



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

THIRD ASSEMBLY: THIRD MEETING – SECOND SESSION

Wednesday, 20th 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.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I wish to welcome you to today's sitting and I have the following to communicate: I wish to welcome back our Members who were not feeling well at the end of our sitting in Bujumbura, especially hon. Hafsa Mossi. (*Applause*) She underwent an operation in Nairobi Hospital, which was successful. She was in this chamber yesterday and I think that she is also coming today.

Allow me also welcome back hon. Murunya. (*Applause*) He had a long incarceration in Nairobi Hospital for about two weeks. We are happy to have you back. And I know hon. Patricia Hajabakiga is progressing well although she is still in a bandage. But we pray for you to recover completely.

(*Applause*)

Secondly, I want to inform you that the Commission held its session meeting yesterday and delved greatly on the issue of welfare of Members and other administrative issues. The Chairperson of the Council of Ministers affirmed to the Commission that this item has been dully dealt with by the Council of Ministers which sat recently in Arusha and it is now slotted on the agenda for the upcoming Summit due in Kampala this November. (*Applause*) At an appropriate time, the Chair of the Council is going to give a brief to this House. So, I want to assure hon. Mulengani and others to take heart.

Lastly, the training for the inter-parliamentary games is now in high gear. I want to thank both teams because they have made impressive appearances at the training. I want again to call upon those Members who have not been recorded, to appear. Just again for information, the trainings begin at 6.00 a.m. every morning. Thank you very much.

(*Applause*)

LAYING OF PAPERS

THE REPORT ON THE THIRD EAST AFRICAN LEGISLATIVE ASSEMBLY ANNUAL CAPACITY BUILDING WORKSHOP HELD IN MOMBASA, KENYA FROM THE 12TH TO 14TH OF AUGUST, 2013 INCLUDING THE REPORT ON THE TOUR OF THE KENYA

PORTS AUTHORITY AND THE COURTESY CALL ON THE MOMBASA COUNTY
ASSEMBLY

Mr. Kiangoi: Madam Speaker, I beg to lay on table the report on the Third East African Legislative Assembly Annual Capacity Building Workshop held in Mombasa, Kenya from the 12th to 14th of August, 2013 including the report on the tour of the Kenya Ports Authority and the courtesy call on the Mombasa County Assembly. Madam Speaker, I beg to lay.

The Speaker: Thank you very much, hon. Kiangoi. I encourage the hon. Members to look at those reports because as you are aware, there were very important recommendations which we reached at and some of us were not able to go to Kenya Ports Authority and yet there was a lot of information. So, take off some time and read this very important report for your information. I am informed by the Clerk that also electronic copies will be circulated accordingly.

MOTION

MOTION FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAC SUMMIT TO
ADOPT THE CHARTER FOR AFRICAN CULTURAL RENAISSANCE

Mr. Abubakar Zein (Kenya): Thank you very much, Rt hon. Speaker. I beg to move the motion that this Assembly do resolve to urge the East African Community Summit to adopt the Charter for the African Cultural Renaissance. I so move.

The Speaker: Seconded by hon. Celestine Rwigema and hon. Nkanae; proceed, hon. Zein.

Mr. Zein: Thank you much, Rt hon. Speaker. I would like now to formally move this motion on the adoption of the Charter for the African Cultural Renaissance.

“WHEREAS all the EAC Partner States are members of the African Union and, therefore, are subjected to membership obligations over the decisions of the African Union;

WHEREAS Article 5 of the EAC Treaty provides for the objectives of the Community including cooperation in the cultural field, which is further amplified in Article 119 of the EAC Treaty, which espouses cultural promotion and acceding to and ratification of international conventions that directly bear upon culture;

AND FURTHER obligations are placed on the Partner States with Article 130 of the EAC Treaty which calls on Partner States to honor their commitments in respect of multinational and international organisations of which they are members and in particular the obligations to a wider unity of Africa guided by the Chapter for African Cultural Renaissance adopted by the Heads of State and Governments of the African Union in a meeting in the Sixth Ordinary Session in Khartoum, the Republic of Sudan from the 23rd to 24th January, 2006 . And the preceding instrument on culture that is the Cultural Charter for Africa adapted in Port Louis, Mauritius from the 2nd to the 5th of July, 1976;

AWARE Of the importance of culture in delivering the objectives of the East African Community as articulated in Articles 5 and 119 of the EAC Treaty with the potential of strengthening our integration efforts;

AND ALSO RECALLING the provisions of the EAC Treaty on the issue of acceding to and ratification of international conventions that directly bear upon culture under Article 119 (f);

APPRECIATING that Burundi, Kenya, Rwanda and Tanzania ratified the Cultural Charter for Africa;

AND NOTING that none of the Partner States in the EAC has signed and ratified the successor instrument to the Cultural Charter for Africa, that is, the Charter for African Renaissance;

CONCERNED that the peoples of the East African Community Partner States in particular may not benefit from the vision, rights and responsibilities provided by the African Cultural Renaissance Charter;

AND OBSERVING that the noble objectives of the African Cultural Renaissance Charter under Article 3 are:

- (i) To assert the dignity of the African men and women as well as the popular foundations of their culture;*
- (ii) To promote freedom of expression and cultural democracy which is inseparable from social and political democracy;*

- (iii) To promote an enabling environment for African people to maintain and reinforce the sense and will for progress and development;*
- (iv) To preserve and promote the African cultural heritage through preservation, restoration and rehabilitation;*
- (v) To combat and eliminate all forms of alienation, exclusion and cultural oppression everywhere in Africa;*
- (vi) To encourage cultural cooperation among Member States with a view to strengthening African unity through the use of African languages and the promotion of inter-cultural dialogue;*
- (vii) To integrate cultural objectives in the development strategies;*
- (viii) To encourage international cultural cooperation for a better understanding among people within and outside Africa;*
- (ix) To promote in each country the popularization of science and technology including traditional knowledge systems as a condition for better understanding and preservation of cultural and natural heritage;*
- (x) To strengthen the role of culture in promoting peace and good governance;*
- (xi) To develop all the dynamic values of African cultural heritage that promote human rights, social cohesion and human development;*
- (xii) To provide African peoples with the resources to enable them to cope with globalization;*

AFFIRMING that these objectives are compatible with the provisions of the EAC Treaty and may assist in attaining our cultural objectives, we resolve as follows:

- (i) We urge the Summit of the Heads of State of the EAC to lead Partner States to sign and ratify the Charter for the African Cultural Renaissance;*

(ii) *We request Parliaments of the EAC Partner States to domesticate the Charter for the African Cultural Renaissance in their respective legal regimes and support programs for its implementation.*” I so move, Madam Speaker. *(Applause)*

The Speaker: Thank you very much, hon. Zein. Hon. Members, the motion on the floor is that this Assembly do resolve to urge the East African Community Summit to adopt the Charter for African Cultural Renaissance. Debate is open. Oh! It is justification of the motion first.

Mr. Zein: Thank you very much, Madam Speaker. On the onset, allow me, Madam Speaker with your kind permission, I will ask hon. Mbidde who had agreed to second this motion to take part of the time that I am allocated in justifying this motion.

Allow me to start quickly because of time limitation. Madam Speaker, the African Continent through the Organization for African Unity (OAU) reflected a great deal on the position and place of culture in our societies. During this reflection and consultation, they considered that culture is so important that it should be placed at the center of our development and human endeavor.

So, when they were deliberating on this and developing the Cultural Charter for Africa which was then adopted between the 2nd and 5th July, 1976, they gave a lot of consideration of other instruments across the world and what obligations accrued to Africans within those instruments. Allow me to mention a few both in terms of then and now.

It is important for us to know that the Constitutive Act of the African Union has cultural aspects and gives culture prominence.

It is also important to note that the Universal Declaration of Principles of International Cooperation adopted by the General Conference of UNESCO at its 14th Session in 1966 also has important elements.

The Pan African Cultural Manifesto of Algiers in 1969 and the Inter-Governmental Conference on Culture in Africa organized by UNESCO in Accra in 1975 in cooperation with the Organization of African Unity; The African Charter on Human and Peoples Rights; The

Convention on the Protection of Cultural Property in the event of Armed Conflict and its additional Protocol; The Convention on the Means of Prohibiting and Preventing Illicit Import, Export and Transfer of Cultural Property; Convention Concerning the Protection of Wild Cultural Heritage in 1972; the UNESCO Universal Declaration of Cultural Diversity in 2001; the Convention for the Safeguarding of the Intangible Heritage of 2003; the Convention on the Protection and Promotion of Diversity of Culture in 2005; the Decision of the OAU Summit on the Establishment of the African Academy of Languages and the Decision of the First Conference of the African Ministers of Culture on the Endorsement of the Draft Charter for the African Cultural Renaissance, which was deliberated upon on the 13th and 14th December, 2005 in Nairobi-Kenya.

But also affirming that any human community is necessarily governed by rules and principles based on culture. And culture should be regarded as a set of linguistic, spiritual, material, intellectual and emotional features of the society or a social group.

Madam Speaker, allow me to say this; if you look at the African Cultural Renaissance Instrument, it takes care of all the concerns that Africans have had about that culture, from the time of appropriation and marginalization of African culture during slavery, followed by the Colonial period and the post-Colonial period. We as African people have tried to reclaim and put culture in its rightful place at the center of all our activities.

We as African people also understand that despite cultural domination, we have tried to replace this cultural domination with progression and officially the languages of the colonizers with African people's languages. At this point it is important for us to say that the founders of our nations paid tribute to culture.

But also those who were inspired to revive the East African Community paid due attention to culture apart from the Articles that I read from the Treaty concerning culture, it is important at this time to point it out that we also aspire to develop Kiswahili as a lingua franca of our Community. And hopefully that we shall develop it in such a way that it will become the uniting factor for the African people.

It is important for me to pay tribute to those who have put culture at the forefront of our struggle. The late Mwalimu Julius Kambarage Nyerere used culture to unite the people of Tanzania -

(Applause) - and took the decision to develop Swahili as a uniting principle for the people of Tanzania.

Mzee Jomo Kenyatta of Kenya took a Swahili concept to the people. Among the Lamu people they say, “*Alambe,*” which means calling people together so that we can contribute as a community. Now this is our motto and you will see it even displayed in this chamber as “*Harambe.*”

Talking about Milton Obote from Uganda – *(Interjection)* - Madam Speaker, I will ignore the inspirations from my brother, hon. Ogle who I have a lot of respect for and say that culture is dynamic and the African Instrument for Cultural Renaissance recognizes it. It recognizes that it is dynamic. So, those who might be afraid that certain aspects of culture have been used to oppress women, can come back through this motion and know that it has been addressed in the instrument. But very importantly, it says that you also observe human rights.

Allow me finish with two points; one, the African Cultural Instrument which is the one of Renaissance says that we as African people should have the right to declare what our culture is. And we should also have the right to reject cultural practices that are not part of us, which some people want to force on us. In other words, there is no mutual respect.

Allow me to finish with this point, Madam Speaker. This year is an important year. On the 25th of May, the African Continent celebrated 50 years ever since the OAU, and the subsequent successor institution the African Union, was established. It is a time for reflection for what has gone on in the 50 years. But it is also a time for reflection and consultation as to what should be our top priorities for the next 50 years, taking us to 2063.

We may not be here in 2063 but what are we planning to bequeath our children by the time we reach 2063? I would like to pray and beg this august House to support this motion to give a chance for us to work with our Partner States in order for them to ratify and implement this important charter. With your permission, Madam Speaker, we could allow the seconder of the motion to further justify. Thank you.

Mr. Fred Mbidde (Uganda): Thank you very much, Rt hon. Speaker. Thank you very much my Chair, the mover of this substantive and substantial motion, hon. Zein.

Madam Speaker and hon. Members, the motion as it stands and as has been justified, of course a lot of justice has been done to it by the mover. I will have less to add only that, first of all, I will stress the importance of ratification, signing and domestication, whichever is applicable to those for purposes of such international human rights documents to which the Partner States of the EAC are party as very important.

Madam Speaker, this is where exactly the motion becomes extremely important. Partner States have been extremely sluggish in ratifying most of the documents to which we are signatories. That obviously denies the existence in proper legal formation the enjoyment of the rights that are enshrined within the documents to which the Partner States are signatory.

What is the importance of ratification? Madam Speaker, when you look at the Constitutive Act of the African Union and all the normative instruments that fall there under, you discover that it is a complete departure from the precincts of the OAU and its documents including the Charter, to a human rights international architecture that gives the people of the African Continent the fundamental rights that area available to enjoy and of course enforcement procedures thereof.

It is, therefore, the new legal order that all those normative instruments to the Constitutive Act should urgently be ratified, signed and domesticated by State parties whichever is applicable in the circumstances. I am using them interchangeably, Madam Speaker because not all normative instruments should be either ratified or signed. There are those that require deposits and those that require domestication in the event that a Partner State would wish, first of all, to domesticate such a law for purposes that it could be as an international law but within the domestic hierarchy of laws of a State party or if it could only be ratified for purposes that it can achieve supranational importance over the laws of a Partner State or a State party in the circumstances.

Madam Speaker, the question of culture is a very important one. Legal documents such as this charter have to be urgently ratified for purposes that we can follow procedures that we are usually capable of following at the time.

Madam Speaker, when you look at culture and sports especially as enshrined within Article 119, there was a time when Uganda obtained a gold medal in sports, and the one who actually brought the gold medal and the one who came third, could not easily make you identify who comes from

where - in fact we have had a lot of problems with Migingo Island- I thought we would even have problems with where exactly the gold medal should have gone.

He is called Kiprotich and the one who came third is also called Kiprotich. But we are saying we must celebrate the gold medal never the less. We don't know but we also hear he actually practiced in Kenya and won for Uganda. So, the meaning is that if we don't have legislation, we may have no method of actually resolving conflicts once they arise such as Migingo. So, ratification is exactly one of the reasons why we need to do it as quickly as possible to resolve any contradictions that may arise. Madam Speaker, it is, therefore, incumbent upon Partner States to the EAC.

I would have mentioned a lot but some of them are still under trial before the East African Court of Justice trying to force Partner States to ratify a few of the documents. And this is one of the best areas under which we should have to do it so that the Assembly then now takes a leading role in terms of refocussing Partner States on respect for fundamental human rights. Madam Speaker, I beg to support the motion.

(Applause)

Mr. Mike Sebalu (Uganda): Thank you very much, Madam Speaker and hon. Members. Since it is my first time to take the floor during this session, I would like to thank the Government and the people of Kenya for the usual and continued good reception.

(Applause)

I definitely believe that we are happy to be back in Nairobi and the Kenyans are equally happy to have us back in town because that relationship is something that we don't take for granted. We must use all possible avenues to enhance it even to a higher level.

Madam Speaker, I would like to thank the mover of this motion. It is indeed an important motion and it brings along the level of commitment that we should have as a region in general and Partner States in particular. When we do accede to international or regional instruments, we should be able to go full length. This practice of going half way; signing and not ratifying and not depositing is not good practice. So, the mover in essence is reminding all of us and the Partner States in particular, to always fulfill all international and regional obligations that we

associate with and identify with to full implementation. I think that is indeed a very good and noble reminder which we should all support.

With regard to this particular motion, I want to proceed on the understanding that it is in line with our work method as an Assembly. We did indicate that the Third EALA is going to put a lot of emphasis on people centered integration, which is the hallmark of our strategic plan.

This motion in my view is in tandem with that stated objective because without a people, you cannot talk of a culture. And the culture, therefore, is the backbone of society. So, if we want to put the people at the forefront of our undertakings as a region, we need to give them the rightful positioning within our undertakings. That is when the issue of culture then comes in handy.

Culture is the basis of the value system and this is a proper foundation. We need to appropriately place our culture to inform the global value system.

You will definitely appreciate that almost all bad things are culturally defined as African. You know things like fighting- it is an African culture to fight; it is an African culture to kill; it is an African culture to quarrel- and some of the expressions that are associated with our culture are not particularly impressive. Some call it primitive; a lot of literature keeps on referring to African culture as being primitive. Others call it backward; others even go a little further to term it as retrogressive. These are not very pleasant comments about our culture and so we need to redefine it and appropriately place it as an important value system.

It is very difficult for one to value you when they don't value your culture. And I think that there are serious examples that we may be seeing arising out of that. When you see global trends, you really associate them with a view that looks at the African in a derogatory manner. I want to pick the recent decision by the UN Security Council. (*Laughter*) I think it has a lot to do with this kind of orientation because if the issue that was being placed at the table of the UN Security Council has something to do with the leader from the West, I don't think the treatment would have been the way it was. It has a lot to do with who and where from the issue was emanating from. So, really our dignity as a race is something we ought to value ourselves and place it appropriately as an important aspect.

I want to turn to the objectives of the Cultural Renaissance; the first one is to assert the dignity of African men and women as well as the popular foundation of their culture. I really find this very attractive; our dignity – and it is very sensitive because in previous documentation, they could have easily said “African men,” and leave it at that. But it is very sensitive for “African men and women,” we are all dignified people and our dignity is something we need to preserve, it something we need to protect and it is something we need to promote.

If we got this undertaking from an African perspective, therefore, as region, we should be best placed to promote that. We are a region that is integrating in a very interesting way because our integration is very organic. We are essentially the same people, linguistically very connected and culturally interactive. Therefore, we can best promote this aspect as a region because even then we are aspiring to be one entity.

So, in terms of the configuration of the different regional economic communities within the African perspective, the EAC is best placed to give a leading role in promotion of this because we are even aspiring to have a language that unites us as a region. I don't think we have any of the regional economic communities that do have a common language or that do aspire to have a common language within their configuration. But the EAC is at that level. Therefore, we are best placed to promote this cultural renaissance and be able to lead the way.

Objective No. (v): *“To combat and eliminate all forms of alienation, exclusion and cultural oppression everywhere in Africa,”* that is for Africa but it should be everywhere in the world. This aspect of alienation is quite predominant in the West and more so when it comes to Africans, it becomes of serious interest.

Objective No. 10: *“To strengthen the role of culture in promoting peace and good governance,”* definitely all our African cultures promote peace. We, Africans base our livelihood on coexistence and that is why even the idea of extended families exists because to us family is not just children that you bear with your wife but it is the bigger picture of the entire community. Even in the children you will appreciate that children will always be appreciated as children of the community. So, this notion of African culture in terms of promoting peace and security and, therefore, good governance is something that we really need to appreciate.

Madam Speaker, this is a timely resolution because there are many issues around our cultural backgrounds and set up and we need to promote cohesion within our individual Partner States within the region and on the African Continent. I beg that we all support this resolution but go a little further to ensure that it is implemented and that our Governments do ratify and go on to implement the objectives as stated in the Charter. Madam Speaker, I beg to support. *(Applause)*

Mr. Abdi Ogle (Kenya): Thank you, Madam Speaker. I am placed in a very strategic position today, so I was able to catch your eye early enough.

(Laughter)

The Speaker: You are on record that you would be one of the first ones.

Mr. Ogle: Thank you very much. Madam Speaker, I also issue the traditional remarks of reception – welcome. On behalf of my Kenyan colleagues, acutely aware that the big chunk of the Members are accommodated at a place called Chester House, I think it is obliged upon me to issue a cautionally statement in that regard. Chester House is located in a very popular night life address of Nairobi and should any Member wish or be tempted by anything, I recommend that they do it stealthy.

(Laughter)

The Speaker: Hon. Ogle that may become sensitive. So, I suggest that you share the information with Sergeant –at-Arms so that the Members are appropriately prepared for what you are suggesting.

Mr. Ogle: Thank you very much. Madam Speaker, I wish to thank the mover of the motion, my good friend, hon. Zein, a renowned culturist for moving such a motion.

Madam Speaker, the essence of renaissance – the word “renaissance,” itself, I have always said after so many false starts in Europe, after they had embarked on what they called the Agrarian Revolution - the Industrial Revolution, Europeans were beaten to science and discovery in the earlier years by the Arabs. The Arabs did that through exploration, reaching out to the rest of the world.

After those false starts of the Agrarian Revolution - the Industrial Revolution, they embarked on a period they called the “European Renaissance.” That European Renaissance entailed the idea of exploring the world outside, trying to venture and discover new things. It is only then that Europe was able to make very tangible progress in terms of their development and their science and technological ambitions.

Now, coming back to Africa, we realize that the first 50 years of our existence, after the post-Colonialism period, was equally a false start. We were worse than where we had been, actually even after Colonialism, we were formed into some small States which were to operational; not working for the people and we realized that the only way we can forge ahead is through creating another African Renaissance, where we are not going to adopt the ideas and benchmarks we were given by foreigners but develop our own African standards.

The tragedy is that when I look around this room- imagining that the face value of culture means the way we are; the way we are dressed; the way we look even when we have Madam Speaker with her wig there, there is nothing African about it. The way we are dressed in our ties has nothing African about it. I think it is incumbent upon us if we are really serious about these things. We have got to adopt some very basic African issues. We have got to be African.

There are African ways of dressing, for instance, there are African languages we need to be using but then the tragedy is that the language of communication and vessels are in English and yet we know one of the most eminent persons of this region, Mwalimu Julius Nyerere was able to create a nation called Tanzania. The only country, at least I can proudly say, within this region which is able to project itself as a single nation State compared to other countries still beheld to ethnic chauvinisms and all those kinds of thing courtesy of Swahili.

Even when Swahili has been able to do that, somehow the framers of the EAC Treaty have not found it necessary to ensure that at least there is provision for Swahili a lingua franca for the conduct of the affairs of this House at least. And I think at one point, irrespective of what the Treaty provides for, we will possibly be forced to do what President Joachim Chisano did in the AU Conference in Addis Ababa where the provision is that the languages to be spoken there are English, French and Arabic- three foreign languages to us.

What President Chisano did was to go to the microphone and started addressing delegates in Kiswahili, which many of them applauded. I think at one point one of our Members will be given the honor and privilege to stand up somewhere and address us in Swahili irrespective of what the Treaty provides for as the lingua franca of the conduct of this House.

Now, Madam Speaker, having said that, the only way we can approach the future, therefore, as Africans is to ensure or to accept that we really value our own cultural values in terms of language and the way we generally conduct our affairs. That is the only way that Africa can really be proactive in whatever it intends to do. Madam Speaker, I beg to support.

The Speaker: Thank you, hon. Ogle. I will take hon. Kiangoi.

Mr. Joseph Kiangoi Ombasa (Kenya): Thank you, Rt hon. Speaker. I wish to support this motion. But before I do that, let me state that we have accepted with humility the manner in which Members have expressed themselves about the reception they have received in Kenya. You are welcome, Members. This is your home. We are only residents here just like in any other Partner State, you find people resident in Arusha, for example, in Tanzania and the others resident in Dar es Salaam. For East Africa, we are only resident here as Kenyans but this is your home. You are very welcome.

I support this motion particularly because it touches on a very important aspect of development. Madam Speaker, I want to give a small background as to how African culture was relegated to the periphery, almost abolished completely in favor of other people's culture that colonized us. When the colonizers came to Africa, they brought in their culture and imposed it upon us. Africans were not supposed to practice their culture because it was said that it was repugnant to justice.

Madam Speaker, we do not know whose justice it was. Well knowing that the laws that were imported into Africa are divorced from their culture. We were supposed to apply laws, speaking from a legal point of view, that were applicable in our colonizers own home countries at particular times- 18th Century even as way back as the 14th Century. Those are the laws that are divorced from the culture of those people and those are what they brought as superior.

African medicine, for example, was abolished and was equated to witchcraft and yet within the African people, they are advanced in one way or the other from their medicine. I can give it to this House that in Kenya, for example, there were African people who were doing operations of the head before the *Mzungu* came to this country and they still continue doing it. When the colonizers came they said that it is primitive; that it is repugnant to justice, and they wanted to teach our people how to do it in another environment. So, systematically, African culture has not found a place to grow and yet culture is very important for development of any people anywhere in the world.

Madam Speaker that is why it is important that African States that are making their constitutions now should embrace and include in their constitutions a place for African culture. Because as the objective says, it is important for peace and security; it is important for development and as the Swahili say, "*Mkosa mila ni mtumwa*" meaning, "Anybody who has no culture of their own is a slave." We have allowed ourselves to be enslaved because we have put aside our culture and embraced the culture of other people. That is why the mover of this motion, my brother, hon. Zein, I thank you and I support that the Summit do move at an appropriate time but with speed to sign the Charter. I thank you, Madam Speaker.

Mr. Hassan Mwinyi (Tanzania): Thank you very much, Madam Speaker for giving me an opportunity to say a few words on this very important motion. First and foremost, I would like to join my colleagues in showing our gratitude for the hospitality that has been accorded to us since our arrival. It is always very pleasant to come to Nairobi Constituency, we being East African Parliamentarians. The East African Community is our entire constituency. So, it is always nice to be here. Thank you very much.

Madam Speaker, as well as the importance of ratifying treaties and documents, we need to give life to culture in tangible ways. And I think that is perhaps the most important thing to bring out of this motion. We have a number of best practices that have emanated from our culture in this region. Looking at the development of all these newly developing countries or the fast developing countries, or the South Eastern Asian Tigers as they are called, the fundamentals of such development is rooted down in their cultures and their strong attachment to that culture into their decisions making in governance and every aspect of life: economically, socially, there is a fundamental string of culture that runs right down through.

We have many examples of that in this part of the world that we need to promote; we need to highlight and we need to emulate in order to hasten our development. An example of Tanzania that was stipulated - I think that is a good one which could be a good one and could be a motto in our region. Tanzania is "Unity in diversity."

We are extremely a diverse country with many different cultures, languages and tribes but we sought to become united. The biggest tribute to President Nyerere is to create unity in diversity. And the diversity in Tanzania is not unique to Tanzania; all countries in this region have many different and diverse groups. So, by picking up what is best amongst those cultures we can make a lot of progress.

The second aspect I would like to touch on because there were many aspects of discussion - I will go into specific things that I think if we focus on, we can get very good results in this region. An example of the strength of culture is what we have seen in a number of home grown solutions to our problems. One of our first trips when I had just become a Member in the Second EALA was a trip to Kigali, Rwanda. It was a very profound trip and we had a discussion with a number of institutions. But the home grown solutions that were necessary to be adopted in Rwanda as a result of the Genocide is the strength of culture; one of which is the Gachacha Courts.

You have got a situation in a country where an entire huge population has been devastated and there is no legal system in the country; there are no professionals or judges, they have all been wiped out and you have got a problem on your hands, what do you do? They came up with a home grown solution; it came from the very cultural existence that came out of that region.

Discussions, legal resolutions were not brought about by colonialists. They existed before. So, we need to look into our cultural diversity. We need to look at what practices can be adopted and be brought forth into our day to day lives. It is only then that we shall claim to have honored our cultures. We shall have treated our culture with the dignity and the respect that it deserves.

A second example, which is very modern and actually emanated from this very city that we are in. This is the mode of money transfer. Payments or giving money to loved ones and neighbors is truly an African tradition. It is very unusual in Europe when you have a few children - 2 or 5 year olds coming to say hello and you get into your wallet and issue them with money. But it is within ours. And what do we do? We use this very culture with the problems that we have in

terms of systems and we created a solution that is uniquely to this region, that emanated from this region, which is global and this point in time and is being copied everywhere. That is the true example that we need to look into.

We can look at our medicine. There are many – despite the negatives that my friend, hon. Sebalu as talking about, there are also positives -I am not going to mention the black magic- but there are a lot of medicines that emanate from our culture that could have enormous value in today's pharmaceutical industry. If we don't look into that; we don't extract that or we don't value our cultures, all that will be lost. So, I am speaking to those budding entrepreneurs in East Africa –
(Interruption)

The Speaker: Information from hon. Sebalu. Hon. Mwinyi, try to wind up.

Mr. Sebalu: Thank you very much. One piece of information is that what I referred to were perceptions by those other people. I don't believe that our culture is retrogressive but perceptions and we need to counter them.

But the information I want to give is do with some things like the plants, for instance, we have and the traditional knowledge. For instance, when you go to Zanzibar, there is *kukumanga*, which is traditional knowledge and a plant on the African Continent.

(Laughter)

Mr. Mwinyi: Thank you very much for that information. That is precisely the crux of my submission. We need to reinforce the positives in order to negate all the negative perceptions that are out there.

The Speaker: Hon. Sebalu missed telling us the importance of *kukumanga*. *(Laughter)* But either way, we shall consult him later.

Mr. Sebalu: I am available privately.

Mr. Mwinyi: Madam Speaker, another important aspect of our identity is our food. When you look at the global world today, there was a poll done in the United Kingdom as to what is the most popular food in the UK, it was food to be chicken tikka masala. That shows that importance of culture and the value of it in the Indian sub-continent. There is Japanese food,

Chinese food and Indian food but other than Ethiopian food on the African Continent, I don't know of any distinctive cuisine that has been marketed out there. The challenge to that is actually a sign of us undermining our own cultures. We don't see that value of it. So this was a very timely motion and with those few remarks, I support the motion. Thank you.

The Speaker: Allow me take hon. Dora and- hon. Frederic, I want you to be as brief as possible so that we are able to conclude early today since you are aware of our day to day engagements.

Ms Dora Byamukama (Uganda): Thank you, Madam Speaker for this opportunity. I would like to add my voice to those who have thanked our colleagues in the Republic of Kenya for the warm welcome and I would also like to congratulate them on introducing a new culture of a paperless exit and entry into Kenya. (*Applause*) I hope that this culture will continue and spread to all the other East African Partner States.

Madam Speaker, I will be brief like you have advised. The first thing I would like to refer to is the source of culture. What is the source of culture? Culture comes from practices which are long standing; it comes from religious beliefs and this together with other aspects of modernization such as those introduced by the TV and being seeing the TV, I also mean your telephone because now you can see a lot of things on the telephone. These infuse and breed and come up with a culture.

I would like to thank hon. Zein for coming up with this motion. Initially when I saw the motion and I saw the word "culture," I was a little bit perturbed because for most of us who are women, culture means negative consequences. But I love the fact that it is talking about renaissance which is rebirth. I would like us to embrace it because when we have a rebirth, it means that we are going to interrogate, evaluate and come up with new ways of doing things.

Secondly, Madam Speaker a lot has been said but I would like to say also that when you look at aspects, for example, of language. This is mentioned very specifically in Article 19 and it also goes on to talk about activities aimed at promoting an East African identity. I think it is very important that in evolving an identity, we also espouse a culture which is known as an East African culture. I believe that we are the people and this is the time that we should expedite such birth of an East African identity.

Madam Speaker, as has been said, a lot has been said but I would like to talk about issues to do with the negative culture. I believe that we should identify them; we should codify them; and outlaw them. Permit me to mention a few such as early marriage, wife inheritance, female genital mutilation, refusal for women and girls to inherit property as well as others. If we don't identify them and we don't outlaw them ten religious leaders, with due respect, and cultural leaders will continue to misinterpret what would otherwise be positive culture and negatively apply this culture to the detriment of mostly women and girls.

There are other cultures which have evolved, which hurt men and I will not delve into that because some of that is not very well known but even if it happens to men, we should identify them and be able to deal with them.

Finally, Madam Speaker, I would like to propose an amendment because when you talk about the African Union, it seems a little bit far removed. But I would like to come back to our own Treaty and propose that we have an addition to the recommendations which I hope hon. Zein will appreciate because it is a friendly amendment. I would like to propose an amendment that: "We urge Partner States to scale up close cooperation amongst themselves as provided for under Article 119 of the Treaty for the establishment of the East African Community and request the Council of Ministers to inform this Assembly on action taken in this regard and in respect to the adoption of the African Culture Renaissance Charter." I beg to move and I hope it will be adopted. I thank you.

The Speaker: You can present it to the Clerk for purposes of proper record and then it will be passed to the mover of the motion. I will take hon Frederic.

Mr. Frederic Ngenzebuhoro (Burundi): Thank you, Madam Speaker for giving me this opportunity to contribute to this very important motion. But before I go ahead with my contribution, allow me to join my voice to that of others who have spoken before to say a brief thanks to the people of Kenya and in a special way, to the Speaker of the National Assembly of Kenya and the EALA Kenyan Chapter. We have been welcomed well here and we are grateful for that.

Madam Speaker, allow me to thank and congratulate our friend and colleague, hon. Zein for this wonderful motion that he has brought in. he has brought that motion on culture which I would

like to categorize as a courageous decision because bringing up an issue on culture in this region or in any of our Partner States, one must be very courageous. If you consider what goes on, culture is the least considered issue in this region while in other regions, culture is considered as the basis of development.

China is now achieving very important things because of its culture. Look at what happened to Japan; Japan is a very important country because of its culture. It trusted in its culture and used it to boost its development.

Madam Speaker, we have mostly been used to having issues to do with economic and political matters but now we have been moved by hon. Zein who has brought in an issue on culture. Let me give some proof that culture is not so much considered in the region and when I say in the region, it is not only us as EAC, it is also within the Partner States.

If you go through the national budgets, you will be surprised that culture is the least funded. Culture is the issue which is mainly denied activities which could promote it at the national and regional or international levels. Even at EAC level, the cultural issue is the least served. I am wondering that given these conditions, what should we expect from culture? It is very little, Madam Speaker.

Madam Speaker, I would like to say that a people without culture are a people without identity.

The Speaker: Information from hon. Valerie.

Ms Nyirahabineza: Thank you very much, Madam Speaker. Thank you very much hon. Frederic for giving way. He said that at the level of EAC, the culture is not well worked out or many activities are not carried out. But the information I would like to give is that since a few years ago, the EAC has been organizing some cultural activities in our Partner States and I hope that since it was an initiative of the Ministers, the activities are going to continue being carried out and we are expecting positive results. Thank you so much.

Mr. Sebalu: Just some information too.

The Speaker: Okay, quickly because we need to wind up.

Mr. Sebalu: The information I would like to give is with regards to the way culture is perceived even in our Partner States. Where I come from, and I believe it is so in many other Partner States, if you are appointed a Minister of Culture, you may not get many congratulations from your colleagues. *(Laughter)* And some people may even imagine that their region has been marginalized. That: “You see our son was just given the Ministry of Culture,” so, I think we have some work to do about this whole thing.

The Speaker: Try to wind up hon. Frederic.

Mr. Ngenzebuhoro: Thank you, Madam Speaker. I would like to say that I haven’t denied that there are no cultural activities in the Partner States. They are there but they are very few. And I would like to inform this august Assembly that I have been the Minister of Culture for many years in Burundi so I can tell you how I was perceived. During the budget exercise, I would request for money but they would say that it was not so important as compared to other sectors.

Having said that, Madam Speaker, because I must be very brief on this, I don’t want to further elaborate on this. You know how culture is considered in the region. I just want to say that this is a very important motion as it is an implementation of one of the provisions of the Treaty alluded to - Article 119 and as it is a very good way to implement the Treaty, I fully support it.

I once again congratulate hon. Zein for bringing up this issue of culture. Thank you very much, Madam Speaker.

The Speaker: Okay, I will take hon. Shy-Rose, hon. Nkanae and the Chair, Council will reply so that we are able to catch up with the evening.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Madam Speaker for giving me the floor so that I can also give my contribution. Let me also begin by thanking our hosts the Government of Kenya, the Leadership of Nairobi City and EALA Members from Kenya for the very warm welcome and gracious hospitality accorded to us since our arrival. *(Applause) Asanteni sana.*

Madam Speaker, since we are here in Nairobi, let me again take this opportunity to convey condolences to the Government of Kenya, the people of Kenya and to the families of the victims of the Westgate Mall attack. Again we say, *pole sana* Kenya.

Madam Speaker, coming back to the motion, I support this motion given that the importance of culture in delivering the objectives of EAC is clearly stated in Articles 5 and 119 of the EAC Treaty. However, we have not been fully given the benefits of what was discussed in the proceeding instruments on the culture, namely the Cultural Charter of Africa adopted in part in Port Louis, Mauritius from 2nd to 5th of July 1976 and later an update by the Charter for African Cultural Renaissance adopted in Khartoum in 2006 by the Heads of State. Personally, I don't know what this Charter spoke about.

The Speaker: Hon. Shy-Rose that is a very important duty for the hon. Member to find out.

Ms Bhanji: Yes, Madam Speaker, I fully agree but I believe a notice should have been given to Members and this Charter should have also been distributed so that we are fully aware.

Madam Speaker, I support this motion but I just wish we had more details about what is being talked about. For instance, the 12 noble objectives as outlined in this motion; they are very enriching; they are very good objectives. For example, the dignity of African men and women, this is very good; the elimination of all forms of alienation, cultural oppression. All these are very good objectives but more importantly is to strengthen the role of culture in promoting peace and good governance.

But my hesitation – I support the motion but I am just – like I said, I wish there was more information on the vision, on the rights, on the responsibilities that was provided by the African Cultural Renaissance Charter.

Madam Speaker, in other words, if we had the full text of what was agreed upon in this Charter, we would have had a better understanding and then I would not have stood here to ask about all these details.

Also, Madam Speaker is a matter of information; it would have been of great interest to know how many countries out of 54 have signed to this Charter. Where does East Africa fall? Is it within the majority or the minority? So, such information would have also helped us to know where East Africa falls as far as this Charter is concerned.

Again, I just wish my brother, hon. Zein would have presented a more comprehensive and detailed information - Madam Speaker bear with me - so that the inputs that are given in this

House would have been more beneficial. Because motions are brought in this House without enough notice even the kind of contributions we make in the House urging the EAC Heads of State to ratify and sign to these treaties, we have to come up with examples, we have to come up with analyses, we have to come up with better research – hon. Zein has done a good job but also we, Members of Parliament if we are given enough notice, we shall be able to do more research and come in this House fully prepared instead of just coming in this Assembly and you are told this motion today is about a, b, c, d.

I think we are here on behalf of almost 140 million East Africans. *(Applause)* We are Members of Parliament and not experts in everything. So, it is very important that we get enough notification about what is coming in this House so that we can also consult our stakeholders, we can talk to our people instead of just assuming everybody – for the last one year, Madam Speaker, excuse me- that has been the culture of EALA *(Laughter)* We get in the House and then get motions for which we are not prepared. So, either you stand up or just give blur, blur, blur, is that parliamentary?

The Speaker: Members of Parliament don't blur.

Ms Bhanji: Excuse me if it is not parliamentary. But either you just stand up and just start talking to be on record of the *Hansard*.

The Speaker: I think the point has been taken seriously.

Ms Bhanji: Yes, very seriously. But I would like to congratulate you, the other day when we were in Bujumbura, we got enough notice for the Accounts Committee report and we came up with very good contributions after reading it. So, Madam Speaker, I am – *(Interruption)*

Mr. Sebalu: I definitely appreciate the argument being put forward by hon. Shy-Rose but I am seeking clarification whether those of us who have made contributions have not made useful contributions and yet I feel quite a number of good contributions have been made by hon. Dora, hon. Mbidde, hon. Mwinyi, myself and all the other Members? So, are you insinuating that we haven't made - we have just done blur, blur, is that what you are trying to imply?

(Laughter)

The Speaker: Hon. Sebalu, the Speaker ruled on that and said that Members of parliament don't blur. And I have never heard any Member of Parliament blur. Hon. Shy-Rose, try to wind up.

Ms Bhanji: Thank you, Madam Speaker. I would like to assure my brother, hon. Sebalu that all the contributions that have been made by hon. Dora, hon. Mwinyi, yourself, hon. Sebalu and all the Members in the Second EALA, you are very well versed with the many motions that have come to the floor, you have an experience to be in EALA being your second time so I congratulate you for your good contributions. But what I am trying to say –

The Speaker: Hon. Shy-Rose, I think you have made a very good point. I don't want you to labor on the other side.

Ms Bhanji: Thank you, Madam Speaker.

Mr. Mbidde: Madam Speaker, is it in order for the pre-current speaker to insinuate that those who are first timers in this Assembly are really speaking out of less capacity? *(Laughter)* Madam Speaker is it really in order and yet we all qualified to come here?

The Speaker: It is not in order.

Ms Bhanji: Madam Speaker, I wanted to say even those who came the first time.

The Speaker: Hon. Shy-Rose, it is not in order. So, just conclude. The new Members and the old ones are all Members of the Third Assembly and they are all capable.

(Applause)

Ms Hajabakiga: Rt hon. Speaker, I don't remember exactly the rule in the Rules of Procedure governing this House that requires that a Member may come up with a motion and present it to the Clerk within 24 hours – one clear day. This means that any Member who produces a motion and does not distribute it to people to do research does not make a mistake. But what probably we need to do is to amend those rules to see if it is necessary to do what hon. Shy-Rose is requesting. Thank you.

The Speaker: Perhaps the information I should give in lieu of what you are alluding to is that when the program for the session is put out, there is normally space for motions. We know the

specific day that we shall be handling motions and other details. So, I think what may come through is indicating what motions are already listed, which are Members may be interested in going forward to look at. I think that may help the Members to prepare better. So, I think let us move in that direction and that is to the Clerk and the Commission. Thank you. Proceed and conclude hon. Shy-Rose.

Ms Bhanji: Thank you, Madam Speaker. I think we are making progress. To wind up, Madam Speaker, I think culture is an important tool in integration and also for economic development. I am saying that because this is outlined in Article 5 of the Treaty.

Kiswahili language, if I can just briefly talk about it, is articulated in Article 115 (d) under culture and sports. It is saying, *“The development and promotion of indigenous languages especially Kiswahili as lingua franca...”* So, I think Kiswahili in due course has become a second language in many countries in Africa. So, let us, East Africans also embrace Kiswahili because I strongly feel that this integration will become more and more effective if we start using Kiswahili in our communities and later come up with an amendment of our Treaty so that even in this House we can speak three languages; Kiswahili, English and French. Thank you, Madam Speaker. I support the motion.

Mr. Ole Nkanae (Kenya): Thank you, Madam Speaker. I support the statement made by hon. Shy-Rose. This motion needed a lot of research because what I am talking to you about is out of experience and culture is part of me.

Madam Speaker, culture is a naturally inherited phenomenon; culture is self-actualizing; and culture is an identity. I will talk because of No. 4 and No. 12 – on three issues. I was provoked by hon. Mbidde on sports.

Madam Speaker, in 1936, in Munich Olympics, Adolf Hitler said no Black race would win in Munich. What happened was that the first race was won by a Black American, Jesse Owens and broke the world record. The same happened in the 200 meters race; long jump the same and 400 by 4 and he walked out.

What I am trying to say is we have been oppressed by the Colonialists. We did not display our potential and this race– Africans - are a super race. Mya I give you a few examples, in 1972 in

the finals on 28th August, 1972 there were eight runners in 400 meters hurdles and one Black man was in lane No. 8, he was also discriminated against and given the last lane. This was none other than John Akii Bua of Uganda. So, he ran and nobody was seeing him because he was Black and it was at night. He crossed the line with a world record of 47.2 seconds, which took another Black American 10 years to break.

(Applause)

Madam Speaker, all I am trying to say is if you don't know sports- I am talking about sports because I am trustee of Athletics Kenya – from 100 meters to the marathon is a big name. To give you a few examples, you know of course Hussein Bolt who broke the 100 meters record with 9.58; in 200 meters he broke the world record with 19.19; you go 400 meters Johnson; 800 our boy here David Rudisha; in 1500 there is the Moroccan; in 10,000, an Ethiopian Bekele and in America all are Blacks. So, what I am trying to say, if our environment is good, we are super rich.

That is in sports but even in boxing, you remember Ali Muhammad and Tyson? So, in addition to that Madam Speaker, we understand things like attire. Japan the other day took the **kiondo** for a bus. We cannot claim it- they got it from **Kariako** here where we eat a lot of meat. Our Maasai *suka* is about to go, thank God that we have a new Constitution which will protect it.

Madam Speaker, what I am trying to say- even in music we are the best – the other Black American, Michael Jackson dies but he was a super star. I don't need to go very far. You go to Uganda; the best gyrating music is from Baganda. When you come to Kenya, we jump up and down and do the elegant ways; you go to Rwanda and Burundi and see how they elegantly display their animals through their dance. What don't we have? We have everything.

So, Madam Speaker, what I am trying to say, in this country, Kenya if we use our cultures economically, we can be a power. In the Rift Valley they have improved their society, the bigger stance is there. I am trying to give an idea that culture is not bad. We can improve on our culture but we shouldn't get rid of it.

Like in No. 4, *“To preserve and promote the African cultural heritage through preservation, restoration and rehabilitation;”* We can improve on this. I remember in 1888 when Joseph

Thomson and Kaunte Leakey were crossing the Maasai Land, even then we had the skills but we have improved now. So, Madam Speaker, I support the motion.

The Speaker: Thank you very much.

The Chairperson, Council of Ministers (Mr Shem Bageine): Thank you very much, Madam Speaker. I have been listening attentively to Members' contributions. This is a very important and interesting motion and I think it is an emotious motion, which should be given the necessary support and notification by our Partner States.

But let me point out a few things; first, Madam Speaker, over the years both before and after independence of our countries, our culture was relegated to the background; was considered as some people have mentioned to be repugnant to civilized living and indeed efforts were made to literally reiterate that culture through education and religion so much so that what we considered to be good culture, was regarded as devilish. It was not in keeping with religious principles which we were taught, it was not in keeping with good way of living and it was, therefore, repugnant to good society.

Madam Speaker, over all these years, through the education, as I said, we were exposed to European literature, those of us who studied the time I did, read Shakespeare, Charles Dickens, Wild Haggard, one of the books I read where they described an African obviously who was fighting for independence as being a very strong man but unfortunately he was an African. That is the attitude that the Europeans Colonizers came with.

Now, we go this far and I don't know how much we are going to do in order to reverse the trend. One of the Members here mentioned earlier on that here we are the way we are dressed, the way we speak, the way we eat. I remember one time I was in India in my Lions Club's Convention and we were being taught etiquette about how you eat, how you use which spoons and folks and things like that. You know the Indians are fond of using their fingers. So, I stood up and said, but the culture of the Indians is using their fingers. Remember that the man who was speaking was himself an Indian so he said, "That is very crude." That is how far we have gone.

Now, in our schools even today, the kind of teaching that the children are exposed to and the television programs they watch every day as they grow up is devoid of our African culture. They

are exposed to Western and destructive culture. So, we have a job to do but we must recognize the fact that some of these things may not be reversible. And that it will be a tall order for us to try to reverse them because a lot of them have a linkage to economic growth. When we are going to bring the individual cultures we have that we think that are going to help you economically develop.

Secondly, I know Mwalimu Nyerere talked about “Unity in diversity.” That was fine but if you are going to look at the various cultures we have in the various tribes and begin emphasizing those, the end result is going to be retrogressive. You will begin emphasizing our tribal, ethnic backgrounds instead of looking at ourselves as our motto says, “One People.” And so, whereas I am not opposed to renaissance of our culture, we must of necessity pick out those aspects of culture that can build us; that can unite us and others we must leave them relegated to where they are already. *(Applause)* My sister talked about a number of them which I may not repeat but which are repugnant and oppressive against women.

Madam Speaker, yes, we have a rich culture in medicine but again science has taken over. And when you try to bring this forward, it is going to be construed as witchcraft. We don't want that come back again.

So, Madam Speaker, I appreciate the mover of the motion. I appreciate the intentions of the motion, which should be supported but we must be realistic when we are looking at a revival of our culture. There are aspects of culture which are very good in the field of music, dance and drama, yes we can promote those and they can also be money earning. We should indeed promote those and those will promote our unity as East African and as Africans. The others will specific ally address certain small tribes, clans and so on must remain relegated to the background. Madam Speaker, with those few remarks, I support the motion. I thank you.

(Applause)

Mr. Zein Abubakar (Kenya): Thank you very much, Rt hon. Speaker. Allow me on behalf of hon. Mbidde and myself thank all the Members who contributed; hon. Sebalu, hon. Ogle, hon. Kiangoi, hon. Mwinyi, hon. Dora, hon. Frederic, hon. Shy-Rose, hon. Ole Nkanae and the Chair of Council of Ministers, hon. Shem Bageine for their addition of value to this debate and to this motion.

Madam, Speaker, allow me to start with limited comments in terms of some of the proposals in terms of enriching and adding value to this motion. Specifically I speak to hon. Dora's preposition. Hon. Mbidde and myself have consulted and we agree with that addition and indicate to her that it is completely in harmony with the objective No. 6, which is to encourage cultural cooperation among Member States with a view to strengthening African unification through use of African languages and promotion of inter-cultural dialogue. And by giving work to the Summit and the Council of Ministers through this addition No. 3, I think it is a very good addition and contribution which will enrich this motion.

Madam Speaker, quickly if you could allow me, knowing that there is other cultural business in the evening, just to say the following; one, that before we leave the chambers after we have risen, I will give copies to hon. Shy-Rose and also to indicate that I agree with her that it is important for us to get notice so that people can research. Even when people are eloquent, it is always good when they have been given an opportunity to do research on matters- an issue which was also raised by hon. Ole Nkanae.

For the benefit of hon. Shy-Rose, if you look at part two of this Charter in totality, it deals with diversity, identity and the idea of renaissance. Particularly let me single out commitments to the idea of reconstruction addressing the historical memory and conscience of Africa and the African Diaspora.

If you look at part three, it deals with the issue of asking African States to develop cultural policy and it is very important in terms of developing a framework for implementation within our Partner States and other members of the African Union. So, it gives some basic principles in terms of policy.

Also I am pointing out that it deals with those aspects of science, education, technology for the benefit of hon. Chair Council of Ministers. Also the perspective of this Charter is exactly what you are saying that we accept that we are under certain circumstances and in this renaissance, we shall look at the best in the past but also take into consideration what is going on now in the world but also allow for cooperation with other cultures as well.

Allow me to further point out, Madam Speaker that part four is dedicated to the use of African languages; part five is dedicated to the use of mass media including new media; and then part six

the role of the State in cultural development and how it can assist cultural workers; artists and those who are involved in cultural related industries.

Also the protection of African artistic goods and services, the protection of African cultural heritage and let me single out that African States have through this Charter committed to take steps to put an end to the plight and illicit traffic of African property and ensure that such property is returned to their countries of origin.

Also intra and inter African cooperation framework is covered by part seven. And within that framework, if you look at Article 31, it deals with capacity building of institutions of the African Union and African States in order to facilitate the work of culture. To organize cultural events such as sporting events, symposia - *(Interruption)*

Ms Bhanji: Clarification.

The Speaker: I thought this information was specifically coming to you.

Ms Bhanji: Yes, but I don't have a copy because you are referring to me saying that: "If you look at ..."

The Speaker: I think the initial commitment you made-

Mr. Abubakar: That is what I started with. And I am trying to help and say, maybe to give her a zone of comfort for her to understand what is in it. It won't help her much in terms of making decisions at the end of it. I understand that and that is why I am giving you aspects of what is contained therein. If that is not useful, I could jump to my conclusions.

But, Rt hon. Speaker, if I am to finish, in terms of establishing cultural research centers and cultural exchange programs and also deals with the question of cultural values and so on and so forth. It also deals with African Diaspora and how we can engage at that level.

One unique feature of this Charter is the final provisions. If you allow me to point out, Madam Speaker, that this Charter shall be open for signature to all member States of the African Union and in the ratification process, the original instrument done, if possible, in African languages. It is the only instrument in the African Union that permits that. That you could actually use Kiswahili; we could translate and use Kiswahili in our ratification process. We can use Luganda;

we can use Luo. This is the only instrument in the African Union that allows that and if we are able to make this mainstream it, it will be a useful exercise.

Allow me, Madam Speaker to finish with two points; one, if you listen carefully to what the Members were saying, if you take the sum total of the contribution of cultural related industries, it is mind boggling in terms of its contribution to the GDP. Take any country, for example, the United States of America and say, what is the contribution of fashion? What is the contribution of food? What is the contribution of publications and magazines? What is the contribution of music? And when we talk about food, they have mainstreamed Coca Cola in our cultures. So, every time you take a bottle of Coca Cola, you are not only paying homage to American culture, but you are paying money of which a substantial amount goes back to the USA.

So, I agree with my brother, hon. Mwinyi when he talks about and says that the only African cultures within our communities which have managed to establish themselves in the pecuniary business is the Ethiopian business. You can't go to any major city in the world, including the ones in East Africa, and not get Ethiopian food if you wanted. Other places you can get Chinese food, Italian food, American food, Indian food but where is the African food?

So, we are saying, we want to establish the institutional framework for doing that. And it is absolutely critical for us to be able to do that.

Lastly, Madam Speaker, I will finish with something that was started by hon. Mwinyi when he talked about the philosophical aspects of our culture and how we can develop home grown solutions. In Tanzania, they made the idea of self-reliance very important- *kugitegemeya*- which is absolutely African and important. I would like to add a little contribution to that and say, in this Community, let us develop a culture of *kugitegemeya na kutegemeya* meaning self-reliance and depending on each other.

So, with those words, I would like to really thank you for your indulgence and ask the House to support this motion. Thank you very much.

(Applause)

The Speaker: I know other Members wished to contribute to this very important motion. I saw hon. Pareno, hon. Odette and hon. Celestine but I am sorry because of the time.

Hon. Members, the motion on the floor is that this Assembly do resolve to urge the East African Community Summit to adopt the Charter for the African Cultural Renaissance. I now put the question.

(Question put, and agreed to.)

QUESTION FOR ORAL ANSWERS

Ref: EALA/PQ/ OA/03/30/2013

Ms Dora Byamukama (Uganda): Madam Speaker, hon. Members, I beg to move that the hon. Chair, Council of Ministers responds to question: Ref: EALA/PQ/ OA/03/30/2013. I beg to move.

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you, Madam Speaker.

ORAL ANSWER TEXT

Ms Dora Byamukama (Uganda): Thank you, Madam Speaker. I thank the Chair, Council for a very explicit response. I have two supplementary questions; what does the 1 percent levy translate into based on current trends?

Secondly, you say you discussed that other sources of revenue such as charges on air tickets should be considered in the proposed alternatives, I found this a little bit peculiar considering that the charges on air tickets are already prohibitive; have not been harmonized and we are now proposing to encumber those who may wish to use air travel with this surcharge. Can you please, provide more clarification?

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you, Madam Speaker. I do not have figures with me on what the 1 percent surcharge translates into but I want to assure you that if this was accepted, it will be a better way of financing the Community and we would generate enough funds that would help us carry out the mandate of the Community. These figures I can always get and make them available.

Madam Speaker, the second question on the proposal to charge a certain levy on air tickets is not being done in order to increase the cost of tickets to the travelers. It will not change. The

proposal is to actually get it from the airline operators as a contribution rather than adding on the cost of tickets. I thank you.

Mr. Abubakar Ogle (Kenya): Thank you, Madam Speaker. Can the Chair of the Council of Ministers confirm that in developing an alternative financing mechanism one of the proposals that was toed by the Council was a provision that countries make contribution based on their economic status on the strength of their economies? If that was, aware that the EAC is modelled on the European system, isn't there a likelihood that we create a potential Germany amongst the Member States even if we pursue that provision, for instance? Thank you.

The Chairperon, Council of Ministers (Mr. Shem Bageine): Thank you, Madam Speaker. If you study the provisions of the Treaty carefully, we talk of equitable distribution of benefits and responsibilities amongst the members of the Community. And indeed the principle involved here is that the bigger the economy, the more contribution it will make, which fits in that principle of equitable distribution of responsibilities.

Madam Speaker, we do not think that that will lead to creation of a Germany as the hon. Member is saying because there are other operative principles that we follow in the Community including representation, for example, in EALA recently we agreed on the quota system of employment in the Community and so on. So, it will not change anything. The only thing that will change is that the richer Partner States will bear more responsibilities than smaller ones. I thank you.

Mr. Yves Nsabimana (Burundi): Thank you, Madam Speaker. It is not a question but rather a suggestion to the Chairperson, Council of Ministers.

The Speaker: The rule gives you chance to a supplementary question. It doesn't give you an opportunity for a suggestion.

Mr. Nsabimana: It is a request.

The Speaker: Can you prepare a motion to the Chair, Council so that you are able to give your views to him in a much more parliamentary way than through a supplementary question? I will take hon. Hajabakiga.

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt hon. Speaker. I would like to thank hon. Dora for asking this question and also the Chair, Council for giving us a good answer. The reason I am rising is because this whole issue has been long overdue. This was a debate we found in EALA in 2008 when we joined. I would like to know whether these consultations in the Partner States were given time or it is going to be another five to 10 years from now? Thank you.

Mr. Zein Abubakar (Kenya): Thank you very much, Rt hon. Speaker. I would also like to thank hon. Dora and the Chair, Council of Ministers for the good answer. But like hon. Hajabakiga, I am worried about the timeframe. I was listening very keenly and carefully to what the hon. Minister was saying and you will notice that he finished by saying, “As soon as possible,” and when he said, “Within the next financial year,” so, I would like to ask the Minister, should we consider that those words which were added verbally are part of the answer?

The Chairperson, Council of Ministers (Mr Shem Bageine): Thank you, Madam Speaker. The issue of timeframe for the conclusion and hopefully acceptance of this proposal is important and I do appreciate this. I stated in the answer here, and indeed it is part of the answer, that it is hopeful that this will be done within the next financial year. The Council is addressing this matter and we are convinced that this will be the best way of financing Community programs and projects and we will be able to ensure that within next financial year, this coming financial year actually, we will be able to have concluded.

Mr. Peter Mathuki (Kenya): Thank you, Madam Speaker. Mine too is to the Chair. Thank you, hon. Dora and the Chair, Council for the answers. My question is, is the Chair, Council aware that actually all Partner States of the EAC are net importers and, therefore, imposing any levy will mean increasing pricing of the basic commodities and that will again affect the cost of living in East Africa? Are you aware of that?

Secondly, he could guide us whether all the Partner States are in good standing when it comes to their annual contributions? If not what are the outstanding balances? Thank you?

The Speaker: Couldn't that be a substantive question?

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you, Madam Speaker. I am sure that Members are aware that the Partner States have been making contributions which come when from their revenues and part of these revenues are obviously from taxation of imported goods. Now, there have been cases, sometimes, where there have been delays of remission of the contributions from the partner States to the Community, which at times frustrates the workings of the Community.

The proposed levy of 1 percent would be much easy to operate and would ensure timely delivery or remission of each Partner State's contribution because money would be taken off from the source, particularly more so, when we conclude the single customs territory. It will be easier and faster to get money remitted to the Secretariat and other Organs of the Community to enable them carry out their programs.

Yes, I have stated that there have been cases of delays in remitting monies but I am glad to say that at the end of day, all Partner States, within a given financial year, end up making good their contributions. I thank you.

The Speaker: May we proceed to the next one because of time?

QUESTION: EALA/PQ/OA/3/31/2013

Ms Dora Byamukama (Uganda): Thank you again, Madam Speaker. I beg to move that the hon. Chair, Council of Ministers responds to question: Ref: EALA/PQ/ OA/03/31/2013. *(Article 16 of the Treaty provides that regulations, directives and decisions of the Council taken or given in pursuance of the provisions of the Treaty shall be binding on the Partner States and on all Organs and Institutions of the Community other than the Summit, the Court and the Assembly within their jurisdictions and on the those to whom they may under the Treaty be addressed. Could the Chairperson of Council of Ministers:-*

a) *Clarify to this August House the decision making process of the EAC Council;*

b) *Confirm whether the decision making process has become an impediment to the integration process.*)

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you, Madam Speaker.

Madam Speaker, The decision-making process of the Council of Ministers is guided by the provisions of Articles 14 and 15 of the Treaty for the Establishment of the East African Community, the Protocol on Decision-Making by the Council of Ministers and the Rules of Procedure for the Council. On this legal basis, the Council makes decisions, directives, regulations and recommendations on different areas for purposes of promoting, monitoring and keeping under review the implementation of the integration programmes. The key tenets of the process include:-

- a) Representation of all the Partner States, which is the basis for the quorum at all meetings;
- b) The requirement for consensus on the making of all policy decisions; and
- c) Reliance on such technical input as may be required from relevant Sectoral Councils and the Co-ordination Committee.

Madam Speaker, I cannot confirm let alone state that the decision-making process of the Council has become an impediment to the integration process. I can however state that the integration process is afflicted by such factors as:-

- a) the problem of reaching consensus in some cases much as consensus does not necessarily mean unanimity;
- b) lack of quorum and representation at some meetings;
- c) postponement of meetings; and
- d) Long pre-decision making consultations among the Partner States.

These are matters in respect of which the Council of Ministers is pursuing solutions through amendment of the relevant instruments.

Madam Speaker, Allow me to inform this august House that despite some challenges in decision-making the Council has been able to discharge its responsibilities in overseeing progress in various areas of co-operation.

.....

(Inaudible)

(The House rose atp. m and adjourned until Thursday, 21st November 2013 at 2.30 p.m.)

