



## EAST AFRICAN COMMUNITY

---

### IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

#### 115<sup>th</sup> Sitting - Third Assembly: Third Meeting – Fourth Session

Wednesday, 25 November 2015

*The East African Legislative Assembly met at 2:59 p.m. in the Chamber of Deputies,  
Parliament of Rwanda, in Kigali.*

#### PRAYER

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

*(The Assembly was called to order)*

---

#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable Members, good afternoon. I would like to take this very singular opportunity to welcome you to this great city of Kigali, Rwanda - *(Applause)*. On your behalf, I would like to express our appreciation to the Government and people of Rwanda and the Rwanda Chapter of EALA for the cordial welcome that has been extended to us. And most specifically, to the Speaker of the Chamber of Deputies for availing us this Chamber that we are using today – *(Applause)*.

Honourable Members, I have a few items on the Communication from the Chair. The first is on the matter of the Inter-Parliamentary Games. You are all aware that at the end of this Meeting, we shall be having the Inter-Parliamentary Games, which will commence on Friday next week. We, as EALA, we are supposed to field in teams in all the five sporting items, that is,

football, netball, athletics, volleyball and golf.

I would like to implore you, honourable Members that while we are here, the training in the morning and evening is part of the official programme of this Meeting. Please, cooperate and participate in the training so that we can favourably compete with other parliaments that are going to join us on Friday.

On a special note, I would like to congratulate the female counterparts. I am told their participation in the training is very good. Thank you for turning up for the training - *(Applause)*.

We have leaders amongst us who will help us in these sporting events. Hon. Mulengani and hon. Dr Odette are nominated from this Assembly to be part of the bigger organising committee, which involves the entire national parliaments of the region. From the Assembly, we have also

nominated two people, hon. Patricia Hajabakiga and hon. Chris Opoka, to be part of the Disciplinary Committee for the games. Apart from those, each sporting – (*Interjections*) - maybe I should hasten to add that the Members nominated to join the other Members from the national parliaments to form the Disciplinary Committee are not supposed to be participants in any of those sporting events. Therefore, by that nomination - I know that hon. Chris Opoka and hon. Patricia are very fit but they are now exempted from participation in the games.

Hon. Mulengani will lead football; athletics will be led by hon. Ole Nkanae; volleyball will be led by hon. Nengo; tag of war will be led by hon. Rwigema; and golf will be led by hon. Peter Mathuki. This nomenclature is just to open up the organisation but when you go to the field, you can agree to either elect your new leadership or confirm the leadership that is just helping in the organisation.

All Members are supposed to participate in the events. The entire Assembly will remain in Kigali for the duration of the games. Every Member is expected to participate in at least two sporting events. That is as far as sports is concerned.

Honourable Members, the second item on my Communication from the Chair is that while you were on recess, I received a petition from the Civil Society Organisations (CSOs) pertaining to the Burundi situation. I have directed this petition to the Committee on Regional Affairs and Conflict Resolution to process. Thereafter the Committee will bring a report to this Assembly.

I have had discussions with the Chairperson of the Committee, and I urge the Committee to process the petition in due time to be relevant to the situation as it is obtaining now. Chair and the Committee on Regional Affairs and Conflict Resolution, please act on the petition.

Honourable Members, apart from that, I also received a letter from the National Parliament of Burundi addressed to me as the Speaker of the Assembly pertaining to the matter of the membership of four Members of this Assembly, namely: hon. Frederic Ngenzebuhoro, hon. Yves Nsabimana, hon. Dr Martin Nduwimana and hon. Jeremie Ngendakumana. The letter aimed to inform me that the four Members had ceased to be Members of the Assembly, and the Speaker of the National Assembly of Burundi signed it.

When I received this letter, as expected, I called the Clerk to this Parliament and the Counsel to the Community to my office to read with me the letter to help me understand and know how to proceed. We read the letter, and the Counsel to the Community requested me to give him some days to acquaint himself with the National Constitution of Burundi and other electoral laws of Burundi. I, therefore, granted him that time, and immediately I wrote a letter to the four concerned Members inviting them to come and meet me so that we could discuss the matter as it was presented to me.

After two days, the Counsel to the Community came back to me and I requested him to put his opinion on this matter in writing. Indeed, he wrote to me his opinion and advised me accordingly. I thereafter immediately wrote back to the Speaker of the National Assembly of Burundi acknowledging receipt of his letter, and stated that I was in the process of consulting relevant offices on the subject matter of the letter, and that I would get back to him. That was the first letter I wrote to my colleague, the Rt. Hon. Pascal Nyabende, Speaker of the National Assembly of Burundi.

When I received the guidance from the Counsel to the Community, I replied the letter in full, and communicated to the Speaker of the National Assembly of Burundi that, "*After consultations with the relevant offices, I have found it not tenable*

*that the membership of the Members mentioned in your letter has ceased because the letter was contrary to Article 51 of the Treaty and other provisions of the Treaty” - (Applause).*

I also communicated to my colleague that I would be travelling to Burundi to meet him to discuss the issues raised in his letter further. That is how I treated the matter, and the four Members are dully here enjoying the rights of their tenure - *(Applause)*. That is how far I have proceeded on the matter.

Honourable Members, those are the issues I wanted to raise to you from my Communication from the Chair. I thank you so much - *(Applause)* - I can see Hon. Ogle rising.

**Mr Abubakar D. Abdi Ogle (Kenya):** Thank you, Rt. Hon. Speaker. I stand as a matter of procedure to move a motion for a resolution of the Assembly under Rule 30(j) of the Assembly’s Rules of Procedure on a matter of privilege arising from a threat to tenure of office. Thank you.

**The Speaker:** Hon. Member, you have only said that you are moving under Rule 30(j) but you have not yet moved the motion. Therefore, I would like to hear the motion from you to understand whether it indeed qualifies to be moved under Rule 30(j), and whether it is a matter of urgent public importance. I granted you the Floor because Rule 30(j) provides for a matter of privilege, which takes precedence in this House.

**Mr Ogle:** Thank you, Mr Speaker. My motion reads:

*“WHEREAS Members of the East African Legislative Assembly are elected under the provisions of the EAC Treaty;*

*AND WHEREAS their tenure is guaranteed by the same Treaty under Article 51 – (Interruption) –*

**The Speaker:** Hon. Member, before you go to move the motion, I would like you to convince the Speaker that the matter is of public urgency and then I will make a ruling on the matter and then you may go ahead to move the motion, depending on how I will have got convinced. Please, proceed.

**Mr Ogle:** Mr Speaker, the title of the motion is self-explanatory. As far as I am concerned, this matter is related to the privileges and powers of the Members of this Assembly, therefore it is very critical.

When Members get the full details of the motion that I am presenting, they will acknowledge this. I present the fact that the letter that was written to the Rt. Hon. Speaker by the Speaker of the Burundi National Assembly – with due respect – was tantamount to a raid on the independence, privilege, and powers of this House. It is important that this House is equally seized of the gravity of the matter, and should therefore make a resolution regarding the content of the letter.

The Motion is intended to enforce your letter further, Mr Speaker, on the same subject, which you sent to the Speaker of the Burundi National Assembly. Thank you so much, Mr Speaker.

**The Speaker:** Hon. Ogle and honourable Members, this matter has been dealt with by the Office of the Speaker on your behalf, but the provision of our Rule 30 (j) gives you the leeway to move your motion. I will listen to your motion and then I will make a decision on it.

I will therefore adjust the Order Paper to allow you to move the motion, and after you have moved the motion and it is dully seconded, I will allow you to justify it in five minutes, and then I will give the seconder four minutes, at most. I mean the minutes I am mentioning to the motion.

We know very well that this matter touches on the privileges of the Members. Therefore, we need to do due diligence to

the matter. However, I cannot conclude the debate on the motion because it is a matter that is ongoing. I will therefore refer the motion to the Committee on Legal, Rules and Privileges, which deals with issues of privileges of Members. Nevertheless, I grant you the privilege to move the motion now.

**Mr Ogle:** Very much appreciated, Rt. Hon. Speaker. Now I go ahead to read my motion as follows:

*“WHEREAS Members of the East African Legislative Assembly are elected under the provisions of the EAC Treaty;*

*AND WHEREAS their tenure is guaranteed by the same Treaty under Article 51;*

*AND WHEREAS, upon election, all Members of the Assembly are required to take oath before taking their seats in the Assembly, purposely to protect and to defend the EAC Treaty and to lay claim to the sanctity and privilege of this Assembly;*

*CONCERNED, HOWEVER, that there is an attempt to breach the EAC Treaty through threats to the loss of tenure of four Members of this Assembly from Burundi, namely: hon Jeremie Ngendakumana, hon. Yves Nsabimana, hon. Frederic Ngenzebuhoro and hon. Dr Martin Nduwimana, the threat coming through a letter from the Parliament of Burundi to the East African Legislative Assembly and availed to the four Members on the premise that the conditions through which they presented themselves for elections have now changed even when their status changed from being candidates for elections at that time to Members of the Assembly as it is now;*

*FURTHER CONCERNED that the state of affairs affects the tenure, privileges and rights of the Members;*

*NOTING THAT it touches on the spirit, reputation, integrity and independence of this Assembly;*

*FURTHER NOTING that the threat has a potential for undermining the authority of this Assembly and compromising its functioning under the Treaty, and;*

*DEEPLY CONCERNED that this will jeopardise the sovereignty, security and status of the Members;*

*NOW THEREFORE, This Assembly resolves to:*

- (i) Affirm the precedence set by the Second EALA on similar threats to the tenure and security of Members;*
- (ii) Specifically uphold the rights of every elected Member to complete their tenure without the curtailment of their rights and privileges through intimidation, harassment and threats of physical harm to themselves and their families;*
- (iii) Urge Partner States not to introduce any attempt to unlawfully manipulate the institutions and or officials to threaten Members and or undermine their status, which will amount to an affront on the principals of the Treaty;*
- (iv) Appeal to the other Organs and Institutions of the Community, including the Summit, that it is of utmost importance to guarantee the sovereignty and security of all Members of EALA and staff of all Organs and Institutions of this Community;*
- (v) Condemn in the strongest terms possible, all attempts to undermine the integrity of this Assembly and the claim to the privileges and status of its Members. ”*

Rt. Hon. Speaker, I beg to move - (Applause).

**The Speaker:** Seconded by Dr James Ndahiro. Hon. Ogle, five minutes.

**Mr Ogle:** Rt.Hon. Speaker, I even intend to take less than that.

This motion, which was crafted very quickly because of its importance and urgency, I think is self-explanatory, but suffice it to point out that this motion is intended to back the position, which was conveyed to the National Assembly of Burundi by your office and yourself. It is very critical that we respect the sanctity, the independence; the integrity and reputation of this Assembly.

As far as I am concerned, and Members will honestly agree with me that the letter, as it was, was an affront; a raid; an assault on the reputation and independence of this House, and we must say, no. We must say, no - (*Applause*). Nobody can do anything to compromise the independence and sanctity of this Assembly. That is the import of this motion.

Now, it may appear at a first glance that this has something to do with only four Members of the Assembly from Burundi but it has a wider implication. It is almost like opening a Pandora box if we let this one go, because every other Member here belongs to a political party, and the fact that they have some problems out there in their own political parties does not allow that political party to arbitrarily write a letter seeking to withdraw a Member. That way, we shall not – we shall be talking about a dysfunctional Assembly in the event that that were to happen.

Secondly, Mr Speaker, no other Partner State has ever done this kind of thing. It is not a coincidence that during the Second Assembly the Partner State, which also attempted to withdraw Members in spite of the very clear provisions of the Treaty that you cannot compromise the independence of the Members, was Burundi. Burundi tried to do that in the Second Assembly, and the then Speaker, my good brother, Rt hon. Abdi, wrote to the National Assembly of Burundi and told them that the Treaty

doesn't allow them to do it. I am glad you followed in that same good principle to tell the Speaker that you cannot do this - (*Applause*).

Mr Speaker, with those few words, I promised I was not going to exhaust my entire five minutes and in view of the importance of this matter, I will allow my seconder to compliment.

**The Speaker:** Thank you, Hon. Ogle.

**Dr James Ndahiro (Rwanda):** Thank you, Rt. hon. Speaker. I support this motion simply because when we allow the rights of one Member to be undermined, we are all not safe. We have to ensure that the institution of Parliament - the Assembly - under the Treaty, is well protected. We need to uphold the principles under the Treaty, which we willingly signed and ratified.

Rt. Hon. Speaker, it is true that we are all elected through a process determined by the Partner State parliaments, depending on the prevailing composition in each Partner State Parliament. However, it would not make sense if when the prevailing composition in a Partner State Parliament changes, then the composition of EALA changes as well, unless we are in agreement to align the EALA election times to coincide with Partner State elections. Otherwise, if we allow this precedent, it will mean that if the composition of a Partner State's Parliament changes in the middle of the tenure of EALA, the Members of EALA from that Partner State will be withdrawn at any time. Therefore, this is motion is to assure the tenure of office of the Members of EALA.

We are all elected to serve for five years, and for a further five years and a further five years - (*Laughter*). Now, this precedent is dangerous. Politicians – we are all aware - will always want things to be done their way, but this Assembly should say, no – (*Applause*). Moreover, we are not doing

this for our own benefit, no. We are doing this even for the benefit of others to come. We are strengthening the institution of Parliament.

This resolution serves to remind every politician that this institution requires independence; this institution is empowered to implement the principles in the Treaty. Therefore, this institution will not undermine the principles in the Treaty by collaborating with politicians who want their interests to be served – (*Applause*).

Honourable Members, I appeal to all of you to support this motion, and by doing so, you will be strengthening the institution of EALA for Members to day and Members to come. Thank you, Rt Hon. Speaker - (*Applause*).

**The Speaker:** Thank you so much, hon. Dr Ndahiro.

Honourable Members, before each one of us took a seat in this House, we took oath. I invite you to go and review the oath you took, and we shall live as an Assembly to the letter of the oath that we took - (*Applause*).

This matter is very important and this motion is in this House. We are not concluding it. I am referring the matter to the Committee on Legal, Rules, and Privileges, and then when it is re-introduced in this House, and when the Committee has reported, we will resume debate on the motion. The question shall be put so that this Assembly shall express itself by the vote that will be taken. I, therefore, refer this motion to the Committee on Legal, Rules and Privileges. I thank you so much - (*Applause*).

**Mr Abubakar Zein Abubakar (Kenya):** Thank you very much, Rt. Hon. Speaker. First, allow me to thank you for your leadership and for your words concerning matters surrounding this matter; your sagacity. However, allow me to raise two little things.

One, I am not going to dispute your direction; that direction is full of wisdom, but under our Rules, it doesn't fall under suspension; it doesn't fall under adjournment, and so I have a little bit of difficulty but that difficulty will be helped under our Rules of Procedure. A little thing only will help that difficulty, and I will even have a little bit of amnesia on the first little thing, if I can get concession on the second little thing.

You will recall that many a time we have had such important matters referred to a committee – my sister hon. Dora Byamukama is always the one who reminds people that we should have a time frame. So, can we have a time frame within which this matter will be processed by this distinguished committee, chaired by my very good friend and brother, hon. Peter Mathuki, so that we have an idea of when it will come? (*Applause*) My suggestion would be as soon as possible. Thank you, sir for your kind attention.

**The Speaker:** Honourable Members, as you may know, we have a programme for this Assembly, which was circulated. The Committee on Legal, Rules and Privileges has been allotted time for its work. I will sit with the Clerk's Office and the Committee on Legal to find time for them. However, I will confine myself to the words that you have used and say that "as soon as possible - (*Applause*).

**Mr Abdullah Ally Hassan Mwinyi (Tanzania):** Rt. Hon. Speaker, I beg to move a motion under Rule 30 (j), a motion, which may be moved without notice, to raise a question of privilege. Mr Speaker, should I proceed?

**The Speaker:** I beg your pardon, Hon. Mwinyi.

**Mr Mwinyi:** I stood up to move a motion touching upon a matter of privilege of Members in a similar manner to that done by my brother, Hon. Ogle. So, do I proceed

with the motion, or do I need to highlight and explain what the motion is all about?

**The Speaker:** Hon. Member, I kindly request that you highlight the motion you are going to move such that the Speaker can preside over the issue.

**Mr Mwinyi:** Hon. Speaker, I stand on a question of privilege under Articles 61 and 138 of the Treaty for the Establishment of the East African Community, and Rule 30(j) of the Rules of Procedure on the question of privilege of a Member, which has come up in the public domain.

Hon. Speaker, there have been allegations that one of our very own, hon. Dr Richard Sezibera, was treated in a manner unbecoming of a Member at a time when he was exercising his duties as Secretary General in one of the Partner States.

Hon. Sezibera is an Ex-officio Member of this Assembly, and if the unbecoming conduct is correct as per the allegations and statements in the media, we need to look into it because it clearly raises a question of privilege, which this Assembly needs to deal with. I beg to move, Rt. Hon. Speaker.

**The Speaker:** Thank you very much, hon. Mwinyi. Honourable Members, as you know, the matter that the hon. Member has raised has been in the public domain. It is a matter, which touches on a very important office in the Community, the Office of the Secretary General. However, most importantly, because the Secretary General is a Member of this Assembly, it therefore also touches on the question of privilege, leave alone the question of the Community as a whole.

I am aware that a letter has been written to the concerned republic by the Secretariat. Therefore, it is public knowledge and official documentation that the Secretariat of the East African Community has contested the action you have quoted in your indication for a motion.

I would advise two things: One is that this is first of all a matter of privilege, and because of that, I will grant you space to move this motion. However, I plead with you that in the interest of time, I will give you space on the Order Paper but not today, because this is a serious matter. I will give you space tomorrow, if you so wish, and you can move that motion.

However, you can also move under Rule 18. Because we have a letter protesting this action, therefore, you are at liberty to raise a question to the Council of Ministers to explain to this House what is happening between the Community and the republic in question. Otherwise, I plead with you that I place you on the Order Paper tomorrow.

**Mr Martin Ngoga (Rwanda):** Thank you very much, Rt. Hon. Speaker. I too am not going to question the wisdom of your decision, but of curiosity is to know whether the Secretary General himself, who is today present in the House, will be available when this matter comes up. I am not pre-empting how it is going to be handled, but I am also having a foresight of a possibility of this motion coming when the Secretary General is not around. So, can we have clarifications on those two issues?

**The Speaker:** Thank you so much, Hon. Ngoga. As you know, the hon. Secretary General is a Member of this House, and by our Rules of Procedure, he is supposed to be in this House. My office deems that he will be here in the House as this Meeting proceeds until the end. However, most importantly, this is not a matter that pertains to the person, necessarily. This matter touches the privileges in respect of the Office of the Secretary General. He may even not have to respond during the process of what is obtaining, but it is in our Rules of Procedure that Members are supposed to be around. In any case, we shall do due diligence of administration to make sure it is done well.

**Mr Ngoga:** Thank you Rt. Hon. Speaker. Just a moment to correct the misunderstanding that may have come up. I understand the distinction between the Secretary General and Dr Richard Sezibera, but much as this is not a matter that is personal to him, he can be a very important witness. Therefore, I raised the issue of his presence in that context. I just wanted to correct the record - *(Applause)*.

**The Speaker:** Hon. Members, I do not have any information from the Secretary General of his absence from tomorrow onwards. So, I think we shall proceed normally.

Hon. Mwinyi, the Office of the Speaker will work with you to see how to proceed on that matter. Thank you so much.

**Mr Taslima:** Rt Hon. Speaker, before you conclude on that matter, allow me just one minute.

**The Speaker:** Honourable Members, I have already ruled on that matter. Clerk, please proceed.

## PAPERS

**The Chairperson, Committee on Communication, Trade and Investment (Mr Fred Mukasa Mbidde) (Uganda):** Rt Hon. Speaker, as I regain the construction of my vocal resettlement, we have agreed that Hon. Nancy Abisai does the job for me.

The following Paper was laid on the Table:

(by Ms Nancy Abisai (Kenya))

*The Report of the Committee on Communications, Trade and Investment, on the On-spot Assessment of the One-Stop Border Posts in the EAC.*

## MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON LEGAL, RULES,

## AND PRIVILEGES ON THE IMPLEMENTATION OF RESOLUTIONS AND QUESTIONS OF THE ASSEMBLY AND COUNCIL COMMITMENTS

**The Chairperson, Committee on Legal, Rules and Privileges (Mr Peter Mathuki) (Kenya):** Thank you very much, Rt. Hon. Speaker. I move that this House do adopt *the Report of the Committee on Legal, Rules and Privileges on Tracking the Implementation of the Resolutions and Questions of the Assembly, and the Council Commitments*. I beg to move.

**The Speaker:** Seconded by Hon. Ussi, Hon. Ngoga and all the Members standing. Hon. Chair, please proceed.

**Mr Mathuki:** Thank you very much, Rt. Hon. Speaker.

## 1.0 INTRODUCTION

Mr Speaker, Sir, the East African Legislative Assembly (EALA) is one of the seven Organs of the East African Community (EAC) established under the provisions of Article 9 of the Treaty for the Establishment of the EAC. The Assembly is mandated under Article 49 of the same Treaty to legislate and oversee implementation of EAC laws as well as the four pillars that will finally deliver the EAC integration process.

The EALA largely exercises its oversight mandate through its Committees. According to rule 81 and Annex 5 (B) of the Rules of Procedure of the Assembly, the Committee on Legal, Rules and Privileges is mandated on behalf of the Assembly to; *inter alia*, exercise oversight function over the work of EAC – Organs and Sectoral Committees under its purview.

On 1<sup>st</sup> – 5<sup>th</sup> September 2015, the Committee on Legal, Rules and Privileges held a meeting in Arusha, Tanzania to assess the status of implementation of Resolutions and Questions of the Assembly, Council



commitments made in the Assembly and *the Status of implementation of the decisions of the Council of Ministers for the period 2004 – 2014.*

The Committee inquired into the various Resolutions passed by the Assembly, Questions raised by Members and found some to have been implemented, some not implemented and others partially implemented.

## 2.0 OBJECTIVES OF THE OVERSIGHT ACTIVITY

The key objective of this oversight activity was to ascertain/assess the status of implementation of Resolutions and Questions of the Assembly, and Council commitments for the period 2004 - 2014.

## 3.0 EXEPECTED OUTPUTS

- (a) Committee report on the status of implementation of Resolutions and Questions of the Assembly, and Council commitments for the period 2002 – 2014 written;
- (b) Report of the Committee on LRP on the implementation of Resolutions and Questions of the Assembly, and Council commitments for the period 2004 – 2014 submitted to the House for adoption.

## 4.0 METHODOLOGY

In carrying out its mandate, the Committee employed various methods, which included the following:

- (a) holding a Committee meeting in Arusha, Tanzania from 1<sup>st</sup> – 5<sup>th</sup> September, 2015 to review literature on the implementation of Resolutions and Questions of the Assembly, and Council commitments for the period in issue;
- (b) Studying the East African Monitoring System (EAMS) to ascertain how it can enhance the oversight functions of the Assembly;

- (c) reviewing a matrix of the Assembly Resolutions and Questions asked during the period under review;
- (d) reviewing status of implementation of the decisions of the EAC Council of Ministers; and
- (e) Writing and adopting the Committee report for onward transmission to the House for debate.

## 5.0 FINDINGS AND OBSERVATIONS

- i. During the period under review, the Assembly passed 93 Resolutions some of which required concrete actions by the Partner States and the relevant EAC-Organs and Institutions while others were procedural, and others were by way of paying tribute (non-actionable).
- ii. While Resolutions requiring action were transmitted to the Partner States and the relevant EAC-Organs and Institutions, the Office of the Clerk rarely receives feedback from these entities on the status of implementation of these resolutions. This has been compounded by a lack of clear implementation modalities and feedback mechanism.
- iii. During a review of the Questions raised, it was found out that more time would be required to study the Hansard to be able to extract the Commitments made by the Council of Ministers before the House during the Questions and answer session, and thereafter the tracking of implementation of such commitments would be done.
- iv. It was found out that the EAC-Secretariat has put in place the East African Monitoring System (EAMS), which is designed to systematically and continuously help at collecting, analysing data on implementation of the EAC integration agenda and to provide

information at the right time to help in making informed decisions. EAMS serves as a speedy and effective way of providing informative reports.

- v. The EAMS is also used as a database for the decisions of the Summit, Council of Ministers and Sectorial Councils. Partner States are developing similar systems to be linked with EAMS for easy export and import of information regarding the implementation of their decisions. At present, four Sectoral Councils have started using the system. However, the EAMS excludes the EACJ and EALA. There is need to expand the system to include resolutions, questions and oversight activities by the Assembly, and decisions by EACJ.
- vi. The Committee established that in the Annual Report of the Council to the Summit critical issues pertaining to the Assembly are not sufficiently captured. In effect, such important issues that would require action by the Summit are usually left out and therefore, not addressed.
- vii. Owing to the absence of a well-managed database, some Questions have, over the years, been repeatedly raised by Members, some without concrete measures taken by the Council to address them.
- viii. It was also noted that for the Assembly to effectively execute its oversight mandate it needs to build a robust and well-resourced Research/Monitoring Unit, which among others, would ensure regular data collection and analysis.
- ix. The timelines for assenting to Bills passed by the Assembly as provided for in the Treaty were found to have been violated, and in some cases, reasons were not provided for withholding assent to Bills passed by EALA.
- x. Regular tracking and documentation of the implementation of EALA

Resolutions and Council Commitments is a critical tool/instrument in evaluating how far the Assembly has performed and executed its mandate.

- xi. It is incumbent upon all the relevant Organs and institutions of the EAC to ensure diligent and timely execution of their respective mandates in a bid to realize the principles, goals and objectives of the Treaty, and pillars of integration.

## 6.0 CONCLUSION

Whereas the Assembly may, by exercising its oversight mandate through monitoring and evaluation establish the status of implementation of its Resolutions and Questions, and Council Commitments, this process does not address the issue of compliance. Therefore, appropriate performance standards (implementation timelines, among others) need to be instituted and complied with by the relevant EAC Organs and Institutions.

## 7.0 RECOMMENDATIONS

In light of the above, the Committee recommends as follows:

- i) That the Office of the Clerk carry out a comprehensive assessment to establish the extent of implementation of EALA Resolutions, Questions and Acts which will act as a basis for monitoring.
- ii) That the Assembly urgently mobilizes resources to develop an on-line monitoring module under the East African Community Monitoring System currently operational at the EAC Secretariat that will serve as a database for regular monitoring and follow up of EALA Bills, Resolutions and implementation of Regional laws/Acts. The Assembly urges other EAC

- Organs, particularly the East African Court of Justice to adopt the same.
- iii) Those focal point officers (Country and EAC Organs and Institutions) be designated to undertake data collection and analysis, and overall operationalization of the monitoring module.
  - iv) The Office of the Clerk of the Assembly should ensure proper scrutiny of Motions and Resolutions to ensure compliance with the Treaty for the Establishment of the East African Community and other Laws of the Community.
  - v) In the intervening period, pending the establishment of the EALA Monitoring and Evaluation Unit, the EAC Secretariat Monitoring and Evaluation Unit should submit to the Assembly quarterly M&E Reports.
  - vi) The Clerk of the Assembly should always seek the input of the EALA Commission on the issues to be included in the Annual EAC Report to the Summit; and
  - vii) THAT this August House adopts the report and matrix of the Status of implementation of the Resolutions and Questions of the Assembly, and Council Commitments for the period 2002 – 2014 (herewith attached).

**The Speaker:** Thank you, Hon. Peter Mathuki, Chairperson of the Committee on Legal, Rules and Privileges. Hon. Members, the motion on the floor is that the report of the Committee on Legal, Rules and Privileges on Tracking the Implementation of the Resolution and Questions of the Assembly and Council Commitments be adopted. Debate is open.

**Ms Dora Byamukama (Uganda):** Thank you very much for this opportunity, Mr Speaker. I would like to support what the Chairperson of the Legal, Rules, and Privileges Committee has stated, and I would like to urge the Members to take keen interest in this very first report on the subject matter of tracking the work of EALA.

Mr Speaker, Sir, I will be brief but permit me - and I crave your indulgence while abiding by what you have ruled in respect to what has transpired before to say something, which maybe we may take home as we consider our role as Members of Parliament.

Mr Speaker, as all these issues were transpiring in the region, I remembered the famous saying of a priest in the name of Martin Niemoller who lived between 1892 and 1984 and is remembered for this quotation: *“First they came for the socialists and I did not speak out because I was not a socialist. Then they came for the trade unionists and I did not speak out because I was not a trade unionist. Then they came for the Jews and I did not speak out because I was not a Jew. Then they came for me, and there was no one left to speak for me.”*

Mr Speaker, Sir, I am glad you have ruled that we should not be complicit through silence - (*Applause*). I would like to plead that we quickly report on these matters because we must strike the iron while it is still hot. While at the same time, we must take into account the fact that we should not aggravate matters and that we should be constructive.

Mr Speaker, Sir, I would like to turn to the report where I would like to make only one point. This is on the issue of recommendations. I would like us to have another tracking mechanism to ensure that what has been recommended will also be implemented because you may find that we

are tracking the work of the Assembly but the work of this particular Committee on tracking needs also to be implemented. .

In line with this, I would also just want to make one point, which is the issue of capturing our work succinctly. Yesterday, H.E the Rt. Hon. Speaker of Senate who represented the President urged us to ask questions. And if we had had a compendium of what we have proposed – of the questions, resolutions, Bills and laws passed in this Assembly, we would have been able to hand this over to him and he would have been in a position to appreciate the work we have done. So, Mr Speaker, Sir, this is of utmost urgency so that we can share with the different Assemblies and the different Heads of Partner States as well as other key stakeholders the work that we do in order to sensitise the EAC on what EALA stands for and what we have accomplished.

Mr Speaker, Sir, it is said, “You either publish or you perish”. I do not think that we shall perish. By documenting, we shall put on record what we shall have done and our legacy will go before us. I thank you, Sir - *(Applause)*.

**The Speaker:** Thank you so much, Hon Dora Byamukama.

**Mr Joseph Kiangoi (Kenya):** Thank you, Rt. Hon. Speaker. I stand to support this report and I would like to say that this is a follow up mechanism that has been set in place and the follow up mechanism will indeed improve efficiency of our work in this Assembly.

Many a time, Mr Speaker we do sit here and ask questions; we sit here and pass motions and there is no follow up. Therefore, we find ourselves dealing with the same issue time and again; over and over again, same questions coming up when indeed those questions were asked and answered but we never saw them through to the end.

When this tracking is done – has been properly put in place- we shall know how far important issues that have been raised in this Assembly have gone and how they have been implemented so that the efficiency of this House is improved as I have said. That will also inform or help the user to identify areas of improvement. The user is ideally this Assembly and the people of East Africa.

Mr Speaker, we shall also use the previous decisions or implemented actions of Council and those of the Summit as authority for whatever we would like to do through tracking. They become sort of precedents to what we intend to undertake at a particular time. We shall be able to know that a particular matter arose at a particular time and was dealt with in this manner. Therefore, we have to now deal with it in such a manner based on the precedent already set.

This is a very important function that the Committee is undertaking and eventually, it will yield fruits for this Assembly and the Community at large. I thank you, sir – *(Applause)*.

**The Speaker:** Thank you, Hon. Kiangoi.

**Mr Abubakar Zein Abubakar (Kenya):** Thank you very much, Mr Speaker. I affirm that it is desirous for us, as an Assembly, to support this important report, and to support the efforts of this Committee of this Assembly in getting some of the decisions that are recorded by this Assembly and the resolutions that are passed by this Assembly to be acted upon.

Secondly, I would like to say that there are two ways of looking at this report and the appended summary of the resolutions, which have been passed by this House and are begging - crying out - to be implemented. One way of looking at it is by looking at it as a catalogue of shame. There are various resolutions that have been adopted over the period; they are absolutely important but waiting in a continent that

requires running to develop. These good measures proposed by this august House are still waiting and begging to be acted upon.

Therefore, you can look at it that way as a catalogue of shame or you can look at it as a challenge to us, to the Council of Ministers, and to the other Organs and Institutions of the Community, as pending work. If you are an office manager and you have two trays, one for incoming mail and the other for outgoing mail, and the outgoing tray is overflowing with paper, something has to be done.

So, I would like to urge the distinguished Chairman of this Committee, the hon. Peter Mathuki, together with the distinguished members of this Committee, to go a step further to consider - either in this meeting or in the next meeting, but I would prefer during this meeting and possibly next week - having a conversation with the Council of Ministers and the Secretariat and to draw their attention of this list that has been tabled here. I pray that the report will be adopted today so that you will be strengthened by holding in your hands a report that has been adopted by this House and say, all these things are pending.

Further, I will beg my brother, the honourable Chair of this Committee, to consider working with the Office of the Clerk so that all these motions can be posted on our website. That is something we can do. We do not have to wait for others to do something that we can do. I can tell you that I am a daily visitor to our website, and I would like to thank the Office of the Clerk and that of the Speaker for the improvements, albeit small ones, that are taking place on the website. However, the section that deals with motions has only two or three and yet they are plenty here. So, our people have plenty of materials to upload there. You could even be creative and put a red colour and say, "still pending" so that those who care to be ashamed a little bit, would see the

flashing red light and say, maybe we need to do something about this.

The last point that I would like to make is to make a prayer to the Chair of this Committee and the Committee as a whole to consider a small matter that I must declare I have a personal interest in. That is catalogue No. 54, which says, "*The Resolution of the House on the Adoption of the Charter for African Culture Renaissance: Date Adopted: 20 November 2013; Action party: blank.*"

It is the only one, which has a blank. Could you kindly allocate the duties to the Council of Ministers and the relevant parties there? I beg; I beg; I beg. Thank you sir - (*Applause*).

**The Speaker:** Thank you, Hon. Zein.

**Ms Valerie Nyirahabineza (Rwanda):** Thank you very much, Rt. hon. Speaker for giving me the opportunity to contribute to this very important report that we are debating here. But primarily, as a Rwandan, let me say *karibuni nyumbani* - (*Applause*).

I say thank you so much to the Commission for having chosen Rwanda to hold this meeting. I hope it will be fruitful, as always, as it is beginning today with the debate of this very important report.

Rt. Hon. Speaker, I have to declare that I am a member of the Legal, Rules and Privileges Committee, and, I, therefore, fully concur with whatever is highlighted in the report we are discussing today.

Before I go into the details of the report itself, let me also thank you, Rt. Hon. Speaker, for your leadership, and for being innovative because the activity that the Legal Committee undertook was the first of its kind - (*Applause*).

As you can see, the Legal, Rules and Privileges Committee was given the assignment to track the status of implementation of the resolutions and

questions of the Assembly, and the Council Commitments for the period 2002 up to 2014. You can see that even in the First Assembly no Committee was given an opportunity to undertake such an activity. Therefore, I thank you, Sir.

Now, back to the report, as I said, I am a member of the Legal Committee, and we were given that task to go into different Assembly resolutions, questions and Council Commitments. Of course, the work was too much. We were only able to go through the resolutions of the Assembly, and we found out that many of them have not been implemented at all.

Like my honourable brother hon. Zein was saying, we do not know exactly why these resolutions were not implemented. We were not provided with any reason as to why they were not implemented.

I just want to give an example, and I will be very brief. If you go to the report on pages 7, 8 and 11, we have many resolutions of the Assembly where the status of implementation is written as “follow up.” There are so many resolutions for which we do not know what is to follow. They may be having a budget implication, and we all know how our Community is handling its business, but we have to be informed because we have a common vision and we are working for the same population with our motto being: one people; one destiny. So, we must be held accountable and tell them what is happening.

Therefore, we were very much frustrated to see that even us as Members of EALA we do not know what has exactly happened in between. Whether it was due to lack of funding; whether some resolutions whose implementation was lying in the hands of Partner States were done or whether the Partner States were reluctant, we do not know.

So, Rt. Hon. Speaker, while we say this, we strongly commend the Secretariat for

establishing a Monitoring and Evaluation Unit. Last year, if I am not mistaken, as a member of the Legal Committee, you sent us to go and find out about the implementation of the Common Market Protocol within our five Partner States.

We were very sad to find that even though the Secretariat has information from each and every Partner State, we are not on the same page. We do not know what is happening, and it has gone to the level that each country is implementing its own things depending...I can see the Chair, Council of Ministers looking at me. The last time that I raised that issue, I was told that there was something being done, because the Council of Ministers had come up with a road map. This is not happening at the same level because we have been witnessing things happening differently.

So, that Monitoring and Evaluation Unit, which is hosted by the Secretariat is able to interact with various partners and they have information. Surprisingly, things from the EALA and those from the East African Court of Justice are not tracked at all. That is why one of the recommendations of this Legal Committee is for EALA to look for funds so that an M and E Unit is also established within EALA.

My second last point is that when it comes to resolutions or even Bills, I fully support our Clerk, specifically when amendments are done on the floor of the House. Of course we went through different resolutions but we didn't have enough time to go through different Bills and see whether everything – the kind of amendments that were recommended during plenary were also incorporated in the text and whether all the relevant amendments were really captured fairly.

That is why we need a compendium, which should be open to everybody so that we can track not only the implementation but also whether the decisions taken by the

Assembly are well integrated in the initial texts.

Rt. Hon. Speaker, it is better for this kind of activity to be undertaken as often as possible because this being the first of its kind, we saw that there was no way we could transact business. As my brother said, some Members come up with the same questions that were asked many years ago because there is no compendium to see which ones were asked before, especially the new Members.

Mr Speaker, we were frustrated in a way to see that for few questions of course. I am not saying that there are so many questions. For a few questions, the kind of answers that were provided or given by the Council of Ministers were contradictory. Therefore, it is not something, which is normal. We have to put an end to this. We are all working towards a common goal. We want the integration process to be effective and that is why we should abide by the recommendations that are highlighted in this report of the Legal, Rules and Privileges Committee, which I belong to. Otherwise, I support the motion and I urge my colleagues to support it. Thank you so much - (*Applause*).

**The Speaker:** Thank you so much, Hon. Valerie. Hon. Members, before we proceed, I take the honour to recognise the presence of our visitors who are in the gallery from the National Assembly of the Republic of Kenya. They are staff members of the National Assembly of Kenya, and they are the following: Mr Fredrick Otieno, Mr Moses Lemuna, Ms Martha Ndukuyu, Mr Onesmus Kiragu, Mr Albert Atunga, Ms Alice Mwendu and Ms Jacinta Kinano - (*Applause*). You are most welcome and pass our greetings to the National Assembly.

Honourable Members, in the interest of time, the motion before this House is that the report of the EALA Committee on Legal, Rules and Privileges on the

Implementation of the Resolutions and Questions of the Assembly and Council Commitments be adopted. May those in favour say – oh! Sorry before I put the question, can I ask the Chairperson to respond very briefly.

**Mr Mathuki:** Thank you very much, Rt. Hon. Speaker. Of course, I do appreciate and respect the importance of time, and I know you are going towards that direction, but before I respond, I want to thank you very much for warmly welcoming the staff members from the Kenya National Assembly. I am sure their presence here goes to ensure that they build their capacity and see what is happening. So, let them feel welcome.

Rt. Hon. Speaker, this is a Committee on Privileges, and I will say right from the onset that you are privileged, as Members of this House, to have been warmly received by the Government of Rwanda. I thank the Chapter members of Rwanda for their usual warm arrangements when it comes to receiving Members - (*Applause*).

Also, being a committee that deals with matters of good governance, please join me to congratulate the United Republic of Tanzania for the very peaceful elections, and very importantly so because I think that is the way to go - (*Applause*). There may be issues here and there in the elections, but the fact that they have maintained peace is something that we need to emulate and learn from.

Now to the report, Rt. hon. Speaker, I thank the honourable Members of this House for supporting this report and agreeing on one of the recommendations that the Clerk should avail resources to this Committee to do more activities related to tracking.

Therefore, I thank you very much, Mr Speaker and Members. We start by thanking Hon. Dora Byamukama for her able presentation and agreeing that either we publish or perish. We would not want

to perish as an Assembly. I thank you Hon. Dora for that.

I want to thank Hon. Joseph Kiangoi for his submission and agreeing that indeed he feels that the Committee has not done enough and we need to do more when we come to tracking. It is my commitment as the Chair, and indeed as members of the Committee, that once resources are availed, we shall be ready to work 24 hours, seven days a week, 365 days a year so that we ensure that things are done properly - *(Applause)*.

I want to thank Hon. Zein for his words of encouragement, and I thank him for challenging the Committee, and once again, the Council of Ministers to look through and engage with the Committee to understand the things that are not done and to give answers. The Rt. Hon. President of the Senate of the Republic of Rwanda again did this yesterday. That indeed, we need to keep on asking questions; we need to hold the Executive accountable. This can be done if there is engagement between this Committee and the Assembly plus the Council of Ministers.

Therefore, now I throw this to the Council of Ministers to make sure that indeed they convene and meet with us to ensure that they tell us where we are and when the Secretary General can avail more resources to us to undertake this very important activity. I want to thank Hon. Valerie for her submission - *(Applause)*.

**The Speaker:** Honourable Members, the motion before the House is that “*the Report of the EALA Committee on Legal, Rules and Privileges on the Implementation of Resolutions and Questions of the Assembly and Council Commitments*” be adopted.

*(Question put and agreed to)*

**MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND**

## **INVESTMENTS ON THE ON-SPOT ASSESSMENT OF THE ONE-STOP BORDER POSTS IN THE EAC REGION**

**The Speaker:** Chairperson of the Committee on Communication, Trade and Investments represented by Hon. Nancy.

**Ms Nancy Kabeyeka Lung’ahi Abisai (Kenya):** Thank you, Rt Hon. Speaker. I beg to move that “The Report of the Committee of Communication, Trade and Investment on the On-Spot Assessment of the One-Stop Border Posts in the EAC” be adopted.

*(Several Members stood in their places to second the motion)*

**The Speaker:** Seconded by Hon. Yves, Hon. Mbidde, Hon. Straton, Hon. Frederic, Hon. Bernard, Hon. Ndahiro, Hon. Kessy and all the Members standing.

**Ms Abisai:** Mr Speaker, sir, EAC recognizes that regional infrastructure interventions are key to attracting investment into the region, improving competitiveness, and promoting trade. The EAC adopted the use of One Stop Border Posts (OSBPs) to facilitate trade and movement of people in the Community, and consequently EALA passed the EAC OSBP Bill to legalise the concept.

The objective of One-stop Border Post is to facilitate movement of people and trade by reducing the number of stops involved in a cross-border trade transaction by combining the activities of both countries’ border control agencies at a single location with simplified procedures and joint processing and inspections where feasible. It is also designed to reduce the time taken to clear passengers and goods at the border.

OSBP minimizes delays at cross border points on major transport corridors in the region, often because of poor facilities, manual processes, lengthy and un-integrated procedures and poor traffic flow.



It entails combining two stops and consolidating functions in a single public facility for exiting one country and entering another. The effect is reduced travel time for passengers and freight vehicles.

One-Stop Border Posts lessen delays and facilitate inter-regional and international transport and road transit. When exiting one country and entering another, OSBPs combine two stops into one, enabling border agencies to perform joint security controls, reducing travel time and delays for both passenger and freight vehicles.

Chapter 9 of the Treaty stipulates functions of the EALA and its core functions include legislation, oversight of EAC Programmes and activities and representation among others.

To exercise its oversight role as mandated in Article 49 of the Treaty for the establishment of the East African Community, The EALA Committee on Communications, Trade and Investment therefore found it imperative to undertake an on-spot assessment of the selected OSBPs of EAC Partner States to check on their construction and implementation in the region.

## 2.0 OBJECTIVES OF THE ON-SPOT ASSESSMENT

The overall objective of the on-spot assessment was to assess the progress of the construction and implementation of the One Stop Border Posts Project in East Africa but specifically:

- (a) To find out on the status of the operations and implementation of OSBP project and its effect on the movement of people and EAC business environment;
- (b) To interact with stakeholders and identify the opportunities and challenges affecting the implementation of effective OSBPs; and

- (c) Come up with relevant recommendations.

## 3.0 METHODOLOGY

The Members of the Committee on Communications, Trade and Investment carried out a tour on the selected OSBP in two phases. The first phase covered OSBPs of Mutukula (Uganda/Tanzania), Mirama Hill/Kagitumba (Uganda/Rwanda) and Rusumo (Rwanda/Tanzania) from 8<sup>th</sup> to 11<sup>th</sup> April 2015. While the second phase covered Lunga Lunga/Horohoro (Kenya/Tanzania), Taveta/Holili (Kenya/Tanzania) and Namanga (Tanzania/Kenya) from 30<sup>th</sup> September to 3<sup>rd</sup> October, 2015 to assess the services and infrastructure in place, and also held meetings with various stakeholders from the government and private sector to discuss issues of OSBP with regard to Trade Facilitation in the Community.

The stakeholders that participated in the on-spot assessments included Revenue Authorities, Immigration, Bureau of Standards, Police, Clearing and Forwarding agents, Traders, Transporters, Local Authorities, Development Partners and EAC Secretariat among others at the respective border posts. The Committee Members held meetings at specific OSBPs with respective stakeholders. From these visits and meetings, the committee took stock of the observations and recommendations to report to EALA.

## 4.0 FINDINGS AND OBSERVATIONS

### 4.1 SPECIFIC FINDINGS AND OBSERVATIONS

#### 4.1.2 Mutukula (Tanzania Side)

Members of the Committee conducted a guided tour on the infrastructure and facilities of the OSBP Tanzania side and the following observations were made:

1. Members were informed that the construction of the OSBP started on

13<sup>th</sup> July 2012 and it was expected to be complete by 2014 at a cost of USD 4.4 million. However, the completion deadline could not be met due to various reasons including the following among others:

- (a) Late handover of the site;
  - (b) Floods as a result of continuous rains;
  - (c) Power outages and shortages;
  - (d) Delays in the demolition of existing buildings that were still occupied; and
  - (e) Continuous changes in scope to accommodate further improvements of the site.
2. Despite the challenges mentioned above, the construction was 90% complete only remaining with the completion of the parking yard and installation of computers. Therefore, it was mentioned that full operationalization of the OSPBP was expected in June 2015.
  3. Many stakeholders including some of the Customs officers portrayed limited knowledge on the operations of the OSBP.

#### 4.1.3 Mutukula (Uganda Side)

1. The OSBP Project started in 2012 at a cost of USD 5million and the completion was expected in 2014 however, the site was handed over to the contractor in 2013.
2. The work progress was 85% indicating that the expected completion deadline could not be met due to the following challenges:
  - (a) Delay in handing over site to the contractor;
  - (b) Re-designing challenges;
  - (c) Interruptions as a result of terrain of the area and continuous rains;
  - (d) Delays in the release of funds by the Ministry of Finance; and

(e) Delays in relocating the Police Station offices, which are occupying the site of the parking yard.

3. Despite the above challenges, it was mentioned that the remaining unfinished part of the project was expected to be complete by 31<sup>st</sup> May 2015.
4. Differences in structural designs and on the two sides of the OSBPs were observed.
5. Members observed a disagreement on the direction and location of the water channel between Uganda and Tanzania. However, Members advised that it could be negotiated and resolved amicably during a border management meeting between both countries.
6. It also observed with concern at Mutukula that the type of tiles that were used for flooring are too glossy, slippery, and prone to accidents.

#### 4.1.4 Mirama Hills

1. The project is called Proposed Kagitumba/Mirama Hills One Stop Border Post Facilities at Mirama Hills. Trademark East Africa financed this project at a cost of USD 7.8million.
2. The site was handed over to the contractor on 14<sup>th</sup> June 2013 and the construction works started on 3<sup>rd</sup> July 2013.
3. It was said that the work was 94% complete and further mentioned that notable progress on site has been registered on road works where rigid pavement wearing course casting has been done and general landscaping.
4. Buildings have substantially been completed with final finishing works in progress including final coat painting, electrical and plumbing works.
5. Electromechanical installations were also progressed in the wastewater treatment plant; fencing was well advanced around the site.

6. It was mentioned that the outstanding critical areas included:
  - (a) Road works such as road markings and signage around the site;
  - (b) The verification ware house which left with internal finishing including electrical and plumbing works, cold room installations, Kitchen hood and extractor fans;
  - (c) Power supply, main switchboard panel fabrication, generator and fuel storage tank supply. All these items are on a critical path and they require to be fast tracked.
7. It was observed that the road connecting Mirama Hills border to Kampala Highway is in a very poor condition.

#### 4.1.5 Kagitumba

1. The project is called Construction of Two Bridges at the Rwanda/Uganda border at Kagitumba/Mirama Hills. The contract was signed on 30<sup>th</sup> September 2014 and the site handover and construction commencement on 15<sup>th</sup> October 2014 at a cost of USD 8.2millions.
2. The construction was 95% complete and the overall project completion was expected to be 20<sup>th</sup> May 2015 including the construction of border management accommodation.
3. The construction works for both bridges on River Muvumba have progressed and are 50% complete.
4. High Voltage Power Supply pole installations by EWSA had commenced on site; the works including transformer and its metering unit were to be completed by 10<sup>th</sup> April 2015. It was also the same date that the contractor was required to have finished installations for the Underground Power Distribution, Main Switch panel and the generator.
5. Water Supply line from the reservoir in

Matimba had been completed to the Underground water storage tank as well as plumbing works and level controls installations.

6. Generally, all building works were almost complete while Landscaping and Recycled water irrigation systems were in progress on site.
7. Extra works that have been discussed on site included Sheds for the local traders but this was to be done in another phase of the works.
8. Structured Cabling, Clean Power and relocation of fibre optic cable from the existing Customs and Immigration offices to the new server room were the critical outstanding items on site.
9. Rwanda Revenue Authority was required to constitute a team to be trained on various operation aspects of the installations and as a requirement for maintenance purposes.

#### 4.1.6 Rusumo

1. The project is called the construction of the new Rusumo Bridge and One Stop Border Post facilities between the Republic of Rwanda and the United Republic of Tanzania. The cost of this project is Japanese Yen 3.2billion funded by Japan International Cooperation Agency (JICA).
2. The contract for execution of the construction works was signed and commenced in May 2012 with expected completion in December 2014.
3. The scope of works on this project comprised the following:
  - (a) Rusumo bridge;
  - (b) New Road between border facilities approximately 2kms;
  - (c) OSBP Facilities such as site area, administration building, verification storage, control shed, and guard house; and
  - (d) Equipment such as computers, Emergency Generator, Forklift and the Internal Telephone System.

4. On the Tanzanian side, the construction work is complete. However, the following items are still pending:
  - (a) Connection of water supply to OSBP facilities. The contractor is on site and water connections are in final stages waiting for funding;
  - (b) Connection of Electricity to OSBP Facilities. It was said that during the stakeholder meeting at the Ministry of Works Tanzania, it was agreed that TANESCO had to start processing for electricity connection from Rwanda and the request had already been made on 18<sup>th</sup> March, 2015;
  - (c) Procurement of furniture for OSBP facilities. It was mentioned that specifications and cost estimates for the required furniture had been prepared waiting for funds and further procurements procedures; and
  - (d) The Staff quarters are under construction.
5. On Rwandan side, it was observed that all OSBP facilities were complete and ready with water and electricity connections except for staff quarters that were not part of the project. However, the request was already made. Apparently, each institution represented at the OSBP caters for the accommodation of its staff.
6. It was further mentioned that both sides of Rusumo border operate on 16-hour basis however, once the OSBP is operational, the borders will operate on a 24-hour basis.

#### 4.1.7 LUNGA LUNGA/HOROHO

At Horohoro, which is on the Tanzanian side, the OSBP project started in July 2012 under the funding from the World Bank. The type of the OSBP is juxtaposed. The structures are now complete however it is not yet in operational due to some remaining installations such as washrooms for staff and passengers, ICT Infrastructure although Fibre network cable was laid. The major components of the project included the Building, Parking lot, construction of roads; the customs ware house and the examination shed.

Exclusive room reserved for use by the adjoining state was observed. However, no provisions in the structure for quarantine services for example reserved rooms for sick people, no provisions for People with Disabilities such as pathways for wheel chairs and lifts, no incinerators and holding grounds. The biggest challenge faced is lack of water supply at Horohoro.

At Lungalunga, which is on the Kenyan side, the OSBP project started in 2012 and was supposed to be completed by 2014 through the funding of World Bank. However due to some operational challenges between the World Bank and the Government of Kenya, the project could not be completed as planned.

A number of challenges were observed at this border such as shortage of water supply and lack of scanner. It was also mentioned that certificates of origin are approved in Mombasa rather than at Lungalunga. There is an established Cross Border Traders Association at Lungalunga however, it is non-existent at Horohoro.

#### 4.1.8 TAVETA/HOLILI

The OSBP Project at Taveta started in 2012 under the funding of Trade Mark East Africa. The project components included the construction of Administration Block, Parking Area, and the Scanner although it is not yet fixed. Some of the challenges

faced at Taveta include shortage of staff accommodation and shortage of water.

At Holili, which is the side of Tanzania, the OSBP Project started in July 2012 through the funding of Trade Mark East Africa and was completed February 2014 but handed over by the contractor in February 2015. Although there are still outstanding issues such as construction of the incinerator, dispensary and areas for animal holding and shortage of water, the OSBP is operational.

While at Holili, the issue of yellow fever certificates requirement on passengers came up, and it was mentioned that EAC held a regional meeting to this regard and it was recommended that all Partner States should undertake yellow fever vaccination on their citizens as per the recommendation of World Health Organisation (WHO).

#### 4.1.9 NAMANGA

On the Tanzanian side, the Project was funded through JAICA and completed by Dec 2014. However, the contractor has not yet handed it over due to some outstanding issues. The outstanding issues include shortage of water and furniture. It was noted that the African Development Bank through EAC Secretariat would provide furniture. The facility is expected to be occupied by January 2016.

On the Kenyan side, the project commenced in January 2013 and the expected completion was January 2014 through the funding of African Development Bank (ADB). However, due to various factors the approved completion date was extended to May 2014. From then, the Engineer decided to levy liquidated damage on the Contractor for delay as per the terms of the Contract. The Contractor disputed the decision and refused to submit his next payment certificate with liquidated damage being deducted. This has paralysed the cash flow of the Contractor and currently activities on site are minimal.

The scope of OSBP Works involves the following:

- (a) Construction of main building, warehouse, roads and parking facilities for immigration and customs services at the border;
- (b) Electrical, mechanical, plumbing, drainage and laboratory fittings;
- (c) Mechanical ventilation and air conditioning;
- (d) Installation of a generator set;
- (e) Roads and parking, footpaths, drainage and civil works in and around the main building facility;
- (f) A new alignment of road to Amboselli park with a length of 1 km off the main road and to gravel wearing course standard;
- (g) Box and pipe culverts; and
- (h) Road furniture.

#### Challenges at Namanga

- (a) Lack of procedures for cross-border clearance/movement of the local communities;
- (b) Erratic power supply;
- (c) Inadequate clean water supply;
- (d) Lack of funds Joint Border Committee activities as contained in the work plan;
- (e) Lack of drive-through scanners for goods carrying vehicles;
- (f) Lack of specially constructed and enclosed area for parking and verification of vehicles laden with explosives;
- (g) Lack of power points for plugging refrigerated carriers of perishables and fresh produce;
- (h) Lack of sheltered walk ways to and from the OSBP main building for persons transiting through the OSBP;
- (i) The drainage was channelled through the community area which seemed dangerous;
- (j) Vendors/Hawkers at Namanga border complained of not being given common space to do their businesses;

- (k) Inadequate knowledge of benefits of trading within the EAC and information of existing trading opportunities;
- (l) Mushrooming of structures along the no man's land thereby compromising the security and Joint border surveillance operations;
- (m) Review of the Namanga Kenya/Tanzania OSBPs by Joint Border Committee with a view of establishing the critical resources that need to be made available for effective implementation of the OSBPs.
- (n) Establishment of business centre at the OSBP to assist those have difficulties in various processes, provide a platform for exchange of information between private and public sector, co-ordinate joint training with the stakeholders, and provide adequate communication channels and seek community collaboration in our processes.

## 4.2 GENERAL FINDINGS AND OBSERVATIONS

### 4.2.1 Benefits

It was observed the OSBP improves trade facilitation through the following:

- (a) Reduces the duplication of border processes hence reduced time spent at the borders;
- (b) Improves efficiency and effectiveness of border processes;
- (c) Improves the relationship between institutions operating at the border posts and citizen between two Partner States;
- (d) Increases the volumes of traded goods between Partner States;
- (e) Creates employment opportunities to local community at the borders;
- (f) Reduces congestion and disorganisation tendencies at the borders;
- (g) It was observed that currently, all

OSBP operations are on a bilateral basis and guided by the OSBP Operational Procedures Manual between specific Partner States until such a time when the EAC OSBP law comes into effect;

- (h) It was observed that the Joint Border Coordinating Committees were established at the OSBPs to regularly meet and discuss the outstanding issues to provide recommendations;
- (i) Sensitization programs need to be up-scaled at the OSBPs to various stakeholders.
- (j) Joint border operations such as verification and examination of goods at most of the OSBPs.

### 4.2.2 Challenges

The following challenges were identified in the implementation of the OSBPs:

- (a) Limited knowledge on some of the borders with regard to the operations of the OSBPs;
- (b) Limited infrastructure to provide social services and facilities at most of the borders such as schools, hospitals, banks among others;
- (c) Stakeholders at all borders appreciated the benefits that would result from the OSBP Project;
- (d) It was observed that accommodation facilities for staff are lacking or located in distant areas from the border posts;
- (e) It was observed on all borders that there are no operating manuals and regulations to assist in the implementation of the OSBP;
- (f) There was disparities in operating languages at the borders for example English versus Swahili;
- (g) Water supply at most of the borders is a serious challenge.

## 5.0 RECOMMENDATIONS

- (a) Training and sensitizations programs on OSBP operations and procedures to all stakeholders should be carried out on a continuous basis;
- (b) Infrastructure to provide social services and facilities such as schools, hospitals, banks, community markets and water among others should be developed at the border posts;
- (c) All remaining works at all OSBPs should be fast tracked to allow its implementation for further integration;
- (d) Partner States that have not assented to the EAC OSBP Act should do it as soon as possible to provide a legal framework for the implementation of the OSBP in East Africa;
- (e) The Committee should complete the visits to all other EAC OSBPs to assess their current status;
- (f) Teamwork at all border posts should be upheld for smooth implementation of the OSBP;
- (g) Scanners, metal detectors and strong rooms should be installed at all borders for security purposes;
- (h) Sustainable environmental management programs should be provided for at all OSBPs;
- (i) The development of manuals and regulations should be fast tracked to assist in implementation of the OSBPs;
- (j) User-friendly materials and facilities should be used at the OSBPs. For example, glossy and slippery tiles that may cause accidents to passengers should not be used at the OSBPs;
- (k) Partner States should uphold the principle of efficient and effective management of shared resources at borders;
- (l) The poor roads connecting OSBPs Highways should be fast tracked to facilitate the movement of people and goods;
- (m) It was recommended that the Joint

Border Coordination Committees should regularly meet and provide solutions on the cross-border issues affecting the operations of the OSBPs;

- (n) The Committee urges Partner States to provide constant supply of clean and safe water together with descent sanitation systems;
- (o) The Committee urges partner States to issue the certificates of Rules of Origin at all the OSBPs
- (p) The Committee should visit other regional blocks that operate the OSBPs to learn the best practices.

## 6.0 CONCLUSION

The One Stop Border Post project in East Africa bears more benefits than challenges with regard to cross-border operations as it promotes the ease of doing business and movement of people. The OSBP currently operates on a bilateral basis between respective Partner States. However, the OSBP operations need to be backed by a regional legal framework. Therefore, the assent of EAC OSBP Bill by Heads of State that was passed by EALA needs to be finalised for the implementation of One Stop Border Post at a regional level.

Mr Speaker, Sir, I beg to submit.

**The Speaker:** Thank you very much, Hon. Nancy standing in for the Chairperson. Hon. Members, the motion before the Assembly is that the *“Report of the Committee on Communication, Trade and Investment on the On Spot Assessment of the One Stop Border Posts in the EAC”* be adopted. Debate is open.

**Ms Shy-Rose Sadrudin Bhanji (Tanzania):** Thank you, Rt. Hon. Speaker for giving me this opportunity so that I can also contribute to the report on CTI. Before I begin, let me express my gratitude to our host government for the very warm

welcome here in Kigali and for creating an enabling environment for EALA to take place here. *(Applause)* My special thanks also go to the people of Rwanda for their good hospitality and Rwanda EALA Chapter for welcoming us and taking good care of us. *Asanteni sana. (Applause)*

Mr Speaker, please allow me to convey my heartfelt condolences to H. E. President Paul Kagame for the loss of his mother. *Poleni sana.*

Rt. Hon. Speaker, now allow me to contribute to this report on CTI. I would like to begin by congratulating the Chair of CTI and the entire CTI Committee members for conducting this oversight activity at our border posts.

Rt. Hon. Speaker, I have read this report and I am very concerned. I am very concerned, Mr Speaker because of the non-implementation of the decisions made in this Assembly. Even though in this report we are told between 85 and 95 percent of work is done in the construction of these one stop border posts but the issue here I wanted to hear was 100 percent implementation of the construction and full operation of these one stop border posts. *(Applause)* I know the reasons have been given but to me, they are not good enough. I was expecting to hear very good news.

Mr Speaker, but not completing construction 100 percent, then we are negating the spirit of integration. If we can go to the background of this report on page 2, allow me to read: “EAC *recognises that regional infrastructure interventions are very key to attracting investment in the region, improving competitiveness and promoting trade*”. It further goes on to say, “*The EAC adopted the use of the one stop border posts to facilitate trade and movement of the people in the Community and consequently, EALA passed the OACBP Bill to legalise this report.*”

Mr Speaker, the more we keep delaying completion of these one stop border posts, we shall be going against the whole idea of facilitating easy movement of people and transporting goods by the business people. We all know that trade is very key in integration.

Therefore, if our people continue to face so many challenges at border posts and they are subjected to NTBs to pass through our borders, then I think we have to review this Community. Why do we keep talking about the same thing repeatedly? What is the problem in this Community? Why are we not moving forward? I know there are things that have been done but if we compare the former East African Community to this one, the former’s progress was more visible. You could see them moving but this Community, which is 15 years old but we are everyday in this Assembly talking about the same problem over and over again.

The one-stop border posts were a key project for our people. However, what are we doing? What is the problem? Chair, Council, what is the problem? *(Applause)* This is not good and it does not bring a very good impression to our people, and the Chair Council is just laughing - *(Laughter)*.

Mr Speaker, as we are debating this report, the Bill on One Stop Border Posts of 2013 has not been assented to, what is the problem? *(Applause)*

**The Speaker:** Hon. Shy-Rose, you may wish to know that this Bill was a Council Bill. It was not a Private Member’s Bill.

**Ms Bhanji:** Thank you, Mr Speaker. Maybe we shall get good answers from the Chair, Council of Ministers because this was a Bill brought by the Council of Ministers.

Lastly, Rt. Hon. Speaker, I am appealing to all our Heads of State to assent to this Bill. I know there are about 22 pending Bills to be assented to, if I am correct, but this



particular Bill, Chair Council, is very critical to the people of East Africa.

Rt. Hon. Speaker, let me finish by making a very special appeal to the Chair, Council of Ministers. Just by preparing this Bill, money was spent. By this Assembly sitting, debating and passing the Bill, a lot of money was spent. Now, if we do not make it a point to assent to this Bill, can we conclude that we are not interested in the progression of the Community?

I would like to believe that we all have good intentions for this Community. I keep saying time and again until I get bored with myself by saying that we created this integration of EAC to improve the lives of our people. However, it looks like we do not care about our people. We want our people to suffer; we do not want our people to make progress. Are we really concerned?

For me, honestly, Rt. Hon. Speaker, sometimes I feel like crying. When you travel upcountry and you see the economic conditions of our people, some people live on US \$ 1 a day yet and such Bills, which would improve their lives, take so long to be assented to. That is all from me, Rt. Hon. Speaker. I thank you so much - *(Applause.)*

**The Speaker:** Thank you, Hon. Shy-Rose.

**Mr Straton Ndikuryayo (Rwanda):** Thank you, Rt Hon. Speaker for giving me this opportunity to debate on this important report. First, I would like to join my colleagues to welcome you, Rt Hon. Speaker and my colleagues, Hon. Members here in Kigali in the Republic of Rwanda. You are welcome - *(Applause.)*

Rt Hon. Speaker, I am very proud to say that the one-stop border post project is a core trade facilitation mechanism. Trade facilitation is very important because it has a major impact on bringing down transaction costs. It essentially concerns the cost of clearing goods for import and export. It aims at simplifying not only the

documentation required to clear goods but also the procedure employed by all border agencies.

Rt Hon. Speaker, the one stop border post is one of the trade facilitation agreements, components, which was adopted by this Community as stipulated under the background of this report. As the objective, it is well stipulated that it is there to reduce the number of stops incurred in cross border trade transactions by combining the activities of both countries' border organisation at a single occasion and also to increase the effectiveness of cross border controls through greater data sharing and cooperation.

Rt Hon. Speaker, during this on spot assessment, much as there is improvement and good performance, you have seen there is construction progress and construction implementation is above 90 percent at most of the border posts but there are some few issues I would like to highlight. One, there is lack of decentralisation of some services at the border posts as it is highlighted in the report.

Some stakeholders informed the Committee that they are still travelling from the border posts to the main cities for verification if the certificates of origin are genuine. They are moving from the borders to Mombasa and others are moving to other cities. Rt Hon. Speaker, the challenge here is that there is lack of automation of some services, which can be done electronically and instead of moving because, it means incurring more costs of doing business.

There is also lack of uniformity, if I may say, in terms of infrastructure in the services. Where you find that at one stop border post, they have like financial institutions but others do not have. They even do not have money transfer services. The other, as mentioned in the report, was an issue of water and sanitation. Some border posts have pipelines but without water. You can imagine how the border,

which can accommodate more than 200, people a day not having water.

Rt. Hon. Speaker, despite those challenges, I also have to thank the development partners who have continuously supported the one-stop border posts in East Africa. I would particularly want to mention them by name; one is Japan International Cooperation Agency (JICA), the World Bank, Africa Development Bank, Trade Mark East Africa etcetera.

Lastly, Rt. Hon. Speaker, I want to conclude saying that because of lack of awareness of some stakeholders, there is need of sensitisation programmes. This sensitisation should be carried out, not only by the government but also by the private sector and the different agencies for the benefit of our citizens.

With these few remarks, Rt Hon. Speaker, I declare that I support the report.

**The Speaker:** Thank you, Hon. Straton.

**Mr Bernard Mulengani (Uganda):** Thank you very much, Mr Speaker. I want to join you, Mr Speaker and all the other colleagues that have spoken before me to thank the Republic of Rwanda, our colleagues for the hospitality since our arrival and we are continuing to enjoy up to the 10<sup>th</sup> of December 2015. *(Applause)* We promise to enjoy, Mr Speaker. *(Laughter)* We want to assure them that we shall indeed enjoy our stay.

Mr Speaker, I want to say that I sit on this Committee, and therefore I will say that I support the report. I want to bring out another dimension in debate of this report to say what we eventually saw that was not in the objectives.

Mr Speaker, there is resurrection of hope among the people. When people see tangible structures on the ground they start having hope that yes, the integration is coming. *(Applause)* We have been urging the Community to move away from

continued consultancies; from continued paper work and we now start implementing what we have been planning for the last 10 plus years.

Mr Speaker, on arrival at the one-stop border posts, the comments from the people and the anxiety to get involved was actually very high. *(Applause)* This drives me to my next point, Mr Speaker and colleagues.

The issue of Constitutions within the region being different. While in Namanga, on the Kenyan side, the residents were demanding that the OSBP there include local percentage of 70 percent because that is what the Constitution of Kenya says. Now, on the other side of Tanzania, it is different.

The challenge we saw and that we seek from the Council to address is on structures of the Community. How shall we harmonise where Member State Constitutions are not in tandem? Because these are structures that are coming up at a regional level, implemented in Member States and, therefore, Constitutions of Member States prevailing.

Mr Speaker, the other issue that the Committee has mentioned continuously in every OSBP is the lack of water; lack of housing for the staff; lack of schools; lack of proper sanitation, mention it- in the social sector.

Mr Speaker, my observation, again, and other colleagues, was that the structures put at these border posts demand very senior officials of Government to sit in those places. What is happening is that there are no houses; nor facilities and so they commute from very far to go and work. Now, I want to think that because we said we were going to visit, we were with most of these big people. However, when I looked at their looks, I thought they don't reside in those areas. And what does it mean in terms of service delivery? I do not want to labour into that area.

There is a challenge on service delivery – delayed service delivery; delayed decision making resulting from the non-residence of the officials of these OSBPs. It is high time that the Council considers – we know it is just the beginning but it is the high time the Council considers addressing these concerns.

In the area of water, Mr Speaker I want to report that while Kenya is planning to put water on the side of the OSBPs on its side, they are not taking under consideration to do the same on the side of Tanzania. The reasons are simple; that the boundaries are still there.

If we are planning OSBPs that are going to help our people, we need to look at the water resource. Water has no boundary other than tapped water now. We need to plan for the entire OSBP. It may be the interest of Council to consult their colleagues in the Partner States where the OSBPs are operating to see whether they can interest them to agree to extend services or plan jointly since joint planning may help in terms of costs for putting up some of these facilities.

The other observation, Mr Speaker was that, as we say in our report, sensitisation has been going on since the inception of the OSBPs but the level of knowledge – I don't know who the sensitisation is addressed to because there is glaring ignorance on the operations of the OSBPs. It is my wish to encourage the Secretariat and the relevant ministries of East African Community to involve the political Organ of the Community in this sensitisation to enable or to help them enhance the issue of sensitisation.

Mr Speaker, the Partner States are operating bi-laterals. I want to say that I was not able to read all the bi-laterals but it seems like they change from one country to another. I want to encourage that maybe the region harmonises bi-laterals as we move towards harmonisation and signing of the

East African Community One Stop Border Post Bill.

The other observation, Mr Speaker is what Hon. Straton mentioned in terms of differences in structures. Sir, I want to thank the donors but also to say that we are playing in the hands of the donors. They are succeeding in ensuring that we fail even to harmonise things that we have planned for.

I do not see if an individual – I will quote a person in Uganda – an individual operating Crane Bank can decide to build Crane Banks that is identifiable all over the country and you will know the owner. Why can't we in the region that are building infrastructures of the region but you can't tell whether they belong to the region or for a Partner State? I have kept on referring - it looks something small but it sends a message; it is visible. I say, people want to see. So, if they cannot know that this structure resembles the East African Community, then we are not selling; we are not branding the Community.

I want to urge the Secretary General and, therefore, the Council that let us try to design or plan for things especially in infrastructure like buildings. The Inter University Council is putting up a building; the Science Commission will put up a building; the Research Commission and the Swahili Commission will also put up buildings, what is wrong with these structures resembling so that on arrival, a person will just know that this is an infrastructure of the Community?

I want to encourage such ideas in the Community because they will show visibility, and they will show your existence and they will show the tangible things that are being done just without mentioning it.

Mr Speaker, lastly, the issue regarding the private agencies that complement the OSBPs to accomplish their duties, like the insurance companies, clearing agents, in

some places they complained that they wanted their own space. However, indeed the reasoning of the managers there was good. However, there is a lot of work that needs to be done to be able to control these other private agencies that help in accomplishing the services of the OSBPs.

If an insurance person or a clearing person delayed clearing of goods because of some other reasons that are not known it may create challenges to what we are trying to curb and I want to say that in Namanga specifically where insurers and clearing agents were thinking that the facility now will be available for them also to get space.

Our argument to them was that they were not party to the building but they would get space somewhere and be able to be closer but the other point is that they need to be regulated. Where they don't comply with the regulations or they default customers or clients, the OSBP management should be able to penalise and hold them accountable.

Mr Speaker, with those few remarks, I want to thank you for the opportunity and I support the report.

**The Speaker:** Thank you, Hon. Mulengani. Let us be brief in order to allow many Members to participate because we have another activity after this plenary.

**Ms Hafsa Mossi (Burundi):** Thank you, Rt. Hon Speaker for giving me this opportunity. I want also to associate myself with those who spoke before me in thanking the Government and people of the Republic of Rwanda especially the Rwanda Chapter for the warm welcome and the hospitality. *(Applause)* Indeed when we come to Rwanda, we feel at home, right from when we arrive at the airport, you feel like you are a VIP and indeed we appreciate.

Rt. Hon. Speaker, I am in support of this report and I also want to commend the Committee on Communication, Trade and Investment for having undertaken this

activity in assessing whether traders in East Africa are enjoying the facilitation of trade through the one stop border posts but also enjoying the implementation of the Common Market Protocol, which entails free movement of people, services, capital and rights of establishment.

Mr Speaker, Sir, as it was shared by the members of CTI, through this report, others have alluded to the need to improve knowledge of benefits in trading but also trade opportunities. I want to associate myself with others who have proposed that sensitisation be done especially by this Assembly and I would even go further to request that means be availed so that we can perform this activity.

Mr Speaker, Sir, I would also tend to think that it will be helpful for the Investment Promotion Agencies across the region to avail information at the borders as to help those who intend to invest in our Partner States to have the information easily. *(Applause)*

Rt. Hon. Speaker, as it was said by my colleagues, the Assembly aware of the need to facilitate trade in the EAC but also aware that the East Africa Community is people centred and private sector driven, this Assembly has worked on a Bill and I would like to have the commitment of the Council of Ministers that they are going to work to make sure that this Bill is assented to.

Mr Speaker, on a lighter note, I want to talk about another Non-Tariff Barrier to trade, which is time. I would wish that we harmonise the time. We know that two Partner States are behind the others by one hour. Sometimes traders come to the borders only to find when they are closed because the time is not harmonised. Therefore, I think it is high time that we harmonised the time so that traders can be free to move in different Partner States. *(Applause)*

Lastly, Mr Speaker, I want to support the idea of completing the visit in different Partner States so that we can have a complete report on this aspect.

With those few remarks, I beg to support.

**The Speaker:** Thank you, Hon. Hafsa Mossi.

**Mr Issa Twaha Taslima (Tanzania):** Thank you, Rt. Hon. Speaker. I would like to join my colleagues in acknowledging that we have had a nice time and we expect more nice time with days to come. We, therefore, thank the people of Rwanda, right from the government to our fellow Members in this House and the other fellows on the streets. We enjoy everywhere we go.

Now, Mr Speaker, I would like to make some few comments on the report. I support the report but with the comments that I want to put across. It is true that the OSBPs are a glaring symbol of integration in East Africa. There is no doubt about it. In fact, I am informed that other regional groupings in the world have been labouring very much on this thing and for us to be able to reach at this point; we have made achievements in something, which has been difficult for other others. Therefore, it is commendable and we have to pull all our efforts to make sure it is done to its full completion.

The observations that I have are that expect for the Mutukula border post, which is undisclosed, all other border posts have had their funding provided by donors or call then development partners. Some of my colleagues have said this but what I want to say is that it shows that we are far from self-reliance. We have been saying this things many times but self-reliance is the issue that we have to be craving for - (*Applause*). Another thing, Mr Speaker is that for us to just have a building - let me not go very far about it- let me go to another observation.

Another observation is about the completion dates. The completion dates of

almost all the OSBPs that have been mentioned in this report are not disclosed. The completion dates that are indicated or disclosed have long passed and I have put the examples. If you go through the report and you look at page 4, you find that they are talking about the Mutukula border post. They are saying, "*Therefore, it was mentioned that the full operationalisation of the OSBP was expected in June, 2015.*" So, you will find that June 2015 has long passed and there is no information about what the expectation of another date for it to be completed. That was Mutukula on the Tanzanian side.

Now, Mutukula on the Ugandan side, at page 5, it is written that: "*It was mentioned that the remaining unfinished part of the project was expected to be completed by 31<sup>st</sup> May, 2015.*" After that, there is no mention of any other date, which we can now be expecting to be finished. So, the finishing dates are undisclosed and this goes on even for the Kagitumba at page 6, where it says, "*The construction was 95 percent complete and the overall project completion was expected to be 20<sup>th</sup> May, 2015 including the construction of the border management accommodation.*" It is again May 2015.

This goes on for almost all the others including Rusumo, where we are told that the contract of execution of the construction work was signed and commenced in May 2015. It was expected to be completed in December 2014, eh!

At page 9, Lunga-Lunga; they say at Lunga-Lunga, which is on the Kenyan side, the OSBP project started in 2012 and was supposed to be completed by 2014. So, you can see, Mr Speaker that we don't have the dates, which have now been fixed for the actual completion.

The last one is on page 10, which is about Namanga where they said on the Kenyan side the project commenced in January, 2013 and the expected completion was

January, 2014 through the funding of that “*However, due to various factors, the approved completion date was extended to May, 2014.*” So, you can see, Mr Speaker. My point is that there is no mention of the actual completion and they do not give us the good expectation of what will come next and how and why we do not have these in this report.

I support the report but I would like them to be beefed up in these, which are half done. Thank you, Mr Speaker.

**The Speaker:** Thank you, Hon. Taslima.

**Ms Sarah Talaso Bonaya (Kenya):** Thank you, Mr Speaker. I would like to declare my interest. I am a member of this Committee but there are a few things that I feel were not included.

I would like to start by thanking the Government of Rwanda, the Rwandan Chapter and the Parliament for the hospitality that they have accorded to us.

The issues I felt were not well articulated were those of land and land ownership. At most, of the stations we were told the land was under the names of the Kenya Revenue Authority, the Tanzania Revenue Authority and in some cases the Ministry of Lands and that of Housing. Therefore, the ownership is not very clear. We do not know whether it should have been under EAC, like what happens with the other Institutions, the issue of ownership and the size in the event of future expansion. We do not have any standard measure of land.

The other issues is that of involvement of local governments and the local communities in the process of setting up one-stop border posts. Apparently, the contractors just go to the sites and start putting up buildings without proper consultations, which means there is lack of ownership. These communities expect big markets to be built when they hear it is an EAC Common Market initiative. They are just waiting for big structures, which can be

translated to mean the big common markets.

That is why in places like Namanga on the Kenyan side they were expecting to be employed 70 percent and they are still waiting because of our new Constitution and new governance system. They were expecting that since it is on their land, they were going to get a bigger chunk. They do not understand that this is more or less and international arrangement, which is beyond the community.

The other issue is that of corporate social responsibility. In Namanga, we had women and youth who were hawkers around there. They were expecting to be given stalls within the facility and somehow we need to accommodate them. But if we had involved the local government, the issue amenities like schools, hospitals and even these stalls would have actually worked together to operationalise these ideas to compliment the one stop border posts. So, it is important to involve the local population. That is what I wanted to add. Thank you, Mr Speaker.

**The Speaker:** Thank you so much, Hon. Sarah Bonaya.

**Dr Perpetua Kessy Nderakindo (Tanzania):** Thank you, Rt. Hon. Speaker. To start with, I would like to thank the Rwandan Government, the Parliament, the Rwandan Chapter and the people for facilitating us to do our duty while we are here in Rwanda because we know we are in East Africa.

Rt. Hon. Speaker, I am a member of the CTI Committee, and since I am in the chamber, I will use my right to use any language as long as it will not be offending anyone – *(interruption)*-

**The Speaker:** Hon. Member, I will just guide you. As per the Treaty, I will only guide you that the official language of the Community is English. If you use any other

language, it should be a quotation, which you must rephrase in English. Proceed.

**Dr Nderakindo:** Thank you, Rt. Hon. Speaker – *(Interruption)* -

**Mr Zein:** Thank you, Rt. Hon. Speaker and thank you Hon. Kessy. Among the resolutions that have not been acted upon that we talked about was the one which will permit us to speak in those eloquent languages that we appreciate and respect.

**The Speaker:** Thank you.

**Dr Nderakindo:** Thank you, Rt. Hon. Speaker. I did not intend to speak anything different from the English language but I will go into a topic which is considered a taboo and that is talking about toilets, how is it related to human rights and human dignity - *(Applause)*.

We, as East Africans and as Africans – I wish to bring back the awareness that these borders, which we are trying to remove were put by our colonisers because they wanted to use us for their own benefits without considering that we are human beings - *(Applause)*. What is happening in Burundi today, wouldn't have been there. It is because of the boundaries set by our colonisers. Therefore, as Hon. Taslima unless we are self-reliant we are not going to be free from our colonisers.

Most or partly or fully of the funding of the OSBPs is from the development partners. However, one thing, which is so sad, is that the quality or the standards that are set by those development partners for their own buildings in their own countries are far higher than what they set for us. Therefore, I would say they are continuing to colonise us. This is from the point of view of the toilets.

It is sad to tell this Assembly that there are buildings that are considered more than 90 percent complete but there is no flowing water; there are not enough number of toilet rooms. Even some of the building do not

have any toilets at all for the passengers and yet they are considered to have been completed.

Rt. Hon. Speaker, the issue of toilets is linked to poverty, and the first goal of the SDGs is to end poverty in all its forms everywhere. Therefore, as my friend, hon. Zein talked about poverty of the mind, I would not go into that - *(Laughter)*.

Back to the toilets, maybe since this has been put on the table by the Deputy Secretary General of the United Nations, saying, *“To end poverty, we have to start with having clean and safe water and decent sanitation systems.”* I congratulate the Prime Minister of India for seeing this and starting a very big project of toilets in India. I hope that will wake us up because we are not too far or too different from Indians.

Talking about human rights, there are also animal rights. Think about a dog wanting to go to help itself. It has its rights - *(Laughter)*. But here we build buildings that put the standards of a human being below the rights of a dog to go and ease itself.

Think of a passenger who has travelled very many kilometres getting to the border. The first thing when you get off the bus or the truck is that you would want to use the toilet. If at all there are any toilets, when you go in there, there is no water. Maybe there are tissues to use. There are no tissues.

At one of the one-stop border posts, there were no toilet papers. I asked for water...I am a woman; I am susceptible to gynaecological diseases due to dirty water. The water, which was provided, which I had to pay for, was water, which was collected from the swamps. How do we think of women? Without a woman, there is no human being. *(Applause)* Think of the pregnant women who have to use dirty water if not provided with toilet papers.

Think of the young unborn children in the stomachs of the pregnant women.

Now we are going back to what this integration is for. It is sad to see the structures, which are made there, are made predominantly for trade and investment. We read many reports talking about increase in investment and trade. I asked once, what does investment mean? I did not get an answer from the economist. This whole thing about integration is to reverse the sin, which we allowed the colonisers to make us believe that we are different. I would like to be called Rwandan today but no, I cannot. I would like to be called Kenyan because my grandmother's roots are from Kenya.

We are talking about human dignity, which also goes into the toilets - *(Applause)*. At one of the one-stop-border-posts, the number of toilets that were allocated for men were more than the number of toilets allocated for women [*Hon. Member: "Shame!"*] We all know the young children who travel will always travel with their mothers and when they go to the toilets, they use the toilets for the women. I brought this up because it is overseen about the rights of women and toilets. And, therefore, to talk about one destiny; one people, we need to consider the standard of our buildings whether they really catch up with the standard of the development partners - *(Interruption)* -

**The Speaker:** Hon. Member, I beg that you move towards summarising in the interest of time.

**Dr Nkerakindo:** I am finishing. Thank you. That the quality and the standard of buildings that are considered for human use of our development partners are much too higher than what we allow them to approve for our projects. Thank you, Rt Hon. Speaker.

**The Speaker:** Thank you, Hon. Kessy. Hon. Ndahiro and I had already said finally

Hon. Rwigema in the interest of time. However, before Dr Ndahiro gets on the floor, we have another official activity, which starts at seven, and you may need time to move from here for that. We have an official dinner to be hosted by the Private Sector Federation of Rwanda in which we are going to have cordial discussions to promote the EAC integration and trade facilitation that we are discussing. So, please, in the interest of time, be brief. We shall continue debating during the dinner.

**Dr James Ndahiro (Rwanda):** Thank you, Rt. Hon. Speaker. I am a member of this Committee and, therefore, I do not have much to say apart from an amendment, which I want to move. I am sorry that I have to move it on the floor of the House. It did not catch my eye when we were going through the report.

Mr Speaker, on recommendation No.2, I was of the view that we delete the words, "community market" and instead introduce a new amendment "on cross-border community markets to be built at every cross-border point". The reason is simple. This matter was agreed upon, and it was a recommendation in some of the reports from this Committee. In addition, we agreed that in order to bring our communities together, especially those that share borders, it is better not to tell them about the Common Market principles and article but rather better to build for them a common market. Moreover, that common market is a physical market that they could cross borders, meet with their colleagues across, and transact - *(Applause)*. Therefore, we think that it should be established and the Secretariat or the Community for that matter should facilitate these markets because they have more than one advantage.

Two, there is an issue of trade facilitation. What is in recommendation No.2? If we want to insist on a facility of that nature, we could probably include shopping facilities because it is not in the one-stop border posts



plan to include everything. You will find that the commitments or the agreements that were entered into were for specific amounts of land and for specific activities but all these activities that give facilities to people crossing borders would be in this particular plan.

The physical market across borders is another principle which is different from this but which should be looked at and supported. Thank you, Rt. Hon. Speaker.

**The Speaker:** Thank you, Dr Ndahiro. I have the amendment; the Chairperson will comment on that in her conclusive remarks.

**Mr Pierre Celestin Rwigema (Rwanda):** Thank you, Rt. Hon. Speaker for giving me the floor. As a member of the Rwanda Chapter, I want to welcome you and wish you a healthy and enjoyable stay in this country - *(Applause)*.

Rt. Hon. Speaker, I am not a member of the CTI Committee and my intervention will not be long. It only looks for one of salvation and it is on methodology. I have seen, Rt. Hon. Speaker that the oversight is mainly between borders of the countries of the Community, between Uganda and Tanzania; between Rwanda and Uganda; Rwanda and Tanzania and Kenya and Tanzania. I don't see the oversight with the Burundi Partner State and yet, for example, Burundi has borders with Tanzania, which is Kobelo and then Burundi and Rwanda have two border posts, one at Gasenyi and another Kanyaru.

It would have been very useful and very interesting because what we are doing now is for trade facilitation. I am not claiming for Malaba and Busia for Uganda and Kenya but for Burundi and the neighbouring Partner States. That was my observation. I know in this report, the last point before the conclusion talks about the Committee visiting all the Partner States. It would have been interesting to carry out

oversight in all the countries like Burundi. I support the report.

**The Speaker:** Thank you very much. I have seen Hon. Chris Opoka and Hon. Jeremie but in the interest of time – tomorrow I will give you first priority in the next debate. I do not know whether the Hon. CTC or the Minister would like to respond to some of the issues raised and then the Chairperson. Hon. Secretary General, I meant to say.

**The Secretary General, EAC (Ambassador Dr. Richard Sezibera) (Ex-Officio):** Thank you, Mr Speaker, Sir. First, I also wish to join my colleagues in thanking Rwanda for the hospitality accorded to me since my arrival - *(Laughter)*. You might imagine, Mr Speaker, Sir that I feel at home - *(Applause)*. I thank the Government and people of Rwanda for this hospitality.

Secondly, Mr Speaker, I wish to thank the Committee on CTI for this important work and I rise to support the report on the motion. I wish to update the honourable Members briefly on a few issues. As it has been noted, at the time that the visit took place there were a number of one-stop border posts that were still under construction, but which have since been completed. I will be happy to provide the Committee with an update on this.

I am glad that, for example, a number of these one-stop border posts are now ready for launching. These include Mutukula, Rusumo and Taveta Holili. Work on Namanga on the Kenyan side is now ongoing. Yes, it is true the report mentioned a number of challenges, which is right, but now work on Namanga is ongoing - it has resumed and on the Tanzanian side, for the Namanga one stop border post, some of the issues raised in the report have been dealt with. Therefore, I am happy to give information that can update this report if the Committee so agrees.

Thirdly, I am extremely happy to note that despite the current challenges affecting one of our Partner States with her development partners, that is, the Republic of Burundi, we have been in constant communication with our partners and they have agreed that work on the one stop border post of Kobello will continue - (*Applause*). So, that is still ongoing.

Fourth, Mr Speaker, I wish to congratulate the Summit because at their last meeting, in February this year, they took the matter of assent to Bills very seriously. They considered the list and since then they have assented to about seven Bills - (*Applause*). The Bills are the East African Community HIV and Aids Prevention and Management Bill, 2012; the East African Community Conflict Management Bill, 2012; the East African Community Elections Bill, 2012; the Community Emblems (Amendment) Bill, 2012; the East African Community Appropriations Bill, 2012; the East African Community Customs Management (Amendment) Bill, 2012; and the East African Community Supplementary Appropriations (No. 2) Bill, 2012.

There are a number of Bills, which are not yet assented to, which include the One-Stop Border Post Bill and the East African Community Vehicle Load Control Bill, but it is not really the problem of Partner States. It is because these two Bills have not yet been assented to by the Republic of Rwanda – all other Partner States have assented to them. Rwanda received these Bills – they were forwarded to Rwanda on 10<sup>th</sup> August 2015. Therefore, a number of Bills would go to Partner States late because of the procedures. I am fully confident that the Republic of Rwanda will assent to these two Bills as soon as possible and then we can move on.

A number of other Bills that have not been assented to because they were forwarded to Partner States recently. There are a number that were forwarded to Kenya on 10<sup>th</sup> August but other Partner States have

assented to them. Therefore, Rt. Hon. Speaker, I look forward to the Summit discussion on some of the proposals the House has made on how the procedures and processes of assent to Bills can move faster. However, I am extremely encouraged by the fact that Partner States are now assenting to the Bills that are passed by this Assembly - (*Applause*).

Finally, Rt. Hon. Speaker, I join those colleagues who have said the Committee should be facilitated to visit other one-stop border posts because there are quite a number, some of which are operational, including Nyagasenyi - Nemba one stop border post between Rwanda and Burundi and some of the new ones on which construction has started like Busia and others.

There are a number of challenges, which have been identified in the report. We still have issues of harmonising policies at the regional level around procurement for infrastructure because right now, although there are regional infrastructure, the procurement is under national laws. This poses challenges. We have steering committees to follow this up but it is still a challenge.

We have developed draft regulations for the one-stop border posts. They are detailed; they only await the final assent from the Republic of Rwanda on this Bill for processing through the policy Organs of the Community.

In the meantime, there are bilateral agreements. These bilateral agreements are negotiated but using a template, which we at the Secretariat drafted. There might be some changes and differences depending on the Partner States but, by and large, for now the template is used.

Finally, Mr Speaker, I just wanted to say that the issue of land – these border posts belong to Partner States. They are simply one-stop border posts. The Community

cannot own borders. The role of the Community is to make sure that the borders are eventually removed. We are not in the business of owning borders among Partner States and, therefore, we cannot own the land on which these one-stop border posts are built.

The Single Customs Territory will make work at the one stop border post even easier because they are now simply clearing agencies. They should not be clearing goods at the one-stop border posts because these are cleared at the port of entry. The challenge is how do we clear people? We are working with the immigration officials on this matter.

With those few remarks, Rt Hon. Speaker, I beg to support. (*Applause*)

**The Speaker:** Thank you so much, Hon. Secretary General. I would like to give a few minutes to the Chair, Council of Ministers and then I invite the Chair of the Committee.

**The Minister of State for EAC Affairs, Uganda (Mr Shem Bageine) (Ex-Officio):** Thank you very much, Rt. Hon. Speaker. I have only one or two comments to make. The first one is that while our development partners have been financing the construction of the infrastructure at the borders, they are not responsible for the designs and specifications that go into these structures. Our own people, architects and engineers are responsible for the design of these buildings.

I want to believe that they cannot have designed these buildings without taking into account the facilities that my sister was mourning about. If the Committee members visited some of these buildings before completion, yes, you may find that services including sanitation may not have been completed. But certainly, the structures; the designs provide for sanitation facilities.

Secondly, it is not true that the buildings are, therefore, of lower standards than what is perceived to be in the countries where we get development partners. We have building codes within the region, which determine the kind of buildings you set up and, therefore, the kind of materials you use that go into the specifications of what you are going to construct. I want to believe that once these buildings are properly completed, they will meet those standards set for ourselves, which are not necessarily inferior to those by our development partners.

The other point has been touched on the Secretary General. This is the question of the ownership of these developments. As you all know, these developments have been done on bilateral basis between two border countries to that specific border post and each of the Partner States owns the land on which the infrastructure has been developed. As you probably heard, there is a very big variance in terms of the construction costs of each border post. I want to believe, as some people have observed including the Secretary General, that these will just be facilities to enable faster movement of people and goods but obviously ultimately, they will probably be discarded to become trading centres within one region. Because once we achieve political federation, we will not need these border posts - (*Applause*).

In fact thinking about it, I thought yes, at the time when we did it, perhaps there was a bit of pessimism about achievement of political federation but now I am persuaded that there is optimism and, therefore, as I said, we will benefit by having those as trading centres for our communities and not barriers to free movement of our people. I thank you - (*Applause*).

**The Speaker:** Thank you so much, Hon. Shem Bageine. I now call upon the Chairperson of the Committee. Hon. Nancy, please use less than five minutes if you can.

**M s Nancy Abisai (Kenya):** Thank you, Rt. Hon. Speaker. I want to take this opportunity to thank you for giving me this chance to present the report on behalf of the substantive Chair of the Committee on CTI.

Secondly, I would also like to take the opportunity to thank the Government of Rwanda and the Rwanda Chapter and the people of Rwanda for the hospitality and the warm reception accorded to us in this beautiful city of Kigali.

Having said that, I also want to thank the members that contributed to this report, that is, Hon. Shy-Rose, Hon. Straton, Hon. Mulengani, Hon. Hafsa, Hon. Taslima, Hon. Sarah, Hon. Kessy, Hon. Ndahiro, Hon. Rwigema, the Secretary General and the Chair, Council of Ministers. *(Applause)*

Rt Hon. Speaker, I would like to start with the amendments raised by Hon. Dr Ndahiro on the cross border community markets. I want to say that that amendment will be carried following the issue that he raised on the example of physical trading markets as regards to just that. So, we carry the amendment to that report.

I would also like to raise an issue that I think was raised by almost all the Members who spoke and this is concerning the implementation of the operations of the OSBPs. I could not agree more, especially with Hon. Shy-Rose, Hon. Straton and Hon. Mulengani.

Hon. Hafsa Mossi did raise the issue of investment agencies to provide information at borders. Yes, I think that is a very important thing.

Hon. Mulengani, the aspect of harmonisation of bi-laterals. That is something that needs to be looked into. Yes, I think that is an issue that we need to look at its implementation.

Hon. Shy-Rose raised the question of poverty. I could not agree more. The

question of poverty is something that you cannot overlook.

The aspect of OSBP as a strong foundation to progress. Hon. Straton, it is true. Lack of decentralisation and issues of certificates of origin - people travelling to capitals who need to get them needs to be dealt with.

Of course basic needs and basic services as very ably and passionately raised by Hon. Kessy and the rest. I think it is a matter that has also been clarified by the Chair, Council. It is something that we cannot overlook. It goes in tandem with our SDGs.

I want to thank the Secretary General for clarifying on the issue of land and also bringing out very clearly that they are going to support the issue of facilitating Members to visit other OSBP centres and bringing to our attention that the work at Namanga has begun and is ongoing.

Hon. Taslima on the issue of dates; some of those dates like you saw in this report, we have visited some of those OSBPs in April and we are now in December. So, some of those were dates were occasioned by that but also the variation in some of those dates has to do with the projects and terms of service set out.

I think most of the issues raised by all the Members will be carried and the aspect of the different laws will need to be looked at. The different laws of Partner States and their harmonisation to ensure quick implementation. If we do not do that then the OSBPs will not be functional at the right time and in the way that they are supposed to be.

So, with those few remarks, Rt Hon. Speaker, and in the interest of time, I beg to move. Thank you - *(Applause)*.

**The Speaker:** Thank you so much, Hon. Nancy standing in for the Chair of the Committee on CTI. Hon. Members, the motion before the Assembly is that the report of the Committee on

Communication, Trade and Investment on the on spot Assessment of One Stop Border Posts in the EAC be adopted as amended.

*(Question put and agreed to.)*

**The Speaker:** Thank you so much, Chairperson and the Committee of CTI for the report. Hon. Members, I have a notification from Hon. Dora – I do not know how she wants to proceed. Are you proceeding on the matter?

**Ms Byamukama:** Mr Speaker, maybe just to give notice but I just wanted to state that the days between 25<sup>th</sup> of November and 10<sup>th</sup> December are days, which are marked for activism in respect to the issue of violence against women. The theme this year will be: *“From peace in the home to peace in the world; make education safe for all.”* So, I would like maybe at an opportune moment move a motion so that we can debate this very important subject matter when you will give us space. I thank you, Sir.

**The Speaker:** Thank you so much, Hon. Dora. I will take that as a notice. We shall give you space and the Office of the Speaker will work with you.

Honourable Members, in the interest of time, I would request that we move from here straight to the Serena Hotel for the dinner because we have less than one hour and this is traffic time. The Office of the Sergeant –at- Arms is going to coordinate the process.

Finally, I would like to make one announcement from the Office of the Speaker. We passed the Code of Conduct and I have found so many of the Members have already fallen victims of what we have passed. I have, therefore, requested the Office of the Clerk to compile those who are affected and give due notice to them. Anybody who would want to have further discussion on the matter can approach the Office of the Speaker. The Code of Conduct is in full force. I thank you so much.

The House stands adjourned to tomorrow 2.30 p.m.

*(The House rose at 6:16 p.m. and adjourned until Thursday, 26 November 2015 at 2.30p.m)*