supplementary Budget in 2014 after we passed the resolution. They said that this would be incorporated in the budget of the Financial Year 2015/2016. Coming to the 2015/2016 budget, we were told this would be considered during the Supplementary Budget. I do not have the *Hansard* on this, but I remember that we created a budget line on which we put a token amount of US\$100 in order to establish that budget line so that, that funding would be sourced.

I would like to ask the Council of Ministers this: How do they set their priorities as to the number of issues, which they want to fund under the Supplementary Budget or even in their budget? What is so important in the EAC that is bigger than the genocide that happened in one country and probably can happen anywhere else? We wanted to establish an issue of genocide ideology; whether it exists or not. We will be happy if it does not. However, if it does, then we will be able to address it. I wonder how they set priorities - (*Interjection*) -

The Speaker: There is a clarification.

Ms. Byamukama: Thank you, hon. Patricia for giving way. I would like to follow up on what Hon. Patricia has said by asking a simple question. Does utilization of Reserve Funds have a policy to be followed?

Ms. Hajabagika: I was just questioning the priorities concerning what to fund and what not to fund. How do they determine that? I will support this budget minus anything from the Reserve Fund. I will not touch any Funds coming from the development partners. However, whatever comes from the reserve funds should not be touched until this issue is sorted out by the Council of Ministers.

Dr. Perpetua Kessy Nderakindo (Tanzania): We should pay attention to what hon. Ogle said. There is no need of discussing this Report because it got into this House not procedurally. Hon. Ogle and, maybe there are also other Members of that Committee will confess that their arms were twisted to sign on a blank page of paper not knowing exactly what was in the Report. Therefore, this Report should be thrown out because it got here not in the proper way according to our rules and procedure.

The Speaker: Thank you. Hon. Nancy, proceed.

Ms. Nancy Abisai (Kenya): Thank you, hon. Speaker. I am a Member of this Committee. I would like to clarify one thing to the other Members who are not Members of this Committee. We had a meeting yesterday until very late. In fact, if you all recall, we walked into this plenary after you had already commenced the sitting. That is because the meeting went on for so long. Because of that, we were not able to meet again this morning. At some point during plenary, they circulated the papers for us to sign, as they always do. However, that Report was not attached because it was not ready. However, in terms of the verbatim agreements that we had in the Committee, there are certain basic fundamental principles that we agreed on in the Committee. That is why you see all the Members are wondering what is happening because what we agreed on is not what is reflected in the Report.

I want to repeat that in good faith we signed. However, when we see this today, we wonder. In fact, when the Director of Finance came to the Committee he, in fact, indicated that they would not be able to touch any money from the General Reserve. When we said that we wanted some of the entitlements of EALA to come from the General Reserve, they said that they could not touch that money. Right now, it is indicative that the chunk of the money being requested for is coming from the General Reserve.

One of the issues that we asked as Members of that Committee, and we have always asked these questions, before we scrutinize any budget, we ask for and go through documents such as the METF and the procurement documents. One of the justifications of the budget that we passed for the Financial Year 2014/2015 is that the money was not enough to carry out some of these activities, which were left out.

I want to look at one aspect as an example, the Pre-Election Assessment Mission to the General Elections in Tanzania. The general elections were scheduled to happen. Why are we asking for a supplementary budget for this? Am not an accountant and I cannot claim to be one, but there are general basics of financing, accounting and prioritizing. There are certain things that we can prioritize and know which ones we can pass and which ones we should leave.

My colleague raised the issue of the supplementary budget for the EAC immunization activity. I know that we are grappling with many incoming diseases, but we have a budget of US\$20 million for the GAVI immunization project. If we have a supplementary budget to that effect and it is intended for is hiring conference logistics, air tickets, DSA for consultants, DSA for delegates, honoraria and so on, surely we need to be clear on how we want to do this. Because quite clearly this is not reflective of what we agreed on as Members of this Committee. *(Interruption)*

The Speaker: Yes, Hon. Kiangoi

Mr. Kiangoi: Hon. Speaker, the clarification I wish to seek is that in view of the fact that the Members of the Committee are denying that this is their Report shouldn't we first dispose of that issue? Because it appears as if we are discussing a Report that is not a Report of the Committee?

The Speaker: Honourable Members, there are fundamental issues that are coming up. This House should not create a bad precedent of duly saying that the Report we are discussing is not the position of the Committee and then we go ahead with the work.

You are aware that the Committee interrogates all the work sent to them on behalf of the whole House. They are to give

guidance to the whole House on how to proceed. Therefore, I want clear pronouncements on the issues of the report of the Committee from the Members of the Committee.

Ms Abisai: Hon. Speaker, it is important for me to add that in terms of the Report everything else is okay but there are two aspects of the Report that are not reflected. It is that generality reflected in the Report that is not indicative of what the Committee agreed. If we could make an amendment to the Report and pass it with the amendments as we agreed, then it will be reflective what we agreed on as a Committee.

My colleagues are here so that they can also be able to agree or disagree. However, this is my humble submission in terms of how we need to move forward with this Report. There are two aspects that we need to look at, especially when you look at the section, which talks about the generalities. We were very specific on that. We did not want it in those general terms. That is what I want to clarify.

The Speaker: Thank you, hon. Nancy. Let me give Hon. Opoka first before we proceed with Hon. Mulengani.

Mr. Chris Opoka-Okumu (Uganda): Thank you, hon. Speaker. I would like to seek clarification from the Committee and the Council about dealing with EALA. When you look at page 12, the second paragraph states, “*With regard to the top up on DSA on travel, they undertook to put in place a policy that would be presented to the 34th Meeting of the Council of Ministers scheduled for August, 2016.*”

This is dealing with – *(Interruption)* -

The Speaker: There is a Member on a point of procedure.

Mr. Mwinyi: Hon. Speaker, I stand on a point of procedure. You just ruled that we would be discussing in relation to whether the Report is properly before this House or not. That was my understanding. So are we continuing to debate the Report? It seems my colleague is continuing with the debate on the Report as is. What are we deliberating on at this point in time? Is it about the appearance of the Report before the House or is it a continuation of debate?

The Speaker: Thank you, Hon. Mwinyi. My communication to the House was to the effect that I need more clarification mainly from the Members of the Committee because what is coming out in the debate is that the Report does not reflect the true position of the Committee. I said it will set a very dangerous precedent for this Assembly that yes, Members signed on an empty piece of paper without reading the Report. When they received the Report to which their signature is appended, the content is not what they agreed. That is what I am interested in interrogating. I need help on that. *(Interjection)*

Mr. Mathuki: On a point of procedure, hon. Speaker, in line with what you have just guided that you need to interrogate and get from Members and in line with our Rules, the Chairperson of the Committee is the spokesperson of the Committee. It is supposed to the Chairperson to confirm to the House whether that is the true picture of the Report. If not, then we proceed by guidance from the Chairperson of that Committee. When we seem to pick from all Members, it might bring some conflicting thinking on the issue. It is only fair if the Chairperson of the Committee can inform the House. *(Interjection)*

(Hon. Martin Ngoga stood up on a point of clarification)

The Speaker: A procedural issue has been raised by Hon. Mathuki, and it that needs to be cleared first.

The reason I have decided to seek the indulgence of the Members of the Committee is that I want to hear more voices on the content of the Report and then I hear what the Chairperson says. Then I will be obliged, as the Speaker, to take a certain position on this matter.

May I indulge or request that we hear from Members of the Committee on that subject matter. Hon. Chris, you are not a Member of the Committee.

Mr. Opoka-Okumu: I am not, hon. Speaker.

The Speaker: Clarification had been sought earlier.

Mr. Ngoga: Hon. Speaker, it was not a clarification, I just wanted to make a suggestion given what Hon. Nancy proposed. If I may proceed, if it is not a deviation from your guidance.

The Speaker: That will also come.

Mr. Ngoga: Hon. Speaker, the suggestion by Hon. Nancy may not apply in this case because an amendment can only be done on a Report that has been agreed on at the Committee level. This is a Report that is being disputed by Committee Members.

What may help us at this time, subject to your guidance, is a rule that allows the Mover to withdraw the Motion so that she can further consult with the Members of the Committee. *(Interjection)*

The Speaker: We will get there. I do not want to put the cart before the horse. Let us first listen to the Members of the Committee.

First clarification before I come to you hon. Mulengani.

Ms. Byamukama: Hon. Speaker, my clarification is on the practice. I will be honest. We Members have a practice whereby a paper is circulated by the Clerk's Office and we go ahead and append our signatures. It is well known that some of us do not sign until we have seen the Report. This is done in good faith. Even if we hear from all the Members, I do not want to preempt what anybody was going to say; it seems that the Committee may need some more time to organize its house. It is also a lesson to us because one of these days we may sign our dismissal as some people did. As a matter of practice, we may need to do things differently.

The Speaker: Thank you for that clarification.

Hon. Colleagues, I am giving this matter time so that my judgment is informed by what is obtaining. Let me give Hon. Mulengani, who is a Member of the Committee this chance.

Mr Bernard Mulengani (Uganda): Thank you, hon. Speaker. I will not debate, but address the issue at hand.

When we were in the meeting, the recommendation that has been raised in this Report was mooted. At the Committee level, we refuted this recommendation. We proposed an amendment to the Supplementary Bill to include what the Council pronounced on themselves. What did the Council pronounce for themselves in affirmative much as they said that we do it internally? One was the issue of sitting allowances. Secondly, in the meeting they said that where the Assembly has also as an organ done internal reorganization of funds, it is important that, that money also be catered for.

This came out because we raised that. Within other organs, you are catering for the movement of money because they have not received the partnership funds. Indeed, EALA has not received the money that we requested for reallocation during the 2014/2015. This is the US\$540,000 because they were coming from the Partner States. It is from that premise that most of us in the Committee are saying that this Report does not portray the position of the Committee in as far as handling the Supplementary Budget in part of the Assembly.

I want to rest my case at that point because I stand with those Members who have stood in this particular area that the Report does not portray on at the Committee level and in particular the recommendation of the Assembly.

The Speaker: Thank you. I will ask the Chairperson to say a few things and seek the opinion of the Chairperson of the Council of Ministers, if it is not for the betterment of us moving in tandem that she either procedurally withdraws this Motion or we proceed and go towards the voting and the direction may be pre-determined. That will also not create good precedence.

Chairperson of the Committee, you may proceed.

The Chairperson, Committee on General Purpose (Dr. Odette Nyiramilimo) (Rwanda): Thank you, hon. Speaker. First, I would like to thank the Members of the Committee on General Purpose for not only the suggestions they are making in this House, but for the work and good discussions we had with the Council of Ministers yesterday.

Hon. Speaker, it is true that with good faith we are used to signing the document but continue and agree on the Report. However, I apologise for our Secretariat or the Office of

the Clerk that this Report was not availed on time so that we could have substantive time to go through it. You will remember that we finished the Report at 2.30 p.m. to run to the plenary session. As Chairperson, I received this Report at 12.30 p.m. I could not go through it thoroughly. I only looked at the last part where I had to go for the meetings with the different officers that we had we assigned to finalize the work for us. (*Interruption*)

The Speaker: There is a clarification from Hon. Ngoga.

Mr Ngoga: Thank you, hon. Speaker. I do not intend to interrupt the Chairperson but this debate is in the open and the media is picking what we are debating. That is not how we work. We normally sign the document that is being circulated for signature but after we have corrected the contents of the report. It is not the case at least for the Committee that I belong to, that we sign when the report is being written. It is after that we have approved the final content that we sign the report. This is important for the record.

The Speaker: Thank you. I have just given the Chairperson a chance to shed more light on this issue. She is not exactly in disagreement with the Member in essence.

Proceed, Chairperson.

Dr. Nyiramilimo: Hon. Speaker, this budget was given two days ago. Therefore, the time was also wanting.

While we missed to conclude an agreement with the Chairperson with the Council during our meeting yesterday, all the requests by EALA were discussed one by one. They explained to us the problems they are facing in the EAC of lacking funds. They indicated that the problem is real, that the partner States have not remitted their contributions. Many

of the development partners have also funding the EAC for their own reasons.

When they explained that and we looked at all the items that we were claiming to be funded for the work of EALA to be carried out like operationalization of the East African Parliamentary Institute, facilitation of the Select Committee on Genocide Ideology, top-up for business class tickets and daily subsistence allowance, provision of sitting allowance for Members and committee meetings – mostly it was these four items.

The Chairperson and her team explained that they are facing a problem for the items we were claiming for because there are no funds in the Community. However, they agreed that for the sitting allowance, these are entitlements for EALA Members. The Members should not claim for the sitting allowance. That amount is US\$168,000. The Office of the Clerk calculated it.

For the issue of business class top-up, they explained that the terms and conditions – *(Interjection)* -

The Speaker: There is a clarification.

Mr. Ogle: Let it be made clear, and for the benefit of the Chairperson, that we are seeking to set aside this report, not because of top-up on business class tickets, but other concerns related to where this budget is. For example, the genocide money, money for immunization and so on.

The Speaker: Further clarification from Hon. Kessy.

Dr. Nderakindo: Hon. Speaker, it seems we are still going into the details of the report. We want to know whether the procedure was followed. So far, what we are hearing from the Chairperson is that even she herself did not get time to read the report before presenting it here. If, as the Chairperson of

the Committee, she did not read the report before presenting it to this House, why are we discussing it?

The Speaker: Honourable Members, I beg you to listen to me. It is clear from my judgment that I do not have this precedence in this August House, that there is disagreement on the report in the House. The Members in the Committee have said that the Report does not reflect the true records of their deliberations. The Chairperson has also concurred that the secretariat worked late and there was lack of time. She did not have time to read the Report as well. I would like to ask the Chairperson not to go into the depths of anything. I will not rudely stop you, but I think I got the information that I got from you.

Thank you for the effort you have put in, in light of the difficult situation you were found in, including inadequate time. The secretariat could not work and present the Report to you on time. Three, you did not read it and four, Members signed without reading it.

Based on that, I would like the Chairperson of the Council of Ministers to note that there are three options available here. The first one is that you completely withdraw the Bill. The second one is that you seek adjournment on the Motion as moved by you so that we stop the debate and this matter will resume in our next plenary in Arusha. The third option is that you insist on it and then I take the matter to a vote and the direction is more or less predetermined. Therefore, the ball is in your court.

Honourable Members, I beg that you allow the Chairperson of the Council of Ministers to give us her position.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers ((Dr. Agnes

Suzan Kolimba) (Ex Officio Member):

Hon. Speaker, on behalf of the Council of Ministers, I would like to move a Motion of adjournment to allow the Committee on General Purposes to finish their job. We will be appreciative if we meet again to submit the supplementary budget for discussion.

I beg to move.

The Speaker: Who is seconding? Hon. Mulengani, Hon. Kivejinja and all Members standing.

(Several honourable Members stood up to second the Motion)

The Speaker: Honourable Members, this Motion does not need debate. This Motion is very clear. I will now proceed to put the question.

(Question put and agreed to)

(Debate on Motion adjourned)

The Speaker: Honourable Members, as an Assembly we should not leave this matter unattended. It is extremely dangerous for this August House, which has a very good reputation, to go the direction that we were about to go. I plead with the leadership of all the committees that before you introduce a report to this August House, you should make sure you are fully in agreement with the contents of the report that is brought to this House to avoid taking the House in the wrong direction.

Honourable Members, you will allow me to adjust the Order Paper, not because of what has transpired but the hon. Rwigema who has a question here is not in the House. A request has reached me that his question be pushed forward to the next plenary. Therefore, I will adjust the Order Paper to proceed with the question as read out by the Clerk.

QUESTIONS FOR ORAL ANSWERS**QUESTION: EALA/PQ/OA/3/06/ 2015**

ALTERNATIVE MEASURES TO RESOLVE DELAYS IN REMITTANCES BY PARTNER STATES

Mr Pierre-Celestin Rwigema (Rwanda) asked the Chairperson of the Council of Ministers of the EAC:

There are always delays in remitting Partner States' contributions to the budgets of the EAC organs and institutions. Some institutions such as the IUCEA and LVFO have substantial amounts in arrears. Delayed remittance of contributions impacts on effectiveness of operations of organs and institutions and service delivery. The Assembly was informed that there is a Council decision that partner states must remit all the contribution to the budget by 31st December of the financial year. Notwithstanding the Council decision, the end of December is too far in case a partner state does not make any remittance before that date. As such, the operations of organs and institutions may suffer due to lack of funds.

Could the Chairperson of the Council of Ministers inform the House:-

- (a) Whether there are alternative, mechanisms to resolve financial constraints should such a scenario occur?*
- (b) Why the Council has not established clear processes and procedures for utilization of the Reserve Fund in all organs and institutions and whether there was a set minimum balance to be maintained?*

(Question deferred)

The Speaker: Hon. Dora, you may proceed on the Motion on the Private Members Bill.

MOTION TO SEEK LEAVE OF THE HOUSE TO INTRODUCE A PRIVATE MEMBER'S BILL ENTITLED THE EAST AFRICAN COMMUNITY COUNTER TRAFFICKING IN PERSONS BILL, 2016

MOTION

Ms. Dora Byamukama (Uganda): Hon. Speaker, I beg to move the following Motion:

THAT, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64(1) of the Rules of the Assembly do grant me leave to introduce a Private Members Bill entitled the *East African Community Counter Trafficking in Persons Bill, 2016*.

I beg to move.

The Speaker: Who is seconding? Hon. Kiangoi, Hon. Maryam, Hon. Susan, Hon. Mumbi, Hon. Valerie, Hon. Hafsa, Hon. Bucumi and all the Members standing.

(Several honourable Members stood up to second the Motion)

The Speaker: Hon. Dora, if you may proceed. Read your Motion and justify.

Ms Byamukama: Hon. Speaker, my justification is premised on two sources. The first source is the Motion that we moved in Kampala urging for urgent action on the issue of trafficking in persons. That Motion was carried and strongly supported by this House.

In that Motion, this House resolved that we should enact a law to counter trafficking in the East African Community.

My second basis for moving this Bill is in the proposed draft Bill that is before you. It reads as follows -

“The Bill will prevent trafficking in persons and it will help in the prosecution of perpetrators and provide mechanisms and services for victims of trafficking in persons and also assist in the development of partnership for cooperation to counter trafficking in persons.”

By having an East African Community Counter Trafficking in Persons Bill, we shall be able to develop a legal framework, common measures, and strategies and programmes to counter trafficking in persons in the regions.

The Bill is also premised on Article Six of the Treaty which provides for fundamental principles of the Community and also states that good governance, including adherence to social justice, equal opportunities as well as promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human Rights is cardinal. It is premised on the protocol to the African Charter on Human and Peoples Rights to which all of us are signatories. In particular, the Protocol to the African Charter on Human Rights on the rights of women in Africa states

“State parties shall take appropriate and effective measures to prevent and condemn trafficking in women, prosecute the perpetrators of such trafficking and protect those women at risk.”

The Bill is also premised on Article 7(2) of the Treaty, which states that

“Partner States shall abide by universally accepted standards of human rights, in particular, the universal declaration of human rights of 1948 which provides under Article Four that no one shall be held in slavery or servitude and slavery and

slave trade shall be prohibited in all forms.”

Since trafficking in persons is a form of modern day slavery, this is in consonance with this particular provision of the universal declaration of human rights.

The Bill is also premised on Article 76 of the Treaty, which establishes the Common Market. This provides for free movement of labour, goods, services, capital and the right of establishment. In view of the fact that there will be free movement of persons, it is paramount that the partner states cooperate in order to ensure that this is not used as an avenue to traffic persons within the East African Community and beyond.

Hon. Speaker, the Bill also takes into account Article 124 of the Treaty on regional peace and security, and in particular the East African Community Protocol on Peace and Security to which all EAC Partner States are signatory. It provides under Article 2 on Scope of Operation that

“The Partner States shall where necessary develop common measures, strategies and programmes and enter into agreements for the effective implementation of this Protocol. The Partner States agree, inter alia, to cooperate in the following areas: Combating transnational and cross border crimes including human trafficking.”

Hon. Speaker, the East African Community Protocol on Peace and Security further provides under Article 12(1)(d) on Combating Transnational and Cross Border crimes that:-

“The Partner States shall undertake joint operations in controlling and preventing transnational and cross border crimes, including human trafficking.”

Finally, hon. Speaker, this Bill will operationalise the Protocol to prevent, suppress, punish trafficking in persons, especially women and children, supplementing the United Nations Convention against transnational organised crime to which all the East African Community partner states are signatory and are thus obliged to adopt the principles of the Protocol by *inter alia* enacting and implementing laws to prevent trafficking, punish traffickers and protect victims of trafficking.

I beg to move.

The Speaker: Thank you, Hon. Dora.

Hon. Members, the Motion on the Floor is:-

“THAT, Pursuant to the provisions of Article 59(1) of the Treaty and Rule 64(1) of the Rules of Procedure of the Assembly do grant leave to Hon. Dora Byamukama to introduce a Private Members Bill entitled: “The East African Community Counter Trafficking in Persons Bill, 2016”

Hon. Members, as put clearly by Hon. Dora, there is a resolution of this House to this effect. The hon. Member is seeking leave or permission from this House to introduce this Bill. The only debate that can ensue is either to agree or disagree with her. Since there is a Motion, do we have to debate whether to agree or disagree? We are not going to debate on the details of the Bill. I suggest that we put the question to this Motion. If it is passed, then the Bill shall be referred to the relevant committee.

Hon. Members, I will now proceed to put the question.

(Question put and agreed to)

The Speaker: Let us move on to the next Order.

Hon. Dora, you may proceed on to Order No.8 on Questions.

QUESTIONS FOR ORAL ANSWERS

QUESTION: EALA/PQ/WA/3/01/2016

REMITTANCES OF PARTNER STATES TO THE EAC

Ms. Dora Byamukama (Uganda): asked the Chairperson of the EAC Council of Ministers -

Following up on the question of remittances of Partner States to the EAC; can the Council of Ministers provide the Assembly with information on the status of EAC partner States' remittances to date considering that the EAC is about to embark on activities programmed for the last quarter of this Financial Year?

The Speaker: Chairperson, Council of Minister, you may proceed.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Agnes Suzan Kolimba) (Ex Officio): Hon. Speaker, the Partner States have been remitting the budgetary contribution with some delays. This is what I would like the Members to note. Below is the status of remittance of the contribution based on three items:-

- i. The EAC has received 45.5 per cent of the contribution from the Member States.
- ii. For IUCEA contribution, we have received 29 per cent.

- iii. Lake Victoria Fisheries Organization, we have received 37 per cent of the contribution.

The Council of Ministers on its 33rd Meeting held in Arusha on 29th February, 2016 directed Partner States to remit the outstanding contributions expeditiously. The details on what was remitted are summarized in table one up to four as attached from page one to four.

Hon. Speaker, I beg to submit.

The Speaker: Before Hon. Dora asks supplementary questions, I hope Members have the response from the Minister, as presented by her.

Hon. Dora, you may proceed.

Ms. Byamukama: Hon. Speaker, I find it a little bit hard to follow up because this is for public consumption. I would like to plead that the Chairperson of the Council of Ministers, like the rules say, comprehensively gives the status quo because that was the issue of the question. I will then be able to follow up with a supplementary question.

The Speaker: Chairperson Council of Ministers, to make it easy for the consumption of this House, you could go country by country because that is what the hon. Member is seeking and specifically our interest as the Assembly would be drawn to the attention of the 2015/2016 budget that is supposed to fund the EAC Secretariat, the EALA, the East African Court of Justice, the Lake Victoria Basin Commission (LVBC) and all the other institutions. This will help in raising supplementary questions.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Agnes

Suzan Kolimba (*Ex Officio*): Hon. Speaker, on the details on how the contribution was submitted to the Secretariat, starting with the contribution towards the main EAC budget which includes the EAC Secretariat, EALA, EACJ, the LVBC, the East African Commission, starting with table one, I will give the percentage of each country for each item.

The contribution paid in 2015/2016 by the Republic of Kenya is 53 per cent. Kenya has an outstanding balance of US\$3,932,560. From the Republic of Tanzania, they have contributed 54.6 per cent. The amount due is US\$3,802,000. The United Republic of Uganda has paid a total of 67.65 per cent. The amount due for the Financial Year 2015/2016 is US\$2,710,571. From the Republic of Rwanda, the amount contributed translates to 52.26 per cent. The amount due is US\$4,000,000. From the Republic of Burundi, so far contribution stands at zero for this Financial Year 201/2016. The amount due is US\$8,387,164.

The contributions that were paid for the Financial Year 2015/2016 amount to 45.52 per cent. The amount due to be paid by member states is US\$22,842,296.

Moving on to table two which gives the details on the contributions towards IUCEA budget, for the Financial Year 2015/2016, Kenya had paid 72 per cent of the total contribution. The amount due is US\$229,813. The United Republic of Tanzania had contributed zero. The amount due is US\$824,446. The Republic of Uganda had contributed 60 per cent of the total contribution for the Financial Year 2015/2016. The amount due is US\$328,050. The Republic of Rwanda had paid zero per cent. The amount due for this item is US\$824,446. The Republic of Burundi had paid 11 per cent of the total amount for the

contribution of this Financial Year. The amount due is US\$729,921.

The total contribution by all the five Member States, which was contributed for the Financial Year 2015/2016, is 29 per cent. The outstanding amount is US\$2,936,676.

On the status of the arrears towards the IUCEA budget and payments from 1980 to 30th June 2015 for these five Member States, I would say that for the Republic of Burundi, the arrears received is US\$219,679. By 15th January 2015, the arrears that were to be paid US\$2,520,026.

On the issue of arrears for the Financial Year 2015/2016, nothing has been paid yet for the Republics of Kenya, Rwanda, Tanzania and Uganda.

If we move on to table four, which is the contribution towards the Lake Victoria Fisheries Organization, we can say that the contribution, which was received for the Financial Year 2015/2016, from the Republic of Kenya, is 100 per cent. They do not have any outstanding amount. The United Republic of Tanzania had paid US\$69,501,022, which translates to seven per cent. The amount due is US\$969,439,050. For the Republic of Uganda, the amount paid for this financial year is 35 per cent.

I beg to submit, hon. Speaker.

The Speaker: Thank you, hon. Minister. This creates a good platform for Hon. Dora to take up her supplementary question.

Ms. Byamukama: Hon. Speaker, I thank the Chairperson of the Council of Ministers for providing an elaborate answer to this question. I have several supplementary questions.

One, is the Council of Ministers aware that by Partner States remitting to the EAC only

45 per cent at this point in time is contrary to a Council directive whereby the Council of Ministers had directed that all Partner States should remit 100 per cent of their remittances to the EAC by 31st December?

Secondly, as we were discussing earlier, when you consider what is owing and you total the outstanding for all the areas, you will find that we have about US\$35 million that is outstanding. In some instances, partner States have remitted nothing. How is the EAC supposed to operate in such circumstances?

Finally, is the Council of Ministers aware that the EAC has only US\$700,000 in its reserve and that this amount of money cannot pay the salaries of the staff of the EAC and that money for salaries had to be borrowed for this month?

Hon. Speaker, I have those supplementary questions.

The Speaker: Let us have the hon. Minister respond to these questions then I will allow further questions.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Agnes Suzan Kolimba) (Ex Officio): Hon. Speaker, I have listened to the three questions that were raised by Hon. Dora.

The first question is on whether the Council of Ministers is aware that up to now only 45 per cent of remittances have been done which is contrary to the Council's directive, which had directed Member States to remit their contributions, by 31st of December.

If you look at the report of the 33rd Council Meeting, which was conducted last month, you will see where we said that we had to remind the Member States to remit the amounts due. This was supposed to go to the

EAC budget. As we have been repeating on where we are supposed to allocate the money, this is because the States have problems with the funds.

When you look at the case of Tanzania, which had the general elections, they have several problems, but they are trying to make sure that they remit these funds because we have agreed on these directives together.

When you look at the case of the Republic of Burundi, they are having some problems at the moment. I am not justifying that they should not pay or contribute to what they are required to. That is why in the last Council they stressed that the States to pay. Hon. Dora, I would like to assure you that they are aware and are seriously looking into this issue.

Ms. Byamukama: On a point of information, hon. Speaker. Thank you for giving way. I just want to give information that this is a follow up question. I raised this question on behalf of concerned Members of this House. The Commission in particular asked me to raise it and follow up on this.

Hon. Chairperson Council of Ministers, this House has put its foot down and is asking: Is the EAC integration a priority? Can it be contingent on elections? All partner States have elections, but if the EAC integration is a priority, the funding of the EAC cannot be contingent on the issue of elections.

Finally, we have Article 143 of the Treaty whereby you can impose sanctions on partner states, which do not comply. If you had time and read the record, this is a follow up question. Those kinds of answers on issues of elections cannot really sustain. We are concerned. I do not know whether we appreciate that this is a crisis. I do not want to seem like an alarmist, but it is a situation whereby partner States do not contribute. By last year at this time, partner States had

contributed 70 per cent. However, now they have just contributed 45 per cent. If you look at the budget, donors fund 70 per cent. Are we serious? I want to give this as background information because we have had that kind of answer before.

The Speaker: Hon. Dora raised three supplementary questions. The Minister has responded to one, there are two more.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Agnes Suzan Kolimba) (*Ex Officio*): Hon. Dora, I acknowledge the concerns you raised in this House. What you have raised is what we have raised with the Council of Ministers. I know this is a follow up question but I was just mentioning one of the countries. I did not mention just the issue of elections, but I said they have a problem also. However, we also come from these Member States whether we are Ministers of the EAC or the Members of this Parliament. We do not just have political problems, but we have several other problems.

What I would like to stress as the Chairperson of the Council is that we are making a follow up to ensure that the Member States pay their contributions. This is what was agreed on during the last Council meeting.

The Speaker: Let us have a supplementary question from Hon. Ngoga then Hon. Mathuki

Mr. Martin Ngoga (Rwanda): I have one supplementary question. Following the detailed response by the Chairperson, which is full of the empirical situation of how Partner States have responded to their obligations, I want to direct my question to the Council based on Article 143 of the Treaty that provides for sanctions when a Partner State defaults on its financial

obligations. Has the Council of Ministers so far established a clear definition of default in the context of Article 143 of the Treaty? At what point in time is a partner State deemed to have defaulted or is it something that is left open-ended?

The Speaker: Hon. Minister, Article 53 is affirmative. It uses the word “shall”.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Agnes Suzan Kolimba) (*Ex Officio*): Hon. Speaker, I thank Hon. Ngoga for reminding me on Article 143 of the Treaty. I agree that we have that Article and Rules, which provide for sanction for the Member States which fail to, contribute on a timely basis. This regulation will be acting towards the Member State that fail to contribute and 18 months go by without the State doing so.

I beg to submit.

The Speaker: Hon. Minister, we are in a very difficult situation. If you look at Article 143 that provides for sanctions, who will sanction who when everybody is a culprit? How do you implement this provision of Article 143? This is the kind of catch-22 situation in which the Council and the Summit will find themselves.

Hon. Peter Mathuki, proceed.

Mr. Peter Mathuki (Kenya): Hon. Speaker, in the context of regional integration, I want to confirm from the Chairperson of the Council of Ministers if she is aware that there is no romance in poverty. Therefore, if they are not contributing to this, how do we take integration forward? Can they demonstrate to the House that, indeed, there is something they are doing as the Council of Ministers to ensure that the money is paid? His

Excellency President Museveni that in prosperity there is love has reminded us.

The Speaker: Chairperson, Council of Ministers, if you may respond.

Mr Ngoga: The question has moved from the facts and we are asking, “What do we do?” I can assure the Council that this point was grasped by the Council and reported to the Summit even more candidly than what the Council was trying to point to us. One of the reforms that will solve our problems was the financing mechanism that will guarantee 100 per cent self-sufficiency in maintaining all our activities in the Community. On that, the Summit earlier had given the Council of Ministers the task to look into all ways, including a levy of one per cent of all the imports.

This was the point. We looked at it and gave more alternatives to the keepers of our purse, the Minister for Finance, that before 16th May 2016, they must have come up with a final solution. Sanctions are not sanctions if we are in a catch-22 situation. Who will sanction who when we are all culprits? You cannot have criminals reporting to the police. Who will take them to the police? Please, let us be a little patient. There is no marriage without problems. Let us take this one as an immediate problem. I think on the 16th May 2016 we shall come up with a formula that we will have examined that will finance our budget 100 per cent.

The Speaker: We are very grateful that by 16th May 2016, the funding mechanism shall have been pronounced. That is a long-term solution for the funding post this financial year. We want to secure some assurance from the Council on how we will rescue the operations of the Community in this financial year, which ends in June. Specifically for this month, we are in trouble. We are not so sure, whether there will be funds for salaries of the staff of the EAC for the next month. We need

an assurance as a stopgap measure for the next month or before May.

Chairperson of the Council, please give us some assurance to give us confidence that this Assembly is not adjourning today not to come back again.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Agnes Suzan Kolimba) (Ex Officio): Hon. Speaker, I can assure this Assembly that we will ensure that the salaries will be paid. We will use all strategies we have, using the Secretariat, to follow up of each Partner State, to ensure that they pay the amounts due.

The Speaker: Hon. Maryam.

Ms. Maryam Ussi Yahya (Tanzania): Hon. Speaker, you have actually addressed some of the questions that I wanted to ask the Chairperson. Hon. Dora has explained that the deadline is 31st December; we are just three months before the 2015/2016 financial year ends. I know the Chairperson has just given a response. However, in these three months, before the end of the financial year, how will the Community run?

As I was talking yesterday about the will power, we need to make sure that the money is here before the end of the financial year, so that these three months can be utilized for all the programmes. Normally, when we come for the General Purpose Committee pre-budget conference, many programmes are not done because of lack of funds. We will face the same problem next year. We need money to be remitted at least for these three months. I believe this an urgent matter. I urge the Chairperson of the Council of Minister to take this as a matter of urgent business so that we have an answer before the next plenary.

Thank you, hon. Speaker.

The Speaker: I think the Chairperson has already alluded to that already and what they will do in the next three months to secure the operations of the Community, including paying salaries of staff.

Hon. Dora.

Ms. Dora Byamukama (Uganda): Hon. Speaker, this question may be deeper and wider and the answer may not be enough. As you said there needs to be immediate, mid-term and long-term attention. We asked about a policy on the issue of reserves. Hon. Neoga talked about the issue of defaulting. It is time that we sat down and agreed that the EAC integration is a priority that is viable. If we are all making money from integration, why can we not remit and fund the EAC? That is the big question. Maybe the Committee on General Purpose should not only look at expenditure, they could take up this issue further and continue to interrogate.

The Speaker: Thank you. That was more or less a wrap up on the question. However, Chairperson, Council of Ministers, we know the challenges that the Partner States are facing. The plea of this House to you is the representation of the governments that signed the Treaty for the establishment of this Community. Can you raise the issue of ranking of integration in terms of priority in our capitals?

The political leadership has said that our integration is a question of survival, security and prosperity. Can we rank it top on our agenda in financing back at home? That is the plea of this House to you. We will be glad to receive that response in the next plenary.

COMMUNICATION FROM THE CHAIR

REGISTERING THANKS FOR A SUCCESSFUL PLENARY MEETING

The Speaker: Hon. Colleagues, the Order Paper has been exhausted. I would like to take this opportunity to congratulate you for a successful Plenary Meeting.

We have passed a very important Bill in this sitting, the Disaster Risk Reduction and Management Bill, which has been lying before this Assembly for almost three years. That is a great accomplishment. We have also passed very important reports. We have moved Motions and adopted reports. I congratulate you for your hard work.

I would like to, in a very special way, to take this opportunity to extend the appreciation of this Assembly to His Excellency (Dr.) John Pombe Magufuli, the President of the United Republic of Tanzania for the State of the Community Address that was extended to this Community through this House by the Prime Minister, on his behalf.

I would also like to extend my appreciation to the Rt. Hon. Ndugai, the Speaker of the National Assembly of the United Republic of Tanzania for affording us the opportunity to enjoy the facilities that we have enjoyed and giving us the hospitality and chance to accomplish what we have done. We are very grateful today to the Parliament of Tanzania.

I also, in a very special way, want to extend my appreciation to the Chapter and the people of Tanzania for the great hospitality that has been extended to us not forgetting our members of staff who run day and night behind the scenes to make sure our work is well done. We thank you. We do not take you for granted - (*Applause*).

Hon. Members, the Chairperson of the Committee on General Purpose would like to start work immediately we adjourn *sine die*. She has requested Members of the Committee to remain behind while we go out.

ADJOURNMENT

The Speaker: Hon. Members with those few announcements, I now adjourn the House *sine die*.

(The House rose at 5.15 p.m. and adjourned sine die).