



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 105TH SITTING - THIRD ASSEMBLY: FIRST MEETING – FOURTH SESSION

Tuesday, 25 August 2015

The East African Legislative Assembly met at 2.28 p.m. in the Chamber of the Parliament of Uganda, Kampala

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Good afternoon honourable Members. On Friday, when we were adjourning, I had adjourned the House to 2.00 p.m. However, I had to delay the House by 30 minutes to allow the Chairpersons and the Clerks of the Committee who are on the Order Paper today to finish their work and make it possible for us to proceed this afternoon.

Honourable members, in a very special way, I would like to welcome you back from the outreach program in Gulu. I would like to express the appreciation of the Local Government of Gulu District, the people of Northern Uganda and the East Africans within whom you have interacted. They are very grateful to your presence there. *(Applause)*

On my own behalf, I also would like to extend my appreciation to you members who came to Gulu and attended my thanksgiving ceremony. I will forever be indebted to you for the expression of solidarity that is shown to me and the people of Northern Uganda. There can never be a place now more East African in Uganda than Northern Uganda. *(Applause)*

I think we must continue with this culture of massively reaching out to the population in whichever country we are holding our plenary. I thank you so much.

Honourable members, on a very special note also, I would like to congratulate and thank hon. Mulengani Bernard who also had a customary marriage this weekend. I would also like to thank the members who accompanied him and we congratulate him. His wedding is this weekend. He has requested me to re-echo his invitation to the whole House to attend. *(Applause)*

Mr Zein Abubakar: Thank you, Mr Speaker. I have a small matter. I always agonise every time the prayer is said. I would kindly request that the office of the Clerk updates the oath in accordance with the rules that we adopted.

This is because it is still referring to rulers yet we amended our standing orders to change that to leaders. If we could kindly make the right prayer, I seek your gracious indulgence.

The Speaker: Thank you so much hon. Zein. Naturally the era of rulers ended. We now have leaders and servant leaders. Administrative adjustments will be made.

PAPERS

The following Papers were laid on the Table: -

(by Dr Odette Nyiramilimo) (Rwanda):

The Report of the Committee on General Purpose on the East African Community Creative and Industries Cultural Bill, 2015

(by Mr Fred Mukasa Mbidde) (Uganda):

The Report of the Committee on Communication, Trade and Investment on the East African Community Electronic Transactions Bill, 2014

BILLS

SECOND READING

The East African Community Creative and Cultural Industries Bill, 2014

The Speaker: Thank you so much, honourable members. You remember this motion was moved by Dr Ndahiro and was duly seconded. We were proceeding with the debate on the motion as moved. I now call upon the Chair of the Committee to present the Report of the Committee.

The Chairperson of the Committee on General Purpose (Dr Odette Nyiramirimo) (Rwanda): Thank you, Mr Speaker. Pursuant to the provisions of Article 49, 59 and 62 of the Treaty for the Establishment of the East African Community and Rules 65, 66 of the Rules of Procedure of the Assembly, the EAC Creative and Cultural Industries Bill, 2015 was read for the first time on 27th January 2015 during the fourth meeting of the 3rd Session of the Third Assembly in Arusha Tanzania.

In accordance with Rules 61 and 81 (a) of the Rules of Procedure, the Bill was referred to the Committee on General Purpose for consideration and reporting there to.

Pursuant to Article 49 (1) of the Treaty in inter-alia States that, "The Assembly shall give a legislative organ of the community." The committee undertook public hearing in a consultative process in all the five Partner States from 9th -12th March this year to consider the Bill with the relevant stakeholders and compile Partner States used to be considered as amended to the Bill.

Consultations in the Republic of Uganda and United Republic of Tanzania were held on 10th of March, the the Republic of Rwanda and Kenya on 11th March and finally the whole committee met in the Republic of Burundi on the 12th of March 2015.

Background of the EAC Creative and Cultural Industries Bill, 2015

The purpose of the Bill is to promote Creative and Cultural Industries in the East African Community. The Bill seeks to establish the Creative and Cultural Industries Development Council that shall provide an environment conducive to the enhancement and stimulation of creativity and innovation among the citizens of the community.

The Bill shall;

- (a) Provide high quality trainings for skills and creativity development;
- (b) Formulate policies and strategies that shall stimulate creativity and innovations among the youths to ensure long term supply of creative talents;
- (c) Conduct a comprehensive mapping of individuals or groups involved in creative industries; and
- (d) Design practical tools to assist individual creators and creative communities to effectively use and diversify their products to be locally and globally competitive.

Although the region has the potential to develop new areas of wealth and employment as it is rich in cultural heritage and inexhaustible pools of talent, the region still remains a marginal player in the global market. This is also due to lack of incentives, financial, educational, infrastructure and technology support from the Partner States and the business community.

OBJECTIVES OF THE PUBLIC HEARINGS

The main objectives of the activity were:

- a) For the Public Hearings to form an effective medium for sensitization of stakeholders on the EAC Creative and Cultural Industries Bill, 2015;
- b) For the invited stakeholders to contribute to the discussions on the Bill for purposes of generating and incorporating their views; and
- c) To compile Partner States views and amendments thereto for input into the Bill.

METHODOLOGY

The Committee formed two groups that met with stakeholders in all the Partner States including government officials from the Ministries of East African Community Affairs/Cooperation, Ministries of Culture, Tourism and Sports, Artists and Arts Practitioners Associations, the Private Sector, Officials for Investment and Revenue collection bodies.

Thorough presentations were made followed by interactive sessions were held considering articles of the bill and input was received from participants.

Written submissions including additional/supplementary comments were subsequently received from the Ministries of East African Community Affairs/Cooperation from all the Partner States and considered by the Committee.

During the Public Hearings, presentations commenced with introductions and welcome remarks by the Representatives of the Ministries of East African Community Affairs/Cooperation, followed by a presentation of the Bill, by the mover of the Bill or an Honourable Member of the Committee.

A presentation on the part of the stakeholders was made followed by a question and answer session between the stakeholders, Members of the Committee and the Principal Legal Draftsman.

In all Partner States, presentations were essentially made by a stakeholder representing all the views. The Committee was informed that preparatory meetings had been held with all stakeholders before the Public Hearings.

CONSIDERATION OF BILL

Emerging Issues under General Comments

There was general agreement, that the Bill was important and relevant to the Creative and Cultural Industries. Matters of agreement included among others:

1. The need to change the title of the Bill from “EAC Creative and Cultural Industries to ***“EAC Cultural and Creative Industries”*** since creative industries are a subject of the larger cultural industry.
2. The need to consider relevant provisions in the EAC Common Market Protocol and their operationalization.
3. The need to exclude sports from the Bill because sports, was extensive in itself and a particular aspect for East Africans thereby meriting special consideration and wider coverage.
4. The need to include digital media and other mediums of art including audio visual which is only a specific aspect of the industry.
5. Consideration of Intellectual Property Rights which is a specialized and wide technical issue requiring separate consideration. The consensus was that a separate regional Bill is required.
6. The introduction and management of registration fees as well as provision of incentives to Art practitioners in the region.
7. A need to define and review the “Council”, “Board” and its membership composition and numbers. There was general agreement and new clauses inserted into the Bill.
8. The need for the Committee to consult on the following existing cultural instruments in order to enrich the Bill accordingly.
 - a) The Charter of African Cultural Renaissance

- b) The 2005 UNESCO Convention on the protection and promotion of diversity
 - c) Trade-related aspects of Intellectual Property Rights (TRIPS) Agreement of 2005.
 - d) 1883 Paris Convention of Protection of Industrial Property
 - e) 1886 Bern Convention of Protection of Literary and Artistic Works.
 - f) World Intellectual Property Organisation (WIPO) and Africa Regional Intellectual Property Organisation (ARIPO) Instruments.
9. The need to highlight Kiswahili as a Lingua Franca and create coherence between culture and creativity with Cultural Industries.

The Committee of General Purpose met on 17th August 2015 in the Parliament of Uganda to consider the Bill and propose amendments thereto. Partner States inputs were considered and a schedule of amendments was prepared.

Acknowledgements

The Committee would like to extend its appreciation to the Office of the Rt. Hon. Speaker, EALA for granting the Committee resources and the time to perform its legislation role and the Office of the Clerk EALA for ensuring adequate logistical support to the Committee.

The Office of the Counsel to the Community is commended for the legal input into the Bill. The Ministries of East African Community Affairs in all the Partner States are commended for coordinating the activities in the Partner States and the hospitality accorded to the Committee and all the stakeholders.

Finally, special appreciation goes to the Artists and Arts Practitioners in all the Partner States for their support, active participation and input during the Public Hearing.

Conclusion

The Committee is of the view that the Public Hearings and consultative process gave an opportunity for interaction with stakeholders and very valuable inputs were provided.

The Committee considers the Bill as very timely and relevant to the Industry and recommends that the Assembly considers the amendments that comprise stake holder's comments and official comments submitted by the Partner States. A Schedule of amendments is attached to this Report as annex 1

Recommendations

The committee in light of the above therefore presents the report of the committee and recommends that this August House considers the report as well as the amendments moved by the Committee on General Purpose on the EAC Creative and Cultural Industries Bill, 2015.

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

The Speaker: Thank you so much, Chairperson Committee on General Purpose. Honourable members, the motion on the Floor is that the East African Community Creative and Cultural Industries Bill, 2015 be read the second time. Debate is open.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for giving me this opportunity. I would like from the onset to state that I fully support this Bill. I would like to congratulate Dr Ndahiro for having such an innovative and creative mind. He always thinks out of the box.

I would also like to thank the committee for another excellent report on this particular issue of creative and cultural industries. I have three points and I will be brief;

The committee did consider the issue of intellectual property rights. I would like to refer to page 5 whereby it is stated that, "Consideration of property rights is a specialised and wide technical issue requiring separate consideration." There was consensus that a separate regional bill is required.

Mr Speaker, I would like to inform this House that in the 2nd Assembly, there was a proposal to have an EAC Intellectuals Property's Rights Bill which was never concluded. May be this is the time for us to come up with such a Bill. The reasons are still valid.

I hope much as we might not want to consider intellectual properties more deeply, I would like at some appropriate time to propose that Clause 6 (e) apart from enhancing awareness should include that aspect of protection of intellectual property rights.

The reasons are various; first and foremost if we do not protect or provide provision for protection of intellectual property rights, the creative industries and cultural industries will not be secure in themselves. When someone for example creates a piece of art or innovates a particular thing, then these innovations and creations are likely to be stolen.

Therefore, it is very important that we make provisions for protection of intellectual property rights bearing in mind the fact that social media and utilisation of You tube can be a tool to for example to steal intellectual property rights.

I hope that this proposed amendment will find favour with the mover of the Bill. This is because it is very important that we secure these intellectual property rights so that the innovators and the creators are able to also handle royalties for a specific period of time.

Mr Speaker, I would like to move on very quickly to the issue of comprehensive mapping of individuals or groups involved in creative industries which is one of the objects of the Bill. It is very important that we map individuals or groups involved in creative industries for many reasons.

This is because if these groups and individuals are not mapped, it is very difficult for us for example to market what we have in East Africa. It is very important that whoever is coming to East Africa is made aware of songs which have been sung by people like Chameleone, Juliana Kanyomozi and Bobi Wine.

When we make this inventory, then people will be able to know how to contact these people and therefore will be marketing our potential as a region in a better manner.

I would like to conclude by highlighting what has been stated in (d) as one of the objects; that we need to design practicals to assist individual creators and creative communities to effectively use and diversify their products to be locally and globally competitive.

It is very important that we do this. This is because if we do not make our goods competitive and therefore of a high quality, you will find that most of our people will be anxious to buy goods produced from East Africa rather than Africa.

A campaign that we should buy East African goods is very important, but related to this we also need to make sure that we have quality. This is so that whoever wants to buy anything would rather buy an East African product rather than any other product bearing in mind that is qualitative and globally competitive.

I would like to stop here and to thank the committee once again and the mover of the Bill for such an excellent job. I beg to support.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Mheshimiwa Speaker for this opportunity so that I can also contribute to this motion on the Creative and Cultural Industries Bill, 2015.

Mheshimiwa Speaker, this motion on this Bill is very timely. I fully support the motion. (*Applause*) I would also like to congratulate Mheshimiwa Ndahiro for coming up with this Bill which is very important.

Mheshimiwa Speaker, I am going to be very brief. My contribution is on the need to support our local artists. Today we have seen our artists in the region become very creative. They are doing their best to compose good music, but the market for them still is not very good.

I think our Governments need to support our artists in terms of allocating necessary budgets for them so that they can also compete in the world market. Today we have very good artists like Juliana Kanyomozi from Uganda, Chameleone, Bobi Wine, Lady Jay dee from Tanzania, Diamond Platinum, Kidumu from Burundi, Ken Wa Maria from Machekos and many others.

These artists need all the support they can get by our Governments so that they can compete. They need to widen their scope and also go abroad. The other day Mheshimiwa Museveni delivered a very good address to this Assembly and one of the issues he strongly spoke about is for our artists. We have seen artists in the first world countries being supported fully and that is why they can capture a big audience and even travel all over the world.

I am calling on our governments to do all they can to support our artists. I support the motion.

The Speaker: Thank you, hon. Shy Rose for your submission. I now go to hon. Pareno.

Ms Pareno Judith (Kenya): Thank you, Mr Speaker. I rise to support this motion and contribute to this bill specifically because quite some time, I have personally been watching a programme named *Sakata Africa Mashariki*. And I have been wondering this programme is promoting music and the youth but wondering what legal frame work they are operating. I think this is one such activity that has come out to show the talent in us. Therefore those who watch it on television, you see so much vibrancy, creativity, energy among the youth. Sometimes you wonder where we lost it from, why have we taken all this time to realise that we have so much potential in ourselves.

To me this is a bill has come in the right direction and consider it as one that has come to address some of the questions that we have had in terms of regional engagement, what we doing in the creative industry. I think this has given these people, our culture, youth the space, freedom and the legitimacy for them to operate in this region. I therefore thank hon. Ndahiro for bringing up and thinking about this bill.

Looking at the rich culture that we have and sometime I wonder whether we have turned it an economic activity. I what to give an example of the Masai because that is where I know best what happens and you will forgive me for being selfish on that aspect. However, I think we have one of the richest culture in Africa and this rich culture, when you look at the bid work for example that the Masai are able to do and you wonder at so much expertise that comes out of it. However, what have we done for them? Did we even patent their rights, protect their intellectual right and property? Look at the Kyondo, we lost it long time ago. We have lost even this bid work artefacts that we have. It is being managed by other people internationally because nobody bothered to protect what we have in ourselves and protect our intellectual property.

Therefore, I think a regional law will help us in terms of the region, how can harmonise, come together to protect our tuff and not only to protect but also, actually I am so happy that this bill has come out to talk about how to fund. I want to say that in Kenya, one of the example of the partner states, when we realised that we had lost it in terms of culture, we put it in our constitution which is the parent law that it is the duty of our government to develop and protect culture. Therefore it is one of the fundamental rights that we have protected. You know once bitten twice shy. All along we had realised that our culture was not protected. It is not being developed, that we have so much potential but nobody had taken it upon themselves to even protect it.

The only way you can protect it is by having a legal framework. Therefore to me this is the best way forward in terms of how to protect our culture regionally, develop it and how to nurture it.

I am happy to say that there is even training that is provided for. I was just imagining. Looking at the expertise I see in *Sakata Africa Mashariki*. These are young people who have not been trained or even have role models to show them what music is worth. However, when you see Sakata Africa being as good as it is, can you imagine if we took our people through training like we are proposing in this bill? Can you imagine if we created expertise like probably you start a child from, as low as primary school and this child can see that he is just good at a particular talent? And you develop that child and promote from the beginning. Can you imagine what we would have in East Africa looking at the bench mark that I am using which is Sakata Africa Mashariki? I think this protection is long overdue and it will help us.

I would like to say that I once visited a Chinese cultural village in China. When you enter there, you find people performing, selling their artefacts. There are specific villages that are created for purposes of development of culture. I wish we can create that under this law so that then you can have a place where you can visit and this is; not that Masai market that they call Masai market and yet it is not one. Not that Kamba market that it is even not one. If we could protect our communities, give them those markets and be able to promote them then I am sure we would be in the right direction.

This law is definitely coming up as one that can guide in as far as we can go. It will also protect against exploitation because you know a lot of exploitation has been in EAC and you

find that because of this exploitation, our artists then die poor because nobody has been able to protect what they come up with.

Finally Mr Speaker, I would like to say that it is one thing to pass a law but another thing for us to implement because we have a problem of implementation in our partner states. The other day as I was passing through Nabanga board to Arusha, I just realised that yellow card has been introduced again. Therefore while we are saying that we want these people to move freely, we are saying that we want them to integrate in terms of music, come together and even develop something better but again we go behind and reintroduce these non-tariff barriers or tariff barriers that even make us unable to integrate.

Therefore it is one thing to say that we have passed as law to day, but how much are we doing as EAC partner states to implement this law? How much are we doing to open this market for ourselves? To me Mr Speaker, the market starts with us. We do not have to first start from elsewhere. We cannot even exhaust the market that we have out of the 140 million East Africans if we are to say that this group is the best let us market their produce. We have so much market but are we making it possible or easy for them, to crisscross and engage?

I think we still have a lot of long way to go in terms of actual implementation. I want to give you one example. I am aware of an annual activity of all the Masais between the United Republic of Tanzania and Kenya. In fact they have two activities. One was just undertaken this week and it ended on Sunday. A very big prayer meeting that was just in my neighbourhood where over 5,000 Masai from the entire Tanzania and Kenya had attended. I was just wondering, how do we use this opportunities to do something that leads to some economic activity?

Yes we are all gathered as Masai, it is an annual activity between the two countries, but have we created some market for something in this gathering? A gathering of over 5,000 people. You will find that they just come there. We have to contribute the bulls and the food. We have them comfortable; they have eaten and we have prayed, but not a single other economic activity associated with it.

Probably with this kind of law, we will be able to track down this activity. I am happy that it has introduced mapping. Yes we pray, but aside let us pray for our artists that out there. Let us give them a platform to sell what they have.

Then there is another similar activity between all the Maasai again in Kenya and Tanzania. This time the Kenyan Maasai cross towards Longido for a cultural rites activity. You have almost 5 to 10 000 Maasai celebrating and doing a joint rights of passage activity for age sets. What is it? It is just a cultural rites activity. It is just about celebrating our age set. It is about graduating our age set. There is nothing economical about it.

I think this kind of law will help us to track down these activities. Together with this activity, we will be associated to an economical association. Somehow we will be able to let them know that alongside this culture, there is also some way in which you can have people selling their wealth, show casing their talent and at the end of the day, they have a shilling in their pocket.

Mr Speaker, I support this Bill and the motion.

Mr Zein Abubakar (Kenya): Thank you very much, Mr Speaker. Today is a very important day. In my humble opinion, this is one of the most important pieces of legislation that has ever graced the Floor of this House.

First I would like to record my thanks and gratitude to the mover; my brother James Ndahiro for this amazing incredible and extremely important piece of legislation.

I would also like to thank the artists and cultural workers of this region. They turned up in large numbers to come and proclaim to the committee during public hearings. They said that they are not only appreciative that this House is seized of this important matter, but that they fully support the mover of the motion and this House in its endeavour to pass this Bill.

I would also like to thank the committee for an extremely wonderful work and interaction with East Africans who work in the cultural sector and who are artists.

Allow me, Mr Speaker, to also invoke important names of those who have contributed to the cultural industries in this region. Before I do that, let me start with a sad note. Last week, I received information that saddened my heart and disturbed my soul. I received information that next year's *Sauti za Busara* festival (Voices of wisdom festival) will not take place. It is an international festival of honour which show cases amazing work from our region and the rest of the world including other African countries.

The festival director said that they had a budget of \$ 100,000. For a festival that brings the whole world to East Africa, you could only compare it to the Eid Mubarak Festival in terms of its significance and how many people it brings. So far, they have only raised 42,000. He said he is afraid that by December if they do not get the balance, the festival God forbid, will not take place next year.

The story is not only sad. There was also a joyous story of what was going on here in Kampala at Makerere University last week. An international regional forum brought together great minds to celebrate and reflect the contribution of literary speed girls in our region and how influential they are now and in the past.

The sad part also was that it was a consensus of the imminent scholars who were there. The literary artists and the cultural workers in the 70s and early parts of the 80s were more influential in the thinking of politicians and other important players in the region than they are now today.

Therefore now, let me go to the invoking of names. Some people might even say dropping of names. I would like to invoke the name of John Rugal; a play wright of excellence from here in Kampala, the late professor Francis Mbuga a renown play wright who told truth to power and his friend and brother John Ruganda wrote a catechise on his work entitled, "Telling the truth laughingly."

I would also like to invoke the name of Ibrahim Husein. He was an elder in Swahili literature whose work amongst others *Kinjeketile* and *Mashitani*, The devil has inspired critical thinking. Since somebody remarks *Mashitani* and said what? Maybe I should talk a little bit about that. That play analyses the coming of the colonialists to our region and what effect it has had on us. He was therefore talking about the coming of the devil.

Allow me to also say three things and then sit down. There is no more powerful an instrument in integration than products of culture and creative industry. In every part of our region, I

normally do an exercise. I come with my FM radio and tune to the local radio station as soon as I arrive in town. If you flip through the FM stations, you will always hear East African music. In Uganda, you will not only hear Ugandan music. You will hear Tanzanian music, Kenyan, Zanzibaran so that I might not lose the thought of Zanzibar.

Allow me to recall the name of the first man who brought the detective novel to East Africa; Mwana Musa mwami Excida Dulla. I am saying that the future in this integration project is with the youth. It is with culture and creative industry.

I know about politicians. There are many in this House. No politician will run a campaign without music or proverbs. Of many of our Presidents, no one is amassed of proverbs than His Excellency President Kaguta Museveni.

I know that the project of integration is inspired by thought. This thought can be communicated by what we eat; we think literally art, what we wear. I know many conoswas of fashion in this House; you would see them looking very smart in African print and African designs. I can tell you that there are no better agents of investing in African regional, local production of fashion and of textile than members here. They are always happy to go to Burundi and back with a lot of *bitenge*. Burundi and Rwanda not only articulate the art form from our region but also from our brothers and sisters in the Congo and West Africa and so the two countries exchange their hands across. Let me make the last two points.

The first one is about intellectual property. Since I am always a prayerful man, I will not stop praying that the Council of Ministers will give us a hearing and will act on some of the prayers that we are evoking. It is absolutely critical for this bill to inspire and move this House to bring in a hurry the East African intellectual property bill to this House. (*Applause*) I will give you three good reasons. Already our institutions are making many major discoveries which are not protected by law. If you go to the East African fishery Organisation, they tell you the kind of knowledge and information that have, others would be making tonnes of money out of it. Law and behold all that important work is not protected.

Secondly, we have established and we have put money into new commissions the Kiswahili Commission, the Science Commission, the Health Commission and all these commissions are going to do important research work. Law and behold all their work will not be protected as along as we do not have that regional law. This brings me to the third area.

I know some people will say if partner a state has a regime of laws protecting that country of that partner state but truly who will protect the Community and the work accruing from the Community? If we are liberating our artists and cultural workers through this important bill, if we are aiding, facilitating and promoting them, it will be like trying to collect water from the river using extended hand unfolded hands; the water will not be collected that way.

Lastly Mr Speaker, culture is about identity. If we seek to promote an East African identity, if we want to liberate ourselves from mental slavery, as those who are more articulate than I am who spoke about it, we have no choice but to embrace the creative and cultural industry. I am honoured to be cultural worker. Therefore when you see me passionate, I am for this and for others that will come so that when we say we want to be one people with one destiny it will be within a cultural context. I thank you.

The Speaker: Thank you so much, hon. Zein for that debate. I had already picked hon. Hafsa.

Ms Hafsa Mossi (Burundi): Thank you, Mr Speaker. I want to commend hon. Ndahiro for having brought this bill which I think is very important to our region.

Mr Speaker, the region has been blessed by a rich culture but also a great potential in terms of art. I am not going to talk much about this because those who spoke before me have expounded on this.

I think a regional law on this creative industry will help in developing and also in exposing our artists and our culture to create a source of wealth. I am saying this because when you look at Western artists, the way they make money, actually for us in Africa we tend to promote Western artist instead of our own. It is really sad.

We need to promote and expose these artists and culture to our children because today when you ask our kids to tell you any artists in the region, they will not tell you but they know all those from the western world.

Therefore Mr Speaker, I think it only fair that we try and expose and market our artist and our culture so that we create a source of wealth as I said just as way we explore and exploit oil and gas and natural resources, this can really help our region to develop.

Mr Speaker, I want to talk about the role of the media in promoting and exposing our cultures and our artist. I think it is very important that they help this community to do that so that before they can reach out to a bigger audience. Mr Speaker, I am not going to say much about this but I think the media has a great role in doing this. Thank you.

The Speaker: Thank you, hon. Hafsa.

Mr Ogle Abubakar (Kenya): Thank you, Mr Speaker. I am a member of this committee and I do not intend to debate the report that was ready by the chair of the committee.

None the less, there certain important matters that the committee were seized of when we were considering this very important matter that I think we need to share with the members of this house. What we did during the process of interacting with the stakeholders in all the partner states, I was among the group that went to Dar es Salaam and Nairobi and everybody was aware of how passionate the Kenyan stake holders were during their presentations. None the less, we had a different situation in Dar es Salaam in Tanzania. They were very clear about their objection to this bill. In fact much as I know that their objections would not prohibit us from pursuing the matter we are doing, it is also critical to appreciate that Tanzania has written a ministerial statement which object to this bill right from the title and all the way.

I think before we can proceed any further, I just want to urge the council Chair to give us a guarantee that this was a busy body by civil servants bureaucrats who sat somewhere and decided to write on their own and this is not reflecting of Tanzania's position. I just wanted to get that clarification because we are doing a zero sum game. All the countries have responded positively and contributed to this thing - (*Interruption*)

The Speaker: Information from the honourable minister Chair of Council

Mr Abdallah Saadalla: Thank you so much, hon. Ogle for giving me way to give you this piece of information that Tanzania through the stake holders meeting and through the

Ministry of East African Cooperation has sent a letter to the SG, giving what clauses, and things to be amended in this law; not objection.

Furthermore, is that for the purpose of integration, Tanzania is pro this law, but just gave information, what needs to be improved so that we can go in pace on- and I will talk about it later. Thank you.

Mr Ogle: Bwana Speaker, I appreciate that clarification and information given by the Chair Council. However, the Ministry of East Africa Tanzania through its Permanent Secretary Madam Joyce Mapunjo- (*Interruption*)

Dr Ndahiro: Thank you, Mr Speaker. Partner States positions were part of the general purposes before. Is it fair for us to debate matters were discussed in the committee? During those sessions, we made a report which we have presented to this House? Is it fair to go back to those particular presentations in our Partner States?

The Speaker: Thank you so much. Hon. Ogle, I just want to clear up on the procedural matter raised by Dr Ndahiro. Let us avoid first of all the name mentioning of members who are not members of this House who cannot defend themselves. Procedurally, that it not okay.

The Chair Council of Ministers who is also a Minister from the Republic of Tanzania has cleared the House on the support from the Republic of Tanzania.

Hon. Ogle just let us in to know the spirit of the discussion of the committee, but we should not debate what has already been resolved by the committee. Thank you.

Mr Ogle: Bwana Speaker, I do not intend to go beyond the statement I have made. I am very clear in my mind that I will take the clarification and the information I was given by the Council Chair.

If you do not mind, Dr Ndahiro I was saying that we were doing a zero sum game when we pursued this matter as it is now. Tanzania has taken its position very clearly. It is opposed to this thing right from the title all the way.

In fact calling it the creative- (*Interruption*)

Mr Mwinyi: Thank you, Mr Speaker. Is my right honourable friend in order to persist in going through the motion on matters that have been clarified by the Chair of Council as well as your ruling?

The Speaker: Thank you, hon. Mwinyi. Hon. Ogle, the Chair Council of Ministers who is also the Minister in charge of East African Community Affairs has put a categorical position of the United Republic of Tanzania on this Bill.

Secondly I have made a ruling. Please stick to other points now.

Mr Ogle: Bwana Speaker, I take that guidance and I conclude my remarks. Thank you.

Ms Valerie Nyirahabineza (Rwanda): Thank you, Mr Speaker for giving me the opportunity to contribute to this motion. First of all I have to declare that I am also a Member of General Purpose Committee.

Therefore, I truly support the motion. I urge the House to adopt the report and go through the Bill through the different stages that are required for it to see the light of the day.

Mr Speaker, creative industries means a range of economic activities which are concerned with the generation or exploitation of knowledge or information. I think it was good to allude to this definition which is approved worldwide in order to give light to what people should know about creative industry.

I thank Dr Ndahiro for coming up with this important Bill. As a member of the General Purpose Committee, of course I was lucky to be part of the different groups which went to deferent partner states for us to collect views and interact with stakeholders.

Everybody was excited about the initiation of this Bill. We were even told especially by people who work in ministries in charge of culture and some other institutions which are connected to the Ministry in charge of Culture that in some developing countries or even big developed countries, such a law has been developed.

The main example that was sighted or quoted each and every time we interacted with stake holders was the example of Singapore. We all know where Singapore came from. We all know what it looked like now. Initially it was a poor country. However, due to innovation, creativity including creative industries, its generation has now gone beyond even the expectation of the people. Singapore is being referred to by all the countries who are struggling for development.

After the development and adoption of this Bill, the required infrastructure; meaning the required conditions, environment for these people to put forward their talents has been given a conducive environment for them to develop and to go out and make money.

I think that the East African community has decided to borrow base practises from all over the world so as for our partner states to develop. It is good that this Bill be adopted and transformed in to an Act which will eventually be assented to.

I am saying this because at least we got the assurances from His Excellency Yoweri Kaguta Museveni, President of the Republic of Uganda. He addressed us last week and was in full support of this Bill. He even gave an example of people here in Uganda and East Africa who do not know exactly what is happening in our region.

However, we have been in full support of whatever is imported from outside. Now that we have a promise from a Head of Summit, I know for a fact that at least considering the views we collected from stake holders, we know that this Bill will definitely go through. It is up to us to adopt it and give it the weight it deserves.

Mr Speaker, there is another aspect that was highlighted by our stake holders. Again, this is something that was touched upon in this very Assembly. It regards a kind of streaming program. We may have some opportunities in our region, but because of our cultural values, we do not know how to exploit them.

Due to the common market protocol which allows free movement of people, goods and whatever, because of the people crossing over to the other side of the region, we can put together our initiative and transform them in to economic opportunities.

I do not remember exactly what the decision taken by the Assembly was when we debated it. I remember it was in Bujumbura if I am not mistaken; this streaming program must be given the weight it deserves. This is in order to allow people to cross in each and every Partner State, develop their talents and transform them in to economic opportunities.

My last point is in line with the mapping of those opportunities. I am glad that this Bill is seeking to among other things establish a council. This council will have among its functions to map different opportunities that are existing within our different partner states. Like my sister hon. Judith alluded to it, we may be having some talents with in our region but because of our values and the way you have been operating for a long time, those talents have not helped us to develop but now that the Council is going to be charged with mapping those talents, I think that after mapping, there is something that is going to come up which is very clear and which is going to help people not only to help those who are initiating those projects out of talent but also to budget for those clear activities for East Africa to develop.

I will not dwell much on many things that have been talked about by those who spoke before me but I want to support this bill and I am a member of this committee but even if I was not a member, was going to support it for it has helped many developed countries now days to I get where they are now. I thank you very much.

Ms Susan Nakawuki (Uganda): Thank you very much, Mr Speaker. Allow me to declare on the onset that I am a member of the general purpose committee and also to me add that we had ample time with the different stakeholders including in my own country Uganda and I had never seen stakeholders so excited than when we had this interaction with over this very matter.

I feel this is a very crucial bill that should be supported at all levels not only by the Council but the Summit as well such that the moment it is passed into law it is immediately assented to so that it does not face those challenges that Mr Speaker you told the President about.

Mr Speaker, allow me to concentrate on the role of this creative industry and the culture in our society. I know it is our diverse cultures that identifies us as East Africans and I am so proud to be an East African a region which is so full of life and full of beautiful culture.

Mr Speaker, as I highlight the role, allow me to start with the role that culture and music has played as a tool of conflict resolution and prevention. If you remember very well, when we had that war in Northern Uganda, things were very bad but when artists came up with this music condemning the atrocities which were being committed by the tyrants, all people decided to shun the war and at the end, it at last had to come had to come to an end; that is why we have a peaceful Northern Uganda where our colleagues went and enjoyed themselves without any fear of being attacked.

When you also remember what happened in Rwanda during the genocide, still artists came out openly to condemn the acts and as people enjoyed this music, they all came to a conclusion that this must come to an end and it indeed ended. I am sure if we continue with this culture of promoting our music, we will not see such vices happening again in our region.

Allow me to add that music and art has been a tool of sensitisation and this one reason that we should really promote our creative industry. We have had musicians coming up with different songs which are educative. For example among Ugandan artists; Bobi Wine had such songs regarding cleanliness which people really took seriously and you find people

cleaning their homes and they are really echoing this song which I think it is a very good way of passing on information. We also have Pastor Wilson Bugembe who reminds us that we should not only go to church when we have problems but even when we do not have problems may be to appreciate God in his song *kani*.

However, I believe even with our integration process, may be Council could rethink this strategy. We should have musicians doing music which spreads the gospel about the integration process and that music would reach even where we would not be able to reach as members of the Assembly or as ministries responsible for east African community affairs.

The creative and cultural industry has been a source of employment. That is why you find one musician would have different staff members. You have producers, a manager, marketers for example we have a comedian called Anna Kansiime who won an award in Africa. (*Applause*) She is now a house hold name and I know a lot of people now know about Uganda because of Kansiime who is really doing us proud. She is also earning a living at the same time. (*Interjection*) Hon. Dora has to insist that she is from Kabale where she comes from. (*Laughter*)

Therefore, we should promote this industry seriously so as to be able to create more jobs as jobs are scarce these days and the youth who are crying of jobs will also be absorbed into this industry and we will be helping to solve that problem.

This industry is also important in promoting tourism. It is apparent that it has exposed our natural wealth of culture, through music drama and art. That is why we have so many foreigners coming in with foreign currency just to have a pick of our culture.

Mr Speaker if you used go to Ndere centre every weekend, you would find so many Europeans there sited enjoying these famous Ugandan dances. The *kadodi*, *laraka raka* dance, I am sure members enjoyed that when they went to Gulu. And it is promoting our industry. We are earning big revenue from that and that is one reason we should make sure that this bill is passed timely.

As I conclude, I would like to urge my colleagues to ensure that there is excuse for not passing this bill on time. We should look at all the issues which were raised by the partner states. I know my chair of the committee has talked about this but I want us to put special emphasis on the issue of taxation because the United Republic of Tanzania was candid on it that some of those exemptions which were proposed do not fall under the customs union. I needed us to pay particular attention to that.

There is also the issue of intellectual property, at least all partner states hint on it because we have had also our artists crying foul. They come up with their music before the launch day someone else has launched the song. Other people no longer buy the CDs from the artist. They go buy from the street and the artist ends up not benefiting anything. I feel it is important to protect them. Therefore is the proposals is for us to come up with that law handling intellectual property alone, let us all do it as soon as possible and ensure that this law comes into force. I thank you so much.

The Speaker: Thank you, hon. Susan Nakawuki, I had given hon. Ngoga.

Mr Martin Ngoga (Rwanda): Thank you very much, Mr Speaker. I think the next thing I will have to learn as a new member is to retract my intention to speak when the issue I wanted to speaker about have been addressed. When hon. Patricia came next to me she gave

my attention on the proposed amendments that in full address the issues I had identified and that I wanted to discuss.

Therefore other than just thanking the honourable member Dr Ndahiro for this wonderful bill and for the value it has in the sense that it is going to regulate this industry that has a lot of potential and that it has been largely not well organised and not well oriented and that involves mostly young people and which emphasise the need for proper organisation because young people have both the potential to propel the community to greater heights but they can as well do a different thing if they are not properly guided. Therefore this is very important and we can only thank the honourable member for this initiative. Otherwise all the issues I had wanted to discuss will be addressed at the right time when through the amendments. Thank you very much.

The Speaker: Thank you, honourable. Honourable members, you see hon. Martin Ngoga has raised a very interesting matter that you need to appreciate. He has said that he had a lot of points to bring forward, but they have already been raised. He was trying to get himself used to how to retreat from speaking when his points are already being raised.

I think it is a nice thing to know when your points of submission have already been brought forward, the best thing to do is to clap very hard –(Applause)– to see that you are in agreement with that point and you save time and let other people speak. Thank you so much, hon. Martin.

Mr Leonce Ndarubagiye (Burundi): Thank you so much, Mr Speaker for giving me the Floor. I will be very brief to give an example of why this law is absolutely necessary. I congratulate hon. James Ndahiro for his innovative initiative.

In Burundi when the radio opens in the morning every single morning 365 days in a year, they start with the national anthem. Then there is a patriotic song that will be sung by an artist named Armistice Kyanjo about Burundi due to volcanic and abject poverty.

With this kind of Floor, we are entitled to ask our Government to give something to his family, especially to teach children where the song comes from. Thank you.

Ms Maryam Ussi (Tanzania): Thank you very much, Mr Speaker. I would first like to declare that I am a member of this committee. Initially I did not plan to stand and speak, but I felt the urge to stand to clarify as I realised I am the only member of General Purpose Committee who was in Tanzania during this stakeholders' meeting.

Unfortunately hon. Ogle is not around. I take into consideration, Mr Speaker, saying that if things are cleared, we should not stand repeat them. However, I realised I have the duty also to assure members that we met so many stakeholders. They showed that they supported this Bill. I would like members to support this Bill.

On a lighter note Mr Speaker, hon. Zein mentioned some Swahili artists, but I wished this Bill could have passed before our legend was called Kidude was alive. This is so that she would have also been a beneficiary in this.

I was just standing for the purposes of information; it will be in the Hansard so I do not need to repeat because hon. Ogle will get that information. Thank you, Mr Speaker.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I would like to begin by thanking God for the successful thanks giving you had over the weekend. (*Applause*)

I would like to say that this Bill is indeed a very important one. We need to appreciate that culture is the back bone of society. Any society without culture is floating. This region is indulged with immense talent of celebrated artistes. Therefore, coming up with a law to regulate their undertakings is the best thing that we can offer to the region.

In that regard I would like to thank hon. Ndahiro for this well thought out Bill. It is timely and necessary to facilitate enjoyment of our culture and creative minds relevant in promoting the same. It is however also desirable in terms of creating and enabling environment for these rights to be enjoyed.

Mr Speaker, I am associated with creative art. While at the university, I and a few colleagues; one of them is hon. Nyombi Thembo. We were at college together, but we were part of some university students who assisted and supported the process of starting a very powerful creative arts organisation in this country. That is Ndere Centre. It employs so many people. It has had a lot of influence in informing different processes that take place in this country.

I am very much aware that artists in this country and in the entire region have got a vital role to play. Therefore, as an Assembly that believes in people centeredness, we have a responsibility to ensure that we give them the terrain, the necessary environment and the legal framework for them to maximise their potential which is very useful for the region.

Like you will appreciate the media, performing artists play more or less the same roles in terms of informing, educating and entertaining society. Those are very important ingredients of life. We need entertainment and education. Likewise, we need information.

A lot of useful information is shared casually through a song. There are lots of songs to do with good marriage. There are those praising beautiful women. In most homes, the women always play those songs. There are songs which even advise husbands. You find that the lady may not talk to you, but when you come home, she plays a certain song which delivers the message. (*Laughter*) you know that they are hitting home. These are very useful tools of communication. They are very understandable because you do not go wrong.

Creativity and innovation is a tool of development. It is a foundation of development. Likewise, this region is well endowed in that aspect.

As a people centred integration, this is a good way of communicating across masses. This is because it is clearly understandable and it relates and connects well with a wider public.

Mr Speaker, the creative arts is an industry. We need to take it as such. It is a kind of a business model that is applicable. When you look at artists in the Western World, they are managed and run as real business. They have got managers who manage them. They have got investment advisers who advise them on areas of investment of the kind of big money that they earn. They have got PR people to manage their PR. They have got promotion managers.

We need to get to this level in our region in order to enhance and tap in to the kind of potential that we have.

Mr Speaker, I want to conclude by saying that I am behind Dr Ndahiro in full support of this Bill. Definitely it is one of the best things that we can give the many of them that earn a living through their talents and endowments that God gave them in form of creative arts.

I call upon all members even at the risk of repeating what others have said for the purposes of emphasising my support. I support the bill. (*Laughter*)

Mr Frederic Ngenzeuhoro (Burundi): Thank you, Mr Speaker. I would like to thank the mover of this bill hon. Dr Ndahiro and I would like to thank the General Purpose Committee for this very important report.

Mr Speaker, the risk of repeating what others have already said, culture is very important in the life of people. In Europe, especially where I know very well for example in France, anyone cannot just be a minister in charge of culture. This minister has to be someone much profiled and very important person. The example I can give you is that Andre Malraux he was a minister of Culture for 20 years. It was an offer and he was much respected. The other one is Jack Lang, who was a think tank of the socialists in France. This shows that culture is very important.

In Africa, probably in Burundi where I know very well, we I was appointed a minister of culture; it seemed to be something which was added to other important sectors. I have been in charge of culture but it was an addendum to the portfolio of information, communication and sports. You would not find a minister of culture as a sole portfolio.

Today, I am very happy to be part_ (*Interruption*)

Dr Nduwimana: I wish to inform the Assembly that, hon. Frederic in addition to have been a minister of culture; he has created a radio called Culture Radio (*Applause*)

Mr Ngenzeuhoro: Thank you Mr Speaker and hon. Martin. I did not want to talk about that. However, as I have it is true. It has been 15 years since I started that radio in Burundi and it is changing people and I am very happy say that.

I am saying that it is very important that in our East African Community we once again have come back to culture. Mr Speaker, let me say that culture is the best way to preserve history. It gives us a place in society and no one can forget that. This is what ties us to our heritage, strength and the basis of any county and what people are.

As hon. Ssebalu has said, a people without culture is a people living in darkness. I do remember in 2001, I wrote a book entitled in French it is.....inaudible..... if I translate in English it means culture is the birth of development in Africa.

I was emphasising that culture can help us to develop our countries just as it has been in China, Japan, USA and you can imagine even now, they is a very tough fight between culture. You see for example in our capitals, you will find a lot of cultural centres for America others French and now we have asked China to send a lot of money in order to teach their language and they are giving a lot of money for that because they want their culture to be learnt by young Africans - (*Interruption*)

Ms Byamukama: I would like to thank you hon. Frederic for giving way. I just looked at the schedule and I realised that there is no reference to the issue of food. In some of our capitals in apart from learning the Chinese language, a lot us eat Chinese food.

I thought may be Hon. Frederic having been in that industry would say something about that because even here in Africa like in Buganda, the culture of cooking food in banana leaves which is called *Luwombo* and these are some of the cultures that we need to preserve and even market elsewhere because it is so unique that you will hardly find it being practiced elsewhere. Thank you.

The Speaker: Thank you.

Mr Ngenzebuhoro: Thank you hon. Dora for the information. For me I have not specifically thought about that issue but I wanted to say that now days, culture is very linked to business. That is why now in China everyone is trying to teach their culture to everyone.

I would like also to say that culture is very important in terms of entertainment, advertisement, design, mass media, social media etc. you can imagine how in our region we....**inaudible...** in publication, creative music, photography, etc.

In conclusion, there is no doubt that cultural industry can lift up our economy and as a way to reduce poverty especially among the young population. I hope that this will be probably a reality. Before I end my contribution, I would like to have a clarification from the committee. In the report he said that there is a need to exclude.....**Inaudible**.... I am convinced by the reason.

The Speaker: Honourable please speak in the microphone members are straining to listen to you.

Mr Ngenzebuhoro: I was saying that in the report, sports activities have been excluded from this bill. I do not understand why it has been excluded especially Article 16, which established the creative and cultural development fund. They said that money from sports promotion fund will be translated to go back to the fund. It seems to be contradicting there. I would like to have a clarification. Thank you Mr Speaker and I want to say once again that I support the bill.

The Speaker: Thank you so much, hon. Frederic, I had seen hon. Mathuki and I had seen the Chair council of ministers rising.

Mr Peter Mathuki (Kenya): Thank you Mr Speaker. I had assured hon. Dr Ndahiro that I would stand to support this and I stand to say Eureka! Eureka! We have discovered that this industry indeed if properly protected, it can create employment and I want to create it in that perspective. That creation of employment opportunities in East Africa through the creative industry and if you look at the statistics say in Europe, 7 million people were employed last year through this industry and indeed if at all we utilise this, we improve the infrastructure and capacity of those in this industry, we can create a lot of employment.

Therefore, I stand to support this Bill. Before I finalise, Mr Speaker, allow me to congratulate you for the outreach activity that we undertook over the weekend in Gulu. I congratulate you for the power to mobilise.

I also congratulate hon. Sadaalla. I followed his nomination and election. He successfully managed to go through. Therefore, we are assured he will still become the Minister of East African Community in the next Government.

The Minister of East African Affairs (Mr Shem Bageine) (Ex officio) (Uganda): Thank you, Mr Speaker. I want to thank Dr Ndahiro for this Bill which is very important to our community and certainly has room in our political development.

Mr Speaker, the Treaty talked about preservation of our culture. I want to believe that we are underlying reasons for this. First we cannot forget our history. When the colonialists came, they were armed with their own culture that they wanted us to adopt. They did this unfortunately through religion, art and literature.

Those of my age read nothing about Africans. We read about Europeans and their way of behaviour. We read Shakespeare, Thomas Hardy, Charles Dickens and nothing about Africa. I am happy that despite the attempts to submerge our culture, we have come out and preserved it.

This Bill therefore comes at the right time when we must embrace our culture and diversity and in the process unite the people of East Africa. We must preserve, protect and defend this culture against the emerging cultures in some countries where certain forms of marriages are slowly becoming the form of cultures.

Mr Speaker- (*Interruption*)

Mr Sebalu: Thank you very much. The information I have is from one of our great leaders on the African continent; His Excellency of Zimbabwe. He said that even Satan was not gay. He went for the naked Eve and not the naked Adam. That is in one of his statements against that vice. You can imagine Satan also being reasonable. (*Laughter*)

Mr Bageine: I thank hon. Ssebalu for that information. As I finish my brief contribution, I want to say that I am pleased that we have set up a Swahili Commission. This Swahili Commission will develop in to attaining the Swahili language and not a foreign language.

The Speaker: Thank you very much, honourable minister. Honourable members, allow me to- I would like to invite the Chairperson of the Committee to respond before I put the question.

The Chairperson of the Committee on General Purpose (Dr Odette Nyiramirimo) (Rwanda): Thank you, Mr Speaker.

First of all I would like to thank all the honourable members because all of you have supported the Bill starting with hon. Dora, hon. Shy-Rose, hon. Pareno, hon. Zein, hon. Hafsa, hon. Ogle, hon. Valerie, hon. Susan, hon. Ngoga, hon. Leonce, hon. Ussi, hon. Ssebalu, hon. Frederic, hon. Mathuki and last not least hon. Minister Mr Shem Bageine. (*Applause*)

I would also like to thank the Chair Council, honourable Minister Sadala because he said that Tanzania has supported. We thank all the supporters. (*Applause*)

Mr Speaker, what members said are good examples of what culture and arts can do. I will not say anything of on that. Hon. Dora proposed to include on Clause 6 “Protection of intellectual property rights.” We have already included it if you look at the Schedule.

The cultural food was also added to the Schedule. I think everything has been catered for and we can all support the whole Bill. Thank you.

The Speaker: Thank you so much, Dr Odette Chairperson Committee on General Purpose. Honourable members, the motion before the House is that the East African Community Creative and Cultural Industries Bill, 2015 be read for the second time. I now put the question that the East African Community Creative and Cultural Industries Bill, 2015 be read the second time.

(Question put and agreed to.)

BILLS

COMMITTEE STAGE

The East African Community Creative and Cultural Industries Bill, 2015

Clause 1

The Chairperson: Honourable members, you know it is at this stage that the various amendments and thoughts that came during the debate can be incorporated in to the Bill. I know we have a Schedule of amendments by the Chairperson of the Committee.

Dr Odette: Mr Chair, I want to move the proposed amendment that the title to the Bill should read-

The Chairperson: No, we are on Clause 1 first. The title will be the last one after we have gone through all. I think you have an amendment on Clause 1.

Dr Odette: Mr Chair, in Clause 1, this Act may be sighted as the East African Community Cultural and Creative Industry. This is so because Article 1 also cites the main.

The Chairperson: Honourable chairperson, wait a minute. We should move in tandem. In the schedule of amendments proposed by the committee, there is amendment 1,2,3,4 but I do not know whether they are clauses.

Dr Odette: Yes they are clauses. In Clause 1, the name of the bill is repeated I would like to say that this Act may be cited as East African Community, Culture and Creative Industry instead of Creative and Culture Industry Act.

The Chairperson: Thank you honourable Chairperson. Hon. Dr Ndahiro mover?

Dr Ndahiro: I accept

The Chairperson: Thank you. Honourable members, I put the question that Clause 1 as amended be part of the bill.

(Question put, and agreed to)

Clause 2

The Chairperson: Honourable members, the proposal on the Floor is that Clause 2 be part of the bill.

Dr Odette: Thank you, Mr Chairperson. For Clause two, the definition of, Creative Culture and Industry, I would like to delete the word “creative” because the definition is only specific to culture industry.

The Chairperson: Thank you chairperson. Hon. Dr Ndahiro?

Dr Ndahiro: I concede.

The Chairperson: Thank you. Honourable members, I now put the question that Clause 2 as amended be part of the bill

(Question put, and agreed to)

(Clause 2, as amended agreed to.)

Clause 3

The Chairperson: Honourable members the proposal on the Floor is that Clause 3 be part of the bill.

Dr Odette: I am sorry Mr Chairperson because there is another definition which was on Clause 2 which was here reported as Clause 3. It is a definition of the minister. There is no amendment from the committee on this clause in the schedule that I have.

The Chairperson: Honourable chairperson, are you asking for a recommittal?

Dr Odette: If that is agreeable Mr Chairperson, I would like that the definition of the minister also to be revisited and the minister be replaced with “it means minister responsible for sports or culture and creative industries in partner states”

The Chairperson: Honourable chairperson, if you want to do anything additional on Clause 2 which we have already passed, you will have to seek for recommittal that will come at the end. We would revisit that before the third reading. So can you proceed on Clause 3?

Dr Odette: We have no amendments on Clause 3 Mr Chair.

The Chairperson: Honourable members, I now put the question that Clause 3 be part of the bill.

(Question put, and agreed to.)

Clause 4

The Chairperson: Honourable members, the proposal on the Floor is that Clause 4 be part of the bill.

Dr Odette: Thank you chair. The only amendment we seek on Clause 4 (a) is to change the nomenclature “promote the development of culture and creative industries” it is in tandem with how we named the bill.

Dr Ndahiro: I accept.

Mr Zein: Mr Chairperson, on that we have amendments from the committee on C and then D and E. Consolidation of D and E and then C. There are two ways of doing it; if we do not want a recommittal, we will may be need to look at all of them or to look at them as a new article at the end.

The Chairperson: I think we are on Clause 4 and what you are moving is on clause 6. You will come when we arrive there. Therefore, honourable members, I call on Dr Ndahiro on the proposal from the chair.

Dr Ndahiro: I have no objection.

The Chairperson: Thank you. Honourable members

Ms Hajabakiga: Mr Chairperson, I was proposing that where we find the title that they have already amended, we just pass because it is inconsequential. If we agree we do not need to keep the chair standing to talk about it because it is already agreed on in Clause 1.

The Chairperson: Thank you hon. Patricia but honourable members, procedurally, much as it is inconsequential, it is standing clause in the bill, it must be moved formally and recoded into our journals. Thank you. Honourable members, I now put the question that Clause 4 be part of the bill as amended.

(Question put and agreed to)

(Clause 4 as amended agreed to.)

Clause 5

The Chairperson: Honourable members, the proposal is that Clause 5 be part of the bill. I now put the question that Clauses 4 and 5 be part of the bill.

(Question put and agreed to.)

Clause 6

The Chairperson: Honourable members, the proposal is that Clause 6 be part of the bill.

Dr Odette: Thank you Mr Chair. On this clause, the Council shall have the following purposes. We would like to have paragraph c replaced with the following “to improve infrastructure and create employment in other areas other than urban areas” and paragraph d and e, the committee proposes that they be replaced with d “to provide and enabling environment for high quality training for skill and creativity development” and e “to enhance protection against misappropriation, misuse and unlawful exploitation of intellectual property.”

The Chairperson: Thank you chairperson. Hon. Dr Ndahiro, there are three

Dr Ndahiro: Thank you, Mr Chairperson. On the first one, I would like to propose what I think we missed. We are not saying we should not develop in urban areas actually it should be in both urban and rural areas. Otherwise I am ok with the rest.

The Chairperson: Thank you. Are you on the same chair or we can dispose this?

Ms Byamukama: Mr Chairman, I am on the same because what I wanted to propose to some extent has been taken up by what was proposed in e. However, I would like us not to lose what was in this bill on enhancing awareness which has been lost, may be it can be added; to enhance awareness and protection.

The Chairperson: On what?

Ms Byamukama: I am on 6 (e) my proposal is that we should not lose what was already in the bill. The Bill was talking about enhancing awareness. The proposal by the Chair of the committee has left out “awareness” and has focussed on “Protection of intellectual property rights”

I would like to propose that we retain the word “awareness” and add on what has been proposed by the committee if this is acceptable.

The Chairperson: Thank you so much, hon. Dora. It is clear that the parent provision includes awareness. The committee introduced other aspects that the mover has accepted. We are all in tandem. We put the question on the Clause as amended by the Chairperson not leaving out the awareness bit as was in the parent provision as clarified by hon. Ndahiro.

I now put the question that Clause 6 be part of the Bill as amended.

(Question put and agreed to.)

(Clause 6 as amended agreed to.)

Clause 7

The Chairperson: Honourable members, the proposal on the Floor is that Clause 7 be part of the Bill. I now put the question that Clause 7 be part of the Bill.

(Question put and agreed to.)

(Clause 7 as agreed to.)

Clause 8

The Chairperson: Honourable members, the proposal on the Floor is that Clause 8 be part of the Bill.

Dr Odette: Thank you, Mr Chairperson. We as a committee wish that Clause 8 be replaced completely with part 1 (b)-

The Chairperson: Honourable, do you want to delete the whole of Clause 8?

Dr Odette: Clause 8 (1)

The Chairperson: Do you want to delete Clause 8 (1)?

Dr Odette: Yes and Sub-Clause (1) be replaced by the following, “The Council shall consist of at least one member from each Partner State elected by the association of performing artists in the Partner State and appointed by the Council of Ministers.”

Dr Ndahiro: What is the proposal? What is the replacement of that? I think I need to be helped, Chairman.

Mr Zein: Mr Chairman, with your indulgence because I am helping Dr Ndahiro-

The Chairperson: I totally grant you the position to continue working with Dr Ndahiro.

Mr Zein: The problem if the Chair could assist us; it is not in the Schedule that we have been given. The ones that we have does not have that amendment so it could be- is it on the next page?

The Chairperson: Let me guide you. If you look further, it is just jumbled up in terms of numbering.

Mr Zein: Chair, I have been guided so I will read it to him the way it is formulated if you give me a minute.

The Chairperson: Honourable Chair, you need to help us here. You first moved to delete 8(1). After that, you moved to insert a new one. The new one is what you have read.

The column of justification is empty. Can you please give the justification for the Chair seated here and the mover also to understand it? Please Chair, proceed

Mr Zein: He has understood.

Dr Ndahiro: Thank you, Chair. I can see the mischief. They are trying to resolve and I totally agree with the committee.

The Chairperson: That means Clause 8 (1) has been deleted and replaced. I now put the question that Clause 8 as amended be part of the Bill.

(Question put and agreed to.)

(Clause 8 as amended agreed to.)

Clause 9

The Chairperson: Honourable members, the proposal on the Floor is that Clause 9 be part of the Bill.

Dr Odette: Thank you, Chairman. The committee proposed that Clause 9 be deleted and replaced by a new Clause. I would like to read the new Clause because this Clause has been completely deleted and replaced by a new one.

I am sorry for the reporting. It is on page 3 when it is supposed to be on page 2. That is where the error comes from.

The Chairperson: Thank you, Chairperson. The amendment moved by the Chairperson is that Clause 9 be deleted and be replaced by a new one. Can you please read it for our record to capture and also for the mover to get it with the justification?

Dr Odette: Clause 9 (1) reads, “The Council shall have a Board of Directors which shall be the executive organ of the Council.”

Clause 9 (2) reads, “The Board shall consist of a chairperson, a deputy chairperson and such other members as the Council of ministers may determine.”

Clause 9 (3) reads, “The members of the Board shall hold office for a period of three years and shall be eligible for reappointment.”

The Chairperson: What is the justification?

Dr Odette: The justification is that instead of saying that the board of directors could be-

The Chairperson: I would like to help the Chairperson here. Most likely the discussion was carried on between the committee and the mover. Let me first hear from the mover then I can get back to you.

Dr Ndahiro: Thank you, Chairman. The essence of that is that we wanted to conform to the Treaty. This was advised by the drafts man. We thought he was right.

The Chairperson: The mover concedes and gives the justification. I now put the question that Clause 9 as amended be part of the Bill.

(Question put and agreed to.)

(Clause 9 as amended agreed to.)

Clause 10

The Chairperson: Honourable members, the proposal on the Floor is that Clause 10 be part of the Bill. I now put the question that Clause 10 be part of the Bill.

(Question put and agreed to.)

Clause 11

The Chairperson: Honourable members, the proposal on the Floor is that Clause 11 be part of the Bill.

Dr Odette: Chairman, I would like to give the amendment made by the committee that Sub-Clause 1; the Board shall meet at least once every six months. Let “six months” be replaced by “three months”

The justification is that three months is appropriate for any organ responsible for the execution of the policy.

Dr Ndahiro: I agree with the amendments Mr Chair. Further justification is that we are following best practice and as a board normally, they have got responsibilities on which they have to report to. Therefore meeting only twice a year is not appropriate in the best practice. It is normally four times and we are borrowing best practice. Thank you.

The Chairperson: I now put the question that Clause 11 as amended be part of the bill.

(Question put and agreed to)

(Clause 11 as amended agreed to.)

Clause 12

The Chairperson: Honourable members, the proposal on the Floor is that Clause 12 be part of the bill. I now put the question that Clause 12 be part of the bill.

(Question put, and agreed to.)

Clause 13

The Chairperson: Honourable members the proposal is that clause 13 be part of the bill

Dr Odette: Thank you Mr Chairperson. We propose that the period on Clause 13 (3), we delete “specific period” and insert “a period of one year” to be precise.

Dr Ndahiro: I have no objection.

Dr Odette: We would like also to propose that on 13 (4) to delete the word “a fee” and insert “an annual fee” for the same reason.

Dr Ndahiro: I concede Mr Chairperson.

The Chairperson: Thank you so much. I now put the question that Clause 13 as amended be part of the bill.

(Question put, and agreed to)

(Clause 13, as mended agreed to.)

Clause 14

The Chairperson: Honourable members, the proposal is that Clause 14 be part of the bill. I now put the question that Clause 14 be part of the bill

(Question put, and agreed to)

Clause 14, agreed to.

Clause 15, agreed to.

Clause 16

The Chairperson: Honourable members, the proposal is that Clause 16 be part of the bill.

Dr Odette: Thank you Mr Chairperson. Clause 16 is amended by deleting paragraph (a) “transferred to the fund from the Arts and Sports promotion fund” The funds referred to is foreign to the bill.

Dr Ndahiro: I concede Mr Chairperson.

The Chairperson: Honourable members, I now put the question that Clause 16 as amended be part of the bill.

(Question put and agreed to)

Clause 16 as amended agreed to.

The Chairperson: Honourable members, I need to guide here, when I say that they is a proposal that this be part of the bill if you have an amendment, this is the point of raising up not necessarily the chairperson and when the chairperson has put forward her amendments and it is adopted, it is not yet closed. You can still rise up and move and amendment.

Then finally if you want a recommittal, there is also that opportunity. I thank you so much. I was a vote on Clause 16 and I had already put the question but not yet given a ruling and now I want to rule that the Ayes have it.

Clause 17

Mr Ogle: Mr Chairperson, I want to see for a recommittal on a particular part of the bill we have passed as I am not convinced about the reasons that were advanced by the chair of the committee and I am a member of that committee and I do not remember us discussing that matter on 8. Therefore at what point do I seek for a recommittal? After or you go back?

The Chairperson: It is before 3rd reading. So you are still in order. It is not yet 3rd reading sir, when we get to third reading, then you will rise and then recommit that part. Now we have passed that and going clause by clause. You can recommit before we go to the 3rd reading.

Ms Nakawuki: Mr Chairperson, I wanted to still propose an amendment on clause 16 (b)

The Chairperson: That is going to be a recommittal also before 3rd reading because we have already ruled. Therefore just be set and, mark it and wait for that.

Clause 17

The Chairperson: Honourable members the proposal is that Clause 17 be part of the bill. I now put the question that Clause 17 be part of the bill.

(Question put and agreed to)

Clause 18

The Chairperson: Honourable members the proposal is that Clause 18 be part of the bill

Dr Odette: Thank you, Chairperson. The committee propose that in Clause 18 (1) the “Secretariat” be replaced by “Secretary General”

Dr Ndahiro: I agree Chairperson mostly because the Secretary General is the accounting officer of the Community not the Secretariat.

The Chairperson: Thank you. Honourable members the proposal on the Floor is that Clause 18 as amended be part of the bill. I now put the question that Clause 18 as amended be part of the bill.

(Question put, and agreed to)

Clause 18 as amended, agreed to.

Clause 19

The Chairperson: Honourable members the proposal is that Clause 19 be part of the bill. I now put the question that Clause 19 be part of the bill.

(Question put, and agreed to.)

Clause 20

The Chairperson: Honourable members the proposal is that clause 20 be part of the bill. I now put the question that Clause 20 be part of the bill.

(Question put, and agreed to.)

Clause 21

The Chairperson: Honourable members the proposal is that Clause 21 be part of the bill

Dr Odette: Thank you, Mr Chairperson. If you look at Clause 21 which talks of exemption from taxes, this clause 21 is deleted completely because it was a proposal from partner states.

Dr Ndahiro: Mr Chairperson, we deleted that clause but replaced it with a new one. 21 and 22 were deleted to introduce another one which will be a new 21.

The Chairperson: Honourable members, we will delete Clause 21 as amendment and then we will move to Clause 22 and also deal with it, then at that point the new amendment will come and therefore in the final, the numbering will change. However as of now I put the question that Clause 21 as proposed by the chair be deleted.

(Question put, and agreed to.)

Clause 22

The Chairperson: Honourable members the proposal is that clause 17 be part of the bill

Dr Odette: Mr Chairperson, we also propose that this clause be deleted.

Dr Ndahiro: I concede Mr Chairperson.

The Chairperson: Honourable members, the chair has moved that Clause 22 be deleted. I now put the question that Clause 22 be deleted.

(Question put and agreed to.)

Clause 22 agreed to.

Clause 23

The Chairperson: Honourable Chairperson, it is at this point before we move to Clause 23 that you may need to bring in the new- okay we will deal with the new Clauses at the end. Let us first finish all of them. Before we go to third reading, we will introduce the new Clauses.

Honourable members, the proposal is that Clause 23 be part of the Bill. I now put the question that Clause 23 be part of the Bill.

(Question put and agreed to.)

Clause 23 agreed to.

Clause 24

The Chairperson: Honourable members, the proposal is that Clause 24 be part of the Bill. I now put the question that Clause 14 be part of the Bill.

(Question put and agreed to.)

Clause 24 agreed to.

The Chairperson: Honourable members, we are now going to introduce the new Clauses. Let us get this clear. We get the new clauses that need to be introduced to be re-introduced and we vote them. Then the re-committal will come before the third reading when the Chair has resumed the Table. We will come to the Schedule after the new entry. Then we shall go to the Schedule and finally the Title.

Dr Odette: Thank you, Chairman. One of the new clauses which should be introduced is Clause 10. It talks of functions of the board; the functions of the board shall be-

The Chairperson: We have deleted 21 and 22. Is that where the insertion is coming?

Dr Odette: This is a completely new Clause which comes to complete what-

The Chairperson: Where are you inserting? Which Clause is it after?

Dr Odette: After 9. This is because 9 was the board of directors. This was there, but it was amended. We did not insert a new Clause which talks of functions of the board.

The Chairperson: Honourable Chair, you are inserting a new Clause 10 after Clause 9 to introduce the functions of the board. Yes, please proceed.

Dr Odette: Thank you, Chairman. 10 (1); the functions of the board shall be to exercise general control of the performance and affairs of the council and to give general direction and implementation in the achievement of the objectives and functions of the Council.

10 (2); without limiting to generality of Sub-Section (1), the board shall (a) consider a report submitted to it by the chief executive officer of the council, technical committees and officers

(b); approve the annual program of activities and budget estimate of the income and expenditure of the Council for submission to the Council of ministers for consideration.

(c); approve the annual account of the Council for submission to the Council of Ministers for consideration.

(d); approve the annual report of the activities of the Council for submission to the Council or minister for consideration.

(e); exercise such other powers and perform such other functions as may be conferred on it or that may be necessary for the proper implementation of these acts. I submit.

The Chairperson: Thank you, Chairperson. The Chairperson has introduced a new Clause 10 which she has read.

Dr Ndahiro: I totally agree with the proposal, Chairman.

The Chairperson: Thank you, Chairman. Honourable members, I put a question that a new Clause 10 as read by the Chairperson be part of the Bill.

(Question put and agreed to.)

The Chairperson: Are there other new?

Dr Odette: Yes, Chairman. There is a new Clause that we have inserted on Clause 11.

The Chairperson: Is it the parent 11? Honourable members, numbering mat change so in the parent Bill 11 they are inserting a new one.

Dr Odette: Yes, there is a new Clause 11. We have now had a new Clause 10. Should we have a new Clause 11?

The Chairperson: Okay, you are not deleting anything. You are just introducing a new Clause.

Dr Odette: Yes. A new Clause 11.

The Chairperson: Okay. Please Proceed.

Dr Odette: Talking of the rotation of the Chairperson and it reads, “The Chairperson of the board shall be rotational and in accordance with the rules of procedure of the East African Community.”

The Chairperson: Thank you. Honourable members, you are including a new Sub-Clause 2 of 11. You are not introducing a new Clause, Chairperson. That may now require a re-committal because you made us pronounce ourselves on 11. You are not introducing at 12 or a new person so you wait also at the re-committal stage.

Dr Odette: We also introducing a new Clause which might be Clause 11. We have changed the numbering. It is talking of technical committees; 11 (1) the board may establish technical committees as may be necessary for specific areas of the functions of the Council.

(2); the composition and functions of the technical committees shall be specified by the board

(3); without prejudice to the generality of Sub-Section (2), the technical committees shall be responsible for the preparation of comprehensive implementation programs and the monitoring of the implementation of those programs.

(4); the technical committees shall meet as often as necessary for the proper discharge of their functions.

The Chairperson: Thank you. The Chairperson has introduced a new Clause.

Dr Ndahiro: Thank you, Chair. I agree with the committee’s position. This was done to enhance good governance.

The Chairperson: I now put the question that the new Clause as introduced by the Chairperson be part of the Bill.

(Question put and agreed to)

The Chairperson: Any new insertion?

Dr Odette: Mr Chairman, we have also brought a new clause which is about incentives which might be Clause 21. “The partner states may subject to their investment and tax law give such incentives to creative and cultural entrepreneurs or practitioners under this Act as the partner states may determine.”

Dr Ndahiro: I agree with the proposal.

The Chairperson: Honourable members, I now put the question on a new clause introduced by the chairperson as read.

(Question put and agreed to.)

The Schedule

The Chairperson: Honourable members, the proposal before the House is that the Schedule be part of the bill.

Dr Odette: On this schedule, we have added other kinds culture or arts industries which are cultural and community tourism, cultural food, Cultural medicine, traditional sports and games, intangible cultural heritage and cultural knowledge, arts and crafts industry.

Dr Ndahiro: I agree with the committee position Mr Chairman.

The Chairperson: Honourable members, I now put the question that the schedule as amended be part of the bill.

(Question put, and agreed to.)

The Title

The Chairperson: Honourable members the proposal on the Floor is that the title be part of the bill

Dr Odette: Thank you, Mr Chairperson. The title has been amended as follows, “East African Community Culture and Creative Industry, Bill 2015”

Dr Ndahiro: I agree with the proposal of the committee and basically that was to conform to the research carried out in the area and also to follow best practice.

The Chairperson: I know pout the question that the title as amended be part of the bill.

The title as amended, agreed to.

MOTION FOR THE HOUSE TO RESUME

Dr Ndahiro: Mr Chairman, I move that the House do resume and report.

The Chairperson: Honourable members I now put the question that the House do resume and the Committee of the Whole do report to.

(Question put, and agreed to.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

Dr James Ndahiro (Rwanda): Mr Speaker, I move that the committee of the whole House do report on the East African Community Culture and Creative Industries Bill as amended Mr Speaker.

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

Dr James Ndahiro (Rwanda): Mr Speaker, I move that the Whole House do approve the report.

The Speaker: I now put the question that the report of the Whole House be adopted.

(Question put, and agreed to.)

THE EAST AFRICAN COMMUNITY CREATIVE AND CULTURAL INDUSTRY BILL, 2015 MOTION FOR THIRD READING

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. I move that the bill be recommitted in respect of Clause 2 to amend the definition of minister and Clause 11 to insert sub clause 3.

The Speaker: Seconder? Hon. Dr Ndahiro, hon. Bazivamo, hon. Frederic, hon. Mariam, hon. Sarah, hon. Nakawuki and all the members standing. Hon. Susan also wants to move a recommittal, please proceed.

Ms Susan Nakawuki (Uganda): Mr Speaker, I would like to propose that Clause 16 (2) (b) be recommitted to the committee for amendments.

The Speaker: Seconder? Hon. Dr Odette.

Ms Susan Nakawuki (Uganda): Thank you, Mr Speaker. My justification is-

The Speaker: You do not have to. It is ok. It has been recommitted. You will bring the amendment at the committee stage again.

BILL

COMMITTEE STAGE

THE EAST AFRICAN COMMUNITY CREATIVE AND CULTURAL INDUSTRY BILL, 2015 HAS BEEN RECOMMITED IN RESPECT OF CLAUSE 2, 11 AND 16

Dr Odette: Thank you Chairman. Clause 2, there is a definition that the committee would like to see redefined. The definition of minister be replaced with the following “minister means the minister responsible for sports or culture and creative industry in a partner state”

Dr Ndahiro: I agree with the proposal Mr chairman.

The Chairperson: Honourable members, I put the question on the amendment as moved by the chairperson.

(Question put, and agreed to.)

Clause 11

Dr Odette: Thank you, Mr Chairman. The comities would wish to insert a new sub clause (2) on Clause 11 to read “the chairperson of the board shall be rotational in accordance with the practise of the East African Community.

Dr Ndahiro: I totally agree with the principle Chairman.

The Chairperson: Honourable members, I now put the question that the amendment as moved on 8 (2) proposed by the Chairperson be part of the Bill.

(Question put and agreed to.)

Clause 16

Ms Nakawuki: Mr Chairperson, I propose that we delete Clause 16 (2b) which provides for the resources of the fund shall consist of money voted by the Assembly for the fund.

The Chairperson: Come again and justify for the mover to hear.

Ms Nakawuki: My justification is under Article 59 Clause (2a) (i) of the Treaty prohibits Bills which impose any charge upon any fund of the community.

This particular 16 (2b) establishes a fund which will impose charges to the funds of the community. I thought we should just eliminate that and then we proceed with the rest of the Sub-Clauses there.

Ms Byamukama: Mr Chairman, whereas I agree with hon. Nakawuki, I think her concern has been cured by the fact that in Clause 1;

It states that, “This act may be sighted as the EAC Creative and Cultural Industries Act, 2015 and shall come in to force on such a date as the Council of Ministers may by notice publish in the gazette a point.”

By putting in such a Clause, the Council of Ministers will have prepared and will be in a position to enable the funds to be provided for in the establishment of this fund.

If we take out “voted by the Assembly for the fund” it means that this particular Council will not be able to be given money through what we do through the Appropriation Act.

I would like to implore hon. Susan Nakawuki to leave this as it is. This is because even by creating a Council, this definitely will require funding. This is what I wanted to clarify. Thank you.

The Chairperson: Thank you so much. Before anybody takes the Floor, honourable members if you remember very well in our dealings with many Private Members’ Bills, we have had a history to this.

We said the implementation of any Act of the assembly ordinarily charges the funds of the community in one way or the other. We put that provision which has been read by hon. Dora to make sure that the private mover and this Assembly is actually not charging any financial obligation on the community fund.

However, it is the Council of Ministers that are doing so by deciding on the dates of commencement. Meaning if they do not decide on the date of commencement yet, this Bill shall not come in to being.

Therefore, it is the Council of Ministers that is charging financial obligation on the funds of the community. I thank you so much.

Mr Zein: Thank you, Mr Chairperson. I also would like to persuade hon. Nakawuki that there is nothing that comes to the Assembly to be voted on by a private member. The budget is an instrument of the Council. It is the Council that brings the budget although it is the Assembly that votes on it.

Therefore, the Assembly by itself cannot bring a matter that can be charged on to the community without the consent and authority of the Council. It can only come and find itself before the House through the Council.

I would also like to say if you are deleting only the one of (b), the whole fund is on 16. That is not actually a cure. The cure is in the direction given by the Speaker and also raised by hon. Dora Byamukama. I agree with it.

Personally, I was against the formulation of one knowing the real danger that the Council can sit on it like other Bills. That demonstrates that once you have that formulation, nothing will come here until the Council is satisfied that they have the resources and they are happy to establish those organs and instruments that are contained in the Bill.

There is nothing that we can do as an Assembly. As a buy off, I had wanted a specific date to be put there, but be grudgingly I was persuaded to leave the formulaic nature of one in order to allow the Council to have discretion on matters that have financial implication.

I accepted that we leave it to the Council. When the Council deems it fit and necessary to operationalise the Bill, then it will commit funds and budget for it before they commit the Bill. I would really persuade my sister to withdraw this amendment.

The Chairperson: Honourable minister, I will give you the Floor. Honourable colleagues, friends and hon. Susan Nakawuki, this particular issue has a history which actually involves even the decision of Court.

This long history gave birth to this new draft ship. After a long consultation with our draftsman and the TTC of the community is a matter that has been discussed and this was a cure that was brought to make sure that private members bills in this House do see the light of day.

You are therefore raising a matter which has been under discussion from the first Assembly through the second Assembly to this Assembly. This position and draft here was a cure that

came as a result of that long journey. This is where we have been operating. I thank you so much for this clarification.

Mr Saadalla: Thank you, Mr Chair. Let me quote your last sentence saying that after this process was a cure of a long journey, but that long journey did not end up on amendment of the Treaty. The Treaty remains the same.

Article 59 says that the Private Member Bill should not be forwarded if it will incur some amount of money. Here totally it says that- (*Interruption*)

Dr Ndahiro: Thank you, Mr Chairperson. Actually this led to amendment of the Acts of the Community Act. It was amended to include this provision of Rule 1. That was an outcome of those debates that the Speaker mentioned.

Mr Saadalla: Thank you, Chair. I still insist on what is there on the Treaty. That is the one which guides me. The Treaty is superior to all other acts.

Secondly, I just want to clarification from the mover that this Bill voted by the assembly for the funds; but if you delete this and remain with (e) money received from such other sources is the Council of Ministers made in tandem. Will there do any harm? This is the information which I want to give.

The Chairperson: Hon. Mbidde, the minister has already left the Floor, unless you want to have a substantive debate on the matter.

Mr Mbidde: Thank you very much, Mr Chairperson. When you look at the provisions under 16 of the bill, obviously it is thought that there is a fund to be established known as the Creative and Culture Industry Development Fund. It goes ahead to establish the fund. Hon. Nakawuki is correct to the extent that a fund is to be created and within the meaning of Article 59 (2) (a) (i). It is an imposition of any charge upon any fund of the community.

However, it is extremely dangerous to let this House debate this when in the Treaty it is specific that it has to be within the opinion of you the person presiding. Now it is extremely incumbent upon you Mr Chair, that it is your opinion that counts within the meaning of the reading here because it states; the Assembly shall not and (a)(i), proceed on any bill including an amendment to any bill that in the opinion of the person presiding makes provision for any of the following purposes;

1. For the imposition of any charge upon any fund of the community. Therefore your opinion Mr Chair applies here with equal force and tee decision you take here is substantial and conclusive on the matter.

The Chairperson: I will give hon. Frederic then I come to hon. Dora.

Mr Ngenzebuhoro: Mr Chairperson, I think this issue can be controversial because in the Treaty, it is said that the resources of the community will be utilised for For me I would like to oppose it because in the bill 16 (2) (e) says that money received from such other sources as the Council of Ministers will determine what can be enough especially when I refer to Article 153 and 152. It is a bit controversial. Then let us use only that. The council will determine. Thank you.

Ms Byamukama: Mr Chairperson Sir, I would like to say that a precedent has already been set by this House. This is not the first time that we have a clause in the manner which is captured in Article 1, where by it states that the Act shall come into force on such a date as the Council of Ministers may by notice published in the gazette appoint.

The whole essence of bringing in the issue of Council of Ministers and making it mandatory is to enable the Council to be able to make proposals so as to operationalize aspects of any private members bill that may seem of may actually impose a charge on the resources of the community.

I would like to say very quickly that when you look at Article 49 of the Treaty which carries our primary mandent it state very clearly that, the Assembly shall debate and approve the budget of the community.

When you look at Article 132 (5) it goes further to talk about what hon. Ngenzebuhoro has said. It reads, that the resources of the community shall be utilised to finance activities of the community as shall be determined by the Assembly on the recommendation of the Council. Therefore in essence, this is a shared docket. However, the most important aspect of it is that we debate and approve the budget of the community.

The other aspect is that we cannot impose our financial obligation through a bill. What I would like to say is that a precedent has been set. This is not the first time that we shall provide for it as we have done and therefore Mr Chair, if we want to actually continue and working as members and also respecting the right of private members to move bills we have to abide by what has been stated in Clause 1 so as to ensure that we adhere to one, the right of a member to move a private members bill and two, the prohibition of moving a bill that may have financials implications on the fund of the community.

Therefore in essences I would like to say that what we are doing now is not new. There is precedence and if we do not even establish a fund, we may not be in position to even establish a council. Therefore I would like to implore hon. Nakawuki to agree with what has been proposed by her very own committee. I thank you.

Mr Ngoga: Thank you very much, Mr Chairperson. I would be forgiven if miss some of the issues that have been debated and settled most especially because we referred to this matter having been discussed in the past.

However, I think we need to revisit Article 59 (2) (i). What is the fund of the community? I think the prohibition here is on any proceedings that are likely to cause imposition of charge upon any fund of the community. What is the fund of the community? Are we by what we are doing now imposing any charge on any fund of the community? Is this synonymous to saying we should not proceed in a way that may cause partner states to spend in future. I think it is different. Therefore we need to do a proper interpretation of this provision.

Ms Hajabakiga: Mr Chairperson, if you really read Article 59, my further clarification is, there is nothing you can do which does not have financial implication; financial implications different from charging some fund. They are talking about a fund because even sitting here in this House today, it has a financial implication because we are using resources of the community to do public hearing, sit here and transact this business. It has financials implication but we are charging any fund of the community.

The Chairperson: Thank you. Honourable members I have heard the argument. You know I am in a dilemma of presiding over a House where the CTC is absent. It puts the presiding officer who is a Speaker at a very precarious position. This is so because however brilliant any legal mind may be in this House, he or she has got no legal mandent to give final interpretation of any dissenting opinion on legal issues.

Based on that the presiding officer in his or her wisdom now in his wisdom will rely his judgement based on precedence and the precedence in this Assembly is such that there are proviso in the Bill under which- based on the history I have mentioned through which we succumb vent provisions that block members from bringing Private Members' Bills.

When a Bill is passed by this House and has gone to assent and there are issues that the assent is denied by the Heads of State, they refer it back to this House with reasons. If this be a reason that may deny assent to this Bill because the charges financial obligation as stated, the reasons will refer this Bill back to this House. We will deal with it at that point.

It does not mean we have injured anything so seriously. In my own judgement, I think we can proceed, but I am not closing the debate on the amendment by hon. Nakawuki. She has presented her case. I will give it to the mover of the Bill to decide whether he accepts the amendment or not. Then I will put the question.

However, the general guidance from the presiding officer is that in the absence of the CTC who can give proper clearance and advice to me as presiding officer, I am relying on precedence that this House has gone through.

If this becomes a serious impediment to assent, this Bill shall be returned back to us and we shall revisit it.

Mr Ngoga: I am seeking clarification. Some of us are in total disagreement in terms of how this provision is interpreted. In my opinion, there is nothing that may prohibit this House from proceeding on a Bill that is likely to create some financial implication for as long as it is not affecting any existing known fund designated for a specific purpose.

What procedure is there that we can use to make sure that this ambiguity does not come again?

The Chairperson: Thank you. Honourable members, this is a House of contest of ideas. When debates are taken, there is always a vote on the matter.

On this matter now which is before us, I have given my guidance on the House. The amendment moved by hon. Nakawuki shall be subjected to the opinion of the mover. Then it will be subjected to a vote by this committee of the whole House.

If an amendment takes the day, we will proceed that way. If it does not, we will proceed otherwise. I think that is the only way to proceed.

Mr Saadalla: Thank you, Chair. I am seeking clarification from the mover. Will this fund be used for the day to day operation of the boat? If so, then that means money will be dispersed from the Council's money or the vote which will be given to be passed by this Parliament.

This is going directly to be involved on the day to day activities of the board. Isn't it so? If so, then that means we are introducing a new institution. This institution is going to be run by the money dispersed through the Council and approved by this House. This is what I understand. If so, then this is not applicable and assent is going to be very difficult.

Mr Mwinyi: Thank you very much, Mr Chair. It has been settled at EALA in relation to this particular matter. We have gone through this in EALA 1 and 2. It is very clear that there isn't any piece of legislation that would not have a financial implication.

It is as clear as day light. I think we are going round. If we introduce a proposal by my right honourable friend, there is absolutely no way that this Bill will pass. We all know it. What we need to do is to conform to our convention. In order for any Private Members' Bill to survive, we must empower the Council of Ministers to bring it in force as and when they are able to do so.

If you look at Article 132, it says "Resources of the community shall be utilised to finance activities of the committee and shall be rechanneled by the Assembly on the recommendation of the Council." They are resources, not necessarily funds from the partner states, but any resource that is available within the community be it from the private sector, or anywhere. The moment it is within the purview of the community, it is in the hands of the Council of Ministers.

That has been settled. We have gone through this. Nearly every single private members bill had to go through the same process.

I therefore urge my right honourable friends, Chair as well as the committee to conform to the convention that we have hands forth been utilising in order to enable us pass a Private Members' Bill.

Mr Chair, I beg to move.

Dr Ndahiro: Thank you, Chairman. I agree with your guidance, but disagree with the amendment moved by hon. Susan.

The Chairperson: Thank you so much. Honourable members the amendment as moved by hon. Susan Nakawuki has been debated. I gave my guidance. I now put the question on the amendment moved by hon. Susan Nakawuki to delete a provision she has mentioned.

(Question put and negative)

MOTION FOR THE HOUSE TO RESUME

Dr Ndahiro: I move that the whole House resume and receive the report from the committee.

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

Dr Ndahiro: I move that the whole House receive the report from the committee.

The Speaker: Thank you.

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

Dr Ndahiro: I move that the whole House adopt the report as amended.

The Speaker: I now put the question that the report of the whole House as amended be adopted.

(Question put and agreed to)

(Report adopted)

BILLS

THIRD READING

The East African Community Creative and Cultural Industries Bill, 2015

Dr Ndahiro: Mr Speaker, I move the motion that this House reads the East African Community Creative and Cultural Industries Bill, 2015 for the third time and do pass.

The Speaker: Is it seconded? It is seconded by hon. Dora, hon. Mwinyi, hon. Sarah, Dr Odette, hon. Pareno, hon. Zein, honourable minister and all the members standing.

I now propose the question that the East African Community Creative and Cultural Industries Bill, 2015 be read the third time and do pass. I now put the question that the East African Community Creative and Cultural Industry Bill 2015, be read the third time and do pass.

(Question put, and agreed to.)

Bill read a Third Time

A BILL FOR AN ACT ENTITLED, "THE EAST AFRICAN COMMUNITY CULTURAL AND CREATIVE INDUSTRY BILL, 2015"

The Speaker: Honourable members The East African Community Cultural and Creative Industry Bill, has been dully passed by this Assembly. *(Applause)*

I take this opportunity to congratulate hon. Dr Ndahiro for successfully introducing this bill to the House and letting it pass.

I would also like to congratulate the members of this Assembly, the Council of Ministers for dealing with this very important bill and passing it this evening. This is a very important bill, it is going to help the community to generate a lot of employment and resources and wealth and do many good things. I congratulate you upon passing this bill. Thank you so much.

Honourable members, I would like to thank you so much for the hard work you have exhibited this afternoon by dealing with this very important bill that we have just passed. I know we have other items on the order paper. However, in the interest of other crucial activities that must be undertaken between now and 6 p.m. by the office of the Speaker, I adjourn this House to tomorrow 2 p.m.

(The House rose at 5.41 p.m. and adjourned until 26 August, 2015 at 2.00 p.m.)