



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

120th Sitting - Third Assembly: Fourth Meeting – Fourth Session

Tuesday, 26 January 2014

The East African Legislative Assembly met at 2:30 p.m. in the Chamber, EALA Wing, EAC Headquarters, Arusha, Tanzania

PRAYER

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

(The Assembly was called to order.)

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, good afternoon. I take this singular opportunity to welcome you to the Fourth Meeting of the Fourth Assembly at our headquarters here in Arusha, your Chamber.

I would also like to take this opportunity, honourable colleagues to mention that since last year when we concluded our meeting in the beautiful City of Kigali Rwanda, some members of this Assembly experienced difficult situations.

Our own colleague, hon. Mbidde lost his dear wife, hon. Susan Namaganda who was also a Member of the National Parliament of Uganda. Death extended its hands very close to many of us. I personally lost my maternal

uncle; the man who brought me up from childhood and made me who I am today. Many of you, dear colleagues, lost your dear ones.

Hon. Nyerere may not be here because he is still grieving. We would also like to send our condolences to the Government and the people of Kenya for the loss of our gallant soldiers; the Kenya Defence Forces (KDF) who were attacked by the *Al Shabaab* terrorist group in Somalia.

Honourable colleagues, I request that we rise up for one minute in silence – *(Honourable Members stood at their places to observe a minute of silence)*.

Honourable Members, I would like, on a happier note to extent the gratitude of this

Assembly to our gallant footballers who decisively decided to interrupt the monopoly of the Parliament of Uganda in maintaining the trophy for football – *(Applause)*.

We, in a special note, wish hon. Mulengani quick recovery because he broke his arm in the field struggling for the trophy. We also congratulate all other participants who participated in the different sporting items; the Inter-parliamentary Games were a success – *(Applause)*.

Honourable Members, in our function of representation, we are realising tremendous growth. We have been receiving petitions from East Africans on various concerns. We received petitions from the youth which the Committee on General Purpose processed. I thank them for that. We received a petition from the Workers Union and Association of Employers (WUAE) which is being processed by the Committee on General Purpose. We received a petition from the Pan African Law Union (PALU) and other civil societies of East Africa on the issue of Burundi which is being processed by the Committee on Regional Affairs and Conflict Resolution. We thank them for the good work they are doing.

I have just received a petition from the National Association of Albinos from Kenya to this Assembly which will also be sent to the necessary committee for processing. I have further received a petition from East African Motor Sports Club (EAMSC), specifically the motor bike riders and the cart riders seeking tax exemption on the inputs in that sport.

I think, honourable colleagues, the vote of confidence to this Assembly is that East Africans are looking unto us for solutions to their problems. I congratulate you. *(Applause)*

ADMINISTRATION OF OATH

The Speaker: Following the General Election held in the United Republic of Tanzania and the appointment of Ministers on 10 December, 2015, His Excellency, Dr. John Pombe Magufuli, President of the United Republic of Tanzania, appointed Hon. (Dr.) Agnes Suzan Kolimba as the Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation in the United Republic of Tanzania – *(Applause)*.

She has indicated her desire to participate in the proceedings of the Assembly. However, in accordance with Rule 5 of the Rules of Procedure of this Assembly, she cannot sit or participate in the proceedings of the House until she takes an oath of affirmation or allegiance to the Treaty as a Member of the Assembly.

Rule 5(5) specifically states;

“When a Member first attends to take his or her seat other than at the first sitting of a new House, he or she shall be brought to the Table by the two Members and presented by them to the Speaker who shall then administer the Oath or Affirmation of Allegiance to him or her.”

I, therefore, request any two Members who know Dr. Suzan A. Kolimba to bring her to the Table and to present her before me to enable me administer the Oath of Allegiance.

(Dr. Suzan Kolimba was accompanied to the Table by Hon. Shy-Rose Bhanji and Hon. Angela Kizigha)

The Oath was administered to:

Dr. Susan A. Kolimba

The Speaker: Could the two Members lead the Hon. Member of this House to her seat?

(Hon. (Dr.) Suzan Kwohimba was led to her seat by Hon. Shy-Rose Bhanji and Hon. Kizingha Angela)

The Speaker: Honourable Members, allow me in a very special way, to congratulate our new Member for joining this august House. Allow me also to welcome her to the family of EALA, a regional parliament which is very much respected in this region and throughout the continent.

You are welcome to this family. We invite you to take great interest in the work of this Assembly. Proceed from where your predecessor, who was seated right on that seat, did in this Assembly. We look forward to your great contribution and the freshness you will bring to this Assembly. You are most welcome.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION OF STUDENTS FROM THE ARUSHA INSTITUTE OF ACCOUNTANCY

The Speaker: Honourable Members, before we move to the next item on the Order Paper, allow me to recognise very important East Africans who are here with us this afternoon as our guests. These are students from the Institute of Accountancy and the East African Community Youth Club Members led by their secretary, Mr. Evans Ayoo. You are most welcome. *(Applause)*

Please rise for recognition.

BILLS

SECOND READING

THE EAST AFRICAN COMMUNITY DISASTER RISK REDUCTION AND MANAGEMENT BILL, 2013

The Speaker: Honourable Chairperson, Council of Ministers, move the Motion.

MOTION

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation (Tanzania (Dr. Suzan Kolimba) (Ex-Officio): Mr. Speaker, Sir, I beg to move:-

THAT, in accordance with provisions of Rule 29 of the Rules of the Procedure of the Assembly, this House do resolve to adjourn debate of the East African Community Disaster Risk Reduction Bill of 2013.

(Hon. Shem Bageine, Hon. Leontine Nzeyimana, Hon. Shy-Rose Bhanji seconded)

Honourable Minister, proceed and read your Motion.

The Speaker: Clerk-at-the-Table, please make sure that copies of the Motion are distributed to Members of the Assembly so that they follow it up properly.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio): Hon. Speaker and Members, the Council of Ministers needs time to conclude its consultations on the Bill vis-à-vis the relevant provisions of the Treaty and the East African Community Protocol on Peace and Security which was signed on 16 February, 2013. All partner states are yet to ratify this protocol which also informs certain aspects of this Bill.

Clearly, the nature of the Bill needs handling at a technical level by relevant sectoral councils under the guidance of the Sectoral Council on Environment and Natural Resources which is yet to complete its policy input on this matter. The Council will pursue the conclusion of this Bill which will have changes where necessary as soon as the

Protocol on Peace and Security is ratified by all countries.

Hon. Mr. Speaker and honourable Members, since 2013, consultations have been on regarding this Bill. Recently, the Second Extraordinary Sectoral Council on Environment and Natural Resources that was held on 12 March 2015 considered the East African Disaster and Risk Management Bill and directed the East Africans Sectoral Secretariat to develop a technical paper on appropriate institutional arrangement for the Disaster Risk Reduction and Management by April, 2015 and share the technical paper with partner states for comments.

Furthermore, the Council directed the Partner States to submit their comments on the technical paper on appropriate institutional arrangement on the East African Community Disaster Risk Reduction and Management by 15 May 2015.

Mr. Speaker, Sir and honourable Members, the Council has since directed the East African Secretariat to expedite the process of redrafting the revised draft Bill taking into consideration the technical paper on institutional arrangements on Disaster Risk Reduction and Management that is in conformity with the standards of the regional Bill through technical and legal experts.

The Council has also directed the Secretariat to submit the revised Bill to multi-sectoral council taking into consideration the cross-cutting nature disaster of risk reduction prior to the consideration of the Council of Ministers in November, 2015.

The Multi-Sectoral Council is expected to be convene soon and to make its recommendations to the Council of Ministers. It is supposed to convene in February, 2016. The Council will be in a position to contribute, debate and facilitate the passing of this Bill.

Mr. Speaker and honourable Members, we hope that with the proposed way forward, we shall avoid the parallel process of developing this Bill but work together to debate and pass this Bill soon. On behalf of the Council, I would like to assure Members of this Parliament that by August this year, the Council will get comments from the multi-sectoral committee and also from the Council so that by August, 2016, we bring back the Bill to the Assembly and let you debate on it.

I beg to move.

The Speaker: Thank you Hon. Minister. Do you have an additional elaboration to the text you have read?

Dr. Kolimba: Hon. Speaker, since we are still in the first month of the year 2016, I would like to take this opportunity to wish you all a happy and prosperous New Year, 2016 – *(Applause)*

Being an ex-officio member of this Parliament, from the Fifth Government of the United Republic of Tanzania I would like to reaffirm the commitment of the United Republic of Tanzania in building a prosperous East African Community (EAC) whose aim is reduction of poverty which affects majority of East Africans. This commitment was highly stressed by His Excellency Dr. John Pombe Magufuli, President of the United Republic of Tanzania while addressing his country in November, 2015.

Hon. Speaker and Members of Parliament, among the perceived functions of the Ministers responsible for East African Affairs in this Assembly is to represent the East African Council of Ministers and also to hear from the representatives of East Africans on the issue critical to the development of our people through the East African integration and, therefore, develop

policies, strategies and plans for implementation.

As a member of this Assembly and the current Chairperson of the East African Council of Ministers, I will ensure that we effectively and efficiently execute our functions so that in our collective effort we attain the main objective of the community which is about developing policy and programmes aimed at widening and deepening cooperation among partner states in political, economic, social and cultural fields, research and technology, defence, security, legal and judicial fields for our mutual benefit.

Honourable Speaker, Article 7 Section 1(8) indicates that the community is people centred and market driven. In this regard, it is imperative that we continue involving the people of East Africa in undertaking the community activities including implementing the legislative function of the East African Legislative Assembly (EALA) considering the fact that enacted laws will impact the day to day lives of East Africans.

Hon. Speaker and Members of Parliament, with those few remarks, I would like to thank you for listening. One people, one destiny. *Asanteni sana kwa kunisikiliza.*

The Speaker: Honourable Members, the Motion before this Assembly is,

THAT in accordance with the provisions of Rule 29 of the Rules of Procedure of the Assembly, this House do resolve to adjourn debate on the East African Community Disaster Risk Reduction and Management Bill, 2013.”

Debate is open.

Mr. Abubakar Abdi Ogle (Kenya): Thank you Mr. Speaker. I would like to welcome Madam *hapa kazi tu* to this Assembly.

The Speaker: Hon. Ogle, what do you mean?

Mr. Ogle: She is representing the *hapa kazi tu* Government. That is what I wanted to say.

I am not just opposed but vigorously opposed to any adjournment of this Motion. I have listened to Madam Minister. The only plausible reason I gathered from her submission was that there are certain parts of the Disaster Risk Reduction and Management Bill that are aspects of the Peace and Security Protocol or related to this Protocol. If the Council is serious about this Bill, it should have extracted the part that relates to the Peace and Security Protocol and developed the other parts. However, as it is now, this Bill has been hanging out here for far too long. In fact, had it not been for the efforts of this House to get it back to where it is now, it would not have seen the light of day.

On those grounds, I am opposed to any adjournment and I want the Bill to proceed to second reading.

Mr. Mike Kennedy Sebalu (Uganda): Thank you honourable Speaker, Sir. Rt. hon. Speaker, Sir, I want to join my colleagues in welcoming a new Member of this House, a Member of the Council of Ministers and the Chairperson at that.

You are most welcome. This is EALA and you will definitely enjoy your tour of duty to this Assembly. Honourable Speaker, since we have just done a few weeks into the New Year, allow me to thank God for the gift of life that He has given to all of us. All of us have seen this New Year and we cannot take that for granted. I also want to extend my condolences to our colleagues who lost their

dear ones. We pray that God gives all of us the strength to push on.

Rt. hon. Speaker, the new Member and Chairperson of the Council has started at a very interesting note. When you start your swimming exercises from the deep end, you may have a very interesting experience. It is not enviable for her to begin with such an assignment. I really sympathise with her because of the reasons she has advanced. I am ready to go along with her if she convinces me much more in terms of her undertakings.

This is a very important Bill. It is a Bill that was conceived and presented to the House at a time when this region was undergoing serious disaster. I remember we were in Bujumbura discussing the same and the Jomo Kenyatta International Airport (JKIA) caught fire. We had to stay a little longer in Bujumbura given that we could not easily connect to travel back. A strategic facility within the region could not facilitate us to connect to our capitals.

Thereafter, a series of other disasters befell the region. This House is concerned about the plight of East Africans with respect to the fact that our integration arrangement is people centred and all matters that affect the welfare of East African people are of serious concern to us. So, when disaster after disaster strikes the region and nothing is forthcoming from the people's representative body, we feel that we may be assumed not to be serious regarding the plight of the people. So, we have this law available. A lot of effort was put in drafting it. The Mover did a very good job in terms of enriching it from different sources and we feel that we have a good law that can pass the test of time.

Where gaps are identified, we are equally willing and eager to take on any input that makes it a better law. However, the idea of keeping it for too long before it can serve the people for whom it is intended is not

something that we should identify with. Your indicative time frame of August, as the earliest possible time that this Bill can be brought back, is not encouraging and attractive to me. I believe that if we want to continue engaging in further consultations, we should give a timeframe that is within good reach. At the end of the day, we owe it to East Africans to have this law in place in order to mitigate the effects of disasters.

So, Madam Chairperson, Council of Ministers, I am constrained to appreciate the timeframe that you are giving. The reasons may be considered in their own merit but I do not believe that we should wait to such an extent before our people can benefit from a good law like this one. I appreciate the issues raised by the Chairperson but I am not convinced especially regarding the timeframe that has been given.

I beg to submit.

The Speaker: Thank you, Mike Sebalu. Yes, hon. Zein.

Mr. Abubakar Zein Abubakar (Kenya): Thank you Mr. Speaker, Sir. I would also like to wish all Members a prosperous 2016.

Allow me first to apologise to the Mover of this Bill. However, before I do so, allow me to welcome, heartily, hon. (Dr.) Suzan Kolimba, for joining this august House and for being sworn-in to join the many women and one man in the Council of Ministers. I am disadvantaged that you could ask such a gracious lady to ask us of something on her first day and yet we are reluctant. Reluctant I must be and for the following reasons.

Allow me to start by apologising to the Mover of this Motion. For so long she has waited for this Bill to be transacted here. I would also like to apologise to Members; for so long, they have waited for this Bill to come to this House. I would also like to say that it

is obvious; what others are saying, that disasters are not waiting for us. They continue to happen.

The *El Nino* phenomenon has been taking place and in Dar es Salaam, the city authorities had to work hard to cope with the low lying areas because of the rains that unleashed their wrath upon them and yet we are still waiting for this Bill.

When you talk about August, Madam that means we will have the Bill passed six months before the end of our tenure. That is very dangerous. We could complete this tenure without passing this important Bill. I am convinced and would like to persuade you, graciously, that fast tracking of this Bill is in harmony with *hapa kazi tu. Sisi tunataka kuchapa kazi*. We want to work hard and pass this important Bill.

To use the language of His Excellency whom we have deep appreciation and who is an inspiration to many of us, President Magufuli, this is becoming *kajipu*; a small boil. To follow the instructions and the inspirations of our dear President, we want to *tumbua kajipu*. We want to deal with this boil and remove it. We want this Bill to be passed.

There are two things I would like to say before I sit down. One, I beg the gracious lady to understand us. We are not being difficult on her first day. We are only doing what is our duty. I will be opposed to this Motion so that I can be gracious, I will repeat what hon. Mike Sebalu said; is she and the Council of Ministers willing to suspend the Motion so that we go to the next item which is to report of the committee so that the reporting of the committee can be part of the record? Does she want that record to inform the consultations?

Secondly, if we follow this order, I am afraid, she may be remembered by history as the Minister who came here, on her first day, and

moved a Motion to close this Assembly because we have no other business. The only business that is available today is the one concerning this Bill. Therefore, I am trying to be the buffer against such misunderstanding so that we can continue with Motion No.4 then she revives Motion No.3 after we complete Motion No.4.

My second provision is that they can carry out their consultations which can then be presented to the March Plenary. That is far as I am willing to go. By the time I accept that, I will have bent very badly. Therefore, if those two conditions are not satisfied, I will oppose this Motion when you call for a vote. If it is a voice vote, mine will be the loudest.

Hon. Abubakar Abdi Ogle (Kenya): On a point of clarification, Mr. Speaker.

Hon. Speaker: A clarification from Hon. Ogle.

Hon. Abubakar Abdi Ogle (Kenya): Honourable Speaker, Sir, I am sorry to interrupt my good friend, *Mheshimiwa Zein*. However, is he, in my understanding, seeking to move an amendment?

Hon. Abubakar Zein Abubakar (Kenya): Not at all. I do not want to appear on record as the one who moved an amendment to this Motion and delayed the transaction of this Bill. I leave that to those who want to cause a delay. I will not be party to that at all. I said that if the proceedings of the Motion continue and a vote is called out, I will oppose it. If the Council feels that it is ready to accommodate us the way we are willing to accommodate them, so be it. Thank you.

The Speaker: Just before I pick the next Speaker, if I am to put the request of hon. Zein in perspective and in accordance to our Rules of Procedure, this Motion is moved, seconded and substantively on the Floor. We must deal with it and dispose it whichever

way it goes. If I heard you well, you said that if the outcome is as it may be, that the Motion is lost, she can move under 30(c) after the committee report has been presented. I am just trying to put the issue into perspective.

Yes, Honourable Pareno.

Ms. Dora Kanabahita Byamukama (Uganda): On a point of information.

The Speaker: On a point of information to who? The Member has already left the Floor. You will come in substantively in your debate and give the information. I am constrained by the rules.

Ms. Judith Nayiai Pareno (Kenya): Thank you Rt. Hon. Speaker. First, I would like to congratulate Dr. Suzan on her appointment as a Minister and having been sworn-in in this House. I welcome you as another lady in this House.

Rt. Hon. Speaker, I rise to strongly oppose this Motion because of the history we have had in this House and as a Committee on Agriculture, Tourism and Natural Resources in relation to this Bill. You will recall that this is a Private Members Bill. The Council of Ministers came and begged; more than two years ago, that they be allowed to take over the Bill and that they would come back to this House and conclude the transaction regarding the same.

Mr. Speaker, Sir, probably the Minister does not have the history regarding this Bill. However, I know that she will be well informed that it has taken the Council of Ministers more than two years to bring back the Bill to this House. In fact, I wish to say that it is not them who have brought back the Bill to this House. After taking over and promising to revamp it and to input whatever we may have left out, they never came back to this House until the Member and the

Committee recalled the Bill to be brought back for debate.

Hon. Speaker, if the Peace and Security Bill has such great impact on this Bill, how come they had to take two years for them to input what we did not include when we handled it as a committee/? They are talking about redrafting. The last time we discussed this Bill as the Committee on Agriculture, Tourism and Natural Resources, we saw a draft that had been proposed. What I saw, I stand to be corrected, is exactly the same as what we had done in the committee. There was no difference between that draft they were working on and what we had worked on as a Committee.

Secondly, even if there were any issues that were left out, we went round the five Partner States of EAC. We held deliberations with all stakeholders. They invited all experts and stakeholders that the Minister is talking about. So, we had consultations with the relevant sectors. What are these sectors we have left out that they need to further consult? If there are sectors that we have left out, why were they left out and yet it is the Ministers of the EAC that invite the stakeholders for us to interact with when we are conducting public hearing?

This is a Bill that has gone through all the stages of public hearing. We had contributions from all the Partner States. Could be we need to know what other sectors we are talking about. Why are they talking about the multi-sectoral council? What is this that we left out as a committee? If we left out something, why should they take two years as a Council of Ministers to bring up something that needs to have been brought up?

Furthermore, if there is an issue because we cannot say that we are all-knowing, why not bring amendments to the Bill? There is a provision for amendments. This is not cast on stone. The Council of Ministers can always

bring amendments that they think are suitable for East Africans which they think as Committee we may have left out. So, I think we have a problem in terms of the way the Council of Ministers is taking this House for a ride. This is not the first Bill and neither is it the first time that a Bill is being handled this way. We are on record having complained about this Bill and about the delays that the Council of Ministers is involved. The Cross Border Legal Practice Bill is still pending. The Council of Ministers is still asking us to wait.

Recently, we had a problem with the Forex Management Bill and the Council of Ministers was still telling us to wait.

Ms. Dora Kanabahita Byamukama (Uganda): On a point of clarification Mr. Speaker Sir. I thank Hon. Pareno for giving us that direction. I just want to seek a clarification from her. If my mind serves me well, when we were in the Republic of Rwanda, if it were not for another Motion, we would have passed this Bill. That is what I recollect. Therefore, I do not understand how we have come to this point. What did the handover report say? I am sure that when we were in Kigali, the hand over report okayed this Bill.

My second clarification is this; did the honourable Minister have an opportunity to meet with the Committee before coming up with this Motion? I would like to get this clarification. I also remember that as of then, Hon. Pareno is the one who stood in for the Chairperson.

Ms. Pareno: Mr. Speaker, Sir, I want to clarify in a few words that all the time, the Council of Ministers has come in to say that they need more time. There is no time that they have said that they are ready and that the House can go ahead and pass the Bill and we failed to pass the Bill. As far as I am concerned, even back then in Nairobi, we

requested for a meeting of the Council of Ministers for us to discuss the Disaster Risk Reduction and Management Bill, 2013, as well the Forex Management Bill and yet the Council of Ministers was not present. We only had one member who was asking for more time. They are always asking for more time and more time to consult. There is no time that they handed over and told us to proceed as far as my memory can recall.

After we did all the consultations and conducted the public hearings in all Partner States, I can bet – we are here as a House – that there is nothing new that the Council of Ministers is going to present. This is a delaying tactic as we have seen for the past two years and just like we have seen happening in the previous two Bills. This is a third Bill and this House will go home without passing this Bill because the Council of Ministers is not ready to have the Bill passed. For those reasons, I strongly oppose and I urge the Members of this House to strongly oppose it. Let it go on history that the Council of Ministers is the one that has been objecting to this Bill and that the delay has been on their part for no reason. We should do our work and not be halted by the Council of Ministers.

Ms. Shy-Rose Sadrudin Bhanji (Tanzania): Thank you Mr. Speaker, Sir, for giving me this opportunity to say a few words regarding this Motion. Before I do that, please allow me to take this opportunity to wish everyone a happy New Year; 2016. We owe our thanks to Allah because there are people who did not make it to see this year.

I, furthermore, take this opportunity to congratulate our new Member of the House; the Deputy Minister for Foreign Affairs, International Cooperation and East African Community from Tanzania Dr. Suzan Kolimba. *(Applause)*

Dr. Kolimba has a brilliant past and has trained in the academia rising to the highest level in the faculty of law at the Open University of Tanzania. With that legal background, you can see how much of an asset she will be in the EAC and EALA as well.

Having said that, I would like to say that I second the Motion. The reason I second the Motion is that---

The Speaker: Hon. Shy-Rose I think you support the Motion. The Motion was seconded.

Ms. Bhanji: Hon. Speaker, I beg your pardon. I support the Motion. I appreciate the Mover of this Motion. I appreciate the fact that the Motion has been taken to the Council of Ministers so that they bring it back in August, 2016. Since Partner States are key stakeholders with regard to this Bill, I think it is important that we give them a chance to make necessary changes so that by the time it comes to this House all the Partner States will be ready to implement. The Bill should be assented to by all the partner states.

Since the implementation of this Bill will be the responsibility of partner states, it is only important that we agree with them by giving them more time. There is no need to rush this Bill because at the end of the day the implementation is the responsibility of partner states and they should be ready.

Mr. Speaker, Sir, my fellow colleagues, do not take me wrong. I do understand the importance of this Bill. Disasters have been taking place in many parts of our country but I think it is important that we move at the same pace considering that both Council of Ministers and this Assembly appreciate and see the urgency of this Bill.

I beg this House to support the Council of Ministers so that we support the Motion.

Ms. Agnes Mumbi Ng'aru (Kenya): Thank you Mr. Speaker, Sir, for giving me this opportunity to air my confusion regarding this Motion. I am deliberately calling it confusion. However, I will start by congratulating Dr. Suzan for joining us in this House as a new Member and as the Chairperson to the Council. I normally have no apologies when beating the drums of women. I welcome her to the club. I am even more confused because it appears to me as if she did not have an opportunity to sit with her colleagues as a Member. Probably is because she had not taken oath of allegiance. Therefore, probably she has not been told about the history of this Bill. I feel angry towards your colleagues because they did not share with you this Bill.

Hon. Speaker, I said that I am airing my confusion. It is not good to stand up and get frustrated. Chairperson, Council of Ministers, it appears as if your colleagues did not sit with you to tell you about the journey this Bill has gone through, just as hon. Pareno has enumerated. I feel angry towards your colleagues. I am wondering whether we are allowed to hold your hands, as Members, or whether it is your colleagues, the ex-officio Members who are supposed to hold your hand and walk you through the hand over process. I am sure that you received some handover notes from your colleague.

Normally, I would have thrown tantrums but I am confused because I want to support your Motion. I also want you, now that you have been sworn in to amend your Motion. You should come to the committee so that you sit with us and we talk to you about the frustration we have gone through and then we negotiate with you. You will not take us to August. We can debate this Bill during the next Plenary. If you are not willing to do that, I am left in great confusion and I do not know what to do with you. I want you to walk with us but on your first day, I am treating you this

way. Probably this is the only option I have. That is my submission.

Chairperson, Council of Ministers, are you willing to sit with us? I am requesting for an adjournment for about an hour. Now that you are a Member, we could engage you and negotiate with you instead of throwing this Bill away and moving to the next one. When we move to the next one---

Mr. Mike Kennedy Sebalu (Uganda): Thank you Mr. Speaker, Sir. I thank honourable Mumbi for expressing not her confusion but the state she has found herself in given the situation that has been occasioned to the new Member and the Chairperson of the Council. My clarification is, are you trying to persuade the Chairperson, Council, to get herself out of a very difficult situation so that she can be of assistance to us?

Ms. Mumbi Ng'aru: Thank you, Mr. Speaker, Sir. My colleague, hon. Sebalu, is trying to be a diplomat which we are supposed to be. I want to tell him that I will still call it confusion and not a situation because we have been through it before. I stick to my statement that this is a state of confusion. I beg that he joins me in the confusion. Owing to that, I have no answer to his clarification because this is confusion.

Mr. Abubakar Abdi Ogle (Kenya): On a point of order, Mr. Speaker, Sir. Our rules are very clear regarding this. This House is supposed to be listening to very sane speakers and not confused persons. (Laughter)

The Speaker: Thank you hon. Ogle for your point of order. It is true that this House has gone through a profuse process of going through this Bill which can lead a Member to lose track of where we came from and where we are headed. However, this House does not preside over confusion. We preside over processes of legislation. A Member holding

the Floor is expressing herself that this process has not been normal. Hon. Member, proceed.

Ms. Mumbi Ng'aru: Thank you Hon. Speaker for your guidance. Thank you for understanding me. I am not the only one who is in this state of confusion alone. I want to say that. The reason I said that is that if we decide to move forward without giving the Chairperson, Council of Ministers and opportunity to work through her process and the Bill is not passed or is not assented to by five partner states then I will find myself in deeper problems. That is why I am asking, through your office, do we have a process that we can redeem ourselves and her? If we have that process, can we take it? That is my contribution. I need her to take our Bill. I am a Member of the Agriculture, Tourism and Natural Resources Committee. I know the process we have gone through working on the Bill. If we decide to move forward to agenda No.4 on the Order 4 and pass the Bill, it will suffer the fate that other Bills have suffered. I do not want to give her an opportunity for her to wait for me on the other end. That is why I am here waiting for an opportunity I can take her on board and where she can also take me on board for the betterment of the EAC.

The Speaker: Thank you, hon. Mumbi.

Ms. Patricia Hajabagika (Rwanda): Thank you Rt. Hon. Speaker. Before I discuss the issue relating to this Motion, let me also join my colleagues in welcoming Hon. Minister Suzan to this House and congratulate her for her election and appointment as a Deputy Minister in charge of EAC affairs. I know that the title for the Ministry is longer than what I have said.

Let me also take this opportunity to join the House to stand with Hon. Mbidde for the loss of his dear wife, Rt. Hon. Speaker for the loss of your uncle and your father because he

raised you, Hon. Makongolo for losing his sister-in-law and many of us who lost our dear ones during the festive period.

Rt. Hon. Speaker, Sir, I stand as the Mover but at the same time to join my colleagues who think that we should not accept this Motion. I am saying this in an apologetic way so that we do not accept the Motion moved by the Minister for the following reasons.

Number one, it has taken very long. Those who were with me in the Second Assembly, including Rt. Hon. Speaker, know that this Bill originated in the Committee when we met with the Disaster Risk Reduction Office of the Secretary General of the UN who had come from Geneva to sensitise all of us in adoption of the Hyogo Framework for Action on Disaster Risk Reduction. This was following a meeting held in Philippines of which two members of the Assembly including Hon. Mulengani and hon. Kaburu, who were in the second Assembly, attended. I was charged by the committee to follow up on this issue and we held two workshops. One was held in Kampala and the second one was held in Arusha and was attended by two committees; the Committee on Agriculture, Tourism and Natural Resources and the Committee of General Purpose. It was resolved, at that meeting that we pursue and come up with a Bill.

As much as I am a Mover I am working on behalf of the Committee of Agriculture, Tourism and Natural Resources and especially those who were with me during the second EALA. I recognise hon. Sebalu, hon. Leonce, hon. Mulengani, hon. Serah, hon. Odette and you, Rt. hon. Speaker who was in that Committee at that time.

But let me take you through this in chronology. We went through the second EALA and as we came into the Third EALA, on 24 January, I moved to seek leave, in this House, to move a Private Members Bill. At

that plenary, we had members of the Council of Ministers who supported the Motion.

On 17 April, 2013, I moved the Second Reading for the same Bill and there was no objection at that point in time. Hon. Pareno has shown the process we went through of public hearing. We also had a public hearing of different technical experts not only from the Government but also from the UN, African Union and from whoever was involved in the sector of disaster matters. We had an opportunity to speak with them. Exactly 29 August, 2013, the Second Reading was moved.

After moving the Motion, I justified my argument, the committee Chairperson read the report and it is at the point of debate when the Speaker had already opened it that Minister Shem Bageine, who was the Chairperson of the Council requested for the adjournment of the debate of the debate on this Bill giving exactly the same reasons which have been given today. That was exactly 30 months ago. People are talking about two years. It is not two years but two and a half years.

I remember Hon. Dora asked for a specific time frame if we had to allow for an adjournment which was given. If I am not mistaken, it was six months. By December, the same year of 2013, the summit met in November and directed the council to fast track the enactment of a law to deal with matters of disasters.

Fortunately, this House had already started the process. In January, 2014, in this House, the Rt. Hon. Speaker put the Bill on the Order Paper because the time frame which was given was collapsed. At that meeting, once again, the Council of Ministers requested for another adjournment. That was on 23 January.

In March, 2014, the then Chairperson of the Summit, His Excellency Uhuru Kenyatta, the President of the Republic of Kenya, again, as he was addressing this Assembly on the State of EAC directed and requested this Assembly to pass this Bill before the end of 2014. That is in his statement. One can go back and read that statement. After that, this Motion has been on and on the Order Paper including when we were in Bujumbura, Nairobi, and Kigali and in Arusha.

My problem is this. The present Motion is requesting for a further adjournment. If the Council, for 30 months has not done any consultations to come up with the amendments they are talking about, how sure are we that in the remaining period of less than 16 months of this Assembly, that this Bill will see the light of day?

Rt. Hon. Speaker, let me again come up with what I think. Let me give my submission. The reasons given are that we have to wait for the Peace and Security Protocol. That is that is the same thing that was said in 2013. We were told, at that time, that they expected the Peace Security Protocol will have been ratified by all partner states within 60 months. It is now 30 months and yet it has not been ratified. We have seen protocols which take years, up to five years, before they get ratified by partner states. This Assembly has no control with regard to ratification of protocol of partner states and the Council of Ministers who are here with us have no control because ratification is done by parliaments of partner states. We cannot bet that we know when they will ratify that protocol.

Let me make this a bit simpler. We were very careful while drafting the Bill on the Disaster Risk Reduction and Management that we did not include Article 124 which takes about issues of peace and security and we were only limited to aspects of environmental affairs. If

you want, Hon. Speaker, I can read the objects of the Bill. The Bill does not look at the aspects of Peace and Security which they are raising in this Motion and which were raised earlier. However, according to the Council of Ministers, they wanted to have one comprehensive law which also looks at those matters. But since we have no control as to when the Protocol will be ratified, how long will we wait? Why cannot we pass what is part of the environment which is a major problem because it causes disaster and then the Council of Ministers, in their wisdom, at a later date, can bring amendments to the law once it is enacted.

Rt. Hon. Speaker, this is my eighth year in this Assembly. The EAC Customs Management Act has been amended almost every year; once or twice. What is the big deal with this law? We can pass the law and if some issues arise later, they can come in for amendments. The law is not cast on stone. Even Treaties and Constitutions of partner countries get amended. I do not find a big issue in this unless they are telling us that there is no objectivity of having a Bill of this nature.

Rt. Hon. Speaker, Sir, before I came to this House,

The Speaker: Hon. Patricia, I know that you are the Mover of the Bill. However, in debating in this Motion, you should remember that there are many other Members who would like to debate.

Ms. Hajabagika: Let me conclude, hon. Speaker.

I had an opportunity to meet with the Minister, Chairperson, Council of Ministers. We discussed and I came up with the same proposal. She should let us move on to enact this Bill with our last option saying that they should give us a cut-off point of which is within a reasonable time. Moving up to

august will probably take us to another august when this House will not be there again. So, Rt. Hon. Speaker, with those remarks, I reject the Motion and request Members that we reject it.

Ms. Ussi Yahya (Tanzania): Thank you Hon. Speaker, Sir. I also join my colleagues in wishing all Members a happy new year. I also join my colleagues in giving my condolences to all our colleagues, especially you Hon. Speaker, Hon. Mbidde and Hon. Makongoro for the loss of their loved ones.

Rt. Hon. Speaker, Sir, let me also congratulate our new Chairperson of the Council, Dr. Suzan Kolimba for her appointment and for being sworn-in today. I assure you that we have an able Hon. Deputy Minister here with us. Her CV is extensive with a Diploma in Education, LLB, and PhD.

I believe that with the new slogan of *hapa kazi tu*, we have the right person to go handle our issues. I stand to support the Motion by the Chairperson, Council even though after listening to our colleagues especially the Mover, it is difficult for me to support the Motion without insisting on the importance of the Bill. Considering that it has taken the Council of Ministers more than two years, I urge the Chairperson, Council of Ministers to reduce the time frame from August to probably the next plenary session. We should give the Hon. Chairperson, Council, the benefit of doubt as she has barely been a month in the office. We cannot, therefore, ambush her with a mistake that was done in the past. Let us give her time so that, at least, during the next plenary---

Ms. Abubakar Abdi Ogle (Kenya): On a point of Order, hon. Speaker, Sir. I am concerned regarding the use of the word “ambush” by the honourable Member. Could she withdraw and apologise. We are not ambushing anybody.

The Speaker: Hon. Members, the word “ambush” in the context that is understood is not befitting for this Assembly.

Ms. Mariam Ussi Yahya (Tanzania): Thank you Hon. Ogle. I will withdraw the word “ambush.” However, we should also put it into consideration that she is barely been office for one month. That is why I am supporting the Motion but urging her to reduce the time frame. August is very far considering the time that the Bill has stayed with the Council of Ministers.

Ms. Dora Kanabahika Byamukama (Uganda): Thank you Mr. Speaker, Sir. I would also like to add my voice to that of those who have spoken before me. I wish you and this august House a happy new year. I will use by experience and what I learnt in Zanzibar by saying; *heri ya mwaka mpya*.

I would also like to add my condolences to our colleagues who lost their beloved ones. I pray that God gives them the strength to carry on. I would like to join those who have congratulated Dr. Suzan Kolyma. As someone who has worked for equal opportunity, I am gratified to note that the United Republic of Tanzania has identified a good lady to implement the *hapa kazi tu* slogan in the East African Region. If I were to write an article on this, I would say that *Disasters Will Not Wait*. Every time we hear of a plea to ask for more time, it behoves the reason as to why the Council of Ministers is unwilling to act on a Bill which is very helpful and resourceful.

Let us look at the objects that Hon. Patricia alluded to. I will be very brief. The object provides a legal framework for intervention and assistance of people affected by climate change and natural related hazards and to protect the natural environment through integration of comprehensive disaster risk reduction and management practices in the community.

Secondly, the Bill is an attempt to operationalise Article 112(1) (d) of the Treaty. Finally, the Bill is based on the understanding that partner states bear primary responsibility but the regional and international support and cooperation may sometimes may be required to supplement domestic effort.

Rt. Hon. Speaker, Council of Ministers, what is the harm in this? This is very good. It says that if each partner state had a mechanism to deal with disasters, then they should use that mechanism. The Bill also says that if we need to cooperate at the regional level, then there is a mechanism for that. We can also bring in the international dimension. So, what harm is it causing to pass it? Why should we wait for 30 months before passing a very important law? My brother mentioned the fact that when we had the problem of fire at the JKIA this is one mechanism that could have assisted us. When we have had floods and mud slides, this is one mechanism that we can use. I would really like to understand and appreciate why we are dragging our feet; 15 years after the Treaty was implemented to put into effect what was said in 1999. This was foreseen under Article 112 but here we are, literally, begging to legislate, 15 years later.

I would like to add my voice to that of those who have sympathised with my sister. I believe she will understand us and come to our side. I believe that this is not her problem. The problem is that she did not get a proper hand-over report. If the hand-over report was proper, she would have sided with us. I believe so.

Having said that, I would like to make reference to one particular point which was noted, that this cannot be done until the Peace and Security Protocol has been assented to by all the East African Partner States. I recollect, and this is information that in in the *Hansard*, that out of five partner states, four partner

states have already assented to the peace and security protocol.

The last time we were in Nairobi, hon. Minister from the Republic of Burundi, who is here today, promised this august House that the Republic of Burundi, which is the only partner state which had not ratified to this Protocol would do so expeditiously. Therefore, as far as I am concerned, this particular hurdle that is being put on our way, is non-existence. We have a record which shows a commitment from the Republic of Burundi. Therefore, all the reasons that are being brought up cannot hold.

Thirdly, I am concerned about the way we do our things. When you look at the Treaty, you will see that the summit has the function of giving general direction and impetus to the community. We acknowledge that the Council of Ministers can initiate Bills. But we also know that when the Bills are being passed by the Assembly, the Summit under Article 62 and 63 can return the Bills with specific comments regarding areas they would like us to legislate. Here we are with a Bill upon which a Chairperson of a Summit gave directive to this august House to pass it, just like the case of the Cross Border Legal Practice Bill.

I am caught between defying a summit directive and adhering to numerous excuses being given by the Council. I think they are putting us in a very delicate position. There is a Summit directive on two things that I know very well. The first one is clearly this particular Bill on Disaster Risk Reduction and Management while the other one is the Cross Border Legal Practice Bill. We know that the Protocol on the Common Market is not cast on stone. A head of state, who is not party to this, said that we should go ahead. I do not see any reason why the Council of Minister in that case and in this case is

festering the general direction and impetus of the Summit.

I would like to go back to the issue of resources and time frame. We have a calendar. In this particular calendar that ends in the month of June, we are supposed to have executed certain activities. Here we are being pushed to another calendar time which is in August. We may be held accountable for wasting the resources of the community and, therefore, would like to urge colleagues that we do our duty. If there is anything wrong with the Bill, it can be returned with comments rather than coming up with new comments to fetter what is before us. I would like to say this in a light note, that if we continue this way, this assembly will not execute its main function which is a legislative function. We will have all kinds of issues thrown at us.

With those comments, I would like to support the Mover of the Bill and to urge the Chairperson, Council of Ministers to understand us. By so doing, she should allow this House to carry out its noble functions and to adhere to summit directives. I thank you.

Ms. Sarah Talaso Bonaya (Kenya): Thank you Mr. Speaker, for giving me this time. I would like to start by congratulating the Hon. Minister, Dr. Suzan Kolimba who has just been sworn in. We would like to thank the Government of Tanzania for sending us a lady who is very eloquent and competent and we appreciate that. *Hapa kazi tu* spirit has come to this Assembly.

I was in the second Assembly and I also feel the pain that hon. Patricia and many of us have gone through. As the representatives of people of East Africa and people who earn taxpayers money for the jobs of delivering to them, I feel quite embarrassed that 30 months down the line, we are still discussing this issue. A homestead that does not take care of its emergency situation or disasters is likely

to perish. Unless we are careful, as a region, we will continue to depend on far-fetched support instead of having our own regional mechanism to help each other during disaster. We are saying that we are careless regarding what is happening around us and to our citizens.

I recall when we had the post-election violence in Kenya. We had Kofi Annan coming from very far just because we did not have clear mechanisms on how to deal with some man made challenges and disasters. The issue of *El-Nino* has also been mentioned. We have experienced disasters but we lacked very crucial mechanisms to help ourselves as a region. It beats logic to for us, adults seating here earning taxpayers' money, trying to postpone such a critical issue. This brings to my mind a very serious question. What is our threshold for prevailing crisis in Burundi right now? Our hands are tied because we do not have legal instruments to intervene and to make serious impact in what is happening.

This Bill is dealing with natural disasters. It should be complete with both natural and manmade disasters. We should take it very serious because it is our core business to ensure that the people of the region are safe and that we have mechanisms in place. This is especially with regard to people who are responsible for responding to disasters in the region like the Red Cross Society. I had the opportunity to visit Red Cross Society of Kenya. I found out that they are facing very serious challenges. They and other agencies are looking at us, as their voice, to deal with their cross-border challenges. I think the onus is on us as a community and as an Assembly. I beg the Minister to make sure that this issue is disposed of urgently and that the people of East Africans will get a law from this Assembly that will help them in times of disaster.

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

Ms. Abdullah Hassan Ally Mwinyi (Tanzania): Thank you very much, Hon. Speaker. I would like to join my colleagues in congratulating Hon. (Dr.) Kolimba, first and foremost for attaining her position as the Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation. That is a very long title but I am sure that my colleagues understand. Further, hon. Speaker, I would to also welcome the honourable Minister to this august House.

This has certainly been baptism by fire. I am stuck between a rock and a hard place because I fully concur with the arguments of Hon. Patricia that have been fortified by my sister Hon. Dora Byamukama. That having been said, an adjournment to August will be tantamount to going against the grain of the phrase *hapa kazi tu* – (*Applause*).

Listening to my sister, hon. Patricia Hajabakiga, narrating the genesis of this and about the adjournment, I could actually characterise that the entire process has been a boil that requires treatment. Those of you who follow Tanzanian politics will understand that. All that having been said, based on the fact that my sister, Hon. (Dr.) Kolimba is here for the very first time, it is very clear to all of us that she is has not fully been briefed on the intricacies of what is transpiring here today. I am urging my colleagues to support me in requesting a further amendment of the Motion of the Chairperson of the Council to allow us, until March, during the next Plenary so that the Minister can further consult, not only with the Committee but also her colleagues who have been very silent on how best we can proceed. This goes against the very grain of the Fifth Government.

The Speaker: Hon. Mwinyi, I clearly remember that were the Chairperson of the

Legal, Rules and Privileges Committee. You know, very well, our Rules of Procedure. Are you insinuating or moving an amendment to the House? Could you come out clear to the House?

I move an amendment on condition that the Chairperson, Council of Ministers accepts because it is her Motion. I will draft an appropriate amendment under Rule 30(d) to suspend debate on this Motion until the next Plenary in March. I will draft an appropriate amendment and bring it before the Table.

I beg to move.

The Speaker: Hon. Mwinyi, I think you have moved under 30(c). Yes, you are moving under 30(c). But before I ask for secondment to that Motion, I would like to make the following clarification.

The Motion was moved by the Chairperson, Council of Ministers and was duly supported. The debate is on. She is just the Mover of the Motion. Debate is on. The consent on how to deal with it is by the House.

Mr. Mwinyi: On a point of clarification Sir.

The Speaker: Before you seek clarification, there is a Motion on the Floor. I am constrained to move otherwise before the Motion is seconded.

Mr. Zein: Hon. Speaker, I would like to seek clarification from Hon. Mwinyi. If my understanding is correct, he is standing to move an amendment to the Motion that is on the Floor to substitute, therefore, “August”, with “March,” during Plenary. Is that my correct understanding?

Mr. Mwinyi: Hon. Speaker, that is spot-on. That is the exact amendment I am seeking to move.

I beg to move -

THAT, the Motion on the Floor be amended to substitute “August” with “March,” 2016. I beg to move.

The Speaker: The Motion is moved under 30(a) and not 30(c) which is on suspension of debate. Is this Motion seconded?

It is seconded by hon. Sarah, hon. Kizigha, hon. Kimbisa, hon. Suzan, hon. Shy-Rose, hon. Mariam, hon. Kessy, hon. Mulunya and hon. Makongoro.

The Motion is duly on the Floor. Hon. Patricia. Seek your clarification.

Ms. Patricia Hajabagika (Rwanda): Thank you, Hon. Speaker, Sir. My clarification is this: What part of this Motion is Hon. Mwinyi carrying out an amendment? What he is talking about regarding August and whatever else is not in this Motion. I wonder what he is amending.

The Speaker: Hon. Member, the Motion is moved by the Minister to adjourn debate. In her justification, she mentioned August. Hon. Mwinyi, if I got you right, you are moving to amend the Motion to put a timeframe in the Motion of March this year, during Plenary. That will be in the United Republic of Tanzania.

The Motion is duly seconded. Debate is open. Hon. Mwinyi, could you proceed with your Motion?

Mr. Mwinyi: Hon. Speaker, I am doing this to support the justification that has already been put forward by hon. Mariam in the so that we allow the Chairperson, Council sometime to consult with the Committee as well as her colleagues so that she is in a position to formulate a proper response as far as this very important Bill is concerned. With those few words, I beseech my colleagues to support it.

Hon. Speaker, I beg to move.

The Speaker: Hon. Members I will not take any more people to speak on this Motion but I will get one or two. I will give hon. Ngoga.

Mr. Martin Ngoga (Rwanda): Thank you Rt. Hon. Speaker. I also stand in solidarity with our colleagues who underwent difficult times. I want to welcome Dr. Suzan to this House. I support the Motion but I want to make a few comments. I am caught in between two principles which I prefer to use in doing my business. One is that I am always hesitant to grant something that has been requested when I have it but at the same time, I do not like the idea of conducting our business as if we deal with individuals and not institutions. (Applause)

The issue of somebody being new, being absent do not apply. We are dealing with institutions which should resist the shocks of individual situations. So, I beg that we grant this Motion. However, we have to be cautious because we are creating very bad precedence. Thank you.

Ms. Joseph Kiangoi Ombasa (Kenya): Thank you Mr. Speaker, Sir. I also congratulate Dr. Suzan Kolimba for joining the Council of Ministers. I want to say one or two things about this Motion that was moved by hon. Mwinyi.

We are making assumptions regarding how a Government is run. Hon. (Dr.) Kolimba is a fully fledged Deputy Minister and a Member of the Council of Ministers now. For us to say that she is new means that we are assuming that there are things that she has not learnt. This is not the position. In normal circumstances, I am following what hon. Martin has just said. Having hit the road running, she is fully conversant with everything that is how Government is run, Ministers are appointed and the following day they are answer questions. The President of Tanzania was elected and the following day he began working. To say that we are

giving an opportunity to understand can actually mean that she does not understand. I thought I heard hon. Members here praising her and I agree with them that she is an intelligent person. Indeed, she understands all these things.

In my view, what the Mover of the Motion has expressed and what hon. Dora, hon. Pareno and the rest and the rest is not right. This Motion – (*Interruption*) -

Mr. Mwinyi: Hon. Speaker, on a point of information.

Mr. Ombasa: Hon. Speaker, Sir, I will not take information and I thank hon. Mwinyi. The amendment by hon. Mwinyi should be rejected. The Motion of the Council of Ministers should also equally be rejected. I thank you.

Hon. Members, we are debating hon. Mwinyi's Motion which is about amending the Motion moved by the Chairperson, Council of Minister to adjourn debate on this Bill to March, 2016 during our next plenary. That is the amendment we are debating.

Mr. Adam Omar Kimbisa (Tanzania): Thank you hon. Speaker, Sir. I also want to wish all of you a happy new year. I would also like to take this opportunity to congratulate Dr. Suzan and to welcome her to this very important undertaking.

I agree that 30 months is too long to wait unless one is waiting for a billion dollar bag of money, then one can wait. But waiting for 30 months is too long to wait. This assembly is very sober and patient because we have been waiting for long. We have been waiting, waiting and waiting. Let us assume that the Minister did not get enough briefing or no briefing at all from her predecessor or her colleagues. That being the case and I know as much as my colleagues have said, that once you are appointed---

Hon. Speaker: Honourable colleagues, for the purpose of the record of this House, hon. (Dr.) Wakienge Harrison and Hon. (Dr.) Sadala worked with us here. Their tenure ended after they had done a fantastic job. You know that the Ministry has staff that continue to serve even if political leadership ends. To insinuate that they did not do some work in anchoring their colleagues is to impute bad motive on the two hon. gentlemen who did a great job with us. Thank you, proceed.

Mr. Kimbisa: Thank you hon. Speaker. The point I was trying to drive home is that under normal circumstances, the moment an individual joins an institution, it takes a bit of time for him to absorb the running of that organisation. All us, one way or the other, have joined different organisations and it takes a bit of time to understand the language of the institution one is joining. On that note, I am also pleading strongly and join hon. Mwinyi in saying that we should give a bit of time up to March. By that time, I am assuming that Dr. Suzan will have consulted widely, deeply and otherwise to the extent that she will understand what is going on. March is not very far but August is far.

The Speaker: I will allow only two people to give brief debates on the Motion as moved by hon. Mwinyi.

Mr. Chris Opoka-Okumu (Uganda): Thank you Rt. Hon. Speaker. I would like to congratulate Dr. Suzan Kolimba for having been appointed a Deputy Minister and for having been sworn-in today. I also wish every Member a happy new year and a prosperous one. I would also like to express my---

Mr. Ogle : On a point of procedure, Mr. Speaker, Sir. I am at a loss and need your guidance on this issue. *Mheshimiwa* Mwinyi stood to seek an amendment. We have no idea whether the Mover of that Motion is comfortable with that. Transacting this debate when we do not know the position of

the council is not right. Let us know what they think.

Mr. Abubakar Zein Abubakar (Kenya): Mr. Speaker, Sir, according to the rules of this House, once an amendment has been moved and seconded, it has to be disposed of. Those who want to speak to the amendment should show their desire by standing up. We cannot force anyone to stand up.

The Speaker: I would like to clarify to hon. Ogle that the Motion is in the House. It is no longer the property of the Chairperson, Council of Ministers. I gave this guidance earlier. Hon. Mwinyi has moved to amend the Motion to make sure that there is a time frame allocated to the Motion. That is what we are debating. Hon. Chris, the Floor is till yours.

Hon. Chris Opoka-Okumu, the Floor is still yours.

Mr. Opoka-Okumu: I was expressing my condolences to colleagues who have lost their loved ones. Rt. Hon. Speaker, when this matter came up in Nairobi during the sitting, the predecessor of hon. Suzan had indicated that this matter would come up. There was no objection of this matter being dealt with during the Kigali sitting. That was hon. Minister Madenda. That meant that the Council of Ministers had actually made up their minds that this Bill could go on.

Now another postponement is being proposed. I would like to urge Members to support the amendments proposed by hon. Mwinyi for the simple reason that we should cooperate with the request by council. Last time they requested to bring this matter in February, 2014, it was not brought.

Ms. Dora Kanabahita Byamukama (Uganda): Mr. Speaker, Sir, the clarification I seek is this: Is the hon. Member insinuating that if we go ahead and pass this Bill we will not be cooperating with the council of

Ministers? My humble view is that we will fully be cooperating with them. If you look at the Treaty, you will find that in Article 63(1) the heads of states may assent to or withhold assent to a Bill of the Assembly.

63(2) “A bill that has not received assent as provided for in paragraph 1 of this Article, within three months from the date it was passed by the Assembly shall be referred back to the Assembly giving reasons, and with a request that the Bill, on a particular provision thereof be considered by the Assembly.”

Therefore, the magic of having it passed within three months can be done. We will be cooperating with the Council of Ministers because the Heads of States gave a directive that this House passes a law on disaster preparedness. The clarification I would like to seek is; does he insinuate that we are not cooperating when we are fully cooperating?

Mr. Opoka-Okumu: Thank you hon. Dora. All I meant is simple. Let us go backward to cooperate. That is what I meant. I do not want to insinuate that we are not cooperating if we reject the Motion of the Minister. I am talking about the Motion that has been proposed by hon. Mwinyi about March. I was a member of the committee. I felt that the Bill had delayed for too long and that we should reject it. But because the Council of Ministers has requested, they should know that when Members ask for something, they should also reciprocate. We must scratch each other's back. With those few words, I would like to support the amendments proposed by Hon. Mwinyi because going to August is too long.

Ms. Byamukama: On a point of order, Mr. Speaker, Sir. I would hate to interrupt my brother, hon. Chris. However, is it in order for him to insinuate that we are scratching each other's back when we are executing our noble mandate? Is it in order, Mr. Speaker, Sir? *(Laughter)*

The Speaker: The hon. Member should not impute any intentions by this House that we are doing some appeasement to the Council to achieve something. We are just doing our legislative work. I will give hon. Zein and hon. Patricia. This is the Motion by hon. Mwinyi and then we will go back to debate on the main Motion. Proceed.

(Several hon. Members stood up in their places)

Hon. Dr. Martin, hon. Patricia and the rest. I will give you a chance when we come to the main Motion.

Mr. Opoka-Okumu: Thank you Mr. Speaker, Sir. What my very good friend and Chairperson of the Committee hon. Mwinyi has proposed has left me with a bad taste in my mouth. I have a lot of respect for hon. Mwinyi and for those who are supporting his amendment but what he has done is just to comply with one of the conditions that I gave. My conditions aside, let me say five simple things very quickly. Number one, this House is sending a message to the Council of Ministers. We do not want to know how you manage exit and entry politics of your institution. What we expect is that it is a functioning institution and it has inherent institutional memory.

Two that we are tired of not being told to work. That is the message. Three, that the Council of Ministers as adequately demonstrated by other Members including hon. Dora has to make up its own mind. Should they listen to some Members or not? Number four, because I am a law abiding citizen, when you ask me to be kind to the Council of Ministers and the Chairperson of the Council of Ministers, I hope you are not asking me to be unkind to the Mover of the Motion, the Committee and this House. Having said those things and being forced to swallow bitterness of what is in my mouth, I

will reluctantly support the amendment. (Applause)

The Speaker: Hon. Patricia, before I put the question to the amendment.

Ms. Hajabagika: Mr. Speaker, Sir, I am perturbed to understand the amendment by hon. Mwinyi. If you look at this Motion and the prayers in the Motion, you will see that I can only support it only after I get the following clarification from the Mover.

The reason why this Motion was moved is to allow the partner states to finalise the ratification of the Peace and Security Protocol. Could the Mover guarantee that by March that the Peace and Security Protocol will have been ratified by all the five Partner States?

Number two, the Chairperson has talked about technical committees which will have to sit and develop technical papers which will inform the institutional framework of the Bill. Will that have been done by March, 2016? Is this not another delaying tactic? Unless he is telling me that whatever is contained in this paper will have been done by March, then I will understand and support the Motion. Without that assurance, I will reject the Motion and all my colleagues will reject it.

The Speaker: Hon. Mwinyi, could you respond and summarise before I put the question to your Motion?

Ms. Mwinyi: Thank you, Hon. Speaker. When I stood up, I said that I was stuck between a rock and a hard place and I truly believe that. Let me start by responding to hon. Patricia. I cannot issue any guarantee. I am not a Member of the Council of Ministers nor do I purport to be one. I am assuming good faith. There is an assumption of good faith. I stand, side by side, with colleague, hon. Zein to say that institutional memory

should be guaranteed. That having been said, this particular issue is clearly an administrative hiccup. I am beseeching my colleagues, although I understand their arguments in principle and I support. However, in order to assist the new Chairperson, Council of Ministers, I urge Members that we adjourn this event until March. We are now in January. We will finish this Plenary in February. March is just in another month's time. Let us assume that this is being done in good faith. Let us assume that the Council, in the time that they have been, will finalise what needs to be done in order for us to proceed.

Hon. Speaker, I urge everyone else to support the amendment as I proposed and to move on to the next activity. Thank you, Mr. Speaker, Sir.

The Speaker: Thank you hon. Mwinyi. Hon. Members, the Motion by hon. Mwinyi is;

THAT, the Motion moved by the Chairperson, Council of Ministers be amended to say, debate be adjourned to March 2016 during our next Plenary.

(Question put and agreed to)

The Speaker: Hon. Members, we now go to the main Motion which has been amended.

Resolved accordingly;

“THAT, that, in accordance with the provisions of Rule 29 of the Rules of Procedure of the Assembly, this House do resolve to adjourn debate on the East African Community Risk Reduction Bill, 2013 until March, 2016 during the next plenary meeting.”

I am going to give two or three people whom I had seen.

I will give hon. Christophe who is also the Chairperson, Committee on Agriculture, Tourism and Natural Resources.

Mr. Christophe Bazivamo (Rwanda): Thank you hon. Speaker, Sir. It is my first time to stand in this House this year. Let me also take this opportunity to pass my condolences to the ones who have lost their loved ones.

The Speaker: Hon. Members, I would like to call upon you to pay attention to the debate on the Floor. We are dealing with the main Motion.

Mr. Bazivamo: I would also like to congratulate and to welcome Dr. Suzan. I am a bit disappointed because on one hand,, the Council of Ministers has always said that this Bill is very important and that the Bill is good. The Chairperson, Council of Ministers said very good words regarding the Bill in 2013. He supported the Bill. However, he asked for more time to consult and it is now two and a half years down the line the Bill has not been passed on the Floor of this House.

Many other people have said this and you have heard the feeling of Members that delaying Bills and especially this one which has been recommended more than twice by Heads of States is not a very good thing for our House. This is the beginning of this year, 2016. Delaying this Bill may not be a good thing to do. The Bill was presented in 2013 and the Chairperson, Council of Ministers then commented that the Bill should even have been ready yesterday. This was in 2013. The Bill is not ready yet and we have to postpone it.

Disasters have been there, are still there and will continue to happen. We have seen floods and landslides happening in many places, destruction of properties because of climate change and yet we continue to keep quiet. This delay is a very bad practice. I have

listened to the proposals that have been given to postpone this Bill. When I compare it with what we had in 2013, I see that that difference is not major. Actually, there is no difference. Our expectation of this Bill to be brought here in one month is something I also doubt. However, I have always respected the Council of Ministers and will expect the Bill to be ready by March.

I want us to comprise with them. Instead of waiting until March for consultations to happen, I request the Council of Ministers to plan and omit the section by the Committee on Agriculture, Tourism and Natural Resources so that they continue to consult partner states. After consultations, they will have considered our further concerns and if time allows it, we should have time in this plenary so that we can exchange ideas regarding why the Chairperson is postponing this Bill.

Rt. hon. Speaker, climate change is an issue that is here with us. The impact is being felt. Delaying mechanisms of dealing with climate change is also a way of neglecting the problems that our citizens are facing. I urge that we try our best, with the Council of Ministers and ensure that this Bill is not pushed again forward from March.

The Speaker: Hon. Members, I think in the interest of time, I will put a vote on this matter. All those who are outside should know that I am putting a vote on the question of the Motion. However, before I do so, let me invite the Minister to respond to the debate or issues raised.

The Minister of State for East African Community Affairs, Uganda (Mr. Shem Bageine) (Ex-Officio): Thank you Rt. hon. Speaker. I also take this opportunity to wish all Members of EALA a happy and prosperous 2016. I also send our condolences, belated although, to those who lost their loved ones in the recent past.

Mr. Speaker, Sir, before my Chairperson responds, I thought I should say a few words. I have listened as Members spoke. I want to assure this House that the delay in presenting this Bill has not been deliberate. I want to assure Members that the Council of Ministers is not oblivious to the importance of managing disasters within our communities. However, as all of you are aware, since last year, we have been experiencing problems that have not made it possible for the Council of Ministers to meet and discuss a number of issues.

At the risk of repeating myself, the Council of Ministers has set out meetings which are enshrined in the Treaty and until we get the institutional review, it will continue to be difficult for the Council of Ministers to meet more often in order to address issues of this nature.

For example, the summit was supposed to take place last year in November. The Council of Ministers was supposed to meet but it did not. Up to now, the Council of Ministers has not met due to circumstances that all of you are aware of.

We, as a Council, work together. I would like to request Members not to personalise the issue of the Council so as to make it an issue of the Chairperson of the Council. We work as a committee and the Chairperson of the Council represents all of us.

So, let us not personalise issues and yet the Deputy Minister has just joined us. She is taking her responsibility well. I would also like to welcome her to the Council of Ministers as the Chairperson of the Council. The speed of liberating women in East Africa is catching on very well. As of now, the Council of Ministers if made up of four women and one man. *(Laughter)*

I am a very rich man.

I want to reiterate our commitment to the growth of East Africa in serving our people through the integration of East Africa. However, I want to call upon this House to support us. When we move in to change certain aspects of the Treaty in order to make work easier for all of us. Until we do that, it becomes very difficult. Meetings of the Council have financial implications. They are in the budget. We cannot just wake up one day and decide to have a meeting. If we had an elevated secretariat with political representation that can make decisions without looking for responses of partner states we would work better. I am hoping that Members of EALA who will continue after some of us have left will make sure that this is done so that we work more smoothly than we have been doing.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): Hon. Speaker, hon. Members of the Assembly, on behalf of the Council, I would like to thank you for the good comments and contributions. I understand your concerns about the Bill. I understand how important this Bill is. I will respond to some few issues that were raised.

Before going into specifics, I will start by making a clarification on the following issues.

The delay of the Council to finalise the consultations has been caused by the cross-cutting issues and the nature of disaster matters which are related and contained in the Bill itself. As you are aware, that Bill has several issues which are critical and are related to the establishment of the authorities, establishment of the body, establishment of a fund and all these things require the council to analyse them clearly so that once the Bill is passed, it is possible to smoothly implement it.

We should give time and ensure that all the issues which were raised or seen by the experts are contained in the Bill. When I was listening to the hon. Members of the Assembly, all of them were concerned about the time frame I had proposed which was August. We thought that we could have this Bill discussed in August because of the many activities which are supposed to take place before that time. We wanted to allow the meeting of the multi-sectoral committee to meet in February. After they have met, the Council will receive and consider the recommendations of the multi-sectoral committee. We also thought that if we proposed to have the Bill brought by March that would be too close. We wanted to propose to you a date which can be realised. After listening to you all, I have seen the urgency of making sure, as the Chairperson, that all the sectoral committees that are supposed to meet and finalise the process of the drafting the Bill sit. I have been consulting with some of my Ministers as the debate was going on. We have agreed that the proposed time by hon. Mwinyi which amended the Motion--- Instead of bringing the Bill in August, we will bring it in March. *(Applause)*

The Speaker: Hon. Minister, for the record and honourable colleagues, the Bill is already in the House. What will take place are consultations. There is no new Bill that will be introduced by the Council of Ministers. I expect that when this Motion takes the day, the Council of Ministers will meet with the Committee and incorporate views in the Bill before we proceed with the debate of the Committee report and pass the Bill. Proceed, hon. Minister.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): Mr. Speaker, Sir, I have heard several hon. Members repeating the slogan by the Tanzanian President, *hapa kazi tu*. I know that you have taken this slogan going by your comments. I have seen that you are working with the council to join hands with us.

While proposing that the Council of Ministers to bring the Bill in March, you are joining us and cooperating with us to ensure that a Bill which is necessary for the integration of East Africans is brought forward, presented and also implemented.

I will now acknowledge the contributions of several members of this assembly. I acknowledge the contribution made by hon. Agure - (*Laughter*) -

Hon. Members: Hon. Ogle.

The Speaker: The hon. Minister is getting to know Members better. It is better for you to put a name to the face.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson EAC of Council of Ministers, (Dr. Suzan Kolimba)(Ex-officio): Mr. Speaker, Sir, I just want to put a name to the face. Hon. Mumbi, hon. Patricia, hon. Dora, hon. Sarah, hon. Mike Sebalu, hon. Mwinyi, hon. Shy-Rose, hon. Maryam and all those who have participated to give us a chance so that we cooperate the comments necessary to the Bill so that the Bill can be brought in March. I beg to move.

The Speaker: Thank you hon. Minister. Hon. Members, the Motion before this Assembly is -

“THAT, in accordance with the provisions of Rule 29 of the Rules of Procedure of the Assembly, this House do resolve to adjourn debate on the East African Community Risk Reduction and Management Bill, 2013 until March, 2016 during the next plenary meeting.”

(Question put and agreed to)

ADJOURNEMENT

The Speaker: Hon. Members, before I adjourn the House, I have an announcement from hon. Abisai Nancy who is the coordinator of EALA fellowship group. The fellowship will have its first prayer meeting on Thursday this week at 8.30 am. The venue has not yet been attached but will be communicated. Please, plan to attend.

With those many remarks, I adjourn the House to tomorrow, 2.30 p.m. The House stands adjourned.

The House rose at 5.00 p.m. and adjourned until Wednesday, 27 January 2016 at 2.30 p.m.