



**EAST AFRICAN COMMUNITY**

**EAST AFRICAN LEGISLATIVE ASSEMBLY**

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

**4<sup>TH</sup> SITTING - FIRST ASSEMBLY: FIRST SESSION –SECOND MEETING**

**Wednesday, 23 January 2002**

*The East African Legislative Assembly met at 9.00 a.m. in Parliament House, Kampala.*

**PRAYERS**

*(The Speaker, Mr. Abdulrahman Omar Kinana, in the Chair)*

*The Assembly was called to order.*

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**COMMUNICATION FROM THE  
CHAIR**

**The Speaker:** Honourable Members, it has come to my attention that there is a conflict between the requirements of sub-rules (5) and (6) of Rule 75. I do not know how many of you have your copies of our Rules; you may refer to Rule 75, if you have them, regarding the number of Members who may serve on the six standing committees.

While sub-rule (5) requires every Member to serve on two standing committees other than the House Business Committee, sub-rule (6) limits the membership to each committee to only five Members. The problem then is

that some Members may not be able to serve on two committees as required by

Sub-rule (5). Having considered this matter, I have, therefore, pursuant to the mandate vested in the Speaker by sub-rule (2) of Rule 79, decided as follows:

For purposes of constituting standing committees in this session, the operative provisions shall be those of sub-rule (5) of Rule 75, while the quorum shall be five.

I hereby request the Committee on Legal, Rules and Privileges to study the provisions of sub-rule (6) of Rule 75 and make appropriate recommendations to resolve the conflict. Thank you.

## MOTION

### **Mr. Calist Andrew Mwatela (Kenya):**

Thank you very much, Mr. Speaker, for giving me the Floor. I will begin by first of all commending the heads of our member states for their spirit, which led to the drawing and establishing of the Treaty that forms the East African Community. There is no doubt, as we have said before, that it was a big mistake in the first place that the Community broke up in 1977. That is why I say that I commend the Heads of State for that move.

I also commend those who put their efforts in the actual drafting and drawing of the Treaty, because definitely there has been a lot of time and a lot of energy put into the Treaty.

I would like - like all previous speakers - to congratulate fellow Members of this honourable House for being elected to the East African Legislative Assembly. We all know that people had to put quite a bit of work to get to this level. It is my hope that all of us will carry this duty with honour. The East Africans have a lot of hope in us, and the expectations are very high. I would like also to congratulate you, Mr. Speaker, for being elected the Speaker, and so far, you have done marvelously well! (*Applause*)

Finally on this sector, I would like to record my utmost gratitude to the people of Uganda, to the Members of the Legislative Assembly from Uganda and to the President of the Republic of Uganda, hon. Museveni, for this reception we have been given in Uganda. We all have seen that our brothers and sisters in this country take the Community seriously. I would also

like to record my gratitude to my brothers and sisters from Tanzania, from Uganda and from Kenya, for the good relationship or the good association that we had in Arusha while the Assembly was being inaugurated.

Mr. Speaker, it is a bit difficult when one comes on 10th, or 11th or 12th in the line of speakers because a lot will have been said before, and you are left to concentrate on fewer areas than the previous speakers.

I would like to begin by saying that we should view this Community as part of the struggle to liberate East Africans. It is common knowledge that each of the countries in East Africa - Kenya, Uganda and Tanzania - at one stage had been involved in some kind of liberation struggle. We know about the *Mau Mau* in Kenya, and we know about the involvement of Tanzania in the liberation struggles in southern Africa, and indeed even here in Uganda. And we know Uganda itself had to fight a war to get a regime that was fair to the people. When you are involved in a war or when you are struggling, there is one fundamental thing that you have to take into account; you have to sacrifice. I am saying this because at the moment there is still a lot of debate as to who will gain and who will lose, and who will get this.

I remember the day before yesterday when we were having lunch at Nile Hotel, in the informal discussions that I had with a Member from Uganda, I raised the question of the borders opening up. She asked, 'well, what is going to happen with the revenue of these countries?' I gave an example of the two Germanys, which united about ten years ago. I said that at that time,

West Germany was far much richer than East Germany. Their uniting meant West Germany had to sacrifice a lot to try and bring the other Germany to the same level. The Member then said that that case was different in the sense that West Germany was actually swallowing up East Germany. She asked me, 'do you want Kenya to swallow Uganda?' At that moment, I said, 'no, that is not what I want'. But then after a while, I said I had changed my mind on the answer and said it does not matter whether Kenya swallows Uganda or not.

I am saying this because, does it really matter whether Uganda swallows Kenya or Tanzania swallows Kenya? In the final analysis, we have a final product of one country. We would like, at the end, for us to feel like this. When we finally get to where we want, which is a political union, a sort of federation, Kenyans must view Uganda as part of their country and Ugandans must view Kenya as part of their country. Tanzanians must view Kenya and Uganda as part of their country and the resources in those countries as theirs (*Applause*).

In each of the countries that we live in, we have big differences from one area to another area. In Kenya, I can look at the northeastern region and compare it with the Central Province. The Central Province is a very wealthy area as compared to the northeastern region, yet it is one country. The advantages accrued from the union are far more than the losses that we will incur as individual states.

I would like to say that we are looking at a final product, which is a political federation of East Africa; one country,

one state. The individual districts and minor areas may have their own administrations within themselves. Finally, we have one country. Every citizen of that country can move freely and work in the other country. Every citizen in that other area and every citizen in that country has an equal right to all the other citizens.

In order to achieve this, there are certain things that must happen. As we heard President Museveni say, the order of doing things may actually determine the time that we will take to get there. Do we want to start by merely having a customs union, and then a common market -we do not know when it will come - and then finally the union? Or, do we want to move straight and do things that will start uniting the country, and then we repair here and repair there to ensure that things are working?

I am in agreement with His Excellency President Museveni, when he said that we needed to move straight towards a political union. It is the quicker solution, and we have the blessings of the Heads of State. There are mammoth jobs to be done, but it is the quicker route towards solving our peoples' problems.

We should not lose sight of the fact that all this we are trying to do is so that our citizens get the benefits. We would want our citizens, and there are many of those who go without a meal in a day, to ensure that they have a meal a day. Those who go only with one meal a day should get two meals a day. We want to change the lives of our people so that they have a more qualitative life.

The day I came through Malaba, I decided right before I even arrived at the

border that I was not going to identify myself as an honourable Member of the East African Legislative Assembly. And it was deliberate so that I could also experience what the citizens of Kenya experience when they are coming into Uganda, which I am sure is the same as what Ugandans experience when they are going into Kenya. Mr. Speaker, it took me close to two hours. I think it was about one hour and forty-five minutes before I got through finally. This is not good for our country. It is bad!

Something has to be done as a matter of urgency, and I urge our Governments so that our citizens start moving freely as the President of Uganda said the other day. Something has to be done! Maybe Uganda is doing something, but Kenya should also do something and Tanzania should also do something about it. There are several things that can be done, and done quickly.

If there is a problem of identification, then every citizen of Kenya, Uganda and Tanzania should have some identification in his hand. I think there has been the question of how citizens from different countries will be identified. Kenya has ID cards, Tanzania does not have ID cards, and Uganda does not have ID cards. This creates a problem because this is definitely an area for East Africans. So, we would like to know that the people who are moving through the country are East Africans and not other people. So, the issue of some kind of identification for East Africans is a matter of urgency.

The East African passport should be legitimized for international travel. That is the only way it will be given strength,

because at the moment, it is not acquired by citizens purely because it has got limited use, and the use is only inter-state. So, I urge our governments to move forward and ensure that they do something about this passport.

We should also - I believe it is being wise that a single entry for people from elsewhere, or foreigners coming to East Africa - once they enter Kenya, that should be considered as entry into East Africa so that they can move freely within East Africa. That will definitely help our tourism industry.

Similarly, on foreign missions, we have been doubling up too much. Kenya will have a foreign mission in Britain, so will Uganda and Tanzania. It is not necessary. One foreign mission coming to work for us saves our money so that we can use it for other developments - (*Applause*). I think there is need for our countries to move speedily and establish a common immigration body. It will help in sorting some of these things.

I would like to say something about communication. When I came to Uganda, I had to buy another sim-card for my telephone. Really, if you look at the United States, which is like from South Africa to Cairo or to Egypt, you use one as far as communication is concerned. Once you have a telephone in one State, you can use that telephone all over the area. There is need, therefore, to form one body for licensing operators for telephones. We need to have a provision so that once you buy a sim card in Nairobi, you can use it in Dar-es-Salaam, and you can ring all these areas without problem. It will help our business - (*Applause*).

What about money? What is so difficult about establishing one currency? It is practical, it has worked in Europe – Europeans have done it so fast and they are copying from what we did, of what we had. I urge the Governments to establish the East African Central Bank so that they can study and see how we can have one currency.

On agriculture, which we all agree it is the backbone of our economies, is it not possible at this stage, instead of having research stations on maize in Kenya, Tanzania and Uganda, to start common research stations as soon as possible? We should also start joint agricultural bodies that promote our products.

Since I would not want you to switch off the microphone before I finish, the way it happened to hon. Zubedi, may I say this? There are two things I want to refer to, raised by hon. Members yesterday.

Hon. Kagwa raised the question of ownership of the Union. As you all know, back in 1977, the breaking of the Union was not the wish of the citizens of East Africa; it arose out of differences within our leadership. We have talked a lot about the background to that; I am not going to go into that. There is need, as a matter of urgency, to ensure that this Union is owned by the citizens. Therefore, a framework has to be developed so that there is a referendum, which we are almost 100 per cent sure that East Africans will pass that they want to be in the Union. Similarly, any time any country wants to pull out, it has to go through the referendum. That way, we will ensure that this Union will not break - (*Applause*). That is one.

The other issue, which was raised yesterday, was the question of political systems. That, maybe, lights issues in some people's minds, but unless we have some way of synchronising our political systems, there is bound to be conflicts, and conflicts will not help our Community. Hon. Marando explained this in details. I will only propose that as each one gets back to his country, somehow action should start on forming a body that oversees elections in the East African States. It is not impractical; it is practical.

We can have an Electoral Commission for East Africa so that when Uganda is carrying out its elections, the job of running the elections is charged to that body. When Kenya and Tanzania are having their elections, the job of supervising elections is charged to that body. In that way we can then start comparing systems. We will have a body that has all the systems and can start drawing similarities. This is something that can be done very easily; it is a matter of people deciding. The amount of money involved is negligible because we already have these Commissions within our countries.

Mr. Speaker, since you have not switched off the microphone, I will add one thing. The question of affirmative action; we always talk about it when we are referring to gender, but may I say that whatever we are doing for East Africa, particularly in businesses, we have to have affirmative action. We have to ensure that our citizens are the main investors in East Africa. The reasons are too obvious. The day there is a problem, if it is a foreigner, he will go out with everything. So, we have to ensure that our citizens are the ones who own the

economy, and this can be done. It has been done elsewhere, it can be done here.

And for our women, we all have a clear stand. Unfortunately, the issue of affirmative action has never been explained properly, but you will be a very unfair person or leader if you cannot see discrepancies within your country and send resources where they are less. In Kenya, for example, we build schools for certain areas while in other areas parents build their own schools. That *—(Microphone switched off)*.

**The Speaker:** Hon. Members, the switching off of the microphone has nothing to do with the position of the House regarding affirmative action - *(Laughter)*.

**Ms. Sarah Bagalaaliwo (Uganda):** Thank you, Mr. Speaker. I am grateful for the opportunity that has been given to me to address this House in support of this motion. Allow me, at the onset, to congratulate you, Mr. Speaker, on your election and elevation to that Chair! And I would like also to wish you success as you lead and guide us. I wish also to congratulate my fellow legislators on having been successfully appointed to serve in this august House, which is marking the re-establishment of the East African Legislative Assembly.

Permit me, Mr. Speaker, also to register my appreciation to their Excellencies, the three Heads of State, for their political will, their ingenuity and vigilance which has been demonstrated in their committed resolve to re-establish the East African Community and all its organs. I would also be failing in my

duty if I do not commend the Secretary General, the Secretariat and the different Sectoral Committees for a good job well done.

Mr. Speaker, during our induction, we were privileged to relive the experience of the glory of the previous Assembly and Community of 1967-1977 by none other than the eminent people who gave respect, honour, dignity and prosperity to our region. It remains a celebrated story of regional integration in the world long before the success stories we hear today were conceived.

Mr. Speaker, I think that is the landmark we should be able to emulate. Having now witnessed the decline in our prosperity, the loss of respect, the strife in our midst, the failure of our various communication systems, the inadequacies of our health and other social services, Mr. Speaker, I believe all the Members here in this Assembly are convinced that none of us can afford to live under the illusion that we can succeed independently.

The Treaty that has been enacted now strives to initiate and plan a road map for regional integration while ensuring that the region achieves prosperity, retains its identity and also is able to have a voice that could be heard on the global arena.

The objectives that have been stipulated in this Treaty identify broad areas of cooperation. And I believe it is the onus of this House to see that they are seen to filter through the decisions we make, the procedures and structures we adopt, the legislation we enact and the budgets we approve. It is our duty, Mr. Speaker and hon. Members, to translate into law the

political will of our leaders and the aspirations of the East African people.

Allow me, Mr. Speaker, to dwell a little further on the issue of structures. The structure within which we must operate and render good objectives of the Treaty must be ideal for change and development. A structure creates a framework of command and order through which any organization must be planned, oriented, directed, controlled or evaluated, and it is a very crucial factor to the success or effectiveness of any organization. As one organization developmental group has observed, a defective structure may abort the very objectives which it was set to achieve.

This concern, Mr. Speaker, was echoed by various responses in our induction seminar. There were questions as to whether it was all streamlined, whether it was clear, whether the Sectoral Committees were transitional or permanent, and whether there will not be a duplication of activities when new Committees are set up by this House. I think it will, therefore, be imperative for this House at the very beginning to establish and determine our relationship with these Sectoral Committees to avoid any conflict in future.

Our tenure of office lies within the Second Development East African Strategy, which expounds on the Treaty envisaging some priority order, possibly in order of importance, but not necessarily for implementation purposes. Mr. Speaker, I therefore feel that this House must be charged with the duty to visualize this priority list in terms of what is feasible, what is practical and what is achievable. Allow me therefore, Mr. Speaker, to share with these hon.

Members the issues that I felt and envisaged to formulate my mission as a representative of the East African Legislative Assembly.

The first one was the need to review, analyze and conceptualize the Treaty with a view of prioritizing the agenda and formulating harmonizing legislation for its implementation. I think, therefore, that we need, at the onset, to establish the protocols that have been signed, to understand the levels of harmonization that have been achieved in our laws, and also to appreciate the areas where negotiation is still pending.

I wish also to note here that after having enacted the laws we might be faced with a dilemma in that, the provision of the Treaty empowers the individual Presidents to veto any legislation. I would request, therefore, that in view of the spirit of co-operation and the dire need to expedite our work and to achieve results, this provision be revisited - *(Applause)*.

We all do subscribe to enhance the creation of a customs union, which we know will produce the free movement of people for association and employment, free movement of goods, labour and services to expand the market, source for raw materials and generate income, and free movement of capital to attract investments. This provision has been given some condition of being gradual. I wonder, therefore, if we shall be able to meet the timeframe within which the customs union must be functional, without providing some mechanism for compensatory measures in times of loss, which will definitely be suffered by individual states.

I do not need to emphasize the importance of this area as it has been all throughout the stages of evolution of the Community, no less than the demand for globalisation and also the want of the East African people to see some tangible benefits out of regional integration. While the free movement of goods may not make all countries equal, it will reduce some inequalities by giving the smaller states a voice, and also enabling the major states to free them from negotiating multiple agreements for trade.

We should also appreciate that the elimination of tariffs hinges on sovereignty and also affects the revenue for the individual states. The requirement for the principle of gradual asymmetry should, therefore, be applied. And I think we should be supportive of a mechanism that will compensate the states as they address this rapid loss.

This mission, Mr. Speaker, is also intertwined with the facilitation of road, air and water transport, which cannot be realized where the free movement of persons or goods cannot be realized. However, noting that hon. Zubedi expounded on this area, I just wish to add that there must be a revisit, to see that some services are common to all member states, including road and other transport.

Indeed, the Treaty speaks of incorporating the private sector. From the previous experiences, this House, I think, needs to formulate some uniform commercial code through which we shall be able to establish a common competition policy, level the playing ground, eradicate all forms of unfair

practices, and prevent our region from becoming a dumping place - (*Applause*). Regional integration does not only come with benefits, but it has costs, which may permeate through different areas. Most common in this is the business area where, whenever any opportunity for value is seen, we shall see a flood of multi-international big corporations coming in, possibly to devour the small institutions or industries in our region. It should, therefore, be pertinent for this House to put in place legislation that has to handle mergers, acquisitions, and also prevent monopolies.

Integration, I understand, demands sacrifice; however we must be cautious that this sacrifice does not become self-destruction. I know the areas of planning for finances for debating the budget and approval have been designated to the different organs of the Community. I wonder, however, how this House will be able to debate the budget without providing any input.

As a woman, hon. Members, I wish to request this distinguished House to equate economic, social, political and other rights to women's rights and human rights – period! (*Applause*) I do not think that I need to labour on this simple and intelligible statement to a distinguished House any further, but as we have witnessed, one Member to the other have all declared their commitment to adhere to the will of the people of East Africa. And I have no doubt that these distinguished members cannot be oblivious to their fundamental duty to the majority of the East Africans who are women - (*Applause*).

I think we also need to assess the impact of the multi-lateral associations with



other regional groupings, and establish the rules of origin and also some mechanism for conflict resolution. As you are aware, member states of this Community are also members of other regional organizations like SADC and COMESA. And we should appreciate that membership to any organization confers benefits, but it also imposes obligations and limitations which may not be compatible to the ideals of the East African Treaty. This incompatibility may be a cause of conflicts or adverse consequences to the set-up of firm establishment of the Community. It is of paramount importance that this House addresses this matter in advance.

I am aware of the importance of all other areas - education, science and health - in regional integration, but I believe my contribution today needed to be limited to those areas and salient features from which we need to form our direction.

In their respective communications, the three Heads of State have not wavered in their political will, and their solidarity has been inspirational. I think this House needs to reciprocate with the same zeal. Mr. Speaker and hon. Members, our first and basic challenge is not only to live up to the aspirations of the people who gave us this mandate to serve, but to better our achievement beyond the glory of the first East African Community.

The task ahead is a challenge not only by which the fate of our region will be determined in the 21st Century, but where our interaction with other regions of the world will be pivotal to development, and our contribution will be a measure and legacy of the people who were chosen to serve.

In the absence of the political ideological differences that prevailed in the previous Community, when the Cold War that polarised our states to either the East or the West is no more, and when the atmosphere that was poisoned with capitalism or socialism now breathes globalisation, we will have failed in our duty if we do not leave a lasting legacy of the value of regional integration. We shall, I am sure, be always running against time at all the different levels of hierarchy and in our programme.

It is therefore imperative that we have to be mindful of the cost of time and the negative impact on the programmes, particularly at this time of such technical precision in the global arena. We shall also continue to live with the irony of being independent and donor-dependent while we strive to achieve independent recognition on the global arena.

We need to be mindful, however, that our programmes may also be impeded by lack of adequate funding. The inadequacy of finances will remain a crucial factor to the firm establishment, sustenance and successful productivity of this Assembly, and all organs of the Community. I feel, therefore, that we should be able to demystify the proverb that *'whoever pays the piper calls the tune.'*

Mr. Speaker and hon. Members, I joined this race for membership to commit myself to a service that transcends barriers that inhibit development in any form. I am proud to have won the trust of the Ugandan people to serve in this distinguished capacity, and I also wish to be part of a team that will focus on the bigger arena and contribute to

developmental thinking and strategic management.

I believe I am privileged to be an insignificant but vital member in the Assembly of the most distinguished persons from the region. I am optimistic that we shall together share clarity of vision for the economic, social and political transformation of our region.

I wish to pledge my unreserved commitment to fostering a meaningful regional integration, to meet the challenges of global competition, assert the status of women and defend the pride and ability of our people.

Lastly, as I conclude, in support of this motion, I wish to assure you, Mr. Speaker, of my allegiance to you, my cooperation with all Members of this House and a dedication to serve with achievement. I thank you.

**Ms. Mahfoudha Alley Hamid (Tanzania):** Thank you very much, hon. Mr. Speaker. Allow me to take this opportunity to stand before this esteemed House. Your honour and my colleagues, the hon. Members of this House, I humbly stand before you, and first and foremost, I would like to congratulate you, Mr. Speaker, for being elected. The election shows the faith that the Members of this House had in you by electing you unanimously, and it also shows that you have won the confidence of all the East African people that you are going to lead and guide through the five years, with success.

I would also like to take this opportunity in my humbleness, to commend the three Heads of State of East Africa, the Presidents of Uganda, Kenya and

Tanzania, for the timely action that they have taken of resuscitating the dead East African Community, a Community which had died for the past 25 years. It took just a few days to kill it and it took 25 years to resuscitate it, and I hope that in its framework, it will survive and thrive as it used to.

After saying this, I would like to say that indeed it does me proud to stand here before you. I feel tall, I feel proud - prouder than the proverbial peacock - for being part and parcel of this House.

My professional background is that I served in the former East African Community in the department of the East African Posts and Telecommunications Corporation. I joined the defunct East African Cooperation in 1969, as a young girl of 18 years and I served until its demise in 1977. I enjoyed the fruits and the outcome of the Community. I had friends in Uganda, I had friends in Kenya, and I had friends in Tanzania. I felt at home whenever I went to the East Africa Community. Let me say that in Lake Manyara when we had the workshop, I could understand the nostalgia felt by all the people like hon. Malichela and Mr. Mutei; I share their nostalgia.

I had the bad experience that when the Community broke I was in Nairobi. At that time, I was attending a course at the Central Training School in Nairobi at Mbagathi, and the disintegration of the Union came just after we had just finished the course. At that time, all the Airports were closed, all the flights were grounded, I had a ticket to Zanzibar-Mombasa-Nairobi, and Nairobi-Mombasa-Zanzibar. I was heavy with

child in the last stages, and there was no way that I could fly back home. So I had to board the Akamba Bus to Mombasa. From Mombasa I thought maybe there would be small charter planes to carry me home. Unfortunately, it was not to be so. So the only way was for me to board a bus from Mombasa to Lungalunga, and from Lungalunga, I had to walk about 10 kilometres to Holoholo border in Tanga. When I reached Tanga, there was no transport to carry me to Tanga. I had to board a big trailer at the back. My first stop in Tanga, I assure you, was the Bombo Hospital. From there, they made arrangements to fly me to Muhimbiri in Dar-es-Salaam just in time for delivery. So, this was a very bitter experience for me. It showed me that there is nothing good that will come out of disintegration. So, I sincerely hope that this Community, which we are trying to resuscitate, is going to survive and that the experience I had will not happen to anyone else - (*Applause*).

A lot has been said about the way forward to achieving the objectives of the Community as stipulated in Article 5 of the Treaty. However, I would like to stress some points on some of the issues that touch on the partner states. The East African Community Development Strategy 2001-2002 has almost finished a year, and not much has been done towards achieving the objectives!

I will start with tourism where partner states committed themselves to developing a collective and co-ordinating approach to the promotion and marketing of quality tourism. As yet, a framework of co-operation in the tourism industry has to be established before Phase II can be entered into. My fears are that without taking a proper

pace to pressurise the responsible organs, time will fly like wind, and nothing will have been achieved or implemented.

There is urgent need to identify areas of common interest, setting a common code of conduct, and at the same time reinforcing individual effort through a developed strategy. We have to develop a strategy where all our efforts have to be pulled into one in order to see that the implementations are being achieved. In order to be able to utilise the potentials vital to this piece of lucrative economy of our countries, I think the time framework will have to be strictly adhered to.

The tourism industry goes hand in hand with the wildlife. Although pledges have been made to harmonise our policies of conservation of wildlife, so far they remain what they are, just pledges. How much information has been exchanged, if any? Has any policy been adopted or is in the process of being adopted?

Again, I remind this esteemed House that almost one year has gone and no joint training or research facilities have been encouraged or developed. There is a need to take measures of rectifying and implementing relevant international conventions if we are to expedite our wildlife management programmes.

As it was pointed out in the Community Development Strategy, it is recognised that any development activity has its drawbacks and side effects. Sometimes negative impact on the environment leads to the degradation of our natural resources. So far, not many of the management programmes have been implemented. Programmes that deal with

areas of common interest like the Lake Victoria and its basin; the major water source areas of Mt. Kilimanjaro, Mt. Elgon and the Pempa channel have been dealt with at lukewarm level. These should have been harmonised by now by the partner states in order to achieve maximum benefits possible, and to reverse environmental degradation that is escalating at a very, very great pace.

Although the partner states have agreed to adopt measures of achieving free movement of persons, labour and services, and that there should be an assurance of a right of enjoying and establishing residences of their citizens within the Community, there is still a lot of unnecessary bureaucracy. Unnecessary red tape and *kitu kidogo* is still involved before one can cross a few kilometres to say hello or to attend to a sick relative.

If we, Members of Parliament of the three East African States with diplomatic passports take three to four hours to cross the border, we can all imagine how difficult it is for a common *mukulima* to cross the border without having these super documents!

I would like to make a very important point, in my opinion, on security. We have agreed to allow our people to move freely in the three regions, but have we considered the security issue? We know that in every place there are bad elements. The bad elements always look for loopholes to utilise the privileges, which are given to us in order to further their aims, and most of the time these aims are not good.

I am talking about security because there is a major point of drug trafficking. We

all know that we are in a period where illicit drug trafficking is the order of the day. People from all walks of life, from individual partner States, regionally and internationally deal in one way or another in the drug trafficking business; and they are very unscrupulous on how they achieve their goals. As such, I think you will agree with me on the need to emphasise the fact that the scope of co-operation on security matters should be given the utmost priority in order to safeguard and hold in prestige the already tarnished name of East Africa as the corridor mostly used for drug traffickers.

My colleague here made a point, and as a woman, I am making a point as a mother. This drug trafficking business mostly affects our youth, the cream of our three States. We depend on them. I am afraid that in the Treaty, the question of drugs is placed in Article 118 under health. I think it is fair to say that this issue should have warranted an article by itself. It is in the last clause where - if I may quote, it reads thus: "*Develop a common approach through the education of the general public and their law enforcement agencies for the control and eradication of the trafficking and consumption of illicit or banned drugs*".

In my opinion, this is not sufficient. All of us know in our States who the drug lords are. Our poor youth are the victims of these people who use them or misuse them to further their interests. Our youth travel abroad using their bodies as human containers to swallow these drugs. When they come back here, they run the risk of being caught, they run the risk of death because most of the time when they swallow these things, it backfires and most of them end up dead

or paralysed and so on. So, I plead to your honour and to my colleagues to see the question of drug abuse in its depth. It is a question, which goes secondary with HIV/AIDS infection, and I think that warrants the prominence that it should be given on its own.

Much has been said about free movement but I think as Members of this House, we are in a position of not seeing the Treaty as it is, but to see that it is amended to fit in with the circumstances of the environment. It was drafted and drawn by learned people, but I think the common day-to-day activities and lives of our people in this region have not been given much importance. On that note, I beg to support the motion, and I say thank you very much - (*Applause*).

**Capt. Baker Ddudu (Uganda):** I come from the furthest point of Uganda; that is, West Nile in Arua. I have mentioned that particularly because the whole of Northern Uganda is a bit unique due to factors within our control and factors we cannot control.

Mr. Speaker, I wish to congratulate you as every Member has done before me, since it is very important to congratulate the Speaker; you never know. I, therefore, congratulate you for having been voted unanimously to the Chair. I would also like to congratulate all the Members of the East African Legislative Assembly for having successfully made their way through democratic channels to this august House. I also wish to thank the ambassadors who are with us, the Ministers who are working tirelessly with the East African Community, for a job well done.

I will now go straight to the salient points in this debate. I believe that in order for the partner states to advance politically, economically, socially and otherwise, we should, first of all, analyse the situation we have found ourselves in. We should look at where we have been, where we are and where we are going. This calls for very critical analysis on our part as Members of Parliament and people who will eventually give direction to the development of the East African region as a whole. To analyse issues of this nature, one will need tools of analysis. I believe most of the Members of this august House are endowed with tools of analysis. They are, therefore, going to deliberately analyse these issues in details before we indulge in giving solutions to the situation.

I am now going to look at what is on the ground. I believe we have a common history of colonialism; we have the same effects of colonialism economically, politically and socially. We have also lived through the same neo-colonial situation. Our economies are affected by the same neo-colonial situation. What we see on the ground now is a result of the neo-colonialism we have gone through. Therefore, we should consciously analyse the theories and ideologies pertaining on the ground in the partner states so that eventually we can draw a balance sheet out of it, and plan a way forward.

To me, the ideological issues are not really a burden, as people would like to put it. I feel if there are any differences in ideologies, it is not deep enough to stop the forward movement of development of the East African region as a whole economically.

The economic situation in most of the East African partner states is of rampant poverty, disease and ignorance. The majority of the people in the three countries are very poor. People are still suffering from diseases that were found in the Bible like leprosy. In this century we are still experiencing those diseases in the Bible!

Poverty is so rampant in the villages that people do not tell the difference between one day and the other. A man and his family line up in the evening with their goat and *mbaata*. The goats enter first, his kids enter, then he enters, the wife follows, and they cover themselves with the same *gomesi*, which she has been wearing. That is the extent of poverty in all the regions.

There is also rampant ignorance. The level of illiteracy is between 70 and 80 per cent. I am using figures that are generalised for 1994, which were common across the board in East Africa. I will be very glad if you give me fresh figures for the three countries. People are so illiterate! When you are illiterate, your choice in politics is also limited. You cannot read, therefore, you cannot see the pictures correctly. Even pictures are readable. You find our leaders putting on big hats during campaigns; others carry hoes and hammers so that local people can tell the difference between them and the others. Sometimes this illiteracy also cuts across the board. Even some of us when we were campaigning here had to borrow hats so that somebody tells the difference between us! So, you can see this kind of poverty.

Our national income per capita is very, very small. The levels are such that in

some of the villages, you find somebody sees a one thousand-shilling note after about four months. He cannot afford salt or lighting, so they go to bed early because there is no paraffin. And when they go to bed early, of course, the man concentrates on his only asset and the results are that the poor people will have very many children, which is another problem for us. So, this situation of rampant poverty, disease and ignorance is prevalent in the three countries.

Now let us look at our type of economy, we have a subsistence economy; we only produce for the needs of that day. Again, if you go down to the people, you will find they eat once in a day. It is not a style but they have been doing it for so long, such that when they see somebody eating twice a day, they are surprised. If you go to the villages, they are so observant, they say this man eats in the morning, lunchtime, in the evening and therefore that should be the reason why there is a very nice latrine! This is the reasoning of our people. So we produce for the needs of the day and there is no surplus.

There is also failure or abundance of rainfall; it causes disaster for our people. When there is too much rain, the crops are washed off because of poor methods of farming, and when there is little rain there is always famine, so we have no advantage on both sides.

Our economies are dependent on cash crops mostly. We grow cash crops and when these cash crops are affected by the dropping of the world prices – for example, we have been having a nose-dive of prices of coffee. In our economic policies you find we are encouraging the growth of coffee, yet the world market

prices are not stable. So, it looks like a contradiction but because we do not have very many alternatives, we continue with it like that.

We have inferior tools of production. In this country you still find our people using wooden tools in some other parts of the country. It is only a matter of time; you will go and see things for yourselves when we get enough resources to go round the country. In some parts of the country, people even sit down while digging. We have inferior tools. You can see that this person will never produce any surplus of any sort! He will therefore live in that situation of poverty throughout.

We use unscientific methods of farming in most of our farming across borders throughout East Africa. There are these fertilizers, when people get fertilizers, for example, in West Nile, they think fertilizers are only for tobacco and that is all the result of poverty. That is the extent to which their scientific cultivation reaches.

The misuse of fire: People - like the other day the President was saying - carry nets to go and chase a small animal for three hours and eventually burn the grass if they want to catch it by all means. Maybe when they fail, they end up burning the grass. In parts of West Nile, for example, now grass is called *mabati*. The population is high because of bad methods of farming; grass is also hard to come by for thatching the houses. People use funny things now for thatching the houses. If you go and cut somebody's grass without payment, it is a big problem. Imagine, just grass!

So, we have non-integrated economies, we grow for export; we farm not for our industries. So there are no inter-linkages and we are still hoping to achieve, maybe, industrial growth! If we want to achieve industrial growth, there should be inter-linkages between the two. At least the economists tell us so. But now, what we are doing is contrary to that. There are no forward and backward linkages between industry and farming. As I said, we produce specifically for export.

Now, even our imports are biased. We import suicidally; after all our poverty, we import whisky; we import wine; we import used clothes; we import luxury goods. Some of the luxury goods we import we don't even know their use. We import very, very elaborate toilets. I remember somebody was telling me a story. A soldier brought his mother from the village and because he had a house with a very nice toilet, he left her in the house and told her to organize some coffee. So when she looked around, she only went to the only source of water. As you know, these elaborate toilets of yours, they have water in them. She fetched the water and made tea. You can see!

We import things that we do not need, and as per the advances in our culture, it is not very necessary, yet you know this concept of having toilets in the house! Still, culturally we can say it is advancement but in other words, if you look at it at another angle, we could be importing things that are far-fetched. Now there is weakness in all sectors of our economy. If you look at our big sectors and secondary sectors, these are supposed to be sectors that produce goods, they add on to our wealth but

they are very, very weak. We have industries here in Uganda - I know at least those ones in Kakira - and they can produce some goods. You know in order to develop, we really need industries that produce tools or you produce your tools for yourself. When the tools are there, then you can make others. Right now, I think in this country we do not have anywhere where we make a needle. I think we import all the needles. So, we do not have tools but every time we are thinking of development. When shall we achieve it?

This now brings me to the importance of the union of the three countries, so that we enhance our economies. We can therefore deliberately - because we pull our resources together - we can deliberately set up basic industries, industries that produce tools and what have you, because individually we may not be able to afford it. As I said, all our technology is imported, so we need to pool our resources together, so that we can be able to at least manage to set some of these industries running.

Mr. Speaker, I wish to look at the political problems pertaining to our three countries at present. We have instability in very many areas in our countries. We have insecurity in the region; we have rebellions, cattle rustling and wars. I want to give the example of Uganda because I am more familiar with it. We have been having wars exported and forced on us way back from Afghanistan through the Al Qaeda, through the Sudanese Hassan Tourabi, and this is an East African problem. It has no boundaries. We have all felt the effects, the bombing in Nairobi, and the bombing in Dar-es-Salaam. These are situations we have got to catch up with

together. We do not have resources that can keep these people at bay forever. They are using the petro-dollar, they are using drug money, and if we do not pool up our resources, we may not be able to solve these problems.

Sincerely, if we have a situation of war in East Africa, if we had an army that had enough resources, it would not be a big problem. Even before we have the wars, they will fear us. So, I suggest strongly that we look into the issue of re-arranging, organising and re-training our armies jointly.

I cannot overemphasise this point because since time immemorial, whatever achievement man has ever made, it has got to be defended. Even during the Stone Age. A man will first peep out of the cave, and if there is no danger, he lets the rest of the family out, and when the family is looking for food, he is busy patrolling.

If we are going to build a strong economy here, we are going to need to defend it. Somebody might walk in one day and disorganise us and take away what we have built together for a long time. So, we need an army that is well trained. We can maintain the numbers. They should not be so many, but we know how to increase our numbers. So, let us look critically at the army.

What are our armies doing now separately, for example? The routine of the Army is obvious. At times it is boring if there is no training. Training depends on funding, and training is expensive. To train one air force pilot, a MIG fighter, for example, you need one million dollars. Somebody one day will come and bomb us. We need to train our



pilots. For individual countries doing it within the East African region here, it is very hard. Imagine you are training twenty pilots, the engineers are still there to be trained, and yet we cannot afford to lag behind.

Our progress economically, politically, or otherwise must be jealously guarded so that together we can push forward. We need institutions in the army, training camps to give specific, directed training, let alone the physical one. If we go back to the theories of Mao, to have a good army is not dependent on the guns. You can have a fool behind the gun and you will have problems. The person behind the gun must be somebody who has the correct ideological thinking. He should know that his role in East Africa is to look after what the East Africans have produced - their lives, their property - and do it diligently.

You could have an army, if not correctly trained and the purpose of its existence emphasised, it can turn on you. You remember the colonial armies. The other day we were given the example of Nkrumah. Nkrumah had very good ideas, but then he forgot the army side. His colonial army just turned on him. We can build the East African Community to shine, but if we leave the army behind, one day they will just come and kick you out of it and break it up. What will you do? So, we need purposely to re-train our army and professionalise it. That is very important.

We should have our young people go to colleges within the army, whereby they will come out on the other side with a degree. What is difficult about that? We can have schools that train on the basis of a strong career. You would join the

army at a tender age, you go through all the academic levels, you come out clean, and you serve it for some years. You are ready to go to the private sector by then, because you are educated. We do not want people who will get out of the army and go and waylay us. We have got to look at these things very critically: Training, facilitation of the army to boost their morale and change their thinking. I emphasise that because it is important.

The colonial armies are head heavy. If you maintain them, you have got to be careful. You have got to look after a very expensive army. That is how you maintain them. To get their loyalty, you have got to pay heavily. If you de-colonise their thinking, you get a bigger army, a cheaper one, and a more efficient one, which will do your job.

That is how Nyerere kept Tanzania intact. I do not think you can be able to play with the Tanzanian army and get away with it! This is a small army. It has a mission to train the population. That is it! You train the whole population to guard the country. So, you maintain a small, well-trained, well-facilitated army, which will train the rest of the population to demystify some of these issues. In times of war, it is very easy to raise them up.

If you have a correct political spread out, you mobilise easily and you get yourself into a war situation very easily. We should not overlook that because even when you do not intend to make a war, at times people can bring it to your own house. What do you do? Do you apologise? So, that is another important thing.

If we look at the basis of our unity in the three countries, you find it is based on petty issues. People are united on the basis of religion, clan, and tribe. That is what we use. Now, this becomes a little bit difficult. It is like the issue of a big fish in a small pond. The moment you make it an East African situation, everything on the ground will change.

You cannot survive in East Africa here on the basis of your tribe. You will have to do better. With this politics of ours, the local one of abusing each other, demonstrations, uncalled for rallies, you have got to be very tough in order to convince East Africans that you are actually leading them to do the right thing. That is where there is going to be some resistance in these things. These big fish which want to live in small ponds are going to cause problems in our endeavours to unite.

These political entities we have, if you unite, you are going to have increase in numbers, and when you are many, you are going to be forced to progress on ideas only. Should you not have ideas, you perish. You must go to Nyachingweya to convince the man there that you want power.

Before I forget this other point, I can leave all others but I will come to this one first. We are at crossroads though we have just started. This is my own analysis – I may be right or wrong. But if you look around, you will find all the Presidents in these three countries – *(Microphone switched off)*.

**Lt. Gen. Abdullahi Adan (Kenya):** Thank you, Mr. Speaker. May I first congratulate you for your election to the East African Legislative Assembly, and

as the Speaker of the East African Legislative Assembly! It is indeed a great honor and pleasure to have you as our Speaker - *(Applause)*.

I salute the Heads of State, who in their wisdom have initiated the re-creation of the East African Community. The creation of the East African Community has shown confidence and commitment to the goals and objectives of the East African Community, and in so doing, answered the goal and the yearning of the people of East Africa.

May I also congratulate the people of East Africa – they are heroes. The fact that today we have a rebirth of the East African Community; it is the testimony to the undying faith and unyielding spirit for the East African Cooperation. Nobody actually recognizes the important part they played silently behind the scene.

Many believe that the East African Community is the creation of the prevailing economic demands. It may be so, but I would like to recognize a single most important factor – the determination of the people of East Africa to unite and become one body - *(Applause)*. The joys and celebrations during the inauguration stand as a testimony to their long-standing desire to unite.

The major objective of the Community is probably finally to federate and become one country. However, economic needs have played a great part, and I will address very small factors that impacts on the economy - a very small proportion of the population of the citizens of East Africa, but who live on a large expanse of our land. I remember

saying that the Community is really economy-driven and people-centered. Many have raised the view that it should probably read, "people-owned"; not just 'centered', but 'owned'.

The security of this Community and the future can only be guaranteed if the East African Community is owned by the citizens of East Africa. I therefore echo the wish of the Members who spoke before me that we may find the way of taking it back to the people of East Africa; that it is theirs, they own it, and no one under any circumstances can take the Community away from them - *(Applause)*.

The part that I intend to address in relation to economic, social and political development is the impact of banditry on the East African Community. Bandits have freely ruined the expansive semi-arid areas of the countries. They have inflicted untold suffering on the people. The prevailing banditry activities in many ways are the main obstacles to socio-economic development to a certain segment of our community. Banditry is prevalent in varying degrees in all the East African partner States; Kenya, Uganda and Tanzania have all suffered from banditry activities.

Let me try and maybe explain the kind of banditry that is hurting social-economic development in a portion of our countries. Hon. Capt. Baker mentioned cattle rustling, and I think this is one of the major menaces. Besides cattle rustling, there is poaching going on in our countries by the bandits. This affects wildlife as well as our ability to attract tourism - that needed foreign currency. They are there on the highways pestering travelers, depriving

them of their possessions, money and in many ways making it difficult for the people to travel from one part to another. I know those who are from the semiarid areas have on many occasions seen the devastation vested on poor villages in the rural country areas. These are raids conducted by the same bandits.

In a way, banditry is also related to ethnic clashes. They are readily armed people whose only interest is to serve their personal gain. As I mentioned various activities, let me also state that the same bandits who are raiding could be standing by the roadsides hindering movement of citizens and tourists across our countries, and the same will be in our parks killing wildlife and scaring away tourists.

What are the effects of banditry on the economy of the countries of the East African region? The population of the people who live in this semi-arid area are the most illiterate or the least educated in many ways, and the most deprived of necessary facilities or amenities, means of communication like roads, hospitals, health care, education and so forth. And the bandits add to their misery; they make the situation even worse. They deprive them of their sole possessions, herds of cattle, camels, goats and sheep.

If we hope that that segment of our citizens who live in the bandit-prone areas are to be partners in the economic development of the East African countries, then we have no other way than to eradicate banditry and allow these people to grow socially, economically and politically.

The banditry violence has made it very expensive for the citizens in this area to sustain themselves. Because of the banditry threat, very few traders will try and venture into that area, and even worse, very few professionals, educated and the skilled people will dare spend their time in those areas. They will, as much as possible, try to evade going to the banditry prone areas.

In actual fact, it is not unusual for civil servants, when posted to those banditry prone areas, to resign from the service rather than suffer the hardship in those areas. It is, therefore, very costly both in terms of the goods and services that are availed to them. Medical services are unavailable or very expensive, and they are denied interaction with the rest of the people of the East African Community by the bandits.

The area that is affected by the bandits, as I said earlier, is very large and largely a virgin area; it is unexplored with unknown wealth and mineral resources, and as long as banditry activities are prevalent in those areas, it will be very difficult to encourage experts to travel to those areas, develop minerals, or explore for minerals and give these people an alternative source of income and a greater income that will be contributing to their socio-economic development.

We all heard that poaching by bandits has, in some cases, exterminated our wildlife, particularly in cases where civil strife or conflicts arise. The bandits take that opportunity, in the absence of the security forces, to kill all the wildlife and by so doing, deny us the foreign currency that we could earn from tourism.

Many speakers before me have mentioned AGOA as probably a factor that will spur development and progress within the East African region. I would dare advise that a large part of this arid land can be very easily turned into cotton growing areas and relieve the pressure in the other parts of our country where there is such a dense population. People killing each other for lack of space to build a house or to farm can very easily be re-located and utilise that land for gainful activity. Besides, this community could very easily be provided with factories and plants that would process the products from their livestock and these products can be exported to United States as part of AGOA.

Let me just mention the effects of banditry very briefly on our educational growth. It is not uncommon that in some areas, schools are closed and parents and the pupils are driven from their homes and villages. They go and crowd into the areas, which are considered to be safe, and probably having been deprived of their own resource of livelihood, their livestock, and having been driven out of their homes, they may not afford the education of their children. And those who miss education may not be very useful citizens to us but will be a menace; they will just join the bandits and do what the bandits have been doing all the time!

The impact of banditry on our cooperation may sound farfetched but I am aware of times when members of the East African countries were blaming each other for not doing enough to prevent the bandits from one area or from one country to stop wreaking havoc in the neighbouring country; killing,

looting and generally causing destruction. Although many times this has been resolved peacefully, it could very easily lead to confrontations, and that is of concern. It was echoed by His Excellency the President of Uganda when he said they are out to disarm the Karimojong so as to prevent them from wreaking havoc, not only on the citizens of Uganda, but also on their neighbouring country of Kenya.

The bandits are also close allies and supporters of other elements that are undesirable in our society. The bandits being mainly led by the need for self-gratification, they are not inhibited in any way when they transport illegal weapons from one area to another. These weapons eventually will be used to kill the citizens of East Africa, to rob them of their rightful property and deprive them of the freedom to move and to own properties.

Therefore, banditry also has an impact on our good neighbourly relations. I, therefore, equate banditry to the other menace to society such as AIDS and drug abuse. They should be given equal weight and attention and be dealt with promptly.

With those few remarks, Sir, I conclude by saying that no segment of our society should be less privileged. And as far as possible, every effort should be made to distribute equally the wealth of the East African Community. But before I sit down, let me echo what has been said before with regard to the economy.

It was proposed that we should have a Central Bank for the East African Community. May I add that we also need to establish a mechanism that will

enable a poor man with meagre resources to also own part of the trade or the industries or services that are provided within the East African Community? By that I imply that we should encourage the development of markets - I mean stock markets - so that an individual can buy a share in. Although he may not be able to own a huge industry or a factory on his own, he can collectively contribute to the capital and be a proud owner of that factory or capital.

With those few remarks, I support the motion. Thank, Mr. Speaker - *(Applause)*.

**Mr. Dan Wandera Ogalo (Uganda):**

Thank you, Mr. Speaker for giving me this opportunity to contribute to the general debate. Mr. Speaker, I want to begin by also congratulating you for having attained the high office of Speaker of the East African Legislative Assembly. We are confident that under your wise guidance and leadership, we shall attain the objectives of the Legislative Assembly.

I want to begin my contribution by quoting what somebody called a joke. Last week on Wednesday, I attended a Conference on "*Constitutionalism in Transition*". One of the speakers was Prof. Khivusa Khibwana of the Faculty of Law of the University of Nairobi. He told us what he said was a joke. It was about an old man who lived in Kenya in the colonial times, and now he is about 90 years.

This old man saw the good things during colonial times, and also he is seeing what is happening after Independence. This old man compared the two, and of

course in his mind, he was seeing that the colonial times were better. He had had more services during colonial times than he had after Independence. So, in recalling that, he asked his son, 'when will Independence end?' because to him now this is an era different from the colonial times.

We laughed about it, we took it as a joke but later on, when I thought about it, I wondered whether this was a joke or it is reality? What is a man who lived in colonial times seeing now in the lenses with the hunger, disease, poverty, and unemployment? Are they the same as at the time before Independence? Actually, the old man's statement in Kenya wondering when independence would end is a vote of no confidence in the political elite. But now, another opportunity has been given to us and that is the regional integration. Will we squander it away or will we answer the needs of the people of East Africa?

I do recall, some time ago when we were serving in the Constituent Assembly of Uganda, hon. Amanya Mushega made a statement about history repeating itself, and he said, "History does not actually repeat itself, but stupid men make the same mistakes and then they turn around and they say it is history repeating itself!" Now that the East African Community is here, are we going to repeat the mistakes, which those who made the old one did? If we do so, we would be upholding the statement of hon. Amanya Mushega, that actually we are stupid.

So in my view, Mr. Speaker, I do not want the Assembly to be part of what somebody would call stupid men and stupid women 40 years from now; I do

not want that. Therefore, right from the onset, the approach must be different. We must start apportioning blame because I do not want to be part of a system where all of us will be called stupid men, who could not learn from the past.

We have got more or less three arms of Government. We have got this Assembly, we have got the East African Court of Justice and we have also got the Secretariat, the Summit, which I would take as the Executive. So, as we work, the people of East Africa must be able to apportion blame and say who is messing them up; who is failing their standard of living. We should not be bundled together and all of us end up being called names. And an old man, 40 years from now will say, 'when will the East African Community end'? I do not want to be a part of that; I do not want to be part of the charade. I believe when all of us stood for these elections, we had at heart the people of East Africa and we should be sincere about it.

In trying to show that, I want to look at the East African Development Strategy. Why I am saying we must be able to apportion blame, I want to look at the East African Development Strategy as a method of assisting us in this.

The three Presidents signed this East African Development Strategy. It says what the people of East Africa should expect from us between the years 2001 and 2005; it is the yardstick. It is what an East African should be able to hold and say, 'Did you fulfill this'? If an East African goes through this, in the year 2006 and finds that the East African Community failed in all respects, I want a particular person to say, 'You are

responsible.' If it is this Assembly, so be it, if it is the Summit, so be it!

In the preface of this Strategy signed by the three Presidents they say, "*To facilitate achievement of the goals of the regional integration, the Treaty provides that a customs union will be established as the entry point of the Community to be followed by a common market, subsequently a monetary union and ultimately a political federation of the East African Partner States.*"

Hon. Members have contributed here, and I think rightly so that we do not need to specifically follow that order. And in my view, it is a wrong approach; it is putting these stages into compartments. But my view is that you cannot put them in compartments because they are interlinked. When you are addressing one, you are of necessity addressing another.

So, as you discuss, for example, the common market, you are obviously at the same time talking about political cooperation. It is the politicians discussing the common market; it is the politicians who are going to come up with the decisions! How can you avoid political cooperation? How can you say we shall discuss that later? You cannot! You must be able to deal with it as it arises - *(Applause)*.

Let me give an example why I think so. The common market presupposes and actually gives discussions of free movement of labour, free movement of capital within the States, and even the right of establishment of residence. If you are discussing that and the political question arises, how can you shelve the political question when it will of

necessity be able to determine whether a person will move from country 'X' to go to 'Y'? We must address it - *(Applause)*.

Article 123, clause (2) has an example. Clause (2) says: "*For purposes of paragraph one of this article, the Community and its Partner States shall define and implement common foreign and security policies.*"

*3(c) The objective of the common foreign policy and security policies shall be to: develop and consolidate democracy and the rule of law and respect for human rights and fundamental freedoms".*

This is what hon. Marando was saying yesterday. You want to legislate for people to move from Uganda to Kenya, you want to legislate for people to move from Tanzania to Uganda, for goods to move, for capital to operate in all the three countries, but you do not want to address the political question. You say you will address the political question later, how? Why should I move from here and go to Kenya when I am not sure about my rights there? Why? *(Applause)* The whole thing will fail because you have not addressed these issues.

So, the question of saying, we compartmentalize those matters into stages is wrong. These things must move together and they must be taken to the necessary political organ to deal with them. And this brings me to what hon. Med said yesterday that when you are growing these trees, we must try to see that the fruits that are coming on those trees are good for our children and our grand children. The political questions cannot be shied away from, they must be addressed.

Now, we are sure that the people of East Africa anyway want a political federation. Hon. Members, you recall that when we were in Manyara we were told that a committee was set up, it went around the whole of East Africa, it collected views and made recommendations in 1974. It recommended a Union of the three countries. It was shattered and because of the constraint of time then, we did not trace that committee report, but I have been made to understand that through the wise leadership of our hon. Speaker and his steadfastness, this document has now been found, with the draft constitution of East Africa inclusive.

They went very far! They had even made a draft constitution for East Africa. Now what excuse do we have for not building on what has already been done? What excuse do we have? I think it is time for this Assembly to force the issue of the Union; I think we can force it - (*Applause*). How are we going to force it? We are going to force it by establishing a timeframe for legislation; we do not have to wait for the introduction of legislation from the Council of Ministers.

Article 59 of the Treaty gives any Member of this Assembly a right to bring a bill for consideration - (*Applause*). So let us do it, let us introduce a bill for a timeframe for a political union and let us test the political will because it will go for assent before the Presidents. If they want really a political union - (*Applause*) - if they are committed, as they say, for a political union, they will assent to our bill - (*Applause*). I suggest that our Committee on Regional Cooperation

makes this the first business - (*Applause*).

Now, I want to come back to the issue I raised about apportionment of blame, and I will do so by looking at this strategy. In this strategy there are certain things which were supposed to have been achieved within a particular timeframe, why are they not achieved? Who is that who wants all of us to be called stupid men and women?

Take an example: it says here, “*conclude the protocol on a customs union. Timeframe - December 2001. Implementing agency - Ministry of Finance, Revenue Authorities, Ministries of Trade and Industry and the East African Community Secretariat.*” In other words, by now we should have had the protocol on the Customs Union finished! Now, who is dragging his feet? Somebody is doing so and then they will come up and say all of us were responsible. We must be able to identify who is failing us.

Another example, “*establish common external tariff, December 2001; preparation of East African Model Investment Code, December 2001; Ratification of the Road Transport Agreement, December 2001; undertake a study on suitability of Dodoma, Entebbe, Nairobi and recommend who is most suited to host unified Upper Control Center, December 2001*”. And there is always somebody who is supposed to do it! Like in this case, it is the Minister of Transport, Communication and the Secretariat.

“*Ratification of Inland Waterways Transport Agreement, December 2001; Harmonizing Health and Drug Policies,*



*December 2001.*” All these I am reading, nothing has been done. *“Harmonizing Pharmaceutical Standards, December 2001; Introduction of an Inter-State Pass, June 2001.”* Hon. Members from Kenya have been complaining here; they were stopped for three hours! Somebody should have done this in June last year! *(Applause)* Lastly, *“Transform the Lesotho Institute for Judicial Administration to a Regional Judicial Training Center, December 2001.”*

So, you can see that there is somebody who is not doing his work, and it is upon this Assembly to make sure that the person who is not doing his work does it, so that we really deliver to the expectation of our people in East Africa. Of course, there are very many excuses given to us, some of them are valid, others are mere excuses; one of them is resource constraints.

Now, this question of resource constraints actually comes down to political commitment. Why should the Secretary General have to run to Uganda, to the Treasury to beg for money if they are committed to the East African Community? I propose that the three countries, if they are really committed, should have a percentage of the national budget, which should go to the East African Community.

We can choose one country – *(Applause)* - and say that, the equivalent of 5 per cent of the Kenyan Budget, for example, will be contributed by each partner State to the Community, so that this idea of saying we delayed because we did not have money does not arise - *(Applause)*.

Then we should go further because it has been said before that a legislature can do anything, except turning a man into a woman or vice versa. So, we should legislate this into law, and if a partner state does not comply, then there is the East African Court of Justice to interpret that law and they enforce the payment of this money - *(Applause)*.

The other thing to do was that the other reason given was, ‘we have to consult first’. We have got a problem, but these are the technocrats. As hon. Shamalla said yesterday, it is the technocrats who are delaying these things. So, we give an ultimatum. If two countries have agreed within a timeframe to do something and they do it, then it binds the third. If the third partner state is dragging its feet, it should not hold back the other two. It should be bound by the decision of the two. That will make the technocrats, who I think sometimes deliberately delay these things, to move.

If I could go back to the question of finances, you recall the former Chief Justice of Uganda in Manyara saying that the East African Court of Appeal would actually have continued to work. Nobody closed it but the countries just turned off the money. That was all. They just said no money for the East African Community. Nobody touched it but that was the position. So, that should be avoided. We should make sure that we do not go into that.

The other way would be to establish a committee of wise men who are not technocrats, who are not politicians, but are men who have got vast experience in matters of co-operation of East Africa. Give these men and women - *(Laughter)* - concurrent power with these

coordinating organs. Let them be able to intervene when the technocrats are delaying to get the things done by the Council of Ministers. Let it be concurrent. They can call these from the technocrats. If the Permanent Secretaries are too busy looking after other things, let these people be there to do it. That way, we can hope to get out of the bureaucratic problems we have.

Of course if it comes to the worst, then I would call upon the Assembly again to take the lead, which is in Article 59. If we know that something is supposed to be done and it has not been done, let us originate a law and take it there.

I now give notice that at the next Sitting, I intend to seek leave of the House to introduce two Private Bills: one on Capital Markets and another one on Immigration, so that we do this ourselves. Then if there are flaws, if there is a problem, we shall be able to have moved a step forward because then the Council of Ministers - unfortunately I do not see any Minister around today, but the Council of Ministers will have a problem, because our hon. Speaker will take this law to the Presidents and say, 'my Assembly has passed this law, we want it assented to.' The Presidents will then ask the Council of Ministers, 'Eh, *wajama*, how did this happen? Where did this come from?' So, the Ministers will then know that they have to work because they will have to explain.

If there are certain provisions which the Presidents of East Africa are not happy with, the Council of Ministers will be put to task to explain how a law was made which is not conducive or which the Presidents do not want. By that

method, I am sure we shall be able to force things to move.

The way things are now, as His Excellency Yoweri Museveni said the other day, we are not serious. So, to avoid being called stupid men and women 40 years from now, we should make sure that we take the lead in this.

There are certain things I want to comment on which the East Africans should hear and know they exist. They are very many but due to time constraint, we cannot do so. For example, under the Energy Sector, by the end of next year, the Eldoret - Kampala Oil Gas Pipeline must have been completed. The Presidents have told the people of East Africa that it is going to be done. The Dar-es-Salaam - Mwanza and Dar-Es-Salaam - Tanga Gas Pipeline and Oil will also be completed.

You can see the effect it will have if it is done. Obviously the transport costs will be lower. A person commuting from Busia to Kakamega will pay less because from Busia - Uganda, the cost of fuel will be cheaper. There will be a saving for this ordinary East African. That saving will translate itself into raising his standard of living. So, the people of East Africa should know and should expect who will fail them and apportion blame accordingly.

I come to the question of apportioning blame. Look at the Health Sector. It is also here in the Health Sector that a strategy will be developed to combat HIV/AIDS, malaria, yellow fever, cholera, and mechanisms of a faster approach for diseases like Ebola. Ebola is a scaring disease. One minute you are walking very well, you are very alive,

the next minute blood starts oozing out of your ears, nose, and mouth and within a short time you are dead.

We have had this in Uganda; communities have had to be quarantined waiting to die. Medical personnel risk their lives because they know they are handling people who may die anytime. Therefore, it is very good that the three Presidents have said that there will be rapid response in case of such outbreaks, in case of such dangers.

I think there is something wrong with that microphone - (*Laughter*). But with those few words, I beg to support the motion.

**Mr. Said Bakari Jecha (Tanzania):** Thank you, Mr. Speaker, for giving me the Floor. I stand here to support the motion, but before doing so, I would like to join my colleagues to congratulate you on being elected Speaker and for the good work you have so far done. For us who have known you for a long time, it is no surprise to see you doing marvelously.

It is my hope, with the seeming co-operation from this House and from the Council of Ministers, the Summit, other sectors from our region will be performing well in the future.

Let me also thank and congratulate Members of this House for being elected from their respective Parliaments. I know the election fever was strong. What they went through was tough, but we are here today celebrating the results.

I would also like to congratulate the Council of Ministers and the Heads of State for the tireless efforts they have so

far put in performing their duties to see the realization or formation of the Community.

I would also like to thank the Members from Uganda who have so generously showed a good attitude to us, and put in place this wonderful arrangement for all of us here.

Last but not least, I would like to congratulate His Excellency, Kaguta Museveni, the President of Uganda for giving us a good time, and also for giving the wonderful speech at the opening of this session. That speech, which was labeled a doctoral thesis, was, I thought, something to be commended by this House and to be one of our working documents. But I was amused yesterday to see the way that speech was reported on in the papers.

The headline was not the gist of the speech, but rather the temporary disappearance of the speech. I am not surprised at all that this happened in Uganda, it could happen anywhere in our countries, either Tanzania or Kenya. I know the newspapers are trained first and foremost to sell their papers, and in selling their papers, they are there to choose what is juicy. But I would like to urge the newspapermen and news media that rather than choosing what they could sell in their papers, they could aim to educate our people on the performance of this Community and its organs - (*Applause*).

While President Museveni was giving his speech, he mentioned a number of things. And later during our luncheon, he mentioned the important aspect of what he sees about the future of the organization. Mr. Speaker, your

Members here have echoed that cause, and I have no reason to complain. A *Mwananchi* does not care which method we use to attain our objectives; he is not bothered whether he could achieve those objectives. After the formation of the Community, other organs have been put in place like this august body, the Judiciary and the Secretariat. People in our countries now are expecting to see the results and their aspirations.

On November 30th last year, when we were in Arusha at the inauguration ceremony of this august body and the Judiciary, we witnessed a multitude of people in the stadium. They did not come there just to see the cultural groups from Kenya, Tanzania or Uganda. I think they were there to show and register their wishes or their aspirations for the Community. So, it is the burden and of utmost importance for this House to move together for the sake of the people in our region.

Coming back to the motion, speaker after speaker in this House has recounted the reasons for the failure of the first Community, and lamentably they showed why this thing happened. I will not go into those details now, but these speakers have also shown their hopes and aspirations for the future Community, but hope is one thing and wishes are quite another. There is a saying, "*if wishes were horses, beggars could ride them.*" But realization of those hopes and wishes are surmountable and important to us all.

Problems concerning our people have been echoed as well by different speakers. I would like here to register just a few of them: disease, illiteracy, and poverty, the enemy number one

since independence, 40 years ago, are there to stay. They have been there to stay not because our people want them, but because the situation has forced them.

After 40 years of independence, our people are still facing the havoc of these problems. Diseases, poverty and illiteracy are rampant in our region. Diseases, which can be cured like malaria, yellow fever and others, are still killing many people. The emergence of HIV/AIDS has added to the burden of our society. Yes, it is true that the youth are dying in large numbers, but youth, middle aged and the old are living side by side.

I do recall that the first person I came to know who died of Aids was a middle-aged man at the age of about 60. I remember I was told that there are a number of factors which can cause AIDS, not only the one known way. But, yes, the youth are the backbone of our society and we should do whatever we can to support them and to encourage them to abstain from becoming the number one affected. In this respect, I would like to commend the Government of Uganda. I would also like to commend the people of Uganda for the good work they have done in combating HIV/AIDS related diseases.

There are others; as I said, Malaria and Yellow Fever, and Ebola are serious diseases as well. These diseases could be cured but in our countries, we lack resources. But the emergence of the East African Community, to my hope, will enable us to forge ahead and to come together with our collective resources so that we can go into research so that these

diseases are no longer a problem to our people.

As I said, after the formation of the Community, our people would like to see the change in the way they are living socially, economically and politically. These areas have been well touched by my colleagues here and one can see how important they are, but one can also see how relevant our Members are in deciding issues in our region.

As, Mr. Mwatela said, coming as he did as number ten, I am one of the last speakers. I find more difficulty in pursuing other matters since they have been mostly covered. So, I stand here to support the motion. Thank you.

**The Speaker:** I will ask the hon. Member seeking for a glass of water to remain seated. I will give him one minute to finish his glass of water.

I now adjourn the House until 4 O'clock in the afternoon.

*(The Assembly rose at 11.40 a.m. and adjourned to 4.00 p.m. in the afternoon)*

*(On resumption at 4.03 p.m. in Parliament House, Kampala\_)*

### PRAYERS

*(The Speaker, Mr. Abdulrahman Omar Kinana, in the Chair)*

*The Assembly was called to order*

### NOTICES OF MOTIONS

**Mr. Kanyomozi Yonasani (Uganda):** Mr. Speaker and hon. Members, pursuant to the provision of our Rules of Procedure, Rule 78(3)(c), the House

Business Committee has nominated Members to serve in the six Standing Committees as here below, and now urge the House to resolve to appoint them for the First Assembly. I will read the names, Mr. Speaker, so that Members know who is on each Committee.

#### **Accounts Committee:**

Hon. George F. Nangale  
 Hon. Bagalaaliwo Nanziri Sarah  
 Hon. Haji Abdirahim Haither Abdi  
 Hon. Calist Andrew Mwatela  
 Hon. Kate M. S. Kamba  
 Hon. Mohammed Abdalla Zubedi  
 Hon. Said B. Jecha  
 Hon. Kawamara Mishambi Sheila  
 Hon. Kanyomozi Yonasani Bankobeza

#### **Committee on Legal, Rules and Privileges:**

Hon. Dr. Harrison G. Mwakyembe  
 Hon. Kaggwa Sozi Kiwanuka Med  
 Hon. Prof. Margaret Jepkoech Kamar  
 Hon. Ovonji Odida Irene  
 Hon. Jared Benson Kangwana  
 Hon. Maxwell Shamalla  
 Hon. Ogalo Wandera Daniel  
 Hon. Mabere N. Marando  
 Hon. Said B. Jecha

#### **Committee on Transport, Trade and Investment:**

Hon. Rose Wairimu Waruhiu  
 Hon. Bagalaaliwo Nanziri Sarah  
 Hon. Kaggwa Sozi Kiwanuka Med  
 Hon. Isaac A. Sepetu  
 Hon. George F. Nangale  
 Hon. Mabere N. Marando  
 Hon. Mohammed Abdalla Zubedi  
 Hon. Abdirahim Haji Haithar Abdi  
 Hon. Yonasani Kanyomozi Bankobeza

**Committee on Tourism, Wildlife and Natural Resources:**

Hon. Capt. Ddudu Richard Baker  
 Hon. Beatrice M. Shellukindo  
 Hon. Dr Harrison G. Mwakyembe  
 Hon. Prof. Margaret J. Kamar  
 Hon. Ogalo Daniel Wandera  
 Hon. Calist Andrew Mwatela  
 Hon. Mahfoudha Alley Hamid  
 Hon. Ochieng Gilbert Mbeo  
 Hon. Kawamara Mishambi Sheila

**Committee on Regional Affairs and Conflict Resolution:**

Hon. Mugisha Muntu G (Maj. Gen.)  
 Hon. Lt. Gen. Adan Abdullahi  
 Hon. Maxwell Shamalla  
 Hon. Ochieng Gilbert Mbeo  
 Hon. Ovonji Odida Irene  
 Hon. Kate M. S. Kamba  
 Hon. Beatrice Shellukindo  
 Hon. Wanyoto Mutende Lydia  
 Hon. Said B. Jecha

**Committee on General Purpose:**

Hon. Lt. Gen. Abdullahi Adan  
 Hon. Mugisha Muntu G. (Maj. Gen.)  
 Hon. Mahfoudha Alley Hamid  
 Hon. Isaac A. Sepetu  
 Hon. Rose W. Waruhiu  
 Hon. Jared B. Kangwana  
 Hon. Wanyoto Mutende Lydia  
 Hon. Kate M.S. Kamba  
 Hon. Ddudu Richard Baker (Capt.)

Mr. Speaker, those are the names of the hon. Members, who will serve on the Committee of the House. I give notice to the motion.

**The Speaker:** I now call upon hon. Daniel Ogalo to give notice to a motion.

**Mr. Dan Wandera Ogalo (Uganda):**

Mr. Speaker, hon. Members, this is to give notice that I intend to move a

motion, seeking affiliation and membership of the Commonwealth Parliamentary Association. The whole motion, which I intend to move, reads:

*“That this House, having noted the provisions of Article 3 of the Constitution of the Commonwealth Parliamentary Association (CPA); and convinced that it meets the conditions set therein, do resolve to constitute itself into a Branch of the CPA and seek Affiliation and membership of the Commonwealth Parliamentary Association; and that this resolution of the Assembly be conveyed to the Secretary General.”*

**MOTION**

**Mr. Kanyomozi:** Thank you very much, Mr. Speaker. Hon. Members, we would like to move a motion on appointment of Standing Committees. The motion is that: *“Pursuant to the provision of Rule 78 sub-rule 3(C) the House Business Committee has nominated Members to serve in the six Standing Committees as here below, and urge the House to resolve to appoint them for the First Assembly.”*

Mr. Speaker, following our Rules of Procedure, the necessary consultations has been made to Members of this Assembly; we have considered all the possibilities, the expertise of the various Members that we have in the Assembly. We have looked at all the issues that are relevant, gender sensitive and particularly adequate representation.

The Rules stipulate that each Member, except for the House Business Committee do serve at least on two Committees. After due diligence, we have covered and consulted extensively

and intensively, and resolved that the following Members do serve on the Committees.

I would like to save the time of the House by not going through the names since I have already given these names in my notice when proposing the motion at the beginning.

The Members cover the entire House and also we hope the people we have chosen will give adequate and diligent service, and be given a trust that the constituencies have given us to serve and deliver the mandate that has already been given to us.

In doing this, we know that generation of most of the ideas will be coming from the Council of Ministers, assisted by the experts, but whatever is brought to this House will be going to these relevant Committees to be able to look at them with a deeper feeling, and a deeper interest to ensure that the vision and mission, scope and role of this House are reflected in the final product.

We are also sure, Mr. Speaker, that the men and women who have been given this task will answer to the call of duty, and that they will be on their desks in the Conferences and in the Assemblies to which they will be assigned. I have no doubt that the Members who have been put on these Committees will serve us with the expertise that they hold, and will give their best to ensure that the mission is fulfilled. Mr. Speaker, I beg to move.

**Mr. Dan Wandera Ogalo (Uganda):** Mr. Speaker, hon. Members, I beg to second this motion and to briefly state that since the bulk of the business of the

House - and indeed in most modern Parliaments - is done in Committees, the formation of the Committees is quite important in that at the end of the day, if the work therein is done well, as we are sure hon. Members will do, it would lessen debate on the Floor, save on resources and save on time.

Secondly, in reaching these names, concern and particular interest was paid to background to the fact that all hon. Members would, in any case, be able to serve on any Committee, but that since the number is limited to nine, it was necessary to have the allocations made. Mr. Speaker, with those few words, I beg to second the motion.

**The Speaker:** I now put the question before you, that pursuant to the provisions of Rule 78.3(c), the House Business Committee has nominated Members to serve on the six Standing Committees as here below, and I now urge the House to resolve to appoint them for the First Assembly:

**The Accounts Committee:**

Hon. George Francis Nangale  
 Hon. Sarah Nanziri Bagalaaliwo  
 Hon. Abdi Abdirahim Haither(Haji)  
 Hon. Calist A. Mwatela  
 Hon. Yonasani Kanyomozi Bankobeza  
 Hon. Kate Sylvia Kamba  
 Hon. Mohammed Abdalla Zubedi  
 Hon. Jecha Said Bakari  
 Hon. Sheila Kawamara Mishambi

**The Legal, Rules and Privileges Committee:**

Hon. Harrison Mwakyembe (Dr)  
 Hon. Med Kagwa Sozi Kiwanuka  
 Hon. Kamar Margaret Jepkoech (Prof)  
 Hon. Irene Ovonji-Odida  
 Hon. Kangwana Jared Benson

Hon. Shamalla Maxwell  
 Hon. Daniel Wandera Ogalo  
 Hon. Mabere Nyaicho Marando  
 Hon. Said Bakari Jecha

**The Transport, Trade and Investment Committee:**

Hon. Rose Wairimu Waruhiu  
 Hon. Sarah Nanziri Bagalaaliwo  
 Hon. Med Kaggwa Sozi Kiwanuka  
 Hon. Isaac Abraham Sepetu  
 Hon. George Francis Nangale  
 Hon. Yonasani Kanyomozi Bankobeza  
 Hon. Mabere Nyaicho Marando  
 Hon. Mohammed Abdallah Zubedi  
 Hon. Abdirahim Haither Abdi (Hajji)

**The Tourism, Wildlife and Natural Resources Committee:**

Hon. Richard Baker Ddudu (Capt)  
 Hon. Beatrice Shellukindo  
 Hon. Harrison Mwakyembe (Dr)  
 Hon. Margaret Kamar (Prof)  
 Hon. Daniel Wandera Ogalo  
 Hon. Calist Andrew Mwatela  
 Hon. Mahfoudha Alley Hamid  
 Hon. Gilbert Ochieng-Mbeo  
 Hon. Sheila Kawamara Mishambi

**The Regional Affairs and Conflict Resolution Committee:**

Hon. Mugisha Muntu (Maj. Gen)  
 Hon. Said Bakari Jecha  
 Hon. Adan Abdullahi (Lt. Gen.)  
 Hon. Maxwell Shamala  
 Hon. Gilbert Ochieng-Mbeo  
 Hon. Irene Ovonji-Odida  
 Hon. Kate Sylvia Kamba  
 Hon. Beatrice Shellukindo  
 Hon. Lydia Wanyoto Mutende

**The General Purposes Committee:**

Hon. Abdullahi Adan (Lt. Gen.)  
 Hon. Mugisha Muntu (Maj. Gen.)  
 Hon. Mahfoudha Alley Hamid  
 Hon. Isaac Abraham Sepetu

Hon. Rose Waruhiu  
 Hon. Jared Benson Kangwana  
 Hon. Lydia Wanyoto Mutende  
 Hon. Kate Sylvia Kamba  
 Hon. Richard Baker Ddudu (Capt.)

I now give the Floor to any Member of the House who wants to debate this motion.

**Mr. Calist Mwatela (Kenya):** Mr. Speaker, I think that delay is basically to show you that Members do not have any objections or any reservations about these memberships. Maybe we should simply note that the Members who have been named are people of standing, people who are well versed with the areas they are going to deliberate on, and each country has given certain persons. This was after careful discussion by individual countries. Based on that alone, the membership must be well qualified for whatever tasks they have. With that brief comment, I support the motion.

**The Speaker:** Is there anyone else who would like to participate in this motion? I would like now to propose to the House and put the question before the House.

*(Question put and agreed to)*

**MOTION**

**The Speaker:** I call upon hon. Ogalo to put his motion before the House.

**Mr. Dan Wandera Ogalo (Uganda):** Thank you Mr. Speaker. I beg to move that this House having noted the provisions of Article 3 of the Constitution of the Commonwealth Parliamentary Association, and convinced that it meets the conditions set



therein, do resolve to constitute itself into a branch of the Commonwealth Parliamentary Association (CPA), and seek affiliation and membership of the Commonwealth Parliamentary Association; and that this Resolution of the Assembly be conveyed to the Secretary General.

The Commonwealth Parliamentary Association was founded in 1911 as the Empire Parliamentary Association, but in 1948 it adopted its present name.

The Association has branches in more than 165 national states, provincial and territorial, and has over 14,000 Parliamentarians as members.

This Commonwealth Parliamentary Association brings together parliamentarians united by common interest, respect for the rule of law and individual rights and freedoms. It also pursues the positive ideals of parliamentary democracy. It provides a means for regular consultation among members of the Commonwealth Parliaments.

Article 3(1) of the Constitution for the Commonwealth Parliamentarian Association reads: *“The Association shall be composed of branches, which have been laid down and constituted in accordance with paragraph three. Then (2) - and this is what is relevant to us here - “A Legislature shall qualify if - (c) it functions as a parliamentary body.”*

Article 48 of the Treaty for the Establishment of the East African Community established this Assembly and Article 49 provides that this Assembly shall be a legislative organ of

the Community. Therefore it functions as a Parliament.

Under Article 62(1) of the Treaty, this Assembly is empowered to enact legislation by means of Bills passed by the Assembly and assented to by the Heads of State.

Article 49(2)(b) empowers this Assembly to debate and approve the budget. It has a Speaker who is elected by the Members of the Assembly and who serves for a period of five years.

Under rule 78(3) of the Rules of Procedure of the East African Legislative Assembly, there is power given to the Business Committee of the House to manage the affairs of the Assembly. Pursuant to that provision, I am privileged and honoured by the order of the Speaker to bring this motion before you hon. Members.

From what I have said above, it follows that this Assembly satisfies all criteria specified in Article 3 of the CPA Constitution, and accordingly it can be a member of the Commonwealth Parliamentary Association. In that respect, I beg to move that this House do resolve that the Assembly seeks affiliation and membership of the Commonwealth Parliamentary Association in the terms of a motion which I read earlier, and which I may repeat here that:

*“This House having noted the provisions of Article 3 of the Constitution of the Commonwealth Parliamentary Association; and convinced that it meets the conditions set therein; do resolve to constitute itself into a branch of the*

*Commonwealth Parliamentary Association and seek affiliation and membership of the Commonwealth Parliamentary Association, and that this resolution of the Assembly be conveyed to the Secretary General.”* Mr. Speaker, hon. Members, I beg to move.

**The Speaker:** Hon. Members, I wish to put the question that anyone of you who may wish to second may do so, especially those Members of the House Business Committee.

**Mr. Gilbert Ochieng Mbeo (Kenya):** Thank you Mr. Speaker. I believe that the motion has been very eloquently put. I am sure that all of us are dying to be Members of the Commonwealth Parliamentary Association. The reasons have been eloquently explained and truthfully speaking, this is the beginning of what we have been looking for. All of us have been waiting for this day; we are now moving forward to be recognized in the international arena. This is the day that we are taking our rightful places as Members of the Legislatures, connecting with the rest of the world.

What has to be noted is that our membership is a very special one. Most Members of CPA are from national Parliaments. The branches are basically national branches. This is perhaps the first time we are having a very super national branch, a very big regional group moving into the CPA. They will have quite a task to accommodate us. They have been waiting for us, and maybe this is a start of many others to follow. We are intending not only to end up at CPA, but also to join other regional and international bodies that will help empower our people and our Parliamentarians.

A lot has to be done to at least ensure that our Parliamentarians understand what CPA really means. I believe in your pigeonholes this morning, you must have received certain documents that might help explain the objectives. I will just mention a few. Some of the objectives include inter-parliamentary visits, annual Commonwealth parliamentary conferences, regional conferences and other symposiums related to the CPA. Also included are parliamentary workshops and seminars, publications, notably the *Parliamentarian* and newsletters on CPA activities and on parliamentary and political events, and lastly, parliamentary information and reference centre communications.

We have reached the real world. We now have to start studying, we have to read a lot, and we have to learn what is happening in the rest of the Parliaments. We have to know why we are here, and we have to compare notes with other parliamentarians so that we can help in bringing about closeness to the rest of the world through parliamentary matters. So, I really do not see any objection to the fact that time has come for us to move on. And I am glad that within the first week, we are sending a message to the Secretary General of CPA that we are here, and indeed we are here.

We, therefore, seek all Members of the East African Legislative Assembly to support this and maybe pass it as soon as possible, so that by the end of the day, the Clerk should send our letter to the Speaker that we have agreed to be affiliates of CPA. With those few remarks, I beg to support. Thank you.

**The Speaker:** Hon. Members, I now put the question before you after the motion has been moved by hon. Ogalo and seconded by hon. Ochieng-Mbeo that: *“This House, having noted the provisions of Article 3 of the Constitution of the Commonwealth Parliamentary Association, and convinced that it meets the conditions set therein, do resolve to constitute itself into a branch of the CPA, and seek affiliation and membership of the Commonwealth Parliamentary Association, and that this resolution of the Assembly be conveyed to the Secretary General.”*

With those remarks, I now have the honour to invite anyone of you wishing to debate this motion.

**Mr. Kaggwa Med (Uganda):** Thank you, Mr. Speaker. I want to support the motion before the House, and I just wish to make a few remarks on top of what the mover and the seconder have said. The first remark is that as the mover correctly said, we qualify, and I think that is important.

When I was looking at the Treaty, Article 130 sub-paragraph 3, I note that this is in line with the Treaty, which governs us. Secondly, this would give us opportunity to be in touch with other Parliaments within the Commonwealth. We have been told of the number - over 14,000. Indeed, it is a great resource area from which we can learn a lot, from which we can compare notes.

I also note that in the circulation made this morning regarding this matter, there are regional groupings. I see this as an opportunity to bring us even closer to our area, Africa, where we can interact

with colleagues from other Parliaments on our own continent.

I also noted that they organize workshops, as the seconder has said, and there are very good materials to receive from there, which could improve our performance in this august House, and which would let us know what goes on elsewhere in other Parliaments, and also help other people know about our Assembly.

I noted that the Chairman of the Commonwealth Parliamentary Association, Pius Musekwa, said that this will be a super-national body, and that it will be the first of its kind. I think this is also an honour to this Assembly.

Finally, we are members of the Commonwealth, our respective countries are members of the Commonwealth, and our respective national Parliaments are members of CPA. I therefore believe that it should naturally follow that we also join this club, which is beneficial to the Parliamentarians. Accordingly, in seconding this motion, I wish to urge my colleagues to give it the overwhelming support it deserves. I thank you. *(Applause)*

**Mr. Calist Andrew Mwatela (Kenya):** Mr. Speaker, I do not think I will add much more than what has already been said about the benefits that accrue out of being members of the Commonwealth Parliamentary Association. There is no doubt that there are many benefits and we are glad that this move has been taken by the House Business Committee. We definitely support it. However, you become a Member before you become a branch. Therefore, I think we would say, *“do resolve to seek membership of the*

*Commonwealth Parliamentary Association and constitute itself into a branch of CPA.*" The order does not seem right. So I am seeking that we make an amendment so that the order appears correct, as much as support the whole spirit. Thank you, Mr. Speaker.

**Mr. Yonasani Kanyomozi (Uganda):** Thank you, Mr. Speaker. I do respect the feelings of my colleague, hon. Mwatela, on this matter, but I have a different view. You need first to be a branch. It is the branch which seeks membership. I am sure the way this thing is drafted and the way it has been presented by my colleague, hon. Ogalo, is right. We need to be a branch and then we seek a membership because unless we are going to go there as a solid whole, as a legislature or as an Assembly, you cannot ask for membership when that branch has not been formed. It is the unit which seeks membership and I think you should see it in that sense.

I think the only thing to bring forward is the tendency of membership and what it entails in terms of monetary contribution. I suggest that the sources of funding must be sure so that we do not get ourselves suspended. In most of our affiliations with other institutions, the tendency is that of not being able to subscribe what is wanted. And when you go there, they say 'You are going to sit but you are not going to talk' or, 'you are going to sit but you will not vote'.

Those are the areas of concern which I want us to address; if not addressed, to bear in mind seriously. But we need first to form a branch and apply as a unit for membership. Thank you, Mr. Speaker.

**The Speaker:** Is there any other Member who wants to debate the motion? If there is none, then I want to call upon the mover of the motion to reply to some of the issues raised.

**Mr. Dan Wandera Ogalo (Uganda):** Thank you, Mr. Speaker, hon. Members. Let me thank you for your contributions to the motion and the support you have given the motion.

As has been rightly pointed out by hon. Kanyomozi, you must first of all be a branch. It cannot be the other way round. Also, it would be difficult at the present moment, in answer to what hon. Kanyomozi raised, to start discussing the question of subscription and how we will do it because it will be premature. I think we have to wait until we have been admitted before we can discuss that. Otherwise, if we are rejected and we have been talking about subscription, it will not assist us.

I will comment on what hon. Mwatela raised, that we should have this done as fast as possible. This is true because if we do this now, it will enable us to include in the budget of 2002/2003 the implications of our being a Member of the CPA. If we do not do it before the Council sits to determine the budget, then we will be too late, and we will not be able to include it in the budget. Therefore, we will not be able to have the benefits of the Commonwealth Parliamentary Association.

With those few words, I again wish to thank you for the opportunity given to me to present this motion. Thank you.

**The Speaker:** I now put the question before you.

*(Question put and agreed to)*

**The Speaker:** As we are through with the Order Paper of today, I intend to adjourn this House, but before I do that, I have one announcement.

I want to remind those Members of the House Business Committee that we will be meeting in the same room immediately after the adjournment. I now adjourn this House until 9.00 O'clock, tomorrow morning.

*(The Assembly rose at 4.47p.m. and adjourned until Thursday, 24 January 2002, at 9.00 a.m.)*