



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

21st SITTING – THIRD ASSEMBLY: FIFTH MEETING - FIRST SESSION

Tuesday, 23 APRIL 2013

(The East African Legislative Assembly met at 2.30 p.m. in the Chamber of Deputies, Parliament of Rwanda, in Kigali.)

(Rwanda National Anthem was played)

(The EAC Anthem was played)

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FORM THE CHAIR

The Speaker: Hon. Members, I wish to welcome you to today's sitting. Specifically, I would like to make the following communication; as you are aware; our programme was adjusted and tomorrow is the day when we are going to have the State of the EAC Address. I would like to formally inform you that tomorrow the session will begin at midday. So, you are expected to be seated by 11.30 a.m. Kindly, let us keep time. The Chair of the Summit will be here at that time.

Secondly, take note that because of tomorrow's sitting, during today's sitting, we shall adjourn quite early; just around 5 at latest 5.15 so as to give chance to the security arrangements to proceed. So, given that context, even the EALA Women Chapter meeting which was supposed to take place after the session today will take place on Thursday. Kindly, take note of that adjustment.

As you are aware, this evening the Rt. Hon. Speaker of the Chamber of Deputies has extended to us an invitation. I would like you to take note and kindly be there on time- 7.00 p.m. Thank you very much - I thought that you already have the invitations; it is at Kigali Serena Hotel at 7.00 p.m.

I want to take recognition of Hon. Susan Namaganda, Member of Parliament from Uganda, you are most welcome. (*Applause*)

LAYING OF PAPERS

Ms Jacqueline Muhongayire (Rwanda): Thank you, Rt Hon. Speaker and Hon. Members, I beg to lay on the table the report of the 7th Crans Montana Forum held in Brussels, Belgium from 6th to 9th March, 2013. The Rt Hon. Speaker delegated me to attend on her behalf with Mr Stephen Mugume, Senior Clerk. I, therefore, beg to lay the report on the table. Thank you, Madam Speaker.

The Speaker: Thank you very much, Hon. Muhongayire. I think the Committee on Communication, Trade and Investment should have a look at this report. It is very important. Thank you.

BILLS'

SECOND READING

The East African Community One-Stop Border Post Bill, 2012

The Minister of State, Ministry for East African Community Affairs, Uganda and Chairperson, EAC Council of Ministers (Mr. Shem Bageine): Madam Speaker, I beg to move that The East African Community One Stop Border Post Bill, 2012 be read for the Second Time. I beg to move.

The Speaker: Seconded by Hon. Dr Abdullah, Hon. Dr Sezibera and the CTC; proceed, Chair Council.

Mr. Bageine: Madam Speaker, I would like to thank the Chairperson and the Committee on Communications, Trade and Investment for having studied the East African Community One Stop Border Post Bill, 2012 and for having undertaken public hearings, the outcome of which has evidently served to increase knowledge and appreciation of this Bill.

This Bill is timely as it comes at a time when the Community is implementing the Protocol on the Establishment of the East African Community Common Market.

As I move this motion, allow me to state from the background that various legal instruments of the East African Community provide for cross border movements of goods, persons, services and related issues that have implications for the implementation of the One Stop Border Post concept in the EAC region. These instruments include the following:

The Treaty which in its Article 7 provides for the establishment of an EAC economy with free movement of goods, persons, labor, services, capital and information technology. The Treaty

further provides for the establishment of the Customs Union, the Common Market, the Protocol on standardization, quality assurance and meteorology, rail and road transport cooperation and registration of freight forwarders in the Community. In particular, Article 104 of the Treaty provides for the free movement of persons through east border crossings, use of common travel documents and common border opening hours. Similarly, Article 124 provides for enhanced cooperation in handling cross border crime and mandates, joint operations to enhance border security.

The Protocol on the Establishment of the East African Community Customs Union in Article 5 provides for the exchange of information on matters relating to customs and trade between the Partner States to include the prevention and investigation on suppression of customs offences and the operations of a harmonized information system. Of greater relevance, is Article 9 of the Protocol, which obliges Partner States to consult each other on the establishment of Common Border Posts, and to ensure that goods are imported and exported through recognized customs offices and routes.

The East African Community Customs Management Act, 2004 in Section obliges EAC Partner States to exchange information and related documents for the prevention of offences and mandates the establishment of Common Border Posts, the carrying out of joint customs controls and taking of joint steps to ensure goods pass through recognized customs offices and routes. There are other provisions that deal with powers of customs officers to search and arrest.

The Protocol on the Establishment of the East African Community Common Market in Article 3 sets out the objective of economic growth and development within the Community through the attainment of free movement of goods, persons, labor services and capital. Article 4 of this Protocol provides for the easing up of cross border movement of persons and the eventual adoption of an integrated border management system. Article 7 of the same Protocol guarantees the free movement of citizens of the Partner States within the EAC and the reciprocal opening of border posts for 24 hours. The Protocol further provides for the standardization of the identity card system in the East African Community and harmonization of immigration procedures.

Madam Speaker, within the context of the above highlighted East African Community policy and legal instruments, and relevant legislation of the Partner States, the Council at its 18th Meeting held from 31st August to 4th September, 2009 approved the recommendation to develop this Bill.

The decision of the Council was informed by the consultative meetings that had taken place in Partner States. Apart from meetings of the EAC Secretariat, consultants undertook visits and held various consultative meetings with most of the key stakeholders in all the Partner States intended to determine among other things, the following:

- a) Nature and number of agencies involved in border controls and framework within which they can operate;
- b) Issue of extra territorial jurisdiction of such existing national legal frameworks and the extent to which they allow for hosting arrangements being the two cornerstone legal principles underpinning the One Stop Border Control;

- c) Manner in which such principles can best be incorporated into national laws;
- d) Legislative process of each Partner State including the process for concluding and effecting international agreements as enshrined in national laws; and
- e) Each Partner State undertaking of the relationship between EAC and national legal instruments with regard to issues of precedence and need for domestication of EAC instruments.

Madam Speaker, allow me to highlight the potential benefits of the One Stop Border Posts to the extent that One Stop Border Posts concept reduces time delays and transport and other logistical costs. It will provide many potential benefits including better resources utilization through improved cross border cooperation and sharing of intelligence and resources, improved employee productivity through the use of advanced data and improved security and reduced corruption and revenue leakages.

Other benefits include reduction in delays and operating costs, saving on time spent on document preparation and processing, greater asset utilization and returns; increased reliability of shippers enabling reduced inventories, reduced time spent at the border by travellers.

Madam Speaker, the object of this Bill is to provide for the establishment and implementation of One Stop Border Posts in the Community in order to facilitate trade through efficient movement of goods and people within the Community.

In all these respects, this Bill once passed, will establish a reliable common legal framework within legislative guidelines provided under the Acts of the Community Act, 2003.

This Bill provides for the establishment of control zones, conduct of border controls, application of relevant laws, regulation of border officers and facilitation agents and institutional arrangements among key features.

In order to simplify and expedite border controls, the Partner States shall, therefore, implement one border processing arrangements by establishing and designating control zones of the respective border posts. These control zones shall be so arranged that from each direction of travel, border controls shall be carried out in the State of arrival. This will reduce on the number of steps by combining border control activities at a single location.

Madam Speaker, for the operationalization of this Bill, the Council of Ministers as the Community's policy organ, shall from time to time make regulations.

Finally, Madam Speaker I thank the Committee on Communications, Trade and Investment which with the support of technical staff from the Directorate of Infrastructure, the Directorate of Customs and Trade and the Office of the Counsel to the Community has enriched this Bill especially on clauses 2, 3, 16, 21, 29, 33, 36, 39, 50, 52, 54 mad 55. Madam Speaker, I beg to move.

The Speaker: Thank you very much, Chair Council. Hon. Members, the motion on the floor is that the East African Community One Stop Border Post Bill, 2012 be read for the Second Time. Debate is open.

Mr. Dan Kidega (Uganda): Madam Speaker, thank you so much. Allow me to re-echo the apology of the substantive Chair of the Committee on Communication, Trade and Investment, Hon. Angella Kizigha who is not feeling well and so she requested me to stand in for her. Please, do accept her apology.

Madam Speaker, from the onset before I read the report of the committee, allow me to table the report, the work it did in dealing with this report for the record of the House.

Madam Speaker and Hon. Members, I am aware that the Office of the Clerk has circulated the report of the committee to the Members. I beg to go straight to the report on page 1. The cover page reads the report of the Committee on Communication, Trade and Investment on the EAC One Stop Border Post Bill, 2012.

Introduction

The Treaty for the Establishment of the East African Community in clause 14 (b) mandates the Council to initiate and submit Bills to the Assembly. In this respect, the EAC Council of Ministers developed the EAC One Stop Border Post Bill, 2012.

The object of this Bill is to provide for the establishment and implementation of One Stop Border Posts in the Community in order to facilitate trade through the efficient movement of goods and people within the Community.

In December, 2012 the Council tabled the Bill to the Assembly for the consideration and ultimately passing one of it in its core function in legislation. As part of the legislative process, the Assembly also referred the Bill to the Committee on Communication, Trade and Investment for consideration.

Among other means of consideration of the Bills, the committee adopted holding public with a view to involve citizens in the legislative process by getting their input on the Bill. Therefore, it is against this background that the committee members held consultative public hearing workshops from the 6th to the 12th of March, 2013 with the different stakeholders in all the capitals of the EAC Partner States.

Objective of the stakeholders' Consultations

The overall objective of the public hearings was to consult the public about the EAC One Stop Border Post, 2012 but specifically to:

- a) Gather public opinions, views, inputs that can inform the Bill;
- b) Understand the likely opportunities, challenges and impact associated with the Bill; and
- c) Come up with relevant recommendations.

Methodology

The members of the Committee on Communication, Trade and Investment divided themselves into two groups. One group covered the Republic of Burundi and the Republic of Rwanda while another group covered the Republic of Uganda and both groups converged in the Republic of Tanzania and that of Kenya to hold public hearings on the EAC One Stop Border Post Bill, 2012.

All the public hearings were held in EAC Partner States capitals and were participatory in nature so as to consult various stakeholders from the governments, private sector, civil society including the media to bring on board their views on the Bill.

The stakeholders consulted included among others EAC Secretariat- we thank them very much, particularly the relevant Directorate and the Office of CTC for the great work they did with the committee; Ministries of EAC Affairs; Ministries of Trade; Ministries of Infrastructure and Transport; Road Authorities; commercial truck drivers associations or transporters, vehicle inspection departments; weights and measures agencies; Revenue authorities; immigrations; bureau of standards; police traders, clearing and forwarding agencies, among others.

The committee further engaged EAC Secretariat technical officers and the Council of Ministers to scrutinize the Bill.

From the stakeholders' consultation, the following observations and recommendations were made:

- 1) Stakeholders in all the Partner States appreciated and underscored that the OSBP Bill, 2012 is the cornerstone for the regional integration and will facilitate efficient implementation of the EAC Common Market Protocol especially free movement of people and goods.
- 2) The stakeholders also expressed appreciation to EALA Members for allowing them to be involved in the legislation process.
- 3) This confirms that EALA upholds the principle of EAC being people centered. It is also true that the OSBP concept has been operating in some of the border points on a bilateral arrangement within the Partner States. Therefore, this law is critical because it provides a regional legal framework for the operation of the One Stop Border Post.
- 4) Stakeholders observed that there are still NTBs in the EAC Partner States such as un-harmonized standards, practices and procedures, police road blocks and check points, yellow fever cards requirements, different fees paid at the border posts among others, which constrain movement of people and goods in the region.
- 5) Stakeholders observed that there is shortage of necessary infrastructure and technological facilities to facilitate effective implementation of OSBP law.
- 6) Stakeholders noted with concern that the Council delays to come up with regulations to facilitate efficient and effective implementation of regional laws. Here they all didn't talk about OSBP only but other regional laws as well. Even when the Council makes the

regulation, different stakeholders are not consulted for their input during the process of putting in place the regulations.

Recommendations

- 1) There is need for Partner States to develop, upgrade and modernize all the required infrastructure facilities and enhance technological advancement to enable efficient and effective implementation of the one border stop concept.
- 2) The Council of Ministers should fast track the process of making regulations necessary in effective implementation of the OSBP law.
- 3) The Council of Ministers should conduct sensitization programmes on the OSBP to the EAC populace to ease the implementation of the law.

Conclusion

Madam Speaker, having comprehensively and carefully considered and analyzed all the concerns, comments and opinions from the stakeholders during the consultations, and having discussed with them at length with the EAC technical officers, including the Council of Ministers, who initiated the Bill, the committee proposes the following amendments as indicated in the schedule attached to facilitate effective implementation of the Bill in the EAC Partner States.

Madam Speaker, at an appropriate stage of the proceedings of the House, the committee will come up again to propose its amendments to the Bill as per the views gathered during the public hearings and the discussions held with the technical staff and otherwise. I thank you very much. *(Applause)*

The Speaker: Thank you very much, Hon. Dan Kidega. Hon. Members, debate continues.

Ms. Shy-Rose Bhanji (Tanzania): Thank you, Madam Speaker for giving me the floor so that I can also contribute to the Bill and this report. On the onset, I wish to declare that I am a member of this committee and I will fully support the report.

Before I say anything, Madam Speaker allow me to use this opportunity to thank you, personally and through you, to thank the Members of this House for the goodwill, blessings and best wishes during my admission in India for multiple surgeries and subsequently when I came back home, I was advised by my doctors to rest for a period of three months. I thank you, Madam Speaker for giving me permission and that is the reason I was unable to attend the Bujumbura plenary during the months of January and February and also sectoral committees that I missed. So, I would like to sincerely thank you all for your prayers. *(Applause)*

Madam Speaker, allow me also to extend my gratitude to the people of Rwanda. I also want to extend my gratitude to the leadership of Rwanda, not forgetting EALA Members from Rwanda for making our stay here in Kigali as comfortable as possible and making us feel at home yet away from home. *(Applause)* Each of us has enjoyed peace and tranquility and comradeship of

the people of the city of Kigali. This I believe is due to the able and wise leadership of President Paul Kagame. *(Applause)*

Madam Speaker, now let me go to my contribution to the Bill. First of all, I commend the Council of Ministers for their efforts in coming up with this Bill. In our integration efforts, this Bill is most welcome. This Bill goes a long way in the reduction of time spent at the border posts and will also reduce bureaucracy. I am of the view that this is a major achievement.

Madam Speaker, at the moment we are experiencing and witnessing major delays by having two border posts and the paper work that has to be done in the two posts. When this Bill is passed and we start a new system, it will assist travellers and traders to save time.

The question of concern, Madam Speaker will depend on the effectiveness and efficiency of this new system. The taste of the pudding lies in the eating. By this I mean that we need to have the right mind set when we start operating this new system. If we don't have the right mind set, we will possibly go back to the delays and bureaucracy as before.

I would like to call upon the appointing authorities to identify the right people with the right attitude and aptitude because if we don't do that like I said, we will be going back instead of minimizing the time, we will be taking more time.

Another question which is very important is the need for training. Madam Speaker, those personnel who will be carrying out their duties in this new system should be fully trained. The spirit of this Bill is to achieve a speedy and more efficient way of assisting travellers as well as the race of East Africans. It is my hope, therefore, that the personnel at border posts will be of the requisite standard and will have the right skills to carry out these tasks.

The other issue that I think is very important is for the governments of the Partner States to offer sufficient motivation to the personnel at the border posts so that they can effectively carry out their day to day activities. Let us create an environment where office and home of these border posts are conducive. When these environs are upgraded, Madam Speaker, the workers and their families will feel motivated to work and offer their best service at these border posts under this new system.

Madam Speaker, in cases of people with families, spouses should be allowed to join their husbands or their wives so that they live together at these posts. Also children should be able to attend at least their primary education in the neighborhood. So, I call upon the authorities to ensure that at least primary schools are constructed in these neighborhoods.

Another key issue, Madam Speaker is in regard to social amenities. Personnel who will be sent out to work in this new system should not feel abandoned. So, it is very important to have social amenities of a comparative level so that they feel punished.

When these important issues are tackled, we expect output to be of acceptable level.

Lastly, I wish to express my satisfaction at the progress reached in the border posts that are already at the implementation level. I think one of the borders is in Tanzania. Please, allow me to congratulate Tanzania and other governments that are already implementing this task. *(Applause)*

I urge other stakeholders to do the needful so that we should start a fully-fledged operation of this new system as soon as possible.

With those few remarks, Madam Speaker, I fully support the report of my committee and I support the Bill. Thank you very much, Members of this House for your kind attention. *(Applause)*

The Speaker: Thank you very much, Hon. Bhanji. I invite Hon. Sebalu.

Mr. Mike Kennedy Sebalu (Uganda): Thank you very much, Madam Speaker. I rise to support this important motion but before I do so, I would like to register my appreciation and gratitude to the President, the Government and the people of Rwanda for yet again hosting EALA in this beautiful city of Kigali. I further thank members of the Chapter for the sufficient arrangements, courtesies and hospitalities extended to us since our arrival in this city a week ago. *(Applause)*

We were hosted to an evening out which was a good way of relaxing after doing serious East African duties and for that we shall always be mindful and thankful to the Chapter and indicate that that spirit will be extended beyond the borders of Rwanda.

Madam Speaker, allow me to thank the Council of Ministers for initiating this very important Bill and allow me to also thank the substantive chairperson in absentia but also to seriously thank the chairperson who has ably fitted in the shoes of the chair and has done commendable work in presenting the report. Let me hope that he doesn't wish that that chairperson is always away so that he stands in for the rest of the tenure. *(Laughter)* But that is not a bad idea.

The Speaker: I hope Hon. Sebalu you are not imputing.

Mr. Sebalu: No, I am only saying that as and when need requires for him to stand in, he will make himself available. But I thank you, Hon. Kidega for presenting this report very ably and giving us a basis upon which to make contributions to this very important topical debate.

Madam Speaker, this is a very good point of departure for us as an Assembly to see that the Council of Ministers is ably living up to their responsibility of initiating legislation. I think we really need to give them compliments. Members, please join me in applauding the Council of Ministers. *(Applause)*

And this is the first Bill in the year. So, when they do their job, they allow us to do our job and collectively the East African people are the beneficiaries. So, to me it is very commendable that the Council of Ministers have allowed us an opportunity do our job. Short of that we would evoke our private member's provision which again brings trouble. So, for you to avoid trouble with us, just be a good supply chain and we shall do the necessary job of enabling legislation. There we shall all be doing our work and at the end of the day we will be complementing each other.

This Bill is timely and necessary, more so at this point in time of our integration process. The one border post concept is something that we need to support; to cherish and funds allowing, we need to have it rolled out to all the border posts so that this idea of demystifying the borders is

enhanced by formal processes that allow people cross formally without serious hindrances to their movements.

We all appreciate that the integration agenda is people centered and there is no better way of facilitating the movements of the people by making the processes very predictable, easy to put in place and allowing the people of East Africa to enjoy the rights and freedoms enshrined in the Common Market Protocol. So, this goes a long way to implement the Common Market Protocol further by creating this very enabling environment that is direly needed by the people of East Africa.

Madam Speaker, the fact that this Bill has been initiated by Council is already underscored and needs to be appreciated thereby allowing the committee to give the necessary support to the legislative process that will end up seeing this law being enacted.

Our people need tangible benefits; they don't really need a lot of big things; they need tangible benefits that will go on to prove our level of commitment to the integration agenda. The one border post concept is answering that question which they have been asking. Once you go out there, people are always asking, "What are you doing? What is it that we are befitting? We are not seeing anything on the ground." So, this goes on prove that the commitment level among all the Partner States cannot be doubted once we have this effectively operating and efficiently undertaken at all levels.

The challenge that we need to take on is to ensure that the Partner States do make implementation in a timely manner so that at the end of the day the people can benefit. We have always passed very good laws; we have always had good protocols on our statute books but you find that the challenge is always at the implementation level. So, I want to encourage the Council of Ministers to prepare in a proactive manner so that once this Bill is passed into law, the implementation is not frustrated at the Partner State level. Let all ministries, departments and agencies of Government that have a responsibility of implementing this do it in a timely manner so that people can reap the benefits that accrue from this important law.

Madam Speaker, I support the Bill and I do believe that it is indeed value addition to the integration process and the people who are the ultimate beneficiaries of this Bill will definitely see something tangible as we undertake our responsibilities to legislate for them. I wish to thank you for the time you have afforded me to support this Bill, Madam Speaker.

The Speaker: Thank you, Hon. Sebalu. I will take Hon. Kiangoi.

Mr. Joseph Kiangoi Ombasa (Kenya): Thank You, Madam Speaker for affording me this opportunity. I would like to state for purposes of the record that I travelled to Kenya last weekend to represent you, Madam Speaker at the funeral of a close relative of one of our colleagues and the people of Machakos County were very grateful to you and EALA as a whole because it showed the kind of commitment we have towards each other. And it also helped to enhance that integration sensitization that we are always looking forward to. I hope that the Hon. Members of this House will also appreciate the position taken by the people of Machakos County, Kenya in appreciating EALA.

Madam Speaker, I want to thank the Council of Ministers for bringing up this Bill. It is one of the stated- in fact the overriding objective of the Community is to develop policies that will widen and deepen the process of integration and particularly in the area of economic affairs because that is a very important area.

I need to mention though I do not know whether Dr Abdullah is here because he has not provided me with the meaning of “deepen” in Kiswahili. I requested him to do so. I hope that before we finish this plenary he would have provided me with that meaning.

The Speaker: Hon. Dr. Abdullah is in the House.

Mr. Ombasa: Yes, I think so. Madam Speaker, the Common Market has been achieved for the sole purpose that we can enhance growth in the region through trade among Partner States and the outside world. That is why this Bill is coming at an opportune time because it is an important step towards the realization of the stated objectives.

Madam Speaker, the East African region is an important economic bloc. I had an opportunity to visit South America recently and I would like to thank you, Madam Speaker for that, and we learnt from the leadership there that they have a big economic bloc; they trade with each other to the extent that they need very little assistance from the Western World. Our region could also grow and our objectives can be realized if indeed we can facilitate ourselves through a legal framework like this one to do business in the region.

Our region is endowed with a lot of wealth. We have good natural resources; we are good at agriculture and the region is rich in minerals. So, trade among the East African countries will be very important for purposes of growth of this region.

Madam Speaker, transit goods need to flow freely and as much as possible. People need to move freely as much as possible and that is why this Bill is important coming at this time.

The situation as it is at the moment is quite a sorry state of affairs. If you go to both sides of our Partner States borders, you will find long queues of vehicles as long as one mile. This at times makes you wonder when the long queues will be cleared so that the goods like the tea coming from Rwanda headed to the Port of Mombasa can get there in time so that it can be auctioned within the high selling season of tea. So, this is a good attempt and we hope that with the passing of this Bill, there will be in place a legal framework which will need to be implemented by the Partner States. That level of commitment is what is required and that level of commitment is what is lacking at times.

It was noted during the committee’s deliberations that even the infrastructure has not been put in place. Madam Speaker I don’t understand when the donors who are at times called development partners say have not released funds. This is not a very expensive infrastructure. I don’t know why our Partner States would require donors in order to put up a One Stop Border Post? This is something that can be factored in each State’s budget and do it within a year. But all is a question of good will; it is a question of willingness to move until somebody else, in the name of a development partner has come up to finance it.

Madam Speaker, this commitment will be tested now that we are putting in place a legal framework. We need to move fast and ensure that the good intentions of this Assembly in passing this legislation are realized.

Having said that and being a member of the committee, I support this Bill. I thank you, Madam Speaker.

The Speaker: Hon. Members, you appreciate that when I made the Communication from the Chair, I emphasized that today we shall make our sitting relatively brief. I could see Hon. Zein, Hon. Mbidde and Hon. Frederic standing up. I will just take the last three in that order and then we proceed. I will start with Hon. Frederic, Hon. Zein and Hon. Mbidde in that order.

Mr. Frederic Ngenzebuhoro (Burundi): Thank you, Madam Speaker. I will be very brief. I stand to support this Bill for many reasons. I support this Bill because it is a concrete proof of the implementation of the Treaty especially in Article 5 (3) (b) where it is said that the Community should ensure that: *“The strengthening and consolidation of co-operation in agreed fields that would lead to equitable economic development within the Partner States and which would in turn, raise the standard of living and improve the quality of life of their populations;”*

The establishment of a One Stop Border Post will facilitate trade in the region and subsequently improve the welfare of the citizens of this region. That is why I must fully support this Bill. For me this Bill will deepen the integration of the economic area where we are in the East African Community.

I am also convinced that through this Bill, the establishment of the One Stop Border Post will reduce corruption and bribery. This morning we attended a meeting in this regard – the issue of corruption and for me this establishment will continue to fight.

I am also convinced that the establishment of the One Stop Border Post will deepen the collaboration and relations between the citizens of this region because we shall have officers from either side who will be very close either in one area or in a very close area. So, it contributes very seriously to deepening the integration our region.

Lastly, Madam Chair, I would like to say that when this Bill will be assented to by the Heads of State, I would like to see it implemented because the most of our legal instruments are not implemented. I urge the Council of Ministers to really implement this because our citizens are waiting for a lot of things that will come along with this Bill.

And for that I urge the Partner States to translate this important Bill into the local languages that people can understand. Most of our traders- businessmen- don't understand English but this Bill could be translated into the different languages that they can understand like Kiswahili and Kirundi that they can understand so that they can benefit from the benefits of this Bill.

Madam Speaker, with this, I would like to fully support this Bill and urge the Assembly to support it. Thank you very much.

The Speaker: Thank you very much, Hon. Frederic. I will take Hon. Mbidde.

Mr. Fred Mbidde (Uganda): Thank you very much, Madam Speaker. I equally rise to support the Bill as this Bill will definitely go a long way to extinguish any amount of duplicative inspections at borders.

Madam Speaker, we equally recognize that it is the best way under which to objectively and legally acquire One Stop Border Posts because the preferences are usually two; either by bilateral agreements or by a substantive enactment, which Madam Speaker is before us.

I am equally excited particularly with provisions under clause 54 where the Bill bestows upon the East African Court of Justice their ordained duty to handle arbitration. I am equally waiting; Madam Speaker for the time when I will equally extinguish any proposed amendment to the contrary by the Council of Ministers and obviously this will be at an appropriate stage when we are considering it clause by clause. I support the Bill.

The Speaker: Thank you very much, Hon. Mbidde. I invite Hon. Zein.

Mr. Abubakar Zein Abubakar (Kenya): Thank you very much, Madam Speaker for giving me this opportunity to support this Bill and the report of the committee.

Madam Speaker, I would first of all like to say that I saw a very beautiful moment today in Parliament when you asked if there was anybody willing to support the Chair of Council of Ministers and I saw the whole frontbench stand up. So, I interpreted that symbolism to mean that once the House has had its say, the assenting process will be fairly smooth and quick given the support that was exhibited by the Council of Ministers present to day. So, I thank them very much for that sense of reducing the gestation period of this Bill.

Secondly, Madam Speaker, allow me to say that I also appreciate the consultative and participatory process of developing this Bill. And I must commend the committee for the good work they have done and also for facilitating the participation of the citizens of East Africa by having their say in this important enactment of law. Also to say that these are some of the opportunities that allow us to share with East Africans and make them understand how the integration process is proceeding and enabling them to make their input.

Thirdly, Madam Speaker, I would like to request the Council of Ministers that some of the issues that pertain to how best this One Border Post will be working are outside the realm of this law. Some of those areas have already been pointed out by other Members who stood before me including Hon. Shy-Rose but I would like us to add one or two; one, if it is possible for us to harmonize the terms and conditions of service of the able men and women who will be manning this One Border Post. It will be very sad if we have two sets of terms and conditions and some feel they are not treated well while others feel they treated well. So, it will be important for us to harmonize so that they are all given very good terms and conditions of service.

Fourthly, Madam Speaker as the Chair of the Regional Affairs, in August and September, we were able to do oversight responsibilities and we crossed a number of East African borders and we found that they were asking for coordination between the Partner States that are bordering each other so that common facilities are created including those alluded to by Hon. Shy-Rose; health, education, availability of electricity on both sides of the border, etcetera. Those are not

covered by the present legislation but can be done through coordination or harmonization of approaches between neighboring Partner States.

Lastly, Madam Speaker, we also recognize the excellent working relationship that was demonstrated in developing this Bill between the Council of Ministers and the committee and the relevant technical staff of the EAC. If we are able to keep the spirit, I am sure we shall be able to enact many important laws that will give us a giant step in the integration process. I thank you, Madam Speaker.

The Speaker: Thank you very much, Hon. Zein. I can see Hon. Kimbisa but I had ruled that because of the time constraint we shall have only the few Members whom I pointed out. So, I would now like to invite the Chair of the Committee on Communication, Investment and Trade to respond.

Mr. Dan Kidega(Uganda): Thank you so much, Madam Speaker. I honestly don't have much to add onto the report and the comments from Hon. Members apart from three comments; one, in our methodology, you realize that we had left out Kenya. That was not necessarily a mistake but just simply because the two subgroups did not go to Kenya due to the fact that about the time Kenya was undergoing a democratic process and we were advised to go later. We eventually went to Kenya and undertook the exercise which was very successful. That is why you saw Kenya was missing in the approaches of the two groups.

Madam Speaker, I would also like to re-echo one thing that the amicable working relationship that existed between the Council of Ministers, the committee and the technical team was amazing. *(Applause)*

I would like to underscore that this be emphasized and working relationship in this Assembly will be very easy. You will validate this kind of sentiment when we go into our schedule of amendments; how easily it will flow.

Finally, I would like to thank the following Members for the support they have given to the report: Hon. Shy-Rose, thank you; Hon. Mike Sebalu, Hon. Kiangoi, Hon. Frederic, Hon. Mbidde and Hon. Zein. I thank you very much, Madam Speaker.

The Speaker: Thank you very much. I will invite the Chair Council of Ministers to respond.

The Chairperson Council of Ministers (Mr. Shem Bageine): Thank you very much, Madam Speaker. I would like to thank all the Members who spoke and supported this Bill. Hon. Kidega has mentioned the names so I will not repeat them. However, I will thank you very much for the support you have given and I have taken note of some issues, which have been raised in the process.

First, I certainly do concur with Hon. Dan Kidega that the spirit of working together will be the hallmark of the success of this Assembly and the integration of East Africa through EALA. *(Applause)* And indeed I saw this when we interacted sometime back when we looked at proposals by the committee in terms of amendments.

I have taken note of a number of issues raised, which are outside the provisions of this Bill. First, let me point out that the Council of Ministers will set up regulations that will help the implementation of the Act when passed and we will ensure that the sentiments expressed here will as much as possible be taken into account when drawing up the regulations.

It is our desire and aspiration that during the process of implementation of this Act, when passed, that as much as possible terms and conditions of employment of staff who will be working together at the One Stop Border Posts will be harmonized so that we create a conducive atmosphere to get people to do what they are supposed to do without resorting to other far ways of survival; and to retain staff that are capable of conducting business at these border posts.

The facilitation referred to is part of the development of the One Stop Border Posts. The idea is; one, to develop office accommodation putting infrastructure in form of parking and equipment and furniture in these offices and where possible accommodation for members of staff. So, as a response to Hon. Kiangoi, the cost of developing a border post is not small, hence sometimes the need to get financiers to come in and assist us. Where it has been possible, the National States have been able to carry out the funding of these border posts.

Madam Speaker, the spirit displayed by all those who spoke is that of unanimity and support of this Bill. And I would like to once again to take this opportunity to thank the Chairman and Committee for a job well done. I thank you.

The Speaker: Thank you very much, Chair Council. Hon. Members, the motion on the floor is that the East African Community One Stop Border Post Bill, 2012 be read for the Second Time. I now put the question that the question that the East African Community One Stop Border Post Bill, 2012, be read for the Second Time.

(Question put, and agreed to.)

BILLS

COMMITTEE STAGE

The East African Community One-Stop Border Post Bill, 2012

The Chairperson: Hon. Members, we are now proceeding to consider the Bill clause by clause.

Clause 1, agreed to.

Clause 2

The Chairperson: Hon. Members, I propose that Clause 2 be part of the Bill.

Mr. Kidega: Thank you, Madam Chair. The committee has an amendment on clause 2. The amendment is to delete the definition of “adjoining Partner State” and replace it with the following: “Adjoining Partner State means a Partner State whose officers perform border controls within the control zone in the host Partner State.” The justification for this amendment is that the definition of adjoining Partner State was redefined to make it clearer without mentioning the names of the adjoining States. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the amendment.

The Chairperson: I now put the question to the amendment that the amendment as moved by Hon. Kidega, Chair of the Committee be adopted. I now put the question.

(Question on amendment put and agreed to.)

Mr. Kidega: Thank you, Madam Chair, further amendment on clause 2. The committee would like to delete the definition of officer and replace with: “Officer means a person responsible for conducting border controls in accordance with the national laws of the Partner States or the laws of the Community.” The justification for this amendment is that the definition of an officer was extended to cover not only Partner State laws but also the laws of the Community. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question to the amendment that the amendment as moved by the committee be adopted. I now put the question.

(Question put, and agreed to.)

(Clause 2, as amended, agreed to.)

Clause 3

The Chairperson: Hon. Members, I propose that Clause 3 be part of the Bill.

Mr. Kidega: Thank you, Madam Chair. The committee proposes that clause 3 of the Bill is amended by deleting the words, “and with adjoining regions.” The justification to the amendment is that the clause was amended to limit the jurisdiction of this Act only to the East African Community excluding the adjoining regions. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question to the amendment that the amendment as proposed by the committee be adopted. I now put the question.

(Question put, and agreed to.)

(Clause 3, as amended, agreed to.)

Clause 4

The Chairperson: Hon. Members, I propose that clause 4 be part of the Bill. I now put the question that clause 4 be part of the Bill.

(Question put, and agreed to.)

Clause 5, agreed to.

Clause 6

The Chairperson: Hon. Members, I propose that Clause 6 be part of the Bill.

Mr. Taslima: Madam Chair, I have been asking myself whether we should continue with this word “clause” or section because clauses are not normally used in such laws. So, as you can see in clause 6, what we say is talking about Section 53 and so clause 6 should also be termed as a “section” and not a clause. I beg that all other remaining “clauses” be termed as sections.

The Chairperson: Hon. Taslima, when it is still a Bill, it is a clause but when it becomes a law, then it becomes a section. So, I think this one is in order. Thank you.

Hon. Members, I put the question that clause 6 be part of the Bill.

(Question put, and agreed to.)

Clause 6 agreed to.

Clause 7, agreed to.

Clause 8, agreed to.

Clause 9, agreed to.

Clause 10, agreed to.

Clause 11, agreed to.

Clause 12, agreed to.

Clause 13, agreed to.

Clause 14, agreed to.

Clause 15, agreed to.

Clause 16

The Chairperson: I propose that clause 16 be part of the Bill.

Mr. Kidega: Thank you, Madam Chair. The committee would like to amend clause 16 (1) to read: “Each Partner State may in carrying out its controls utilize the single window system.” The justification is that the word “shall” after the word “Partner State” is authoritative and should, therefore, be replaced with the word “may” and the word “shall” after the word “control” should be deleted because it serves no purpose. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment. Thank you.

The Chairperson: Hon. Members, I wish to put the question on the amendment.

(Question put, and agreed to.)

(Clause 16, as amended, agreed to.)

Clause 17, agreed to.

Clause 18

The Chairperson: I propose that Clause 18 be part of the Bill.

Ms Byamukama: Madam Chairperson, I am sorry to interrupt the chairperson of the committee but I do remember clearly that under this clause there was a proposal by Hon. Ndahiro to the effect that we should include facilities for persons with disabilities. I, therefore, beg to move with your permission, Mr Chairman that we quickly do a proposed amendment which can be subject to amendment since it was not captures and should read as follows: “Facilities shall be provided in order to facilitate free movement of persons with disabilities.” I cannot remember what it was clearly but I didn’t want us to leave it out. Madam Chair, I don’t know whether you can give us some time to draft something very quickly?

The Chairperson: Can you kindly draft it quickly so that we can stand over this and then come back to it. I think in principle it is okay. Chair, do you have an objection?

Mr. Kidega: Thank you, Madam Chair. Madam Chair, this is actually an omission by our secretariat but the committee does really stand with the Hon. Byamukama that we need this provision. Let us stand over it and also maybe be also further see whether we should create another clause or rather fit it in that one. But that is a genuine concern of the committee. I beg to support.

The Chairperson: Let Hon. Byamukama draft this; we are standing over this clause and when the proposed amendment comes, we shall be able to have the question on it. Let us proceed.

Clause 19, agreed to.

Clause 20, agreed to.

Clause 21

The Chairperson: I propose that clause 21 be part of the Bill.

Mr. Kidega: Madam Chair, the committee would like to amend clause 21 by deleting all the words appearing after the words “border controls” in the third line of the clause. The justification is because there are details which do not need to appear in this law but would be stipulated in the regulations to be developed during the implementation of the law by the Council. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 21 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

(Clause 21, as amended, agreed to.)

Clause 22, agreed to.

Clause 23, agreed to.

Clause 24, agreed to.

Clause 25, agreed to.

Clause 26, agreed to.

Clause 27, agreed to.

Clause 28, agreed to.

Clause 29

The Chairperson: I propose that clause 29 be part of the Bill.

Mr. Kidega: Thank you, Madam Chair. The committee would like to propose an amendment to clause 29 by adding the following new sub-clause to become sub-clause 2 to read as follows: “Where the officer is not required to wear uniform by virtue of his or her work, such officers shall display the officially used identification badge.” The justification is that this section was amended to cater for other officials who are not required to wear uniform but could be identified by other means of identification officially issued to them during their work. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 29 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

(Clause 29, as amended, agreed to.)

Clause 30, agreed to.

Clause 31, agreed to.

Clause 32, agreed to.

Clause 33, agreed to.

Clause 34, agreed to.

Clause 35

The Chairperson: I propose that clause 35 be part of the Bill.

Mr. Kidega: Thank you, Madam Chair. The committee would like to propose an amendment to clause 35(2) by inserting the words, “who investigates a matter under sub-section 1” between the words “Partner States” and “shall be” appearing on the first line of the clause. The justification is

that this subsection was amended to make it clear that an officer of a Partner State who investigates a matter should be a competent witness in the proceedings of an offence committed in a controlled zone of the host Partner State. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 35 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

(Clause 35, as amended, agreed to.)

Clause 36

The Chairperson: I propose that clause 36 be part of the Bill.

Mr. Kidega: Thank you, Madam Chair. The committee proposes an amendment to clause 36 (1) by replacing it with a new 1 to read as follows: “The Partner State shall provide comparable office and other accommodation within the facilities located in the host Partner State and shall not be subjected to any cost related to the occupation and maintenance of such premises.” The justification for the amendment is that this section was amended by removing the words’ “waiver or waiving costs” and replaced by the words “not be subjected to any cost” because the provision of the facilities in the control zone is not based on waiver or any rent.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 36 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

(Clause 36, as amended, agreed to.)

Clause 37, agreed to.

Clause 38, agreed to.

Clause 39, agreed to.

Clause 40

The Chairperson: I propose that clause 40 be part of the Bill.

Ms Byamukama: Thank you, Madam Chair. I have an amendment which follows up to the earlier one though the earlier one is precisely on vulnerable groups, this one is more specific. I would like to propose that we amend this clause to read as follows: “Notwithstanding anything to the contrary in this Act, the Partner State shall ensure that adequate and appropriate facilities are provided within the respective control zones to the public that utilizes the One Stop Border Post including without limitation to special facilities for persons with disability, ablution, food,

banking and other essential facilities.” This is in line with what has been said before. I beg to move.

Mr. Kaahwa: Thank you, Madam Chairperson. Much as I appreciate the proposed amendments being moved by Hon. Byamukama in respect of this clause and the earlier one in respect of structures, I recollect very well that during the deliberations between the Council of Ministers and the CTI Committee, this matter came up. I would like to bring to the attention of this august House that there are so many provisions; there are so many clauses in this Bill which will require catering for physically challenged person within the Community.

Now, if we picked clause by clause, we may not do satisfactory work because there is a risk of leaving out some people where we may not cater for them. I am, therefore, of the humble view that this matter is a matter for subsidiary legislation in the sense that this is a matter which the Council of Ministers – when making regulations for the effective implementation of the Act; for the effect implementation of the sections in the primary legislations can always make regulations catering for those members of society. Clause 55 empowers the Council of Ministers to make such regulations.

In other words, with due respect, I am saying that the proposed amendment may not be necessary and the matter can as well be addressed through Council making appropriate regulations. If we attempt to address it clause by clause, there is a risk of failing to include it in a lot of the provisions because some of these provisions relate also to those persons whom we had in mind. I thank you, Madam Chairperson.

The Speaker: I will take Hon. Byamukama and then Hon. Ndahiro, Hon. Kimbisa and then the Chair of the committee.

Ms Byamukama: Thank you very much, Madam Chairperson. The same argument was brought up in the committee by the Hon. Counsel to the Community and that argument was defeated on mainly two points; the first and foremost point was that you cannot make subsidiary legislation when that legislation doesn't have any root in the main law. So, you cannot introduce the issue of vulnerable groups or persons with disability for that matter, if the law which we are already working on does not even have a root- an anchor. So, for us to say that it can be provided for in the regulations would not really hold water.

Secondly, Madam Chair we also pointed out that when we don't point out the issues of vulnerable groups like women and persons with disability, they usually disappear through the cracks. I would like to refer this honorable House to Article 122 of the Treaty, which makes it very specific the role of women in business. This was very specific because I know that the makers of the Treaty were very well aware that some of the vulnerable groups have special constraints and, therefore, need higher levels of facilitation for them to be able to effectively participate in free movement of goods and persons.

Therefore, I would like to humbly request that the Hon. Counsel to the Community accepts this because it is not harmful and eventually, Madam Chairperson, I would like to bring up a law actually for persons with disability in the region so that we can address these issues across the board. I thank you.

Dr. Ndahiro: Thank you Madam Chairperson. I had two issues to raise but Hon. Byamukama has already addressed both of them. But I would like to remind the Hon. CTC that when we say that this Community is a people centered Community, we really mean it and we should also demonstrate it in whatever we do including passing such legislations.

Madam Chairperson, as she said, we discussed this issue during the committee meeting and we agreed that it does no harm to include it in this specific Bill and later on, actually, work on other related Bills. I thought that we had got a consensus but I don't know what had happened now that he is changing his position. Thank you.

Mr. Kimbisa: Thank you, Madam Chair. I also rise to support Hon. Byamukama because I sincerely believe that if we can't do it, who else should do it? *(Applause)* And if we can't do it today, when should it be done because time is not on our side. After all this is a very minor issue to either argue for or against; it is so obvious and straight forward.

However, I will make a few changes. Instead of saying, "people with disabilities" I would prefer "people with special needs." I know Hon. Ndahiro will rise to challenge but the reason I am saying so is that people with special needs covers a wider group; it is more inclusive.

Dr. Ndahiro: It is internationally agreed that we are referred to as persons with disabilities. Those other definitions are made by others but not ourselves. Thank you.

The Chairperson: Hon. Kimbisa, are you still upholding the amendment regarding that information?

Mr. Kimbisa: Madam Chair, he is busy telling me not to say anymore. *(Laughter)* Now, since he is part and parcel of those forums which he has attended and maybe he argued for and against in the past about the definitions, I will respect his position. Thank you, Madam Chair. *(Applause)*

Mr. Kaahwa: Thank you, Madam Chairperson. I believe you are giving me a chance to say something – *(Interjection)*– It is not part of my make up to easily concede but – *(Laughter)* Madam Chairperson, I raised the matter when I was objecting to the amendment raised by Hon. Byamukama out of the need to enact clearly and succinctly worded legislation.

Having listened to my honorable friends who have made references, and appropriately so, to Articles 6 and Article 122 of the Treaty, among others and recollecting that I undertook to propose amendments to the Acts of the Community to reflect what we are talking about so that it is a general direction for every Bill that the House considers, I would like to indicate to the House that I don't have any objections to the proposed inclusion of disabled persons needs when we are – *(Applause)* – before they clap - when we are incorporating the amendment proposed by Hon. Byamukama. I think that saves your committee's time. I thank you.

The Chairperson: Thank you, Hon. Counsel to the Community. Now I am moving to put the question on Hon. Dora Byamukama's amendment.

(Question put, and agreed to.)

(Clause 40 as amended, agreed to.)

Clause 41, agreed to.

Clause 42, agreed to.

Clause 43, agreed to.

Clause 44, agreed to.

Clause 45, agreed to.

Clause 46, agreed to.

Clause 47, agreed to.

Clause 48, agreed to.

Clause 49, agreed to.

Clause 50, agreed to.

The Chairperson: I propose that Clause 50 be part of the Bill.

Mr. Kidega: Thank you, Madam Chairperson. The committee would like to propose amendment to clause 50 by replacing the following: “For purposes of this Act, the Council shall mandate the relevant institutions of the Community to...” The justification is that this section was amended to capture the role of the Council and also that of the role of the institutions of the Community during the coordination and monitoring of the OSBP. I beg to move.

Mr. Bageine: Madam Chair, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 50 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

Mr. Kidega: Thank you, Madam Chairperson. Further amendments to clause 50; the committee would like to amend clause 50 by replacing paragraph (e) with the following new paragraph, a new (e): “Perform such other functions as may be delegated by the Council.” The justification is that this sub-section was amendment to clarify or bring out the role of the Council of Ministers clearly. I beg to move.

Mr. Bageine: Madam Chairperson, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 50 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

(Clause 50, as amended, agreed to.)

Clause 51, agreed to.

Clause 52

The Chairperson: I propose that clause 52 be part of the Bill.

Mr. Kidega: Thank you, Madam Chairperson. The committee would like to amend clause 52 by deleting and replacing it with the following: “(1) A Partner State make take temporary measures in the interest of defense, security, public safety, public order or public health.” The justification is that this sub-section was amended by deleting the words economic interests, public morality and any other circumstances of similar nature because these words are too wide and not specific. Therefore, they may be misused to defeat the purpose of this Act.

The committee proposes that part reads as follows: “(2) The temporary measures taken under sub-section 1 shall not exceed a period of three months and shall include but not limited to the reversal of the sequence of location of controls or the temporary closure of the border post within the Partner State’s territory.” The justification is that this sub-section was amended to provide for a timeframe for any temporary measures imposed otherwise it may take forever.

“(3) A Partner State may upon expiry of the period specify under sub-section 2 request the relevant Partner State for an extension for a further period of three months or for a further period as the Partner State may agree.” The justification is that this sub-section was added to provide for an extension of a temporary measure in case of a prolonged situation that exists. I beg to move.

Mr. Bageine: Madam Chairperson, I have no objection to the proposed amendment.

The Chairperson: I now put the question that clause 52 be part of the Bill. Now I put the question on the amendment.

(Question put, and agreed to.)

(Clause 52, as amended, agreed to.)

Clause 53, agreed to.

Clause 54

The Chairperson: I propose that clause 54 be part of the Bill.

Mr. Kaahwa: Madam Chairperson, I would like to propose an amendment of clause 54. I have circulated my proposed amendment.

Madam Chair, much as clause 54 is very important because it provides for the resolution of disputes between Partner States in the management of the One Stop Border Posts, there is need to ensure that the resolution of disputes is handled at an appropriate level in accordance with the Treaty and the relevant laws of the Community. The first part of my justification –

The Chairperson: Could you first move the deletion?

Mr. Kaahwa: I am sorry, Madam Chairperson. I move that clause 54(2) which reads as follows: “Where the Council fails to resolve a matter referred to it, the matter may be referred to the East African Court of Justice” be deleted from the clause. The justification in arrangements like this is to ensure that such disputes are resolved amicably.

Paragraph 2 gives jurisdiction to the East African Court of Justice in instances where the Council of Ministers has failed to resolve any disputes arising between Partner States. It is my humble submission that in view of Articles 23 and 27 of the Treaty, the jurisdiction of this honorable court is delimited and cannot be extended by legislation. It cannot be extended beyond where it is delimited by an Act of this august House. Extension of jurisdiction must be by way of amendment of the Treaty or through a protocol as an integral part and annexure to the Treaty.

Madam Chairperson, when I say this, I am fully conscious of the jurisdiction of this court. I am an officer of this court but I know its jurisdiction is interpretative at this point in time. And it is my humble view that this august House cannot use a legislation to amend the Treaty other than through the provisions provided for in the Treaty itself.

The second justification of my proposed amendment is based on considerations of superfluity. This clause may be superfluous in view of the expressed provisions of Article 32 of the Treaty. Article 32 of the Treaty provides for arbitration clauses and special agreements. And with your permission, let me read it out:

“The Court shall have jurisdiction to hear and determine any matter:

- a) arising from an arbitration clause contained in a contract or agreement which confers such jurisdiction to which the Community or any of its institutions is a party; or*
- b) arising from a dispute between the Partner States regarding this Treaty if the dispute is submitted to it under a special agreement between the Partner States concerned; or*
- c) arising from an arbitration clause contained in a commercial contract or agreement in which the parties have conferred jurisdiction on the Court.”*

Madam Chairperson, I believe that the legislation we make, just like other instruments, the legislation we enact, just like other instruments which are based on the Treaty are annexures to the Treaty. And should any dispute arise on the provisions of such instruments, then the Court has already got arbitral jurisdiction in which case clause 54(2) becomes superfluous. I thank you, Madam Chairperson.

The Chairperson: I will take Hon. Ogle, Hon. Mbidde and Hon. Dora Byamukama.

Mr. Ogle: I have been going through Article 28 of the Treaty and it is very clear that a Partner State is actually obliged by the Treaty to seek interpretation if it thinks it is right – when it has been infringed on by another Partner State. So, I don’t know where CTC is getting this idea that the East African Court of Justice has no jurisdiction over disputes arising between Member States.

Mr. Mbidde: Thank you very much, Madam Speaker. We, as Members of the East African Legislative Assembly are very able to give the contributions of our Partner States and personal contributions to furtherance of the integration agenda and accordingly one of the tasks before us is to strengthen and maintain the organs of the EAC, which among others is the East African Court of Justice.

Madam Chair, Hon. Ogle has equally read Article 28 of the Treaty, which obviously provides for the resolution of disputes between Partner States and any other. I am equally going to take you to the Article 32 that the Hon. CTC has definitely read to the House, which creates jurisdiction to the East African Court of Justice, first by election in terms of agreement by parties and any other, which does not exclude, Madam Chair, by an enactment of the Community Assembly.

Madam Chair, this Bill can do a lot of work where even persons can agree to confer jurisdiction to the East African Court of Justice for arbitration purposes. I wonder why a substantive Assembly cannot be seen to be doing so, Madam Chair, even if such powers never existed, which is contrary.

Madam Chair, the East African Court of Justice gave a ruling recently in the case of the East African Law Society and matters for consideration were that substantive clauses of the Common Market, which was clause 54 and clause 27 of the Customs Union ousted jurisdiction of the Court by conferring such arbitration jurisdiction and jurisdiction to solving disputes to other entities, which they called national courts and any other.

And matters for consideration where the substantive clauses of the Common Market and that was clause 54 and clause 27 of the Customs Union ousted jurisdiction of the Court by conferring such arbitration jurisdiction and jurisdiction to solve dispute to other entities, which they call the national courts and any other. Now - (*Interjection*) - I can take the information, Madam Chair.

Mr. Kaahwa: Madam Chairperson, may I from the position that I was a successful party in the reference which the Hon. Member is referring to, inform Hon. Mukasa Mbidde that the decision of the court was that much as the court has an interpretative jurisdiction in respect of the Treaty and annexures of the Treaty, the provisions in the Customs Union Protocol and in the Common Market protocol, which provide for dispute settlement under an East African Community Trade Disputes Remedies Committee and under the national institutions and courts does not oust the jurisdiction of this court. That was the decision of the court. I am surprised that my honorable friend is reading it the other way. I undertake to avail the House with copies of the judgment in that case. I thank you.

Mr. Mbidde: Madam Chair, the reasoning of Senior Counsel before that honorable court, and I would request the CTC to provide clause 24 (1) of the Customs Union as to whether it is still being read as part of the Union. The case was argued by Prof. Ssempebwa and Counsel's reasoning that we were to wait for the extended jurisdiction of the court was overruled by the substantive court.

Madam Chair, the same court went ahead to rule that such Article 24 (1) of the Customs Union and 54 (2) contravened Article 5 (1), 27 (1), 33 (2), 38 (1) and others of the Treaty. There is no way we can sit as an Assembly and legislate against an arm of the Community that is it not

possessed of the powers or jurisdiction; that in fact it does possess. I beg for the support of the Hon. Members in this so that we extinguish this proposed amendment and we go with clause 54 as it is in the substantive Bill.

Ms Byamukama: Thank you, Madam Chairperson. I will make four points in respect of this. I am a little bit perturbed that the very Counsel to the Community who advised very wisely on this Bill has come back to the floor of this House to move an amendment, which will limit and in a way jeopardize the work of the East African Court of Justice.

Madam Chairperson, I really feel perturbed and I want to clearly state that if this issue is left on the *Hansard* as is, we officers of this esteemed court will actually stand to be embarrassed.

Madam Chairperson, let me clearly read what this position says so that we can capture it very clearly if he is touching on disputes between Partner States. And like Hon. Ogle rightly said, when you look at Article 28(1), it states that: “*A Partner State which considers that another Partner State or an organ or institution of the Community has failed to fulfill an obligation under this Treaty or has infringed a provision of this Treaty, it may refer the matter in the court for adjudication.*”

Now, the law we are making in emanates from Article 76 of the Treaty where we are talking about free movement of persons under the establishment of a Common Market and, therefore, this is actually a cross reference to this particular Article 28 (1).

I would also like to say very quickly that he says that we are extending jurisdiction. When you look at Article 27 (1) says, “*The court shall initially have jurisdiction over the interpretation and application of this Treaty.*” Interestingly, the East African Court of Justice is currently viewed as having interpretive powers and the issue of application has been relegated.

I would like us to resurrect the issue of application and the issue of application comes in under Article 28(1) which we have talked about whereby this court would be an arbiter.

Going back to the issue when you look at Article 54 (2) which is in issue says, “*Where the Council fails to resolve a matter referred to it, the matter may be referred to the East African Court of Justice.*” This is in order because even when you look at Article 143 of the Treaty, where the Council fails, a person has a right and this right to go to court is a right no one can take away from any entity or person.

So, basically what I am saying is that the best cure, like he has proposed, is to cross reference and maybe capture the spirit under Article 28 (1); under 32; under Article 56; under Article 143 and all these point to the East African Court of Justice as an appellate organ which can be used where Council may fail.

Finally, Madam Chair, I would like to congratulate Council because for the first time we have a law which is clearly pointing to an enforcement mechanism. We have been failing to pronounce ourselves, for example, on what happens when a Partner State fails to meet its obligation. I want to congratulate the Council of Ministers because for the first time we are seeing this in a Bill.

Secondly, for the first time we are seeing Article 56, which is referring to Article 8(4) and it says that: “This Act shall take precedence over the Partner States laws with respect to any matter to which its provisions relate.” *(Applause)* This is very important.

So, the argument of this Bill being superfluous does not hold because if Article 54 (2) is superfluous, then Article 56 likewise should be considered superfluous and I am surprised that the same argument does not hold for the Hon. Counsel to the Community who thinks that we should do away with the East African Court of Justice.

Madam Chair, I honestly and earnestly implore this House to consider what we have said because it will go down negatively if we do not uphold the jurisdiction of the East African Court of Justice in this particular respect. I thank you.

Mr. Zein: Thank you, Madam Speaker. Let me start with justification part (b). Paragraph 1 of clause 54 is sufficient on settlement of disputes. Anyone who knows the transaction of the Council of Ministers knows that many a times there have been disputes that have not been resolved. And these disputes have remained unresolved and we have never gone back to them.

The suggestion that the Council of Ministers can be a body that is infallible, I don't think obtains - and I think it is only good sense and good policy making to recognize the conflict resolution mechanisms that have been established outside the Executive because when we talk about the Council of Ministers, we are talking about part of the Executive. So, we need to think in terms of the East African Court of Justice as an institution that has been established outside the Executive.

Secondly, let me go back to the first part of the justification which is: “*The East African Court of Justice does not have jurisdiction on disputes among Partner States as envisaged under the Bill.*” I will not bore you, Madam Chair or the Members of this august House with other justifications that have been given by other Hon. Members but if I can go back to Article 32 which the Hon. CTC has quoted, if you look at (c), it says, “*Arising from an arbitration clause contained in a commercial contract or agreement in which the parties have conferred jurisdiction on the court.*” This clearly indicates that parties to an agreement can confer jurisdiction to the East African Court of Justice. This is black and white.

So, I would like to persuade the Counsel to the Community that this provision itself will be interpreted to mean the Partner States through this Act of this august House have conferred that extra jurisdiction power by agreement in conformity with Article 32. Thank you, Madam Chair.

Mr. Kaahwa: Thank you, Madam Chairperson. Having listened to the strong and spirited arguments of the Hon. Members who have contributed, I would like to first of all, for purposes of the record, to indicate clearly that in moving this proposed amendment, I am not challenging the role of the East African Court of Justice and I am not being oblivious to the need to strengthen organs and institutions of the EAC. *(Applause)*

With particular reference to the East African Court of Justice, let it be on record that it is actually me who drafted the Protocol to operationalize extended jurisdiction of this court upon directives by the Council being life to the requirements of Article 27.

It is also me who has recently following a resolution of this august House, prepared a comprehensive technical paper on the extension of jurisdiction of this court. So, let there be no doubts that I am challenging the jurisdiction of the court. And by the way, I am an officer of that court. I am the most common litigant in that court. So, I subscribe to its jurisdiction.

The other point which I should also make is that I have undertaken, again for purposes of a correct record, to avail the Rt Hon. Chairperson and my honorable friends with copies of the decision of the court in EAC Joint Reference No. 1 of 2011 East African Law Society Vs. Secretary General of the EAC because I am also perturbed just like Hon. Byamukama keeps on being perturbed; I am perturbed by my honorable friend, Hon. Mbidde. He is informing this House of the exact opposite of the decision that was made by the court. I undertake to avail that decision.

Madam Chairperson, if the Treaty provides in the manner in which Hon. Ogle has read out and if the Treaty provides in the manner in which Hon. Zein has read out, then there is already a provision to enable disputes to be settled by the East African Court of Justice under its arbitral jurisdiction. If that is the case, is there surely need to repeat it here if it is already provided for in the Treaty? That is the essence of my proposed amendment.

If the Treaty as the fountain of all the legislations that we enact is already providing for this, then in my very humble view it is superfluous to again repeat it here in manner which might suggest to legal practitioners that the court already has jurisdiction over appellant matters, human rights jurisdictions etcetera. I thank you, Madam Chairperson.

The Chairperson: Now this leaves us to have this amendment to be voted upon because initially I heard the Counsel to the Community saying that this spirited debate tended towards giving in to move towards agreeing. But now it seems we have to put the question. I now put the question on the amendment as moved by the Hon. Kaahwa to delete 54(2).

(Question put and negated.)

The Chairperson: Now, I put the question that Clause 54 stand part of the Bill.

(Question put and agreed to.)

Clause 55

(Question proposed)

Mr. Kidega: Thank you, Hon. Chair. The committee proposes amendments to clause 55 by adding the following new sub-section to become sub-section 2. “(2) notwithstanding the generality of sub-section (1), the Council shall make regulations:

- (a) Prescribing operational procedures for the harmonization of documents, mandatory clearance of imported and transit goods and entrenchment of existing arrangements for the people living around the common border.
- (b) For the harmonization of structures and facilities in the control zone.

The justification for these amendments are; this sub-section was amended by adding a new sub-section to emphasize on the role of Council while making regulations especially with regard to the operational procedures for the harmonization of documents, mandatory clearance of imported and transit goods and entrenchment of existing arrangements for people living around the common border and providing for the harmonization of structures and facilities in the controlled zone. I beg to move.

Mr. Bageine: Madam Chairperson, can I request the Secretary General to say something before I speak on this.

Dr. Sezibera: Madam Chair, I rise to first of all thank the Chair of Council for giving me the opportunity to say something and thank you for allowing me to say something on this Article which also goes with Article 54, which the august House has just adopted.

Madam Chair, the record should be clear that Article 54 as adopted does not give the East African Court of Justice any additional jurisdiction. It gives Council the obligation to do what the Treaty and the Rules of Procedure already provide for. So, the Article that has already been – I have listened to the debate of the House and it is not correct to say that the House is giving that institution additional jurisdiction. What the House has done is to make sure that the Council and the East African Court of Justice can execute the mandates that they already have under their current jurisdiction. Thank you. *(Applause)*

The Chairperson: You are just affirming that the House voted correctly.

Dr. Sezibera: Correct and the reason for that so that it is reflected.

The Chairperson: Thank you. Chair Council, your take on clause 55.

Mr. Bageine: Thank you, Madam Chairperson. The proposed amendments are in line with what should be contained in the regulations to be prepared by the Council of Ministers and also in keeping with the earlier amendments regarding facilitation and so on around the One Stop Border Post areas. Therefore, I have no objection to the proposed amendments. *(Applause)*

The Chairperson: Now, I put the question the amendments as moved by the committee.

(Question put and agreed to.)

(Clause 55, as amended, agreed to.)

Clause 56, agreed to.

Clause 18

The Chairperson: Hon Members, you remember we stood over Clause 18.

(Question proposed)

Ms Byamukama: Madam Chairperson, thank you for the opportunity. Clause 18 provides for higher levels of trade facilitation and I beg to move that we introduce a clause 18 (2) which

provides that “higher levels of trade facilitation may include provision of such facilitation to vulnerable groups and persons with disabilities.” I beg to move.

The Chairperson: Hon Members, the amendment has been forwarded to the Clerk and it is inserting an 18(2) meaning that the current 18 (2) will become 18 (3) and it is just stating what the mover has said.

Mr. Bageine: Madam Chairperson, I have no objection to the proposed amendment.

The Chairperson: I now put the question on the amendment as moved by Hon. Dora Byamukama.

(Question put and agreed to.)

(Clause 18, as amended, agreed to.)

The Schedule, agreed to.

Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House reports there to. I beg to move.

(Question put and agreed to.)

THE ASSEMBLY RESUMES

(The Speaker, presiding)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled: “The East African Community One Stop Border Post Bill, 2012” and passed it with some amendments. I beg to move.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, I beg to move that the report of the Committee of the whole House be adopted. I beg to move.

The Speaker: Seconded by Hon. Kaahwa, Dr. Sezibera, Hon. Nzeyimana, and Dr. Abdallah Now, I put the question that the report as moved by the Chair Council of Ministers be adopted.

(Question put and agreed to.)

BILLS**THIRD READING**

The East African Community One Stop Border Post Bill, 2012

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, I beg to move that The East African Community One Stop Border Post Bill, 2012 be read for the Third Time and do pass.

The Speaker: Seconded by Hon. Kaahwa, Dr. Sezibera, Hon. Nzeyimana and Dr. Abdallah. I now put the question that The East African Community One Stop Border Post Bill, 2012 be read for the Third Time and do pass.

(Question put and agreed to.)

Bill read a Third Time.

MOTION**FOR THE CONSIDERATION AND ADOPTION OF THE ANNUAL REPORTS OF THE ACTIVITIES OF THE EAST AFRICAN COMMUNITY FOR THE PERIOD 2009/2010 AND 2010/2011**

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, I move that the annual reports of the activities of the East African Community for the period 2009/2010 and 2010/2011 be adopted. I beg to move.

The Speaker: Seconded by Hon. Abdallah and Hon. Leontine; proceed.

Mr. Bageine: Madam Speaker, pursuant to Article 14 (2) of the Treaty for the Establishment of the East African Community, the Council of Ministers is obliged to promote, monitor and keep constant review of the implementation of the programs of the Community and ensure the proper functioning.

Article 49 (2) (c) of the Treaty requires the Council of Ministers to present annual reports of the activities of the Community to this august House for consideration, highlighting the progress of implementation of regional projects and programs during the year.

Madam Speaker, for 2009/2010 and 2010/2011 annual reports which were tabled during the Fourth Meeting of the session cover among others a summary of the projects and programs implemented by the EAC Secretariat, East African Legislative Assembly, the East African Court of Justice, the Civil Aviation and Safety and Security Oversight Agency, the Lake Victoria Basin Commission, the Lake Victoria Fisheries Organization, the East African Development Bank and the Inter University Council of East Africa.

Madam Speaker, by way of summary, the key achievements during the period 2009/2010 include the following:

- (a) Attainment of a fully-fledged Customs Union with a view of all internal tariffs for all goods produced and traded as of 1st January, 2010;
- (b) The Republic of Burundi and the Republic of Rwanda commenced the implementation of the EAC Customs Union on 1st July, 2009;
- (c) Conclusion of the East African Common Market Protocol negotiations;
- (d) Conclusion and adoption by the Council of a report of the Monetary Union Study in March, 2010 as an important milestone in paving the way for Partner States to commence negotiations of the Monetary Union Protocol commencing January, 2010;
- (e) Construction of the Arusha –Namanga-Athi River Road Project which progressed well with the Kenya section registering approximately 63 percent completion and the Tanzania section registering up to 38 percent completion;
- (f) The holding of a major conference on regional railways development held in March, 2010 that recommended among others the establishment of a Regional Railways Regulatory Authority and a Projects Implementation Unit;
- (g) Under EAC chairmanship, the tripartite COMESA, EAC, SADC made progress towards the establishment of a ground free trade area for the tripartite and the drafting of negotiations instruments;
- (h) The construction of state of the art headquarters was inaugurated by the Heads of State in November, 2010 a key milestone in establishing permanent structures upon which the future of the Community will be anchored;
- (i) The Assembly in addition to our oversight and outreach activities considered and enacted critical Bills including the CASSOA Bill, the Acts of East African Community (Amendment) Bill, 2009, the EAC Appropriation Bill, 2009; the EAC Customs Management (Amendment) Bill, 2009; the East African Community Competition (Amendment) Bill, 2010, the Lake Victoria Basin Commission Bill, 2007 and the EAC Tourism and Wildlife Management Bill, 2008 among others;
- (j) The East African Court of Justice was reconstituted into two divisions; the First Instance Division and the Appellant Division; and
- (k) All the institutions of the Community registered satisfactory progress in the fulfillment of their mandates.

Madam Speaker, equally too, during the period 2010/2011 the following key achievements were realized:

- (a) The Council of Ministers adoption of the Fourth EAC Development Strategy, 2011/ 2016 highlighting among others the Community achievements during the first decade 2000 to 2010 and Community priorities for the period 2011/ 2016;

- (b) The implementation of EAC Customs Union entered its seventh year on 1st January, 2011 and the EAC Common Market Protocol came into force as of 1st July, 2010;
- (c) Commencement of negotiations on the EAC Monetary Union Protocol in January, 2011 and were expected to be concluded in April 2012;
- (d) Registering up to 95 percent and 80 percent completion by 30th June, 2011 respectively;
- (e) Finalization of the Power Master Plan in May, 2011 and initiation of joint resources mobilizations efforts for the 10 priority projects;
- (f) Development of the Community Climate Change Strategy Master Plan;
- (g) Commissioning of a team of experts to undertake and identify fears, concerns and challenges of EAC political federation. A report containing detailed recommendations on how to address the identified fears and concerns was considered by the Summit of Heads of State scheduled in November, 2011;
- (h) The EALA in addition to her oversight and outreach activities, passed the Administration of EALA Bill, 2010; the EAC Appropriation Bill, 2011; the EAC Supplementary Appropriations Bill, 2011; the EAC Service Commission Bill; the EAC Customs Management (Amendment) Bill, 2010; the EALA Elections Bill, 2011; and East African Parliamentary Institute Bill, 2011;
- (i) The East African Court of Justice registered an increase in the filing of court cases and case hearing sessions. Since its innovation, the court received one case in 2005; five cases in 2006; 13 cases in 2007; two cases in 2008; seven cases in 2009; 14 cases in 2010; and 19 cases so far in 2011. The court has to date had and determined 47 cases while 15 cases were still pending during the period 2010/2011. The number of cases being filed is expected to keep rising, especially with the implementation of the Common Market Protocol and opening of Sub-Registrars in the Partner States;
- (j) In accordance with Article 3(3) of the Protocol for Sustainable Development of the Lake Victoria Basin, the LVBC coordinated six projects and programs, these are: the Lake Victoria Environment Management Project Program; Lake Victoria Water and Sanitation Project; Mount Elgon Regional Eco-Systems Conservation Program; Trans Boundary Water for Biodiversity in then Mara River Basin Project; and Maritime Communication for Safety on Lake Victoria;
- (k) The performance of East African Development Bank was positive as reflected in a number of parameters; the Bank's profits stood at US \$ 2.4 million up from US \$ 2.2 million for the whole of 2010 and US \$ 1.8 million for 2009; and
- (l) The construction of EAC Headquarters project continued smoothly with overall progress of 70 percent. Completion of the EAC Headquarters was slated for March, 2012.

Madam Speaker, the Council of Ministers encountered a number of challenges of the two reporting periods. Key among these, were the following:

- (a) Full integration of the Republic of Rwanda and the Republic of Burundi into the already ongoing regional projects and programs including revision of already approved sector strategic plans;
- (b) Negotiations of the Common Market Protocol overstretched both the financial and human resources of the Community. The Council would wish to appreciate the contributions of the Development Partners through the Partnership Fund that assisted to annihilate the challenges;
- (c) Slow pace and delayed contribution by the Partner States leading to delayed implementation of critical activities at the Community level;
- (d) Lack of counterpart resources to facilitate effective absorption of development partners' resources especially for the large infrastructure projects; and
- (e) Financial and human resource pressure due to expanding programs.

Madam Speaker, I am also happy that the General Purposes Committee met with the Council of Ministers and the Secretary General and discussed a number of observations, findings and recommendations on the two annual reports. Allow me to acknowledge and appreciate the tremendous work done by the General Purposes Committee while considering the two annual reports. The committee appreciated the work done by the Secretariat in improving both the presentation and content of the two annual reports and noted that it was a major improvement compared to the previous annual reports.

However, the committee raised a number of issues here below to which I provided a written response:

- (a) Delayed submissions of reports;
- (b) Format and content of EAC Annual Reports;
- (c) Errors and inconsistencies;
- (d) Annexing of all policy documents referred to in the annual reports;
- (e) Linkage to the EAC Development Strategy;
- (f) Nature of implementation challenges;
- (g) Strengthening capacity of EAC Secretariat;
- (h) Budgeting and allocation principle; and
- (i) Absorption rate.

Madam Speaker, on errors and omissions identified, which are highly regretted, I assured the committee that a quality assessment assurance mechanism will be put in place to mitigate such occurrences in subsequent reports. However, for the two annual reports, I hereby table two addenda as follows:

- (1) For the 2009/2010 Annual Reports, I have corrected the inconsistencies on page 8 relating to the Arusha-Namanga-Athi River Road Project; expunged a misleading statement on EALA Session page 100 and corrected the misleading headings on pages 57- 62.
- (2) For 2010/2011 Annual Reports, I have appropriately re-worded the captions on the photographs that appear on pages 34, 38, 42 and 54 and corrected the figures and percentages in the staff categories that appear on page 44.

Madam Speaker, with the above I beg to move that the annual reports of activities of East African Community for the periods 2009/2010 and 2010/2011 and the addenda thereto be considered and adopted by this august House. I beg to move.

The Speaker: Thank you very much, Chair Council. Hon. Members, you appreciate that today's agenda was reasonably long but because of the earlier communication I made; I wish to suspend the debate at this juncture. We shall resume debate on Thursday so that we are able to complete this report.

But at this juncture I want to recognize that the Chair Council has tabled this report and I want to appreciate the report. When we resume on Thursday, the Chairperson of the Committee on General Purpose will present the report and we shall proceed to debate it.

Mr. Bernard Mulengani (Uganda): Thank you, Madam Speaker. I am just moving on a procedural point. With your guidance, if you would allow the Chairperson of the Committee on General Purpose to table the report so that our colleagues can be able to read the report and then they can proceed that way after.

The Speaker: Considering the volume of the report and also considering the time that is why I proposed that. Okay, Hon. Dr Martin Nduwimana can you lay the report on table? You will present it on Thursday morning.

The Chairperson of the Committee on General Purpose (Dr. Martin Nduwimana): I thank you, Madam Speaker. I beg to lay on table the report of the Committee on General Purpose on the consideration of the EAC Annual Reports for the financial years 2009/2010 and 2010/2011. I beg to lay.

The Speaker: Thank you very much, Hon. Dr Martin Nduwimana. I think that will give us an opportunity that between today and Thursday, Members will be able to read the report and also correspond with their respective reports of the annual reports as submitted by the Chair Council and then we shall proceed from there.

Hon. Members, considering the activities ahead of us I want to make two announcements; one, I had earlier on announced that tomorrow we should be seated by 11.30 a.m. I would, however, want to amend that time, please be seated by 11.00 a.m. because some other information has

come to that effect that we may begin at 11. 30 and not 12.00 as earlier on communicated. So, take note of that.

Secondly, I had not observed that Hon. Peter Mathuki is back. I want to recognize his presence in the House and again our condolences as the House. And I want to welcome Hon. Kiangoi from that important cultural responsibility and our sympathies again.

I saw Hon. Leontine trying to get up, are you adding some information?

The Minister for EAC Affairs, Burundi (Ms Leontine Nzeyimana)(Ex-Officio): Thank you, Madam Speaker. I am not giving any information. I am just requesting an opportunity from you so that I can express my gratitude during the time I spent in Nairobi Hospital.

The Speaker: A few minutes are granted.

Ms Leontine Nzeyimana: Thank you, Madam Speaker. Madam Speaker, I wish to take this opportunity to thank you personally from the bottom of my heart for the support and prayers you extended to me while I was in hospital in Nairobi last December. Madam Speaker, you took off time from your busy schedule to personally visit me at the hospital and gave me courage and hope. Please, share my sincere gratitude with this august House and the entire staff.

I wish to thank in a special way the Secretary General, Hon. Ambassador Dr Richard Sezibera who was very busy at time of the Summit but he also took off time to come and visit me in the hospital, also my former colleagues, Hon. Musa Sirma and Hon. Mwinyi Peter. I would like to extend my deepest thanks to Hon. Mumbi Ng'aru for being a motherly wonderful hostess. I felt that overwhelming sense of family belonging. I would also like to thank hon. Odette Nyiramilimo, hon. Emerance Bucumi, hon. Isabelle Ndahayo, hon. Jeremie Ngendakumana, hon. Yves Nsabimana, hon. Emmanuel Nengo, and hon. Frederic Ngenzebuhoro. I would also like to thank everybody who contributed in one way or another, please accept my deepest appreciation. Thank you so much, Madam Speaker.

The Speaker: Thank you, Hon. Leontine Nzeyimana and thank God that you are strong and bouncing back on your feet.

Hon. Members, Hon. Leontine Nzeyimana had requested that she moves that appreciation during our session in Burundi but as you recall, we unceremoniously adjourned and so she was not in position to move those very important words of appreciation. So, they have been received and noted and we thank God that you are back with us in one piece.

Hon. Members, as you recall, this evening the Speaker of the Chamber of Deputies has extended to us an invitation at 7.00 p.m. at Kigali Serena Hotel. I wish to take the opportunity to invite you and the Sergeant-at-Arms has reminded me that it would be proper if Members would just board the buses and move to the dinner venue. Otherwise it may become a little difficult to keep time.

With those very many announcements, I wish to adjourn the House to tomorrow at 11.00 a.m.

(The Assembly rose at 17.54 p.m. and adjourned until Thursday, 24th April at 2.30 p.m.)