



**EAST AFRICAN COMMUNITY**

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**EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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

**THIRD ASSEMBLY: THIRD MEETING – SECOND SESSION**

**Tuesday, 19<sup>th</sup> November, 2013**

*The East African Legislative Assembly met at 2.30p.m.in the County Hall, Nairobi, Kenya*

**PRAYER**

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

*The Assembly was called to order.*

## PROCEDURAL MOTION

**The Chairperson, Committee of Legal, Rules and Privileges (Ms Dora Byamukama):** Madam Speaker, Rt hon. Justin Muturi, Speaker of the Kenya National Assembly, hon. Members, I beg to move a motion that this House, pursuant to the provisions of Article 55 (1) of the Treaty and Rule 11 of the Rules of Procedure, do resolve to hold sittings in Nairobi in the Republic of Kenya. I beg to move.

**The Speaker:** Secunder? Hon. Mwinyi, hon. Nyirahabineza, hon. Zein, hon. Bazivamo, hon. Ussi. Proceed, hon. Byamukama.

**Ms Byamukama:** The motion reads as follows:

*“WHEREAS Clause 1 of Article 55 of the Treaty provides that the meetings of the Assembly shall be held at such times and places as the Assembly may appoint and*

*WHEREAS Rule 2 of the Rules of Procedure provides that the seat of the Assembly shall be at Arusha in the United Republic of Tanzania and*

*WHEREAS sub rule 7 of the Rule 11 provides that the Assembly may on a resolution adopted by a majority of its Members decide to hold one or more sittings elsewhere within the Partner States other than at its seat*

*NOW THEREFORE this Assembly do resolve as follows:*

- 1. That pursuant of the provisions of sub rule 7 of Rule 11 cited above, the Assembly shall hold sittings in the Chamber of the Kenya National Assembly and the County Hall from today Tuesday 19 November 2013 up to Tuesday 26 November 2013.”*

Madam Speaker, I beg to move.

**The Speaker:** Thank you very much, hon. Dora. Hon. Members, the motion on the floor is that this House, pursuant to the provisions of Article 55 (1) of the Treaty and Rule 11 of the Rules of Procedure do resolve to hold sittings in Nairobi in the Republic of Kenya. Debate is open.

Hon. Members, I can now see that all of you are in the affirmative. The motion on the floor is that this House, pursuant to the provisions of Article 55 (1) of the Treaty and Rule 11 of the Rules of Procedure do resolve to hold its sittings in Nairobi in the Republic of Kenya. I now put the question.

*(Question put and agreed to.)*

## LAYING OF PAPERS

**The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms Isabelle Ndahayo):** Madam Speaker, I beg to lay on table the report of the Committee on

Agriculture, Tourism and Natural Resources on the workshop on making agriculture investment work for Africa; a Parliamentarian response to the land rush. Madam Speaker, I beg to lay.

**The Speaker:** Thank you very much, hon. Isabelle. We shall debate that at an appropriate time.

#### PROCLAMATION BY THE SPEAKER

**The Speaker:** Hon. Members, amidst us today is Rt hon. Justin Muturi, the Speaker of Kenyan National Assembly. *(Applause)* I have in accordance with the provisions of Article 54 of the Treaty, invited him to address this Assembly. I would now like to make the following proclamation to welcome in the Assembly, the Rt hon. Speaker of the National Assembly of Kenya.

*“WHEREAS Clause 1 of Article 54 of the Treaty provide that the Speaker of the Assembly can invite any person to attend the Assembly, notwithstanding that he or she is not a Member of the Assembly if in his or her opinion the business of the Assembly renders his or her presence desirable and*

*WHEREAS in the opinion of the Speaker, the attendance of the presence of the Speaker of the National Assembly of Kenya to this Assembly is desirable in accordance with the business now before the Assembly,*

*NOW THEREFORE it is with great pleasure and honour, on your behalf, hon. Members to welcome in this Assembly the presence of the Speaker of Kenya National Assembly.” (Applause)*

#### ADDRESS BY THE RT HON. JUSTIN MUTURI, SPEAKER OF THE KENYA NATIONAL ASSEMBLY

#### WELCOME REMARKS BY THE SPEAKER OF EALA

**The Speaker:** Rt hon. Justin Muturi, the Speaker of Kenya National Assembly, hon. Members of the East African Legislative Assembly, hon. Members of Kenya National Assembly, I wish to warmly welcome you, Rt hon. Justin Muturi to the Third Meeting of the Second Session of the Third Assembly. In a very special way, I want to thank you, Rt hon. Speaker and indeed the entire Government of the Republic of Kenya for accepting to host us at the Parliament once again.

*(Applause)*

I congratulate the Speaker following his election in the March 2013 elections. On my own behalf and on behalf of all of you Members, I want to assure you, Rt hon. Speaker of our unequivocal support during your tenure as Speaker of the Kenya National Assembly.

Your election exemplifies the trust that the legislators have in your leadership abilities and capacities. I am proud that in such a short time you have a vision and you are working hard

towards fulfilling your agenda. You continue to institute major reforms in ensuring that Parliament offers efficient service delivery. It is in this vein that I wish to congratulate you following the completion of the rehabilitation of the works at this very premise where we are; County Hall. The works are magnificent as we can all see. Particularly I would add that we had an opportunity to sit in this very Chamber during the Second Assembly and it was not like this so congratulations, Rt hon. Speaker.

I want also to thank the Rt hon. Speaker for exhibiting the sign of true friendship and commitment. Indeed as you are aware, the Rt hon. Speaker just said that it is not right for us to be in this premise without him welcoming us and as you know and as you are aware, Parliament is right now sitting. So thank you very much, Rt hon. Speaker.

As EALA we were indeed very touched by the recent attack at the Westgate Mall that claimed lives of innocent Kenyans and destroyed property worth millions of shillings. We condole with you, the legislators and the people of Kenya and we condemn all those behind this very terrible atrocity.

As EALA we shall continue to hold regular consultations with you to ensure that the integration process is strengthened. Article 49 of the Treaty for the Establishment of the East African Community envisages the liaison with national assemblies of the Partner States on matters related to the Community. It is pleasing to note that the 11<sup>th</sup> Parliament has now established a fully-fledged regional integration committee. EALA has already engaged with the committee led by hon. Florence Kajuku and we look forward to strengthening the ties even further.

Allow me to report that she, along with the delegation of Kenya National Assembly attended the Nanyuki 7 in Entebbe, Uganda and also attended effectively the Global Parliamentarians on Habitat and Millennium Development Goals conference which was held in Arusha.

Rt hon. Speaker, I further welcome you to the Speakers' Forum which is the political bureau club of the East African Community Speakers that meets regularly to deliberate on the integration process. I take this opportunity to inform you that Kenya currently chairs the Speakers' Bureau and at this material time I want to state that Rt hon. Justin Muturi is the President of the Speakers' Bureau of East African Community.

At an appropriate time, we will brief you on the progress. I believe we shall have another opportunity and we shall be able to avail ourselves to even deeper issues which concern both our parliaments and our peoples of East Africa. So I will say that will offer us yet another opportunity of enhancing the widening and deepening of the East African integration.

With these few remarks, permit me to welcome you, Rt hon. Speaker to make some remarks of welcoming us to Nairobi and more specifically to Kenya National Assembly.

*(Applause)*

**The Speaker, Kenya National Assembly (Mr. Justin Muturi):** The Speaker of the East African Legislative Assembly, hon. Members of the East African Legislative Assembly and hon. Members from the Kenya National Assembly that may be present, ladies and gentlemen, it is my pleasure and honour and singular privilege to welcome you to Kenya and particularly to the Kenya Parliament and to address you on this auspicious occasion of your Third Meeting of this Session of the Assembly.

Hon. Members, I am hoping that you all feel completely welcome and ready to discharge the business before the Assembly at this sitting in Nairobi. As speaker of the Kenya National Assembly, I will endeavour to put in place adequate measures to ensure your comfort and provide the requisite facilities to enable delivery.

*(Applause)*

First all me at the outset to take this singular opportunity since I was elected the Speaker of the Kenya National Assembly on 28 March 2013 to personally congratulate the hon. Margaret Zziwa, MP for being elected the Speaker of the East African Legislative Assembly.

*(Applause)*

I do also take this opportunity to personally congratulate all Members of the Assembly for your election to the Assembly.

*(Applause)*

I do know that indeed this is more than a calling and that whereas I preside over the National Assembly of Kenya, East African Legislative Assembly has legislative functions as well as oversight of all East African Community matters.

Further, the enactment of legislation of the Community is reflected by the Bills passed by this Assembly and assented to by Heads of State and every Bill that has been duly passed and assented to, to become an Act of the Community and takes precedence over similar legislation seven in the Partner States. This is indeed an honourable task. Hon. Members, we all know that East African Community to promotion of good governance is rooted in the provisions of Article 6 paragraph (d) together with Article 3 paragraph (b) and Article 7 sub section 2 of the Treaty for the establishment of the Community.

This clearly embraces all Partner States to uphold good governance through adherence to the principles of democracy, rule of law, accountability, transparency, social justice, equal opportunities and gender equality. These are coupled with recognition, promotion and protection of human and peoples' rights as enshrined in the provision of the African Charter on human and peoples' rights.

Nonetheless, it is the bigger vision of members that matter with immediate tangible desires and expectations from each Member State to have a process, system and coordination of realisation, implementation and actualisation of the set out policies and laws.

As you transact your business, kindly take time to engage and be part of the initiative to network with the parliaments of Partner States and in particular now that you are in Nairobi, the Kenyan Parliamentarians as you implement your strategic plan, which was launched in 2012.

I urge all of you to roll up your sleeves and do all that it takes to leave for a legacy inter alia, an enduring and enabling environment that will see the culmination of the aspirations and expectations of our constituents, the people of East Africa.

Finally hon. Members, I reiterate that the Kenyan Parliament will remain steadfast in the support for the East African Legislative Assembly as ... to enable it actualise the realise the actualisation of the dream and mandate of bringing the East Africans finally together as one people with one destiny; the East African Federation in the fullness of time and if I may hasten to add, as much as possible in our time.

Welcome once again to the Parliament of Kenya and to the country. On behalf of all hon. Members of the Kenya Parliament and staff, I wish you most fruitful deliberations. I thank you.

*(Applause)*

**The Speaker:** thank you very much, Rt hon. Speaker. There was no better person to welcome us to Kenya National Assembly other than yourself and we feel privileged. Allow me to invite hon. Bernard Mulengani to say the right words to the Rt hon. Speaker in appreciation to his welcome.

**Mr. Bernard Mulengani (Uganda):** Thank you very much, Madam Speaker for the opportunity you have accorded to me to say words of thank you to the Rt hon. Justin Muturi, the Speaker of the Kenya National Parliament

Before I begin giving my thanks on behalf of my colleagues, I want also to thank the government and the Speaker of the Kenya National Assembly for the hospitality and warm welcome we have received since our arrival in this country. Whenever we touch base in Nairobi, we have one word at mind; *mujenjoy* and we have indeed started to *jenjoy* in Nairobi.

Madam Speaker in thanking the Rt hon. Speaker, I want to draw attention to basically what he said that he will put in place adequate measures to make our stay comfortable and enable us attain our goals and aspirations in this sitting of the integration. People who have worked with the Rt hon. Speaker Justin Muturi in the recent past will tell you that he is a strong believer in the separation of power and in particular the independence of Parliament.

I want to refer to one issue when some time back we read that court wanted to stop Parliament from tabling and discussing a report that concerns Judicial Service Commission. You were able

to stand your ground, Mr Speaker for Parliament to proceed with the matter in line with the principle of separation of powers. We want to thank you for that.

Also when your Members were in quest to mend their welfare, you have always stood with your Members. Madam Speaker and Members, leadership of Parliament demands that as a Speaker you listen to your Members and we want to thank you for that gesture.

As EALA we are indeed very proud of your way of leading and your way of managing the Assembly. We have a lot to learn from you, Mr Speaker.

Madam Speaker, in thanking the Speaker for the time he has accorded us regardless of the tight schedules you have, we want to call upon you, Speaker that in December we shall be having an Inter Parliamentary football tournament. We want all the Speakers to converge in Kampala and give strength to this activity which we see as a strong activity that goes out to do sensitisation to the public. We also use it as a tool to be able to inform the public of the existence of the integration but also we use it to interact with our colleagues in the Member State Parliaments.

Lastly on behalf of my colleagues, I want to say thank you to Rt hon. Speaker Justin Muturi for the time you have accorded us and the message you have given us will not be taken lightly. We shall continue admiring your way of administering the Parliament but also as I said, we have a lot to learn from the way you are steering Parliament of Kenya and as an EALA Assembly, I think with the one year that you have been in place, we are also one year and a few months old and we need to do things the way you are doing in this Assembly.

Lastly on behalf of my colleagues, *asanteni sana*, thank you for finding time to address us. Thank you very much.

*(Applause)*

**The Speaker:** Indeed those words could only be said by hon. Mulengani. Rt hon. Speaker, I cannot add more to very articulate words but I want to assure you that during the two weeks which we shall be here in Nairobi, take us as your Members and integrate us in your activities and do not mind seeing us anywhere in the lobby or canteen or club because that is where we belong from your very words.

Hon. Members, allow me to suspend the House for 15 minutes to allow our guests to take leave of us and we resume in 15 minutes. House stands suspended.

*(The House was suspended. Upon resumption, the Speaker presiding\_)*

PRESENTATION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE,  
TOURISM AND NATURAL RESOURCES ON HOW TO MAKE AGRICULTURE

# INVESTMENT WORK FOR AFRICA: A PARLIAMENTARY RESPONSE TO THE LAND RUSH

## MOTION

**THE Chairperson, Committee on Agriculture (Ms Isabelle Ndahayo):** Madam Speaker, I beg to move that the report of the Committee of Agriculture, Tourism and Natural Resources on the workshop on making agriculture investment work for Africa: A Parliamentarian response to the land rush be adopted. I beg to move.

**The Speaker:** Seconder? Hon. Kumi, hon. Dr Odette, hon. Celestin, hon. Kidega, hon. Leonce. Proceed, you have been supported.

**Ms Ndahayo:** Thank you, Madam Speaker. The report on making agriculture investment work for Africa: A Parliamentarian response to the land rush is made of seven parts; the first one is introduction; objectives and methodology; findings of the workshop; outcomes from working groups; recommendations; conclusion and lastly acknowledgement.

Madam Speaker, in this report we also have a final declaration as a result of the workshop. I would like to request that as we adopt this report, this declaration be adopted also.

Madam Speaker, the Treaty for the Establishment of the East African Community (EAC) mandates the East African Legislative Assembly (EALA) to legislate for the EAC to ensure the full realisation of the Community's objectives. In executing its functions, EALA works through standing Committees, among others Agriculture, Tourism and Natural Resources.

In respect to articles 111 and 114 of the same Treaty, East African Legislative Assembly, through the above Committee, co-organized with the Pan- African Parliament, a two day workshop whose topic was "*Making Agricultural Investments Work for Africa: A Parliamentarian Response to the Land Rush*".

Madam Speaker, the seminar was the third of its kind across Africa over the past two years and will continue through 2015. The Pan African Parliament initiated the project as a response of African Parliamentarians to the frenetic pace of speculation and investment in African farmland and the impact of this investment for rural development on the continent. It was organized in collaboration with the Association of European Parliamentarians with Africa (AWEPA) and the International Institute for Sustainable Development (IISD).

The workshop brought together over ninety participants, including parliamentarians from the East African Legislative Assembly Committee on Agriculture, Tourism and Natural Resources, Pan- African Parliament, CEMAC and ECOWAS as well as both Chambers of the Rwandan Parliament; representatives from civil society, the private sector, international organizations, the United Nations (FAO and UNECA) and other relevant stakeholders equally participated in it.



High-level attendees included Rt. Hon. Margaret Nantongo Zziwa, Speaker of the East African Legislative Assembly; Hon. Rose Mukantabana, Speaker of the Chamber of Deputies of Rwanda; Honourable Juliana Kantengwa, 4th Vice-President of the Pan-African Parliament and Hon. Vincent Mavoungou , President of CEMAC Parliament; Dr. Agnes Kalibata , Minister of Agriculture and Animals, Rwanda and Minister in the Prime Ministry of Rwanda in charge of Gender, Ms. Oda Gasinzigwa.

Participants heard from many resource persons from across the East Africa region, with one resource person contributing via video-conference from Liberia.

## OBJECTIVES AND METHODOLOGY

### Objectives

The overall objective of the workshop was to address issues around land and the implication for food security and peace and the roles of parliamentarians in monitoring foreign investments in the agricultural sector;

The specific objectives included to :

- Sensitize East African parliamentarians and citizens on land issues;
- Develop directives on good governance on land;
- Develop rules on investments in Agricultural lands to secure the benefits of these investments for African countries and citizens;
- Raise awareness on the Maputo declaration (10% GDP budget allocation to the agriculture sector and 6 per cent growth ); Parliamentarians and citizens should be better informed on this issue in order for them to urge governments to meet this commitment.

### Methodology

Madam Speaker, the workshop was carried out in a participatory approach that included many technical presentations followed each one by a discussion and one video-conference; exchanges of experiences on key various issues linked to land and agriculture issues also were used as methodology. Group works were also used as a methodology to allow participants to come up with a road map and an Action Plan in the area of agricultural investments.

## FINDINGS OF THE WORKSHOP

### Emerging themes from debate on presentations

Fifteen experts on agriculture, food security, land, water and investment presented findings from current research. They came from civil society, private sector and international organisations,

mostly from East Africa. They provided a mix of hard data and community perspectives on the issue of foreign investment in agriculture.

Participants were seized with the urgency of the issues presented during the two-day conference and generally expressed indignation at the current state of affairs, including their own lack of information. They were enthusiastic to find immediate solutions to reverse current trends and/or block any future land deals pending a comprehensive revision and establishment of mutually beneficial criteria for foreign investment.

Madam Speaker, the following issues were of key concern during the debate:

### **Gaps in Knowledge and Access to Information**

The lack of information accessible to parliamentarians was a source of frustration for all present. This is considered one of the single largest obstacles for parliamentarians to take action and/or protect their electorates. For example, some parliamentarians said that Bilateral Investment Treaties and other investment agreements should be and discussed in parliament before they are presented for ratification. Representatives from the African Union and other international organisations agreed to better communicate their activities and available resources to parliamentarians and other branches of national government, in order to reduce knowledge gaps.

Many participants mentioned that local communities are also unaware of their rights, and in this way they are easily persuaded by investors to give away their natural resources. Participants were particularly concerned by testimonies from civil society groups in Uganda and Tanzania and local pastoralist communities in Kenya. It is the role of civil society, as well as national governments, to provide reliable, accessible information in local languages to communities who may be victims of land grabs. Many are unaware of the market value of their land and are willing to sell it for below-market rates.

### **Ownership and Voice**

The issue of ownership of land, government policies and decisions that affect people was raised on numerous occasions. There was concern about the relatively weak response by parliamentarians and governments with respect to large-scale land-based investments in East African countries. One participant said: “As leaders, it is our role to determine which land is open for FDI, how much of it, and what are the best – mutually beneficial – uses for it.” There was also a strong feeling that existing investment policies should be revisited to ensure they benefit local communities as well as the investor, and that they do not jeopardize gains in social development nor deplete natural resources. Another participant said: “Financial resources for investment can be created within our own countries. How can we continue to lament colonialism when we do not react?”

Land tenure regimes in the region are notoriously weak, and this can be detrimental – if not catastrophic – for smallholder farmers confronted with an investor who just signed a legal contract with the government.

## **Long-term development goals vs. short-term needs**

Participants saw investment as an issue that will affect the ability of future generations to live and prosper in their native countries. The impulse to respond to immediately economic needs should be balanced with future implications of current land deals. One participant said: “Our eagerness for Foreign Direct Investments (FDI) should not blind our long-term view to plan for future generations. At the end of the day, the entire continent will be sold to foreigners and our children will have no voice. They will be living under absentee landlords. We should look at the future implications of our decisions, and the impact on tomorrow’s generation [when crafting a response].”

## **Need for Consensus or a Common Approach**

Participants felt it would be difficult to make progress if parliamentarians only work among themselves. NGOs, elected officials and other stakeholders should craft a common response strategy. They called for a harmonization of terminology, shared analysis of the problem, and common recommendations for action in East Africa.

Participants also support the creation of model laws and model investment agreements to serve as guidance for countries within the region. If laws and criteria for FDI in agriculture were harmonized, East African countries would be in a better negotiating position vis-à-vis foreign investors.

## **Being proactive**

Participants felt that governments in the region should do a better job of assessing their land and water resources to determine the type of investment needed to achieve national development goals. Investment can then be directed towards nationally defined priorities. Contracts with investors should be bound by national laws which define what investors can and cannot do, where they can invest/exploit, and what protections they are granted.

Parliamentarians should seek out and attract responsible and equitable foreign investment and ensure land is used to its full potential. This includes ensuring an equitable distribution of investment returns and mutual benefits. It requires better parliamentary oversight, robust legislative frameworks, consistent monitoring, and transparent communication and information dissemination on activities and resources.

There was consensus to put the Maputo targets and agricultural development firmly on the agenda. One participant said: “at the end of the day, we should be able to contribute to our own development.” Another participant said: “those who do not comply with Maputo ... should be called out.”

A few participants called for a freeze on investments until parliamentarians are better equipped to respond. This was a topic of heated debate where some participants felt that such action should not be taken hastily. While others felt that too much is at stake to risk any additional deals being signed without having proper legislative frameworks in place. Some participants argued

that enough information is available to begin work on such legislation and parliamentarians should be confident in their ability to respond immediately to this problem.

### **Best Practices and Inclusive Business Models**

There were four presentations providing practical, ongoing examples of inclusive business models and best practices in agriculture policy reform in East Africa. In these cases, the government was successful in attracting private foreign investors while ensuring that local farmers are employed by the investment scheme, therefore protecting and enhancing their livelihoods, creating equitable growth and social and economic development for the communities involved. In addition, the presenters highlighted the critical role of civil society in empowering local communities.

### **Tanzania: The Role of Civil Society**

Madam Speaker, Tanzania has a robust legislative framework to protect smallholder farmers. However, the government has also launched an initiative with the private sector to promote large-scale industrial farming, with potentially devastating results for smallholder farmers. Civil society groups have responded with a comprehensive sensitization and community-led monitoring campaign. They are engaging with local and national government structures to support village-level land-use plans; build awareness of land rights; build the capacity of community leaders and farmers to defend themselves against land-grabs; and establish an information center as well as an SMS-based monitoring system. In this way, villagers can send information on problems they are experiencing via free text message to a switchboard who is in turn responsible for researching the issue and working directly with the community to find legally-based solutions.

### **Uganda: Vegetable Oils Development Project**

Madam Speaker, the inclusive business model presented here was successful because it incorporated the following basic principles:

- Multiple financiers: the project is funded by IFAD, Government of Uganda, the private sector (investor) and farmers themselves;
- Government played an active role in setting up the investment;
- The project is based on a crop with a high market value (palm oil is the most imported agricultural product in Uganda);
- The opportunity is only open to investors who have a vested interest in protecting the rights of farmers and the environment;
- Ownership: farmers own a 10 percent share of the investment, and keep control of their land: 3,500 hectares out of 10,000 total hectares is currently under exploitation for the project;
- Representation: the farmers hold two positions on the project's board of directors; 1/3 of community leadership positions are filled by women;
- Access to credit: farmers are able to access attractive loan schemes set up by the project. They also have access to technical know-how, improved seedlings and an improved road network; and

- Equitable risk sharing: the private sector absorbs the market risk by agreeing to purchase the entire production; government absorbs the risk of crop failure due to natural disasters.

### **Liberia: Extractive Industries Transparency Initiative Act**

In 2009, Liberia introduced the Liberia Extractive Industry Transparency Initiative Act (the LEITI Act), which requires all payments by individual companies and operating contracts and licenses to be published and reviewed on the LEITI website. It is the only country in Africa, and possibly in the world, to enact legislation requiring all foreign investment contracts in all natural resource sectors to be made public. It serves as an important model for legislation on transparency in investment that can help improve the oversight and monitoring efforts of parliamentarians.

### **Rwanda: National Agriculture Development Strategy**

The Rwandan Minister of Agriculture and Animal Resources, Dr. Agnes Kalibata, presented the situation of agriculture in Rwanda. She presented Rwanda's strategy for increasing public and private investment through improvements in crop and livestock production, irrigation, post-harvest facilities, research and development and promoting exports and high-value crops.

### **WORKING GROUP OUTCOMES: THE WAY FORWARD**

Madam Speaker, in the way forward, three working groups were formed. The aim was to develop a plan of action for how parliamentarians can respond to the foreign investment in farmland and water. The working groups had to identify priorities and make concrete suggestions for parliamentary initiatives at the national, regional and pan-African level, including closer collaboration with the African Union and the East African Community. They committed to work on the following issues:

- Support the Implementation of the Nairobi Action Plan of the Land Policy Initiative. This includes: approving the report on large-scale land-based investments; organizing public hearings; developing partnerships with key African institutions; drafting legislation on large-scale land investments; and monitoring and evaluation of investment projects.
- Improve Laws on Transparency. Explore the possibility for a model law on transparency for investment in land. The first step is to prepare an overview of existing transparency laws in Africa and then propose a draft that builds on current policy and practice.
- Improve Laws on Investment, Land, Agriculture and Natural Resources. Identify gaps in existing laws and propose new laws. Strengthen laws for vulnerable groups (women, pastoralists, etc.). Collect examples of good practices and existing domestic laws, particularly on acquisition and distribution of arable land. Parliamentarians also identified a need to explore tools to support communities around the issues of relocation and compensation for lost land.

- Develop a Model Investment Contract. Review existing investment contracts for agriculture in Africa and develop a model contract that can be adopted by individual countries or regional economic organisations.
- Conduct Environmental and Social Impact Assessments. There was a call for preliminary environmental and social impact assessments before projects are approved in order to highlight key issues that may arise.
- Consider Alternative Business Models for Agriculture. Each business model is context specific but some guiding principles for good business models include: inclusion of communities, mitigating risk for the investor, be in line with national development objectives, involve technology transfer and support shared ownership of productive resources between investors and the community. Parliamentarians can play an oversight role but more information is needed on good practices, current trends and development needs.
- Build Capacity of Parliamentarians. Partner organisations should help build the capacity of the parliamentarians to understand the key issues, and to negotiate and engage in the investment process. break-out groups to discuss the below topics. The embedded links are the outcomes of these discussions.

### **Comments from the Plenary on Working Group Outcomes:**

- The Land Policy Initiative (LPI) is working with ECOWAS to build convergence among 14 countries in the region with respect to introducing a framework to harmonize land policies. Participants were interested in the initiative and felt it may serve as an example for a regional approach to land policy focused on integration and cooperation.
- Participants highlighted the need to emphasize the importance of local investors. Rwanda's success is based on the recognition of partners and partnership with civil society and other stakeholders. In addition, the government of Rwanda addressed the issue of land grabbing directly. Although not a huge issue in Rwanda, where it did exist, the government was able to redistribute the land, with farmers taking center stage.

### **OVERALL COMMITTEE RECOMMENDATIONS**

Madam Speaker, from workshop presentations, discussions and group works, the Committee recommends as follows:

1. Governments of EAC Partner States should implement legally binding and enforceable obligations on investors to ensure that investment contributes to the local economy and well-being of society.
2. Partner States Governments should develop and implement a strategy to respond to the land rush in their countries.

3. Parliamentarians should ensure that Partner States establish clear priorities for investment to ensure a better position at the negotiating table.
4. Parliamentarians of East African Community region should strengthen monitoring and performance with respect to implementation of AU Declaration on land, CAADP, Maputo and other international agreements;
5. Parliamentarians should monitor implementation for compliance with contracts and regulations;
6. They should improve access to information (by being pro-active) and use empirical evidence when designing legislative reform; in addition, they should be more active in global forums and platforms to ensure information flows.
  
7. At national level, parliamentarians should conduct oversight of national budgets and public expenditures to ensure decisions made on financing agriculture investments are in line with assessments of vulnerability, priorities and cost-effectiveness. Moreover, parliamentarians should prioritize agriculture development as an engine for growth, especially with respect to youth employment.
8. Parliamentarians at national level should organize public hearings on land deals and negotiations and report on the process by which land deals are arranged to strengthen accountability mechanisms on their governments;
9. Parliamentarians of EAC Partner States should look at the sources of weakness in land tenure systems in their countries with a view to strengthening them, as well as protecting the rights of vulnerable groups, in particular women and pastoralists;
10. Non Governmental Organizations and other independent international and national organizations should work in line with a prescribed policy and strategy, and should consider national governments as an ally as opposed to a constraint in accomplishing their goals and objectives.
11. International organizations like the World Bank have a certain responsibility as many land deals are financed through them; the Committee therefore suggests a call for a freeze on World Bank-financed, land-based investments.
12. Parliamentarians in East Africa should establish Joint Monitoring Teams (JMTs) between themselves and Parliamentarians from land acquiring countries as a mutual accountability tool to share information and take action;
13. Parliamentarians should develop partnerships to foster regular engagement (including regional parliaments) with respect to the African Union Land Declaration
14. African Union should submit key information on Large-Scale Land based Investment to EALA and PAP for relevant motions to be passed.

## CONCLUSION

Madam Speaker, the workshop which brought together African Parliamentarians to deal with the issue of investments in agriculture and point out particular roles of Parliamentarians in that area to make it profitable for the African continent was very successful. It was very formative and informative at the same time. It allowed Parliamentarians to come up with an Action plan and a Declaration in which they committed to, working based on transparency, strengthening existing laws and adopting new laws on all aspects of investment in land, water and other natural resources. They emphasized the need for attracting investment that contributes to poverty reduction, food security, increased employment, infrastructure, technology transfer and protection of the environment. They requested governments to implement legally binding and enforceable obligations on investors to ensure that investment contributes to the local economy and well-being of society. They also called for consultations with local communities and other affected people, prior to concluding land deals and based on free, prior and informed consent. They advocated the creation of a network of parliamentarians on responsible governance of investment and land.

We are very happy to share with this August House this report and request the entire House to adopt it and commit with us to bring a contribution in executing main points reiterated in the adopted Declaration.

## ACKNOWLEDGEMENT

The Committee appreciates the Speaker of the East African Legislative Assembly for her continued facilitation to the Committee to allow it fulfill its mandate in partnership with the European Parliamentarians with Africa (AWEPA).

The Committee expresses thanks to the Hon. Rose Mukantabana, former Speaker of the Chamber of Deputies of the Republic of Rwanda and Ms. Juliana Kantengwa , 4th Deputy Speaker of the Pan African Parliament for gracing the important event by their presence and particularly for the closing of the event.

The Committee extends its appreciation to the Pan African Parliament, the Association of European Parliamentarians with Africa (AWEPA) and the International Institute on Sustainable Development (IISD) for co-organizing with the East African Legislative Assembly ( EALA) a very important activity on a theme that we all cherish , knowing that agricultural land is the cornerstone of our economies.

The Committee finally thanks Resource Persons who accepted to share their knowledge of Investments in Agriculture and on land issues with other Members of Parliaments of the African Continent.

Last but not least, I thank our technical team (the clerks of Committees on Agriculture from both Parliaments) for working collaboratively to bring a final Declaration to be adopted by the Forum.



Madam Speaker, I beg to move.

*(Applause)*

**The Speaker:** Thank you very much, hon. Isabelle Ndahayo for that very comprehensive report. I am sure that it is so crucial because the issue of land grabbing, land possession and land for investment is highest on the agenda both at the international foras and in Africa.

Hon. Members, the motion on the floor is that the report of the Committee of Agriculture, Tourism and Natural Resources on how to make agricultural investment work for Africa be adopted. Debate is open.

**Mr. Zein Abubakar (Kenya):** Thank you very much, Rt hon. Speaker. On the onset allow me to say that I support the motion and the report and I would like to extend my gratitude and thanks to the Chair of this committee; hon. Isabelle Ndahayo and the members of this committee.

This report is a very important one for our Parliament but also for Partner States. I support this report for a number of reasons and the first one is the process of coming up with this report. The process of coming up with this report is important because it has enhanced our role as EALA in parliamentary diplomacy by engaging with the Pan African Parliament and also engaging with other regional parliaments in Africa to address a critical issue that faces our people continent wise.

So I would like to say thank you very much to this committee for expanding this engagement with other regional parliaments but more importantly, by engaging with the Pan African Parliament on these issues.

This is important because we will be able, not only as they have covered in the report in terms of sharing good practices and learning lessons from each other but it is also important in building consensus on what principles we should set up as African people continent wise in terms of governing the administration of land.

It is important also to say that this is one of the most important natural resources that God has bequeathed the people of Africa and that we have a responsibility to engage and develop policies that will ensure the sustainable management of this natural resource. So the question of sustainability is critical, that we in this generation and coming generations must develop an attitude that we owe future generations the right for them to enjoy this land that we have found and enjoyed ourselves.

Secondly Madam Speaker, allow me to say this. I agree with them when they point out that land is not a matter of the East African Community yet. But if you look at our Treaty and you go to

areas that deal with cooperation on matters that touch on agriculture and food security in Articles 105-110, if you look at cooperation in environment and natural resources dealing with environment in Articles 111, 112, 113, 114 and so on, those articles deal with aspects of land. We may say we are not dealing with land per say but all those articles deal with land. Can you talk about irrigation without talking about land? Can you talk about climate change without talking about land? Can you talk about farming without talking about land?

So in essence what we are saying is that although I know it is a sensitive issue and many a time we as African people and our governments including parliaments shy from touching issues that they consider sensitive yet it is absolutely critical for us to touch on those sensitive issues because they affect the lives of our people.

Thirdly Madam Speaker- (*Interruption*) I will always receive information from Chair of Regional Affairs emeritus.

*(Laughter)*

**The Speaker:** Take it with note that the new facilities time us to five minutes.

**Mr. Sebalu:** Thank you. I just want to bring it to the attention of hon. Zein that the committee was proceeding on the understanding as per the Common Market Protocol where the issue of land was bracketed and is still under the domain of national jurisdiction. That is where the committee was coming from in order to indicate that way but definitely as a committee we do appreciate that this is a matter that we need to engage but we are also mindful of what is pertaining as per the Common Market Protocol. Thank you.

**Mr. Zein:** Madam Speaker, I would like to thank hon. Sebalu for the information but if he had listened to me carefully, I had said in the context that yes I understand this but in spite of this, I would like to draw your attention and ask the indulgence of the House to consider what I consider important matters that are surrounding this issue although it is not part of a matter that can be discussed now.

My understanding is this. If we are going to coordinate our actions at a continental level, we can also coordinate it at our Community level. It is a matter of saying we must understand each other from where we come from.

I will speak about Kenya which was the third point I wanted to talk about. That in Kenya after adopting the 2010 Constitution, we have said, only Kenyans can own land in Kenya. Others can rent it, can become tenants and as long as it does not exceed 100 years so that we are putting limits. If you look at the land chapter in the Kenya Constitution, it starts with principles concerning that land. We recognise land of three types; public land, community land as well as private land. So when I call upon saying we can engage, I am not saying we should go beyond our constitutional frameworks. I know each Partner State has these constitutional frameworks.

Let me finish, Madam Speaker because my five minutes will be up any time, by calling upon hon. Isabelle Ndahayo and the committee and seek their indulgence that I pray and hope that they will transform this into a motion that can be passed by this House because where we are making prayers and recommendations, I do not think they are strong enough to be undertaken as a report of a committee.

So I challenge this committee- maybe that is not parliamentary language but I beg and pray that this committee would consider bringing a motion so that we can make those recommendations and prayers to the different important organs within the Community but more importantly to the Partner States Parliaments.

I thank you very much, Madam Speaker for your indulgence.

**Mr. Dan Kidega (Uganda):** Thank you very much, Rt hon. Speaker. As the tradition demands, I would like to express my sincere gratitude to the Republic of Kenya and the people for once again hosting us in this beautiful city but most importantly, for granting us the chance to sit in these very beautiful chambers that have already migrated from analogue to digital chamber. I think this is a great achievement. The principle of the Community states that we emulate good practices. Our chambers will soon look like this, Madam Speaker. I thank the Republic of Kenya.

Madam Speaker, fully aware of what has been stated by the previous speaker that the Protocol on Common Market gives the jurisdiction of land matters to the municipal law and also fully aware that the East African Protocol past ratified becomes part of the Treaty, I find myself limited to a few comments because I wonder how much we can do as an Assembly.

Also fully aware that the matter in the Common Market Protocol is not bracketed, it is already concluded and also fully agreeing with my honourable colleague Zein that all those provisions that have to do with agriculture which is in the Treaty is all about land.

I would like to express my personal disappointment with the provision of the Common Market Protocol that has denied the regional framework to give effective guidelines and use of land in this region. Madam Speaker, land is a primary factor of production and we are talking of economic development and harmonisation of economic policies and otherwise. I think hon. Zein that I cannot support you more by saying that we are just hiding our heads in the sand. If we are talking about economic transformation and development for this region, we cannot avoid talking about land.

I think it is about time we become bare and policy naked in terms of dealing with the sensitive matters that affect our people- (*Interruption*)

**Mr. Mwinyi:** Thank you very much, Madam Speaker. I think the Treaty and the Common Market Protocol does not prohibit discussion on land on the East African Community. What is in the Common Market Protocol is in relation to the ownership of land and not anything else. So

discussing about irrigation, farming, environment is not prohibited although it touches on land. The issue that remains within the Partner State laws is ownership of land so there is no contradiction. Thank you.

**Mr. Kidega:** Thank you so much, my good friend hon. Mwinyi. I am actually talking about that. I am talking about tenure system that needs to be harmonised. I am talking about how many landless people are in this region and I am talking about how many peoples' land are being grabbed and transferred unfairly to different ownership. I am actually talking about ownership. You cannot do something much with what you do not own. When we are together as a big entity, the regulation of unbefitting policy is easily done than when we are individually left alone. So it is that ownership matter that I am saying I am disappointed with the provision of the Common Market Protocol.

Madam Speaker, the nature of land is so unique. It is one of the few resources that God gave us that will never increase. With the exception of technology of people who are exploring what is in Mars and other planets, what is with us on Earth is consistently becoming smaller and not bigger. It is becoming smaller because of climate change. You have seen the typhoons, the heavy downpours in the rest of the world. Where is this water running to? It is running into the sea.

Environmentalists have predicted that those of us who are privileged by creation of God to be at the sea front will lose sizeable amounts of land at the water fronts of the sea meaning a lot of land is going to be lost to the building sea. Some islands are going to be lost and this region is not exceptional. We are going to lose land at water fronts, we are going to lose islands and all these matters require a regional framework of dealing with.

The UN convention on combating desertification came out clearly with a study that 25 percent of arable land of the world will be lost to desertification and 17 percent of the African arable land will be lost to desertification. Desertification does not only affect countries that are faced with the presence of a desert but the impact generally.

All these need regional frameworks to deal with. Individually the challenges will overwhelm us as a government. I do not know where to start from apart from coming with a motion. What we can do as a region to make sure- Needless to mention revisit some of these positions which we have put in place to see that our people benefit from what we can call coming up with implementable policies.

To the national governments, Madam Speaker I am at a loss and at this point I must declare my interest. I am-

**The Speaker:** I hope you will be found.

**Mr. Kidega:** Yes, I am one of those few Ugandans who by fact of birth still own land in terms of square kilometres. It is by fact of birth that I own that kind of land. I think it is important that our

national governments put in place mechanisms that help native land owners to put their land into effective economic use other than pushing the native owners away because they lack economic muscle or capacity to put the land to use.

I would be referred to as a huge investor in my country if I had supportive mechanisms to transform the land which was passed over to me by my ancestors into economically viable projects. So what we need to do is to identify our people; the native Africans and East Africans who own land and train them, give them inputs to transform their small holdings into huge enterprises that can supply the region.

The last point to our national governments is the question of investors. Madam Speaker, it hurts me the kind of investment incentives which are offered to our investors. You grant free land and you know the nature of land. You grant huge free land to investors. Apart of giving free land, you give obscene obsession of tax holidays to the same investors. Are we doing justice to our people? Are we doing justice to what we need to do?

And this could be better done at regional other than at national level. Madam Speaker, with those few comments I would like to urge members to support this report and we will work as a committee to make sure we introduce a motion to the House urging Council of Ministers to do a few things and particularly to respect the rights of peasants in land ownership. I thank you, Madam Speaker.

*(Applause)*

**Dr. Odette Nyiramilimo (Rwanda):** Thank you, Rt hon. Speaker. First of all I would like to thank the government of Kenya and the Parliament especially the Rt hon. Speaker who came to welcome us here. I want to also thank our colleagues from Kenya EALA chapter who have been receiving us here and there and who are making our stay very enjoyable. Thank you very much.

Rt hon. Speaker, I am a member of this committee and I rise to support the report. I would wish to ask our chairperson to also give this final declaration on the workshop on making agriculture investment work for Africa; what we committed ourselves to do because I think the hon. Members of this House would also wish to feel part of that commitment that was made by the parliamentarians who participated in the workshop.

You know that today with the world economy, people are rushing to come to Africa because they say now the wealth is in Africa or the crises in Europe and also Asian countries without naming the specific countries that we fear so much. All these people are rushing to come and grab our land. They go to rural areas where people do not know the real cost of land and they give them peanuts for square kilometres of land and they start developing and exporting the food which does not help Africa to have food security.

As parliamentarians of Africa and not only of East African Community, we have to protect our citizens and our countries and make sure that tomorrow we get up and all the land is not being exploited by foreigners.

Madam Speaker, that is what I wished to say and I beg all the Members to support. Actually this report was given as a motion and I think once we have adopted it as a motion. We will also have adopted all the recommendations that we have done in Kigali. Thank you, Rt hon. Speaker.

**The Counsel to the Community (Mr. Wilbert Kaahwa):** Madam Speaker, I thank you for giving me this opportunity to contribute to the motion on the floor which I intend to support.

Madam Speaker, I join issue with hon. Kidega and hon. Odette in thanking you, the Speaker of the National Assembly of Kenya, the National Assembly of Kenya and the Kenyan chapter for enabling the East African Legislative Assembly sit in this very beautiful Chamber for deliberations today. The ambience of this chamber suggests that our deliberations will be quite profound, fruitful and far reaching.

Madam Speaker, I also wish to request you and the entire membership of this House to join me in thanking God who has enabled the quick recovery of hon. Hafsa Mossi, hon. Twaha Taslima, hon. Shy-Rose Bhanji and hon. Bernard Murunya, all of whom were indisposed by the time we ended our last meeting in Bujumbura. They have, to the best of my information and observation, fully recovered. We thank God.

*(Applause)*

Madam Speaker, I thank hon. Isabelle Ndahayo and the Committee on Agriculture, Tourism and Natural Resources for presenting this quite elaborate and informative report to the House on the subject of agricultural investments for Africa.

To me, this report falls within a consideration of the provisions of the Treaty on agriculture and food security where the East African Community Partner States are enjoined to come up with a common agricultural policy to address all these matters and challenges.

From a legal point of view, there are some issues which I would like to bring to the attention of this august House with a request that the mover of the motion and the committee consider adjustment of the report accordingly.

In paragraph 3.11, the report points out- this is an observation- as one of the solutions, some parliamentarians said the bi-lateral treaties and other investment agreements should be discussed in Parliament before they are presented for ratification. To the extent that ratification is governed by legislation; by statutes. The best approach would be for this House to request that the law be reviewed with an intention of enabling Parliaments make an input into ratifications of treaties and such conventions.

The other point I would like to raise and suggest for improvement is on paragraph 4.0 where we have the working group outcomes on the way forward. One of these; the second bullet is improve laws on transparency and here the committee, according to the chairperson of the committee, is urging the exploration of the possibility for a model law on transparency for investment in land. The first step is to prepare an over view of existing transparency laws in Africa and then propose a draft that builds on current policy and practice.

This statement is more or less a contradiction because earlier on the committee observes that it is only Liberia which has got a transparency law so it would not be the first step to do an over view but the first step would be to consider coming up with transparency laws and not improving transparency laws but considering enactment of transparency laws since it is only Liberia that has the Act cited in place.

The other point is with regard to the working group outcome on environmental and social impact assessments and this is on the bottom of page seven where the committee observes that there was a wealth of preliminary environmental and social impact assessments before projects are approved.

I think the urge should be enhancement of the carrying out of environmental and social impact assessments because these assessments are duly carried out by NEMA and similar organisations charged with environmental management. So it should be with a view to encouraging these organisations to enhance the modalities of carrying out the assessments.

On the overall committee recommendations, I feel that recommendation eight needs to be improved because the way it reads gives a wrong picture of what the committee intends to address. It reads, “Parliamentarians of EAC Partner States should look at the sources of weakness in land tenure systems in their countries with a view to strengthening them.”

Anybody reading this report and who has not had the benefit of debating the report in this House will imagine that this House, if the report is adopted, intends to strengthen the sources of weaknesses. I think the word ‘them’ should be appropriately substituted for with the words ‘land tenure systems’ to read ‘with a view to strengthening the land tenure systems’.

Madam Speaker, lastly I want to join issue with hon. Dr. Nyiramilimo with regard to a need for an excuse between the main report and the declaration because when you read the report, you do not find an excuse between the main content and the final declaration and yet in my observation, the final declaration is part of the report. So there is need here in the recommendations to add another recommendation 14 that this House-

**The Speaker:** Counsel to the Community and chairperson Council of Ministers, I think those are very important additions which we need to look at when we come to the closure of the debate.

**Mr. Saole Nkanae (Kenya):** Thank you Madam Speaker for giving me the opportunity to contribute to this report. I am a member of this committee and I participated in the workshop and I learnt a lot of interesting things.

Before I contribute, may I take this opportunity to welcome the Third EALA Meeting, Second Session to this wonderful city of Nairobi? We call it the city in the sun.

Madam Speaker, I learnt four things in that meeting. I learnt my animal which I feared for five years how it fetches from Nairobi, Bamako and Middle East and I will give you a very good example. I also learnt that Africa, the black man's land is shrinking. Between Cairo and Khartoum, the original people are somewhere. Livestock has been neglected, tourism and animals are being exported or smuggled to the Middle East so very soon our wild animals will not be here.

Madam Speaker, I also learnt that the people who are buying our land are coming to produce food and taking it out so they are not investing for purposes of assisting us. They are feeding their people.

Madam Speaker, may I now give you an example of an animal which fetches KShs in Nairobi. The middle men bring it to Nairobi, he sells it with a profit of KShs 50. Somebody who was from Bamako who was in that meeting asked me, how much do you sell our animals here? I said I sell the biggest bull at KShs 40,000. He said the same animal after one month in Bamako fetches KShs 120,000. It crosses to the Middle East within a week and fetches KShs 420,000. The animal I have kept for five years, in two months is getting 10 times what I got. The same animal when it is slaughtered in the Middle East, the skin alone when they make a belt and bring it to Nairobi here; 200 of them from that big bull selling at KShs 200 fetches KShs 40,000; the amount of money which I sold my animal at.

Madam Speaker, that person who bought it at KShs 420,000, a kilo going across to Europe fetches KShs 10,000. So four kilos buys my animal. So you can see how we are losing by selling raw materials.

Madam Speaker, I said land grabbing is very dangerous although my friend said we fear to say the truth. A county in this country near Mount Kenya called County of Lkipia- the whole county; three quarters of that land is owned by not indigenious. So a quarter which is not even productive; there is no water is for the locals. Now they are targeting Kajiado and Naro to produce wheat. So my ... will never be the same.

Madam Speaker, let us take care of livestock as we take care of other things like tourism. Tourism in Naro I happened to witness a young elephant being exported or smuggled by plane to the Middle East. It is not being killed, it is being smuggled. So we have that kind of problem.



There is also a place in East Africa where I understand- I do not know because we were told in that meeting- when you cross to that particular which has been sold to somebody in the Middle East, it says you are now entering the Republic of United Arab Emirates. Here in East Africa. I will not mention the country but I think we can know.

Madam Speaker, wheat in East Africa is one of the best in the World but we continue to import wheat which is substandard and it is sold very expensively here and the farmer there produces the best wheat and it is bought very cheaply. The same wheat which is bought cheaply and known to be the best is blended with the poor one and sold at an exorbitant price. So we need to protect our farmers by buying their wheat very expensively and not encouraging the importation of sub-standard wheat which has stayed in stores for one to ten years; very dry and stale.

Thank you, Madam Speaker and with those few remarks, I congratulate my able chairlady who guided us very nicely in writing this report. If you are told about the shortage of land now and the amount of food we are going to lose, it is so pathetic so I support the report. Thank you.

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

**Mr. Abdul Karim Harelimana (Rwanda):** Thank you, Rt hon. Speaker for giving me this opportunity. I first of all want to thank and commend the Speaker of National Assembly of Kenya, members of the National Assembly, our brothers and sisters the Kenya chapter for the warm welcome they accorded us since our arrival in this beautiful city of Nairobi which was known also in early '60s and mid 70s as the half London.

Madam Speaker, I do not think we should be discussing these issues here as we look for a way forward because I think it is just clear and understandable. We would now be implementing the recommendations which we have here today and others which were made before. The reason is all the struggles which took place before independence for independence was about land. Someone came from very far across the Atlantic and Pacific and other seas and grabbed land from Africa and our grand fathers and mothers fought him physically until at the end of the 50s and early 60s we got back our land. This is what we call independence.

I think it was not a very small fight because we lost many people and some of them are still living. I think there is a case, I do not know whether it was finished from the Mau Mau representatives here in Kenya where they sued the government of the United Kingdom for the people who were maimed, others were killed and all sorts of torture they underwent because of the land of Kirinyaga.

Madam Speaker, now we are independent but we are still talking about the issue of land. What makes me wonder is that now the other time our grandfathers and mothers were fighting for the land to be brought back. Today we are giving it to people and freely. We call them, we go to them, *wazungu* we have free land here which is just redundant, take it from us. This is what is

happening today in Africa. We call them investors. We go to them, call them and give them land for free and yet we are still crying and lamenting. We do not have enough food.

The other time in one of the meetings I gave an example. We have a very big auction market down here in Mombasa. We grow tea, coffee, sim sim and many god things which are liked by the people across the oceans. They buy them on their conditions. Today the coffee is US\$ 2 per kilo. Tea is half a dollar per kilogram. You ask them to add some few cents, they do not want to hear you. If you do not want, we are going. Then you call them back, please take it and you give them another bag for free; *nyongeza* as we call it. They take it and after a while in their factories and industries, they bring it back. Yes you have Nescafe here, it is already there. 50 grams costs US\$ 5 on their conditions again. We do not have conditions at all. They take as they want and bring as they want and for us ours is just to say *asanteni sana* provided you have not killed us. Yes, we are dying slowly.

So Madam Speaker, I support this report and I support the declaration 100 percent but let us put in place ways and means of implementing these recommendations and declarations otherwise we will keep lamenting while we are the ones who are giving our things away for free.

Madam Speaker, I beg to support.

**Ms Nancy Abisai (Kenya):** Thank you very much, Madam Speaker for giving me this opportunity. I want to also take the opportunity to welcome Members to this beautiful city of Nairobi. My colleague forgot to say beautiful green city in the sun if it still exists but it is.

Madam Speaker, I want to raise two very important issues and I want to inform Members of the House that while we talk about issues of land, we may talk emotionally, passionately and raise a lot of issues so ably so to speak but do not forget that land is one of the issues that Kenya fought after elections in 2007. It is a very emotive subject.

Madam Speaker, land was on agenda four of the issues that were supposed to be discussed after the post-election violence. Kenyans fought badly because of land and let us not cheat ourselves that questions of land are issues that we can just talk about and say okay we have this solution. One, if I may give an example again of this country, it took us almost ten years to get a national land policy for this country which land policy spells out so many issues in terms of land management, and now we are in the process of developing a national land use policy which in itself is still contentious. People are even fighting about how we are going to implement some of the issues within the national land use policy. Land grabbing is something that we cannot ignore and this is something that Africans have perfected around the continent and of course even within East Africa.

I like this report on one thing; highlighting the example of Liberia. We need to have transparency on how business is conducted on land issues. Why are always getting extracted about investors who are coming? Let us talk about extraction. Right now for us we have a new ministry that s

dealing specifically with mining but what about the protection of small holder farms? What about the protection of those- Hon. Kidega you talked about owning land by virtue of being born in a certain place. We have people who have been displaced out of their own indigenous lands. This is how emotive this subject is and so when we talk about land, it is not even now a question of- the question of land ownership, the way we are talking about leases, is still contentious even though we did say in our Constitution 99 year lease. Even that was in itself not something that was easily arrived at.

So we need to think about whether we want to look at land as a resource especially when it comes to the region in terms of harmonisation of national land policies and unless we agree that we need to harmonise these land policies, it is very difficult for us to understand the different aspects that affect our own countries at different levels. I think it is important because of the whole issue of secure tenure and that is why we have proliferation of slums. It is the whole question of lands and if we do not address the issues- People are being evicted all the time because of land. So unless we come up with solutions where we say, let us agree that these are the issues that divide us on land and then let us be open and transparent enough and address our fears and then we can find a solution on land otherwise we will talk about very many issues and policies on investors, mining extraction industries- I saw in the report we are talking about environmental impact assessment. These days we all know that is also being fraudulently achieved. There are buildings which are coming up and yet-

Those reports of environmental impact assessments are fraudulent in themselves. They are not transparent. We need to have transparent laws but Madam Speaker, I support the report but I would love to say that we need to come together to address the fears on the land question and speak openly and come up with a solution otherwise we cannot hide it and sweep it under the carpet and say we must just have this policy and we must just bring this because it is something that brings us together. I support the report, thank you.

**Mr. Adam Omar Kimbisa (Tanzania):** Madam Speaker, thank you very much for giving me the floor. First of all I commend the committee for the job well done.

Madam Speaker, the issue of land is a big problem and I was asking myself why now. One of my colleagues said, land grabbing in Africa is not a new phenomenon. In 1884 during the Berlin conference, the people with power and guns decided to divide our countries into pocket handkerchief states and the issue was about land. Our people were turned into tillers of land in their own areas and countries. I remember during the time for example there were some tribes which were categorically put to farm. One tribe was supposed to be the tillers. It was divide and rule. As my colleague said, the cry for independence came and our leaders by then got the ticket and support to fight both in towns, forests and rural areas. They were accepted because they were saying we shall bring back our land. This was the ticket. They did not say that you will get employment; they said we are going to get our land back and that is why they were supported

otherwise the support would have been very difficult because these people were landless, were marginalised and therefore they were tillers.

This is the second phase of land grabbing. The style is different. The first style was through bullets. This one is through a different mechanism and that mechanism is so cancerous you will not even notice when you have already given your land away. So I was asking myself a lot of questions; why now? Is it because land seems to be plenty in Africa? But there is a big jungle in Brazil. Why are they rushing to Africa in particular? Is it because we are so poor that we can sell our land at a giveaway price? Is it because our laws are inefficient and ineffective? Or is it because of corruption of our people? Is it because of a combination of all I have said?

Madam Speaker, my worry is once land is finished and so long as we do not have social security systems in place in time, the alternative option will be to fight between and among ourselves like what happened in the Arab spring and I can tell you that you cannot silence empty stomachs. You can have 50 percent of the army fighting 50 percent of the empty stomachs. You will finish them and you will have nobody to rule.

So what we need is to see what can be done. Of course I do not want to go into the semantics of land ownership in Partner States. Let the partner States own their land if they so wish. Do not worry about them. But we are saying we can still create harmonious laws which can help all of us and see because it is in my best interest to see people in Kenya owning land especially the subsistent farmers.

Hon. Kidega confused me a bit and maybe the committee also. If hon. Kidega owns half of Uganda because he is black and he is Ugandans, it is okay. If a foreigner owns ten acres, because he is white and because he is a foreigner it is not okay because the issue here is not who owns. The issue here is how do we protect the poorest of the poor whose only asset they have is a small piece of land? If hon. Kimbisa owns three quarters of Tanzania- (*Interruption*)

**Mr. Kidega:** Madam Speaker, I do respect the views of my honourable colleague hon. Kimbisa but I would like to volunteer to him some information that where I come from, the tenure system is communal ownership. I own square kilometres of land on behalf of other people and in perpetuity.

Secondly where I come from, it is very difficult to find any household who does not own at least five to ten acres of land. We do not have landless people. Thank you.

**Mr. Kimbisa:** Madam Speaker, I appreciate. I think he missed a point. I am talking in general terms about what we can do regarding land ownership. I am talking of the people who do not have land. Let me give an example of myself. If I own three quarters of the country is it okay? that is what I am saying. Just because I am Tanzanian so I should own a lot of land? I am saying what is fair is to institutionalise laws which will cater for every Tom, Dick and Harry and especially for the poorest of the poor. That is the point I am trying to bring out.

We have a lot of people who do not own land. In Europe, you may not own land but because of the social security system which is already there, you can eat, sleep and dress but in Africa once you lose the only property especially in the rural areas you are doomed and therefore we shall turn our people into another wave of working in Kimbisa's farm and the rest and say after all, he is getting a salary. What kind of salary is he or she getting?

So my point here is to protect those people but also at the end of the day, to protect our system because the moment we put these people on the streets, they will riot, they will revolt and that is what was happening in some parts of South Africa. (*Interruption*)

**Ms Byamukama:** Thank you, hon. Kimbisa for giving way. I think for the record, you may not be talking only about ownership of land because it may not be possible for each of us to own land. I think what is important and what you are alluding to is land use. I think we need to make that distinction otherwise we may have a problem because where I come from, not each of us can own land where I originally come from because of population explosion and therefore I think use would be a better term in this case. I thank you.

**The Speaker:** Try to wind up, hon. Kimbisa.

**Mr. Kimbisa:** Yes, Madam Speaker. I may not buy that relatively easily because here I am talking of- I do not mean that 100 percent of people should own land, no-

**The Speaker:** Equity.

**Mr. Kimbisa:** Equity, that is the word. I am talking about equity. We cannot all own land because some of us do not even like to till but I am saying the issue of making our people from the rural areas become economic refugees, migrating from the rural areas to the city because they have been deprived of their land is what I am saying. We have to stop and help them. Thank you, Madam Speaker.

**The Speaker:** I saw hon. Bucumi. Are you still interested in debating? Otherwise I will go to hon. Pareno.

**Ms Emerance Bucumi (Burundi):** Thank you, Madam Speaker for giving me the floor. Before I contribute on this report, I thank the government of the Republic of Kenya for accepting to host us. I also thank the Rt hon. Speaker of the Kenya National Assembly for accepting to come and address us. Thirdly, I thank our colleagues from Kenya for the warm welcome to us. Forth, I congratulate the Chair of the Committee on Agriculture, Tourism and Natural Resources for the report well elaborated.

Madam Speaker, we know that more than 70 percent of people in Africa live off agriculture. Let me talk about the Maputo Protocol where it is stipulated that there is need to allocate 10 percent of GDP in the agricultural sector. How many countries are implementing that protocol? Some

who pretend to implement it you will find 70 percent of the 10 percent is coming from the donors and you know the consequences of when these donors stop their support.

Madam Speaker, 10 years have passed after signing the Maputo Protocol but the outcome stays negative. It is not understandable that lack of political will to support our people who continue to suffer with hunger.

In 2000, I was in Japan and observed how on a very small plot they could harvest tonnes of rice because they have invested too much in that sector. For us it is not lack of land. Of course in some countries like Burundi there is need of land but the lack of thinking by our leaders for our population which is dependent totally on agriculture then we have to protect our land for those foreign investors. To invest in agriculture by the local investors will be one way to deliver the population of Africa especially for our region when we know that our continent is very rich in soil.

Madam Speaker, thank you very much and I support the report.

**The Speaker:** Thank you very much, hon. Bucumi.

**Ms Judith Pareno (Kenya):** Thank you very much, Rt hon. Speaker for this chance and I take this opportunity to welcome all of you to Nairobi and I ask that you feel at home.

Madam Speaker, I rise to support this motion and congratulate my chairperson for that report and the entire committee for a job well done. As has already been said, you cannot talk about agriculture without talking about land and I wanted to say that land is the most valuable resource that we have as East Africans and it is God given. We found it here and I think it is our duty to thank God by preserving it.

During the colonial days, the colonialists came and not only exploited our land but also our labour. I would dare say that in fact most of the progress they made and they now say they are developed countries is because of tapping into this particular resource when they colonised us.

I wish to say that we need to be very careful with the land rush. To me this is another way- We would call it new colonialism. Madam Speaker, if you look at the land rush like my senior colleague had said, it is all in Africa. Why are they not rushing to other continents? Why Africa? You have given an example of Brazil. They have large tracts but why is the focus on Africa?

In fact when we attended this particular session, we were informed that they have already exhausted their resource, most of them. Those who are rushing here have exhausted their resources so they are coming here to exhaust ours not to our own benefit but for their benefit and I think we really need to support this particular report and actually implement it because if you look at the recommendations we are saying we want transparency, we want proper laws and safeguards put in place so that when we allow them to come, they should not be coming to grab our land, they should not be coming to use it for their own benefit but to come and use it not for

their own benefit but we should be the most to benefit. Probably they can benefit but it should be beneficial to the East Africans.

Madam Speaker, for those who have been watching news in Kenya, all our 47 counties all over the country have been organising forums for investment. In fact the most recent attended by all and sundry inclusive of both sides of the divide was that of Machakos County. In this particular county, they said we are giving land free so come and invest. In fact there was a case in court by the Senator against the Governor for saying that he is giving out land free and he was saying no, it should not be free.

I think this report has come at the right time because it is something that should jolt the thinking of these people. Are we just calling in investors and telling them to come, land is free? Is it for our benefit? Is it worth it? Are we consulting with our people because we are saying in our recommendations in this report that we should actually consult. Let us have public hearings before we allow these investments. Let us have contracts that are transparent before you even involve these investors. It is a challenge even to the Kenyan country that we are in today. These 47 counties, are they engaging the people? Is the Governor just waking up and saying, come land is free? He has a vision yes. We respect them for that but are they consulting the people? Is it for the benefit of the people?

So I think this report has come at the right time and I think it is something that can be used as something that can be used to gauge what we are going into when we are calling for these investment forums.

Madam Speaker, I wish to say that we have suffered so much as a country because of bad precedents on how we manage our land tenure. I gave an example in this Assembly on another occasion and said that we even had leases that were going for 999 years. That is 1000 years. Surely, how can we be giving 999 years for foreigners? That is why at the end of the day, we reviewed our Constitution to reflect 99 years which I still feel is too much. Why would we give out land for lease for 99 years? We should have reduced it to 20 or 30 years and then from there you see what benefit you are getting.

Suppose you give out the 99 years and you are not happy; you are not getting returns, what do you do? So I think this is good exposure for us and Madam Speaker, I wish to say that I support this motion.

**The Speaker:** Thank you very much. I will take hon. Taslima, hon. Bazivamo in that order and Chair, Council get ready to respond. You appreciate that we need to manage ourselves accordingly.

**Mr. Twaha Taslima (Tanzania):** Thank you very much, Madam Speaker. I take sides with my colleagues who have spoken about paying tribute to our colleagues in Kenya and everybody for having received us in a very warm way. We are very thankful and we hope it will go on like that.

Madam Speaker, the economists and bankers refer to land as real property as if all other properties are not real. Land is the real property in the sense that once you command the ownership of land then you have something which everybody has to recognise your wealth because it does not diminish, it is not transferable; it does not come from one place to another. So land is really real property.

I should now give just a bit of Tanzanian experience. I remember during *Mwalimu* Nyerere's time there was some scarcity of food and President Reagan from USA said that if you have this consistent food shortage, how about me sending three farmers from America and I will make sure that these three farmers will only cultivate food and that food will only be consumed in Tanzania and the food scarcity will be over and you will be talking about other things. *Mwalimu* responded by saying that, that will be turning us back to that kind of feudalism which is totally unacceptable. If you read in your European history and others, feudalism is about holding a lot of land and making it your source of income and others become serfs.

Today we are talking about land ownership and land use. People who were there during those times are not almost five or ten times more but the land is still the same if we are talking about Tanzania for example. At Independence we were only nine million. Today we are more than 45 million and the land is still the same so the principle of land ownership should be given the most appropriate way of administration.

When I look at those recommendations on page nine; recommendation eight the one talking about protecting the rights of vulnerable groups in particular women and pastoralists, this is what I want to talk about. Land use in our countries is mostly farming and pastoralism. I would not agree to say that pastoralists are one of those vulnerable groups. In fact they are a group, which has strength to be reckoned with because particularly in Tanzania... (*End of tape*)

... because a person has a right to live wherever he wishes, therefore a person can come from Mwanza, go to Songeya, go to Dar es Salaam, go to Ntwara- Zanzibar it is a bit difficult. What I want to say is that for you to move around with your stock, with your herds of cattle, they go everywhere, they go to the land which is required by the farmers so the peasantry there suddenly are almost invaded by herds of cattle which number 1000, 2000, 4000 and at the same time all these people would like to have food. Food is being destroyed, these people come into fighting relationship.

As we speak, many roads are being blocked because for example some people somewhere know that the vice president or even the prime minister is passing through. They block that road and they say you are not passing here until you tell us what to do with land use because the farmers have grown their produce, the pastoralists will come and sometimes just leave the animals to go those *shambas* and it is terrible.



So I would not call the pastoralists as vulnerable groups but I would say it is a very urgent thing to be dealt with and I know this happens even with other countries so we must look for a quick and sustainable way of handling these pastoralists to live in line with the farmers.

I know in other countries for example in Europe and elsewhere that is why they have gone to zero grazing. You have a small area, you zero graze and that is all but since we have not started zero grazing system, we are in for trouble and at the same time the population is going up. I think there is a very urgent need to make these two kinds of people stay together. Thank you, Madam Speaker.

**The Speaker:** Thank you very much. I recognise that hon. Bazivamo has been consistently standing and hon. Mathuki will end on that note. You will appreciate that you reminded me that we should not continuously borrow time and I want to live in those means. I do not want to continuously borrow time so hon. Bazivamo if you are brief, hon. Mathuki and then Chair Council and we wind up in our regular time. But the Speaker's eye has caught hon. Ogle, hon. Sebalu, hon. Celestin Rwigema this time not- I have two Celestins now. Hon. Rwigema and I know very well that at an appropriate time, the next immediate opportunity those will be my first priorities.

**Mr. Christophe Bazivamo (Rwanda):** Thank you very much, Rt hon. Speaker. To begin, let me also thank the government and the people of Kenya as well as the EALA Kenya chapter for the warm hospitality. We appreciate Nairobi being not only Kenya's capital city but East African city. We encourage our cities to be the same.

First of all let me declare also that I am a member of the committee and I have been participating in all the meetings. This is the reason why I also rise to support the report because it really touches on very important issues especially this land grabbing issue.

When it comes to land grabbing, we directly think about agriculture and food security where we find that unfortunately our Partner States do not implement the Maputo declaration but on the contrary do promote land grabbing by promoting foreign direct investment and unfortunately doing it blindly in most cases with very unfortunate and negative consequences for our future generation.

This is very critical and a very serious matter especially considering that this trend promotes losing our independence and security in the future because it is a new form of colonialism and at the end it will be very problematic.

This should be seen as an East African Community potential threat; a potential destructive bomb in the future because when most of the land is owned by foreign land lords in the interests and benefits of their own countries and citizens, local communities and comforts and problems will be a strong cause of conflicts and consequently of destructive wars from those land lord's countries in the spirit of protecting their interests.

Let us say the example of Zimbabwe and what we have seen is in the same trend and we have to fear that and recall our Partner States to avoid this from happening. They should be aware that all this is very dangerous and they should take preventive measures before it is too late.

I would propose that our Partner States should have land use master plans to know what to do where and how and to see how to promote local investment and how to help our citizens to benefit from their land. Here I think putting in place other alternative sources of financing agriculture and livestock, how to out in place agriculture insurances and agriculture security funds so that local people can really invests in agriculture because the main problem here is not land ownership but also how to make land productive. If local people can make land productive then they will not go for foreign investment when the problem can begin.

To help in this process, I think EALA should pass these recommendations, adopt them and of course follow their implementation. In addition, we have to own the declaration and adopt it on making agriculture investment work for Africa and see how to follow up until our Partner States are satisfied with the outcome.

Rt hon. Speaker, for all these reasons I support the report, I support the declaration and I request the House to support and adopt this. Before finishing, I also thank our chairperson for the presentation of the report and I request all Members to consider this issue as a sensitive and very crucial one and to consider it as an urgent matter to deal with. Maybe from that, I request the House to urge the Council of Ministers to consider this report and the declaration and put in place mechanisms to make it implemented. Thank you very much.

**Mr. Peter Mathuki (Kenya):** Thank you very much, Madam Speaker. I stand to support this motion. Allow me to join my colleagues in the Kenyan chapter to welcome all of you as Members of EALA very humbly but of course dutifully.

I want to assure you that we shall not spare any effort to make your stay comfortable and if indeed there is something we need to do to make it more, we shall do so. I am on call 24 hours. Therefore when you see us slightly invisible, we are making things happen so that all of us are comfortable-

**The Speaker:** With the permission of the Speaker.

**Mr. Mathuki:** Thank you, Madam Speaker. Coming to the report, I want us to think seriously about productivity because I think this is the point we seem to be missing. Maybe from your very generous budget, you may wish to consider taking these Members to Japan at some point, not as a matter of welfare but as a matter of understanding what productivity means in economics; optimum utilisation of resources. If you go to Japan, you will never ever see any waste land that is not utilised but in Africa we are busy wanting to hold chunks of land and deserts close to our chests in the name of it is our land, it is my land.

I do not envy hon. Dan when he says he has so many acres of land. I hope he has not grabbed. What I am trying to say is that productivity and as an issue of land that we cannot avoid. In the Common Market Protocol, it is clearly stipulated about issues of land and I would wish to echo and congratulate His Excellency President Kikwete in his remarks this week and you echoed yourself and also Chair of Council that integration is there to stay, East African Community is there to stay, all of us are supporting it and therefore it is high time we looked each other in the eye and said there is no other way to do it than to support this.

Therefore, we cannot talk of right of establishment for example, we cannot talk of investments and we are not talking of matters of land. We must say land is a factor of production and therefore we must discuss and talk about it and forget about saying we shall kill one another, we shall do post election violence because the land is this and yet the land is bare and desert. What are we doing with this kind of land, Madam Speaker? I think we need to wake up to the reality that we need to wake up.

The county that hon. Pareno was talking about is my county; Machakos and what we have done is that we have said we want to give free land and what we are saying is that we want you to come and invest. If you invest, I can assure you, you put your sky scrappers in Machakos. In the event that you would want to go back, you shall leave those sky scrappers in that county and therefore there is nothing to worry about when you are talking about investment and matters of land. We need to embrace this and come out strongly and as an Assembly; we have a duty to tell citizens that they must not fear discussing issues of land.

Madam Speaker, I do not have much to say just to make those remarks and of course taking the fact that food security is an issue. Again at some point you look at cities like Nairobi where construction and buildings are coming up at the expense of food production. We have to be very careful and I support my colleague who said we need to go further and possibly develop this.

Madam Speaker, I think it is very important that we support the report. I thank you.

**The Speaker:** Thank you very much, hon. Mathuki. Let me invite the Chair, Council. This is a very important report that we need your commitment on it.

**The Chairperson, Council of Ministers (Mr. Shem Bageine):** I thank you very much, Madam Speaker and before I make my few remarks, let me also take this opportunity to thank the people of Kenya through the chapter for welcoming us into this beautiful city. I personally feel I am home again because this city was my home for over 23 years and I know what it means.

Madam Speaker, I have listened to a lot of the Members and I want to thank the chair of the Committee on Agriculture for producing this report. However I want to observe as follows:

One, I have been round East Africa and I have seen problems arising out of land use. We have situations where we have scattered settlements and continuously sub divide the land depending

on the culture of certain communities if not all whenever a man and women produce children, when they grow land is sub divided and each is given a piece.

This kind of trend is not going to help us to develop our economies using our only best resource which is land. It is therefore important that the Partner States should re-examine the land use and land policies before passing laws relating to land tenure and ownership.

I think it would help us if we can have policies that will move our people away from peasantry farming which is basically for feeding themselves without making any profit on their labour.

Secondly, I would have expected that the committee would have looked at a very important aspect of helping our people in developing their land and making a profit which is the cooperative movement. At one stage I remember in old times, in my own home district where they used to grow a lot of vegetables, they had cooperative societies and these had stores and other places and a buying mechanism that ensured that the peasant had at least a guaranteed price on his or her product.

Today if I talk of the experience of Uganda, the farmers are perpetually losing every year. they put in so much of their labour, they put in seeds, plant and harvest and because of the bumper crops, they sell at prices below what they have put in. this is why I think the committee should have looked at the cooperative movement and also along with that, the agricultural infrastructure that will help to market the product from the farmers at prices that will encourage them to go back and farm again.

Thirdly, land, whether we like it or not must be viewed as a marketable commodity. Nobody is going to invest in land unless one can have value attached to that land and that value is determined by the kind of tenure you have. Even when it is leasehold, it must be reasonably long in order to enable an investor to bring back his investment.

Therefore while we talk of land ownership tenure systems being different in the Community, I think it is important that we try and harmonise our laws so that what happens in Kenya is the same that happens in Uganda although land management will remain the responsibility of the Partner State.

Madam Speaker, we are talking of developing from where we are. We are regarded as least developed countries and we are aspiring to grow out of that into the middle income economies and how do we do this? We are not going to do this, as I said through peasantry farming. To do reasonable agriculture as a business requires two factors. One, a reasonably large piece of land and two, capital to inject in there.

Now our African businessmen in a majority of cases are small businessmen and sometimes I get worried when we emphasise the small medium entrepreneurs as if that is what we should be aiming at. We require a lot of inputs in order to turn round the use of our land and where we have

comparative advantage, so that we can produce food, supply our region and beyond and in this regard, and in order to assure our people that the land is not getting away from them, we should be looking seriously at the public private partnerships so that they enable people to put in money, people get employed and we add value to our products and improve our economies.

As I said earlier on, it might be worthwhile and I know years back the late *Mwalimu* Julius Nyerere had an idea but of course it was considered as communism but it would be advantageous for our people to be planned for in such a way that they have specific areas of settlement where services can be easily given and they vacate the land that can be left for agricultural production.

Of course it is necessary probably that we should distinguish between the various forms of land use. If we are looking at purely industrial land use, residential land use, commercial land use and so on, these of necessity must be commercialised and there is no two ways about that. We can however look at agricultural land and put in control measures in terms of how much one individual can own and for how long that land can be owned. A leasehold gives the state power to review now and again that ownership because the owner who is using the land is a lease holder and terms and conditions are set in such a way that the one who leases land out which is the State can always repossess it if need arises.

Madam Speaker, with this in mind, I think that the report has emphasised too much about land grabbing which could be a bit alarmist and I think that we can fine tune it so that we reflect the fact that we need-

**The Speaker:** The workshop was concerned about land rush to Africa.

**Mr. Bageine:** But it is the same thing, Madam Speaker. What are they rushing for? They are rushing to grab the land. They are not rushing to watch the land and go back.

**The Speaker:** That is why there is that emphasis.

**Mr. Bageine:** So I think it might be necessary to fine tune it-

**The Speaker:** There is information from hon. Bazivamo.

**Mr. Bazivamo:** Thank you, Chairperson of Council of Ministers for this time. I would like to give information about different points which are highlighted to be lacking. If we see what we put in the declaration and what we requested to be adopted, this issue of infrastructure, of employment, of land use master plan, the issue of contribution to local economies are all already in this document. Thank you.

**Mr. Bageine:** Thank you very much for that information and I am happy that it is in there, I had not seen it but let me re-emphasise the need to look at the economics side of land use in the Community which we should diligently use, looking at the optimum use that will be able to give us the best benefits out of the resources that we have in the form of land.

With those few remarks, Madam Speaker, I support the report. Thank you.

**The Speaker:** Thank you very much, Chair Council. I now want to invite the Chair of the committee. I appreciate that this is a very topical issue, perhaps as other members have requested, at an appropriate time we may have to organise a workshop for just Members of EALA so that we are able to exhaustively discuss this issue.

**Ms Ndahayo:** Thank you, Madam Speaker. First of all allow me to recognise and thank all Members who contributed to this report. There is hon. Zein, hon. Kidega, hon. Mwinyi, hon. Odette, hon. Kaahwa, hon. Nkanae, hon. Abdul Karim, hon. Abisai, hon. Kimbisa, hon. Dora, hon. Bucumi, hon. Pareno, hon. Taslima, hon. Bazivamo, hon. Mathuki and hon. Chair, Council and I thank him very much for his commitments.

Madam Speaker, as I have said I thank all Members who contributed to this report and I want to say that I absolutely accept on behalf of Members of this committee the amendments made by the CTC. I would also like to add the recommendation he gave me and I would like to read it. After the 14<sup>th</sup> recommendation he made on the adoption of the declaration annexed to this report, he suggests that, “Partner States should fully implement the EAC Agriculture and rural development Policy and strategy which was adopted sometime back.”

I think this is another relevant recommendation and I do accept it.

Madam Speaker, there were some issues raised by some Members that we develop a motion on this report. I think this is a good idea but I want to say that as I said at the beginning, this report has a final declaration which was made after the workshop, which includes all these recommendations which are in the report. I think by adopting this report and the declaration as I requested will be adopted and which we can even include what we can put in the motion. So I think this can replace the motion by adopting this declaration which includes everything, we do not need to make a kind of repetition- (*Interruption*)

**Mr. Sebalu:** Thank you, Madam Speaker. I just want to seek clarification because when the Clerk was introducing the report to the House, he clearly indicated that the report is presented by way of a motion in which case I believe we are proceeding correctly because it is by way of motion.

**The Speaker:** I do not know whether the clarification is going to her or to the Chair but I think she has noted. Otherwise you have correctly put it that the report moves in form of a motion and we are going to adopt the motion for the report. So in that respect it is also a motion of this House.

**Ms Ndahayo:** Thank you very much, I support. I would also like to come back on the recommendation on how we can now put into implementation all the recommendations of this

report. I think this report, as has been said by others, is clear as it is very specific on the responsibilities in the implementation of these recommendations.

I thank you, Rt hon. Speaker on your suggestion of holding another workshop in order to have this issue discussed again. I think it will be a good opportunity and we request that some main stakeholders from Partner States are invited. I would also like to say that in order to be more effective in implementing this recommendation; I think this report needs to be sent to Partner States in order to allow all the concerned stakeholders to implement what is required of them to do.

I would also like to request this august Assembly to own these recommendations because some of the recommendations are directed to EALA. So I would like to invite members of EALA to take these recommendations directed to them very seriously.

With these few recommendations, Madam Speaker, I beg to move that the motion be adopted. Thank you.

**The Speaker:** Thank you very much, hon. Chairperson of the Committee on Agriculture, Tourism and Natural Resources. Maybe I could add that it is important that as we proceed along our respective committee work, we could also take stock of some of those important recommendations in form of government assurances where commitments have been made and action is demanded and then we shall be able to follow up on some of those a little more candidly. So thank you very much for this report.

Hon. Members, the motion on the floor is that the report of the Committee on Agriculture, Tourism and Natural Resources on how to make agricultural investment work for Africa be adopted.

I now put the question.

*(Question put and agreed to.)*

## **ADJOURNMENT**

**The Speaker:** I want to thank you, hon. Members for effectively contributing to this report and for effectively making substantive contribution today. Before we adjourn, allow me to make two or three important announcements. As all of you have received an administrative circular, kindly read it so that it guides you on how we shall be relating or proceeding during our stay in Nairobi.

Secondly, allow me to inform you formally that we have been invited by the Governor of Nairobi City to a dinner to be held tomorrow Wednesday 20<sup>th</sup> November 2013 at 6.30 p.m. at Serena Hotel. All of you are invited without exception and buses will pick you from the respective hotels at 6 p.m. Kindly prepare yourself for that very important event.

Finally, allow me to remind you, hon. Members that the dates for the Inter Parliamentary games are closing in very fast. That will require us to vigorously train. I want to inform you that our two captains; hon. Nakawuki and hon. Mulengani and the clerk secured training grounds at the University of Nairobi and training starts every morning at 6 o' clock. The she-team is doing quite well. The he-team needs to pull up their socks. So I expect to see the likes of the strikers of Dan Kidega at the training ground tomorrow 6 o'clock. Some others have not yet been recorded. There is a register with the team captains so some others make sure that your names appear in those registers.

Thank you very much for effectively participating in today's deliberations. House is adjourned until tomorrow 2.30 in the afternoon.

*(The House rose at ...p. m and adjourned until Wednesday, 20 November 2013 at 2.30 p.m.)*