



## **EAST AFRICAN COMMUNITY**

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

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

#### **116<sup>th</sup> Sitting - Third Meeting – Fourth Session – Third Assembly**

**Thursday, 26 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)*

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#### **COMMUNICATION FROM THE CHAIR**

**The Speaker:** Honourable Members, good afternoon. I welcome you to this plenary. You will remember that in March this year we received a petition from the youth who constitute the East African Youth Platform, and their prayers were very clear in their petition. We referred this petition to the Committee on General Purpose. These youth have followed up their petition and have been having a hearing in the Committee. I would like to welcome them here and to introduce them to you, Members of this Assembly. We have Gaspareno Auzi, the Chairperson, from Tanzania; we have Peace Mukazi from Rwanda; we have Gilbert Gahishimye from Burundi; we have Jacob Ecweru from Uganda; and we have Robi Chacha Musena

from Kenya. We welcome you and congratulate you for following up the matters on behalf of the youth of East Africa. Thank you - *(Applause)*.

Honourable Members, yesterday afternoon a Member of this august House, Hon. Mwinyi, rose under Rule 30 (j) on a matter of a motion, and I requested him to allow me to grant him space this afternoon. Since then, he has come to my office and conferred with me that the matter of the motion that he was rising on would require him to get more information in order to be able to move it. Therefore, we have conferred with him and other interested parties and Members on that same matter and he agreed to raise a question under Rule 18 to the Chair, Council of Ministers to give account of what exactly

happened to the Secretary General of the East African Community while on duty in the Republic of Burundi.

After the Council of Ministers has answered that question, he will have gathered enough information, and based on the information, which will be in the archive of this Assembly, he will then move a motion on the matter. That is how we have agreed. Thank you so much, hon. Mwinyi and your colleagues - *(Applause)*.

### **BILL'S Committee Stage**

*(Business interrupted on Wednesday, 14 October 2015, resumed)*

**The Speaker:** Honourable Members, you will remember that on 14 October 2015, while in Nairobi in the Republic of Kenya where we were meeting, this Bill was under consideration by this Assembly and we had almost reached a point of going to Committee Stage. Then the Chair, Council of Ministers pleaded with this Assembly that we adjourn proceedings on the Bill to allow for further consultations. I am reliably informed that the Committee has been meeting with the Chair, Council of Ministers and the Ministers. As a way of refreshing the memory of this Assembly, and as a way of putting us on the same page, I would like to take this opportunity to invite the Chairperson of the Committee to report to this Assembly briefly what has transpired and then from there we shall proceed to the Committee Stage.

**The Chairperson, Committee on Agriculture, Natural Resources and Tourism (Mr Christophe Bazivamo) (Rwanda):** Thank you, Mr Speaker. As it is my first time to rise, let me welcome all Members to Rwanda and invite you to feel at home and enjoy the hospitality of our

country. You are welcome, Hon. Members - *(Applause)*.

Rt. Hon. Speaker, as you have rightly said, yesterday we, as the Committee of Agriculture, Natural Resources and Tourism met the Council of Ministers with the Secretary General. We discussed the issues and came to conclude that the Bill should proceed and if any other observations or amendments come up, the Council of Ministers will come on board at an appropriate time. Otherwise, we have all agreed to continue with the Bill. Thank you.

**The Speaker:** Thank you so much, Chairperson.

**Mr Mathuki:** Clarification. Thank you very much, Rt. Hon. Speaker. I want to congratulate the Chair of the Committee on Agriculture for ably coming up on the same. Rt. Hon. Speaker, you may recall well that in Nairobi, the Chair of Council then, whom I believe still stands as the Chair, Council of Ministers - of course I am aware that he is represented in this sitting - told the House that the United Republic of Tanzania had not constituted a government and that therefore it was difficult at that level to advise the House. I think it would be fair to understand whether they have finalised that matter and, therefore, now we are ready to move so that we are balanced and we know where we are and not just go through the Bill for the sake of it and then when it comes to the Council of Ministers, it faces the challenges.

Therefore, I think if at all there is concurrence at that level, then we are updated. It is just a clarification that I am making. Maybe the current Chair, Council sitting, or the Secretary General may enlighten us so that we know. Of course, I do appreciate the importance of the Bill, and I stood in Nairobi to support it. However, I want to be sure that

once we go through this, the Council of Ministers will not be an NTB – (*Interjection*).

**Ms Byamukama:** Mr Speaker, I would like to rise on a Point of Procedure. I think this is setting a precedence, and we need to be very careful. This House has considered several Bill before. Time has been given to the Committee to confer with the Council of Ministers, and, Mr Speaker, we pronounced ourselves on this matter. You gave some directives when we were in Nairobi. So, on a procedural matter, will this House never be able to enact and pass bills until we have the kind of consensus we are seeking?

I think ample time has been given, and if there are any issues, these could be raised later. It is not cast in stone. Therefore, as a procedural matter, since we committed and since the Chair of the Committee has already said that there was consensus we should be able to proceed.

**The Speaker:** Thank you, hon. Dora. To respond to your procedural question, I have just given opportunity to the Member to raise the clarification but the Chair will actually guide in accordance with the procedures of this House. However, I will not deny you, the Members, opportunity to seek clarification. It is my duty to clarify to you if you are not in tandem with what is happening. Hon. Shy-Rose, can I hear your clarification so that I can respond to both of them?

**Ms Bhanji:** Thank you, Rt. Hon. Speaker for giving me this opportunity to seek further Clarification. Rt. Hon. Speaker, if you recall, during our last meeting in Nairobi, the House made a commitment to the then Minister for EAC from the United Republic of Tanzania, the hon. Mwakyembe, to hold this Bill and not to let it go to the next stage because at the time Tanzania was in the middle of an election. In addition, hon. Makyembe

pleaded with this House that we should not go to a further stage until the Government of Tanzania has been put in place.

As we are speaking in this House, Rt. Hon Speaker the President of Tanzania, Hon. John Pombe Magufuli has not yet formed his new government. We have no Minister for EAC in place. So, for me I would like this House to go back to the commitment we made.

**The Speaker:** Hon. Member, raise the clarification.

**Ms Bhanji:** The clarification I am seeking is, why do we want to go ahead – to the next stage while knowing that one Partner State has not formed a government? Rt Hon. Speaker, let me finish please?

**The Speaker:** Do not turn it into a debate. Raise a clarification.

**Ms Bhanji:** Let me finish, Rt. Hon. Speaker, please. Okay, what I am trying to say – okay my clarification is if we pass this Bill or we go to the next stage, who are the implementing stakeholders of this Bill? Obviously all the five Partner States. I am not here to defend Tanzania, no. Even if it was any other Partner State, I would have still stood and said that it is wrong to go ahead and rush to pass the Bill. Already we have 22 Bills, which have not yet been assented to and we want to continue to pass a Bill. What is the rush? This Bill is very important.

**The Speaker:** Honourable Members, wait a minute. I think order takes precedence. Let me give order to Hon. Chris Opoka.

**Mr Opoka:** Thank you, Rt. Hon. Speaker. Is it in order for the Hon. Member to continue debating this matter under the guise of clarification when the Chair of the Committee to which the Hon. Member

belongs has stated they met the Council of Ministers yesterday and the Secretary General was present and agreed that this Bill be passed?

Last time the Hon. Mwakyembe said that this Bill could be passed in Kigali, so why are we trying to distort facts?

**The Speaker:** Thank you so much, Hon. Chris Opoka. The Member is not in order because; one, the Member is a member of the Committee; two, the Chair has reported that they met with the Council of Ministers and I know for a fact that the Chair of Council of Ministers is here represented. Therefore, the Member has no right to speak on behalf of Council of Ministers.

As guided earlier, and as presented by the Chair, I think we will proceed as I had earlier on stated. But most important to help the Hon. Member to know is that this Bill after it has passed through the Third Reading, there are two open opportunities to the Council of Ministers or even to the Summit to refer this Bill back to us for reconsideration or even bring an amendment when it has been assented to. So, it is not cast in stone.

What we need to do, as an Assembly, is to proceed and do our work. We will not hold our work back waiting for other things. I thank you so much - *(Applause)*.

### **BILL'S COMMITTEE STAGE**

The East African Community Forest  
Management and Protection Bill, 2015

Clause 1, agreed to.

Clause 2

*(Question proposed)*

**Ms Pareno:** Mr Chairman, the Committee proposes amendments to Part 1 Clause 2 on interpretation as follows:

Insert the following definitions in their proper alphabetical order: *“agroforestry to mean land use that involves deliberate retention, introduction, or mixture of trees or other wood perennials in a crop plant or animal production field to benefit from the resultant ecological and economical interactions.”* The justification is that agroforestry has significant potential for income generation and poverty reduction.

On climate change, the Committee proposes to insert *“Climate change to mean change in the long-term meteorological average itself whatever the cost including a change from one climate mode to another climate mode which is outside the normal range of natural climate variability.”* The justification is for clarity.

Insert *“afforestation to mean the establishment of a forest or stand of trees in an area where there was no forest.”* The justification is for clarity.

*“Carbon credit means a permit that allows a country or organisation to produce a certain amount of carbon emissions that can be traded if the full allowance is not used.”* The justification is for clarity.

*“Carbon sinks means a forest in terms of its ability to absorb carbon dioxide from the atmosphere.”* The justification is for clarity.

*“Council of Ministers as established by Article 9 of the Treaty”* The Justification is for clarity.

*“Protected area means a clearly defined geographical space recognised, dedicated and managed through legal or other effective*

*means to achieve a long-term conservation of nature with associated eco-system services and cultural values.*” The justification is for clarity.

*“Forestry services means intangible products of the forest like eco-system services, water catchment, biodiversity conservation, recreational air purification.”* The justification is for clarity.

*“Forest governance means a more responsive accountable, management and control of forests with a setting up of policies, laws, regulations, implementations, monitoring and evaluation.”* The justification is for clarity.

*“Urban forestry means the practice of planting, managing and caring for forests in cities or town areas.”* The justification is for clarity.

*“Indigenous tree species means tree species that occur naturally in a local regional system.”* The justification is for clarity.

*“Forest tenure means a concept that includes ownership, tenancy and other arrangements for the use of forests.”* The justification is for clarity.

*“Natural resources means materials or substances such as minerals, forests, water and fertile land that occur in nature and can be used for economic gain as well as ecological functions and services.”* The justification is for clarity.

*“Transboundary ecosystem means a cross political border ecosystem.”*

*“Forest clarification means a process that leads to the issuance of a certificate by an independent party, which verifies that an*

*area of forest is managed to a defined standard.”*

*“Forest management means acts aimed at setting up technical, economical, industrial, legal and administrative measures towards maintaining forests for increased productivity and ecosystem services.”*

*“Non-wood forest products exclude all wood raw materials.”*

*“Sustainable forest management means the use of forest resources in a way that allows present and future generations to have access thereto and have a share in and rights to them.”*

*“Ethnobotany means the science of the culture and plants relationships existing between peoples and plants.”*

Then replace the definition “*logging title*” with “*logging licence*.” The justification is for consistency with industry practice.

Replace the definition “*illicit trade*” with “*Illegal trade*.” The justification is for consistency with industry practice.

Replace the definition “*non-timber*” with “*non-wood*.”

*“National Forest Authority means a competent authority in a Partner State responsible for forest management and protection.”* The justification is for clarity.

Rephrase the definition of sustainable forest management to read “*Sustainable forest management means the use of forest resources in a way that allows present and future generations to have access thereto and have a share and rights to them.*” The justification is to accommodate present users of forests.

I beg to move these proposed amendments by the Committee.

**The Chairman:** Thank you, Hon. Chair. I propose that the amendments on Clause 2 as moved by the Chairperson of the Committee be part of the Bill. Debate is open.

*(Question of the Amendments proposed)*

**Mr Ogle:** Thank you, Mr Chairman. The amendment that is being suggested by the acting Chair of the Committee, that is on No. 6, “National Forest Authorities means a competent authority in a Partner State responsible for forest management and protection.” That is on page 3. The justification is for purposes of clarity. In fact, for purposes of clarity it should read “*National Forests Authority*” and not “*Authorities*” because you are talking about a competent authority in a Partner State. Thank you.

**The Chairman:** Hon. Chairperson, Hon. Ogle is proposing that instead of using plural, you use singular “*Authority*” to imply all. What do you think?

**Ms Pareno:** I think that is in order, Mr Chairman.

**The Chairman:** So, I take it to be an amendment to which the Chair has conceded.

**Ms Pareno:** Yes.

**The Chairman:** I now put the question that the amendment as amended by Hon. Ogle be part of Clause 2.

*(Question put and agreed to.)*

*(Clause 2, as amended, agreed to.)*  
Clause 3

**The Chairman:** Hon. Members, I propose the question that Clause 3, be part of the Bill. Debate is open.

*(Question proposed)*

**Ms Pareno:** Thank you, Mr Chairman. The Committee proposes amendments to Part 1 of Clause 3 on objectives as follows:

(b) Should read, “*To promote forest investment and trade in forest products, including carbon credits as a means to fight poverty, and to contribute to the social-economic development of the people of East Africa.*” The justification is that forests have goods and services and, therefore, this Bill should consider trading in services.

Objective (e) should read, “*To strengthen the technical human material and financial capacity to improve the forest management and control in the region in partnership with stakeholders.*” The justification is that the Bill should promote participation of private sector and civil societies.

Objective (f) should read, “*To promote good forest governance and harmonise national forest laws and regulations as well as the implementation of existing international instruments on forests.*” The justification is forests governance is key to sustainable forest management, transparency and accountability.

We propose to add Objective (20) to read as follows, “*To promote the practice of agroforestry across the farm, field and landscape levels.*” The justification is to address the interaction between agriculture and forestry deliberately.

We propose to add another Objective (21) to read, “*To promote research and training for sustainable forest management.*” The

justification is to address the importance of research in forest management deliberately. That is all.

**The Chairman:** Thank you. Hon. Members, I propose that the amendment to Clause 3 as moved by the Chair of the Committee be part of the Bill. Debate is open.

**Mr Zein:** Thank you, Mr Chairman, I wanted to propose a further amendment for the consideration of the Committee, if they consent to it, to promote mapping of natural capital in the East African Community.

**The Chairman:** Hon. Zein, have you drafted and passed it over to the Chair or maybe to the table?

**Mr Zein:** I will do that.

**The Chairman:** We cannot proceed without it. Hon. Members, if you intend to move an amendment, before you rise to move it, please make sure that you have it drafted for ease of our proceedings such that we can subject it to a debate and see whether it is accepted or not. However, in the interim, Hon. Chair, did you pick the amendment as moved by Hon. Zein?

**Ms Pareno:** I have understood him to mean that – he says to promote mapping of natural capital. That is what I understood but I have a problem with what natural capital is because it has to be defined. At the end of the day, we might have natural capital that is not forests. So, I have a difficulty accepting that now. When it comes to the mapping of natural forests – *(Interruption)* -

**The Chairman:** Is anybody debating the proposal by Hon. Zein? If not I put a question to the proposed amendment by Hon. Zein. Okay, Hon. Zein, would you like to respond to your proposal, which the Chair is not concurring with?

**Mr Zein:** First of all, Mr Chairman, allow me to apologise for not circulating it in writing. Second, let me explain a little bit. This Bill is a very good Bill. The gap that I am seeking to cover is that as you speak about that conservation of forests, there is debate about the value of the complete ecosystem of the forest and its biodiversity. In the field, the cutting edge knowledge in the field is that it is not enough to just protect the forest. It is even more important to map the natural capital and the natural capital refers to the value you get from the complete biodiversity from the forest. To map it and evaluate it...but if that is not acceptable to the Members, I will be very happy to withdraw it.

**The Chairman:** I would take that statement in conclusion to mean that you have withdrawn it in the spirit of – *(Interjection)* -

**Mr Zein:** No, I have not.

**The Chairman:** Okay, can I have a seconder to Hon. Zein's amendment?

*(Dr. Ndahiro stood in his place to second the motion)*

**The Chairman:** Hon. Dr Ndahiro has seconded it and I was asking for debate to the matter now that he has given clarification to it. Chair, I may now formally ask you to respond to me having heard the justification. Are you convinced or not? Just wait. Hon. Patricia has just risen. You will respond to it after she has debated.

**Ms Hajabakiga:** Thank you, Mr Chairman. I gather that the explanation given by Hon. Zein as a justification for the amendment...since the Committee is not made up of just the Chair it may be very difficult. Unless the whole Committee sits to internalise what exactly this amendment

means to the Bill, I do not want to agree or even disagree. I think we should stand over the Clause and the Committee goes back. Otherwise, if he agrees to withdraw we will all be very happy. Thank you.

**Mr Zein:** I am happy to withdraw it, and I will be persistent in bringing it as an amendment when the Bill is being enacted.

**The Chairman:** Thank you. Hon. Members, I now put the question that the amendment as moved by the Chairperson on Clause 3 be part of the Bill.

**Ms Ndahayo:** Thank you, Mr Chairman. I have a small amendment to the amendment of the Chair of the Committee.

**The Chairman:** Hon. Isabelle, are you a member of the Committee?

**Ms Ndahayo:** Yes, I am, but it is just a small amendment on the amendment she has made.

**The Chairman:** If it is not substantial but maybe be grammatical, you can proceed.

**Ms Ndahayo:** Yeah. It is just a small one on 11, where she proposed to add objective (20), it should have been (g) and where she said (21), it should have been (h). Thank you.

**Mr Chairman:** Okay. It is a matter of lettering and numbering. I think we shall do the legal scrubbing eventually to put the lettering in order. Thank you for that. Hon. Members, I now put the question that the amendment moved by the Chair on Clause 3 be part of Bill.

*(Question put and agreed to.)*

Clause 4

**The Chairman:** I propose that Clause 4 be part of the Bill. Debate is open.

*(Question propose)*

**Ms Pareno:** The Committee proposes an amendment on Clause 4 (3) as follows: Rephrase the Clause to read as follows, *“Forest land area shall be clearly mapped in consultation with the relevant stakeholders and forest master plans shall regularly be updated in order to have reliable data for the efficient management of forests in the Community.”* The justification is to avoid conflict in mapping exercises and consultations will improve compliance.

Again, the Committee proposes to add the following new sub-clauses after Clause 4 (7) as follows:

*“(8) Partner States shall in the course of implementation of international, regional and national instruments and agreements ensure that communities receive commensurate benefits to their contribution towards forestry management.”* The justification is to make sure that benefits derived from international arrangements reach targeted communities.

*“(9) Partner States shall put in place mechanisms to protect and promote the production and replanting of indigenous tree species.”* The justification is to safeguard the indigenous tree species.

*“(10) Partner States shall establish a framework for measuring, valuing, monitoring and trading in direct forest ecosystem services such as water, biodiversity and wildlife as well as associated services such as carbon sequestration, ethno botany, recreation and tourism.”* The justification is to exploit forestry services.



“(11) Partner States shall put in place sustainable mechanisms to ensure protection and management of forests.” I beg to move, Mr Chairman.

**The Chairman:** Thank you. Hon. Members, the proposal is that the amendment be part of the Bill. Debate is open.

*(Question of the amendment proposed)*

**Mr Mulengani:** Sir, I want the Committee to clarify to me the difference between the amendment proposed in Clause 4 (9) and Clause 4 (11). They seem to be talking the same thing.

**The Chairman:** Hon. Chair, can you clarify to the Member, he is saying that the two amendments, 9 and 11, seem to be meaning the same to him.

**Mr Bazivamo:** Thank you, Rt. Hon. Chairman. In Clause 4 (9), emphasis is on the indigenous tree species and the one in 11, comes with mechanisms to ensure protection of forests in general. Thank you.

**The Chairman:** Hon. Mulengani, the Hon. Bazivamo is saying the first one is on indigenous species while the second one is on mechanisms with very many words like sequestration and ethnobotany mechanisms. Does it now make distinction?

**Mr Mulengani:** Sir, he is responding to 9 and 11, which I actually sought clarification to. But when you are talking of protection and management, it is the same language to do with production, replanting – that is all protection and management. Whereas he is referring to indigenous species, mechanisms of protecting indigenous species may also include other plantable trees and not necessarily indigenous. I think I am clear with that. I concede, Sir.

**The Chairman:** Thank you.

**Mr Ogle:** Mr Chairman, I want to suggest a slight amendment on Clause 4 (8) to read as follows. “Partner States shall in the course of implementation on international, regional and national instruments and agreements ensure that communities receive commensurate benefits for their contributions in forest management.”

**The Chairman:** Hon. Ogle has moved on a grammatical correction, Chair.

**Ms Pareno:** That is in order.

**The Chairman:** Thank you. That is more or less a typo. Hon. Dr Ndahiro.

**Dr Ndahiro:** Chairman, I also wanted to move an amendment on Clause 4 (3). I feel that mapping of land is very important, and that we cannot leave in the hands of relevant stakeholders. I feel that term is too general, and I would like to replace it with “*authorised parties*”, and if necessary, go to Clause 2 and define “*authorised parties*” to mean “*those institutions established in Partner States under Partner States legislation or whatever legislation,*” but authorised institutions at Partner State level. Thank you.

**The Chairman:** Hon. Dr Ndahiro, give it to the Chair. Dr Ndahiro has moved an amendment, is it seconded? Fortunately, the seconder is also aiding the process. Thank you. Yes, Hon. Patricia.

**Ms Hajabakiga:** Hon. Chair, we have a problem with amendments, which are being said, and we do not have copies. It is very difficult to understand them. I would maybe request Hon. Ndahiro to repeat his amendment because I did not really understand.

**The Chairman:** As I stated earlier, Hon. Members, to make us move faster, I repeat again, draft your amendment before you even rise to make an amendment such that when you are rising it is also moving to the Chair and Members.

**Dr Ndahiro:** Chair, I just wanted to replace, “*relevant stakeholders*” under Clause 4 (3) with “*authorised parties.*” Thank you.

**The Chairman:** He is replacing “*relevant stakeholders*” under Clause 4(3) with “*authorised parties*”, and it is dully seconded. Debate is open on the matter. (Interjection) – Information from Hon. Bazivamo.

**Mr Bazivamo:** Thank you, Rt. Hon. Chair. I have clearly understood the concerns of Hon. Ndahiro. However, we actually think it is better to be open. When it comes to mapping, you do not only work with technical people or institutions because you also have to consult the population around, the civil societies and all other concerned persons. Therefore, here it is open. We do not say that they have to decide but rather you have to consult them because we emphasise that it is done in consultation with relevant stakeholders. We think that it is broad and better. Thank you.

**The Chairman:** Thank you.

**Mr Mulengani:** Sir, Chair, in agreement with Hon. Ndahiro, when we write to amend and leave it as “Forest land area shall be clearly mapped in consultation...” who will map in consultation of the stakeholders? We need clarity. Who will map? This is where Hon. Ndahiro’s input maybe can propose that forestland area – (*Interruption*) -

**The Chairman:** Hon. Mulengani, I hope that you have risen to debate in support of Hon. Ndahiro’s amendment.

**Mr Mulengani:** Affirmative, Sir.

**The Chairman:** Proceed.

**Mr Mulengani:** Sir, Mr Chairman, I am saying that in support of Hon. Ndahiro’s amendment and taking in consideration what Hon. Bazivamo is raising, we need to define who will map in consultation with the relevant stakeholders. Here now we can bring in to say, “Forest land area shall be clearly mapped by the authorised agencies in the Partner States in consultation with the relevant stakeholders.” I submit.

**Ms Hajabakiga:** Thank you, Rt. Hon. Chair. If you read the entire Clause 4, it begins in each Partner State. It means there are people who are responsible to do that job. We cannot go to Partner States and dictate who should do it. What we are saying is that the authorities responsible for mapping in each Partner State are the ones who will do it because we do not know can do it in each Partner State. What matters is that the law asks each Partner State to do the mapping. So, we are asking each Partner State to do that.

**The Chairman:** If I got the Hon. Bazivamo correctly, he seems to be saying, yes, there are authorities that will be doing this but in consultation with relevant stakeholders. Like for some of us who come from hunting communities, you just don’t come, take the forest away, and stop us from hunting without consulting us. I think that is where the gist of the matter is.

**Mr Mulengani:** Sir, I would like to differ with Hon. Hajabakiga. When you are making laws, you avoid ambiguity. So, there is no loss we make if we are providing for clarity.

In her submission, she has even referred to the term “authority.” Authority does not define who does that in a Partner State; it is just authority. So, when we raise authority it can be any Organ in a Partner State. But who is going to do this in consultation with the stakeholders? Then if we are uncertain of the stakeholders, then why are you putting the word “stakeholder?” I think putting the word “authority” does no particular harm to this clause we are amending.

**The Chairman:** If I am getting you right, Hon. Mulengani, you are saying we add authority but also maintain stakeholders.

**Mr Mulengani:** Yes.

**Dr Sezibera:** Thank you, Chair. I am a bit lost because it seems to me that the Hon. Mulengani is introducing an amendment that is different from Hon. Ndahiro’s because Hon. Ndahiro wanted to – I don’t have the amendment in front of me but I understood that he wanted to remove the words “relevant stakeholders” and replace with “authorities.” However, Hon. Mulengani wants to bring in the word “authorities” before and maintain “stakeholders.” So, I think this is a bit confusing. In any case, Clause 4 is clear that Partner States have authorities, which do the mapping. The purpose of this amendment was to say, let them do so in consultation with stakeholders. So, I think it is clear enough as it is and the amendments seem to be bringing more confusion than clarity to the Bill. I submit - *(Applause)*.

**The Chairman:** Honourable Members, I think we cannot have a lot of debate on this. Now since the mover still believes in his motion, I will put it to vote. May those in support of the amendment as moved by Hon. Dr Ndahiro say, aye and to the contrary, nay?

*(Question put and negated.)*

**The Chairman:** I now put a question on Clause 4 as moved by the Chairperson.

*(Question put and agreed to.)*

*(Clause 4, as amended, agreed to.)*

Clause 5, agreed to.

Clause 6, agreed to.

Clause 7

**The Chairman:** Hon. Members, I propose the question that Clause 7, be part of the Bill.

**Ms Pareno:** Thank you, Mr Chairman. The Committee proposes an amendment on Clause 7 (1) to read as follows, “7 (1) for afforestation as well as mechanism for certification of seed vendors.” The justification is to cater for certification of seed vendors. I beg to move

**The Chairman:** Thank you. The proposal is that the amendment as moved by the Chair be part of the Bill.

*(Question on the amendment proposed)*

**Ms Hajabakiga:** Thank you, Rt. Hon. Chairman. I am a member of the committee but when you read that 7(1) and you read what is contained here, maybe it is something else. I don’t know if we captured it well. Maybe we need to look at it because afforestation, which is the subtitle says, “*The Partner States shall have in place regulations for the production, importation and exportation of forest tree seeds and forest tree seedlings for afforestation.*” Now the way it is written is very difficult to understand which part is being amended in that section.

**The Chairman:** Hon. Patricia, as a member of the Committee, you will help the Chair to indicate whether you are bringing an amendment to your own amendment being presented by the Chair, seeking clarification from your own Chair, or you feel that you are misrepresented in what was agreed in the Committee.

**Ms Hajabakiga:** Rt. Hon. Chairman, I think I am being misrepresented. Maybe it is in the context of writing this document that we lost it. I did not want it to pass unnoticed – maybe can we stand on it and we deal with it and then come back later?

**Ms Ndahayo:** I think it is just a continuation of what is provided here. After what was provided on this Clause 7(1) for afforestation and then you continue with the amendment proposed here. So, you say, “for afforestation as well as mechanisms for certification of seed vendors.”

**Mr Bazivamo:** Thank you, Hon. Chair. The idea here is requesting Partner States to put in place regulations for production, importation and exportation of forests, tree seeds and forest tress seedling for afforestation. The addition we wish is that Partner States should also put in place mechanisms for certification. It is clear. Thank you.

**The Chairman:** Hon. Patricia, I hope the mover of the Bill has clarified to you and it is clear. He has clarified that they are increasing the certification of the seedling vendors. Are you clarified?

**Ms Hajabakiga:** Thank you, Hon. Chair. I just wanted to be sure because what we would have said is not rephrasing but adding that section on Clause 7(1).

**The Chairman:** Thank you so much. But Hon. Members, I encourage Members that

for the future of the proceedings of this House, please can you make sure that before you present Committee positions, amendments and whatever you have that you have agreed and put your house in order instead of us having Committee members raising issues unless it is on typos. Thank you so much. Hon. Isabelle, what are you saying?

**Ms Ndahayo:** It is a small amendment on what she said. We proposed to rephrase Clause 7 (1) to add the following phrase – (interruption) -

**The Chairman:** Exactly. That is what Hon. Patricia has just commented on. It is just adding, and I am putting the question now.

*(Question on amendment put and agreed to.)*

*(Clause 7, as amended, agreed to.)*

Clause 8, agreed to.

Clause 9

**The Chairman:** I propose the question that Clause 9, be part of the Bill.

**Ms Pareno:** Rt. Hon. Chair, the Committee proposes an amendment to Clause 9 (a) to read as follows; “Replace timber and other forest products with forest products.” The justification is that timber is one of the many forest products and does not need any extra emphasis. I beg to move.

**The Chairman:** Hon. Members, I propose that the amendment be part of the Bill. Debate is open.

**Mr Ogle:** Thank you, Mr Chairman. I am opposed to the amendment being suggested by the Committee regarding the replacement of “timber and other forest products” to be

replaced with “forest products” only. My justification is that much as timber is one of the forest products, timber exists in such unique and special characteristics that it cannot be taken to be part of that larger forest product. So, it is better for purposes of clarity to stay the way it is than replacing it using the justification they have given. So, I propose that it remains the way it was initially. Thank you.

**The Chairman:** Hon. Ogle seems to be the only person who has debated the amendment as moved by the Chairperson of the Committee.

**Ms Byamukama:** Mr Chairman, Sir, I would like to support Hon. Ogle’s argument because even when you look at the title, it is talking about EAC Forests Management and Protection Bill. We know that the main product of forests is timber. So, I think it is very important for us to be clear and retain it as it is and say, “...timber and other forest products.” I think it would make it clearer. So, I would like to support him fully and implore the Chairperson to oblige. Thank you.

**The Chairman:** Chairperson, would you please respond before I preside over the matter on the debate raised by the two Members.

**Ms Pareno:** I think it does no harm to accept. I concede.

**The Chairman:** Thank you. I now put the question on Clause 9 to be part of the Bill.

*(Question put and agreed to.)*

Clause 10, agreed to.

Clause 11

**The Chairman:** I propose the question that Clause 11, be part of the Bill.

**Ms Pareno:** Thank you, Mr Chairman. The Committee proposes an amendment to Clause 11 (2) as follows: We propose to insert “agroforestry” to mean “*Private sector specialising in forestry, agroforestry and environmental.*”

The justification is to ensure that there issue of agroforestry is harmonised across the document. I beg to move.

*(Question of the amendment proposed)*

*(Question put and agreed to.)*

*(Clause 11, as amended, agreed to.)*

Clause 12, agreed to.

Clause 13 agreed to

Clause 14 agreed to

**The Chairman:** I propose the question that Clause 14, be part of the Bill.

**Ms Pareno:** Thank you, Mr Chairman. The Committee proposes amendments to Clause 14 as follows:

On the functions of the Board, we propose to add the following additional sub clauses on functions of the Forest Board to read as follows:

- (1) To develop guidelines to mainstream agroforestry into national development plan;*
- (2) To develop and periodically update details of existing agroforestry practices to match different local agro climatic zones across Partner States;*
- (3) To coordinate regional research to help policy*

*(Question on the amendment put and agreed to.)*

*(Clause 14, as amended, agreed to.)*

Clause 15, agreed to.

Clause 16, agreed to.

Clause 17, agreed to.

Clause 18, agreed to.

Clause 19, agreed to.

The Preamble

**The Chairman:** Honourable Chairperson, it is at this stage before we put the question that you introduce the new clauses that you intend to.

**Ms Pareno:** Rt. Hon. Chairman, we have three new amendments that I wish to propose.

**The Chairman:** Hon. Chair, you know that you also need to help the rest of the House to understand where you are moving from when you are bringing new amendments. You refer to the report where exactly the proposal is so that Members can follow.

**Ms Pareno:** Yes, we have amendments on Clause 11, that is, at page 6 on sub-clause 4. I had moved an amendment on Clause 11 (2), I now wish to make an amendment on 11 (4).

**The Chairman:** Hon. Member, you are not amending Clause 11 because we have pronounced ourselves on it. You are instead introducing a new clause.

**Ms Pareno:** I wish to introduce a new sub-clause to Clause 11 to read as follows – *(Interruption)* -

**The Chairman:** Hon. Chair, I would like to guide you a bit. Clause 11 has been dealt with and we passed it. Now you have a new idea- a new clause that you want to insert, maybe after 11. So, it will a new clause. The numbering will be dealt with. Just read the amendment then we will see how to proceed on it.

**Ms Pareno:** Then I have a recommittal on 11 and then I introduce two new clauses.

**The Chairman:** Okay, hon. Member, let us do the new clauses and then you recommit. Let us do the new clauses, we resume and then you will recommit.

**Ms Pareno:** Thank you. I wish to propose new clauses on general measures on forest management and protection as follows:

To insert the following two new clauses before Clause 4:

Under “*Minimum tree and forest cover*”,

*(1) Partner States shall work to achieve and maintain a tree cover of at least 10 percent of the total land area of their respective countries;*

*(2) Partner States shall set a target for minimum forest cover and work to achieve and maintain this target;*

*And to introduce a sub-heading, agroforestry;*

*(1) Partner States shall promote agroforestry at the farm level, field level and landscape level so as to relieve pressure on natural forests.”*

The justification for this new introduction is to provide concrete targets to maintain forest cover consistently with the 10 percent minimum targets stipulated in the Kenya Constitution. I beg to move.

**INSERTION OF A NEW CLAUSE BEFORE  
CLAUSE 4**

PART 2

**GENERAL MEASURES ON FOREST  
MANAGEMENT AND PROTECTION  
READ FOR THE FIRST TIME**

**The Chairman:** Honourable Members, I propose the question that the new insertion as read by the Chair of the Committee, be read for the Second Time. Debate is open.

**Mr Ogle:** Thank you, Mr Chairman. Subject to the take of the Counsel to the Community on this matter, Clause 4 (1) reads, “*Partner States shall work to achieve and maintain a tree cover of at least 10% of the total land area of their respective countries.*” The way 10 percent is written in that amendment...in the law, 10 percent should not be written that way. Subject to the take of the CTC on the matter, I propose that it should be written in words. But we need his take on this. Thank you.

**The Chairman:** Hon. Ogle is seeking the guidance of the Counsel to the Community that instead of having figures in the law, let us have it in words unless otherwise guided by the Counsel to the Community. Hon CTC, is it a big matter of law?

**The Counsel to the Community (Dr Anthony Kafumbe) (Ex-Officio):** Thank you, Chair. I concur with Hon. Ogle. We can have it in words, and I think we shall do that when we are drafting after the amendments have been accepted.

**The Chairman:** Thank you and thank you, Hon. Ogle for pointing that out.

I now put the question that the new insertion as read by the Chair be read for the Second Time.

*(Question put and agreed to.)*

**The Chairman:** I now put the question that the new insertion be part of the Bill.

*(Question put and agreed to.)*

**The Chairman:** Hon. Chair, proceed with the next.

**Ms Pareno:** Thank you, Mr Chairman. The next new clause is still in Part 2, and we propose to add a new clause after Clause 4 under the heading “Forestry Research” to read as follows:

- (i) *Partner States shall invest in forestry research to enhance conservation of biodiversity, strengthening indigenous knowledge; strengthening intellectual property rights; value addition of forest products, control of pests and diseases and other key public policies.”*

The justification for that is to take care of issues that touch on research and forestry. I beg to move.

**ADDITION OF A NEW CLAUSE 4 UNDER  
THE HEADING “FORESTRY  
RESEARCH” READ FOR THE FIRST  
TIME**

**The Chairman:** Honourable Members, I put the question that the new clause as read by the Chairperson be read for the Second Time. Debate is open.

I now put the question that the new clause read by the Chairperson be read for the Second Time.

*(Question put and agreed to.)*

**The Chairman:** I now put the question that the new insertion be part of the Bill.

*(Question put and agreed to.)*

**The Chairman:** Is there any other new insertion, Chairperson, or you want to move to the recommittal?

**Ms Perano:** I beg to move to the recommittal.

**The Chairman:** Okay, you will be guided.

The Preamble

**The Chairman:** Honourable Members, I put the question that the Preamble be part of the Bill.

*(Question put and agreed to.)*

The Title

**The Chairman:** Honourable Members, I put the question that the Title be part of the Bill.

*(Question put and agreed to.)*

#### MOTION FOR THE HOUSE TO RESUME

**The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo) (Rwanda):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto. I beg to move.

**The Chairman:** Honourable Members, I put the question that the House do resume and the Committee of the whole House do report thereto.

*(Question put and agreed to.)*

The Assembly resumed, the Speaker  
Presiding

#### REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo):** Mr Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled “The East African Community Forests Management and Protection Bill, 2015” and passed it with some amendments. I beg to report.

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

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo):** Mr Speaker, I beg to move that the report of Committee of the whole House be adopted. I beg to move.

**The Speaker:** Seconded by Hon. Chris, Hon. Nengo, Hon. Patricia and everybody standing. Hon. Members, the motion before the House is that the Assembly do adopt the report of the Committee of the whole House.

*(Question put and agreed to.)*

#### BILLS THIRD READING

**The Speaker:** Chairperson, it is at this stage that you may move to recommit.

**Ms Judith Pareno (Kenya):** Thank you, Mr Speaker. I beg to move that Clause 11 be recommitted. I beg to move.

**The Speaker:** Hon. Chairperson, you move a motion for recommittal, which must be seconded and then I put a question on it. Just simply move a motion requesting for recommittal and then it is seconded, you



justify and then I put a question and we recommit.

**Ms Pareno:** Rt. Hon. Speaker, I beg to move a motion that Clause 11 of this Bill be recommitted for purposes of amendments.

**The Speaker:** Seconded by Hon. Patricia, Hon. Bazivamo and all the Members standing. Can you justify why we should recommit and I put the question.

**Ms Pareno:** Rt. Hon. Speaker, the Committee had considered certain proposals on agroforestry, which amendments have not been considered and we wish to bring them in as had been proposed by the Committee.

**The Speaker:** Hon. Members, the Chairperson has moved for a recommittal and has given a justification. I now put the question on the motion of the Chairperson for recommittal.

*(Question put and agreed to.)*

### **Bill's Committee Stage**

The East African Community Forest  
Management and Protection Bill, 2015  
(Recommitted in respect of Clause 11)

**The Chairman:** Chairperson.

**Ms Judith Pareno (Kenya):** Thank you, Mr Chairman. The Committee proposes that Clause 11 be amended as follows; we propose to insert a new sub-clause after 11 (3) to read as follows: "The Partner States shall take necessary measures to promote the use of alternative sources of energy for domestic purposes in order to reduce over reliance on forests." The justification is that this will help to reduce deforestation rates by encouraging use of alternative sources. I beg to move that this amendment be allowed.

**The Chairman:** Is that the only amendment on Clause 11 that you have recommitted?

**Ms Pareno:** Yes, that is the only amendment that we wanted to include.

**The Chairman:** Thank you. Hon. Members, I propose that the amendment as moved by the Chairperson be part of Clause 11. Debate is open.

I now put the question on the amendment as moved by the Chairperson.

*(Question put and agreed to.)*

**The Chairman:** I now put a fresh question on Clause 11 as amended to be part of the Bill.

*(Clause 11, as amended, agreed to.)*

### **MOTION FOR THE HOUSE TO RESUME**

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo):** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto. I beg to move.

**The Chairman:** Hon. Members, I put the question that the House do resume and the Committee of the whole House reports thereto.

*(Question put and agreed to.)*

### **REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE**

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo):** Mr Speaker, I beg to report that the Committee of the whole House has recommitted Clause 11 and amended it. I beg to report.

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

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo):** Mr Speaker, I beg to move that the report of Committee of the whole House be adopted. I beg to move.

**The Speaker:** Seconded by Hon. Sebalu, Hon. Dr Odette and everybody standing. Hon. Members, the motion before the House is that the Assembly do adopt the report of the Committee of the whole House.

*(Question put and agreed to.)*

**BILLS  
THIRD READING**

**MOTION**

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Christophe Bazivamo):** Mr Chairman, I beg to move that the East African Community Forest Management and Protection Bill, 2015 be read the Third Time and do pass. I beg to move.

**The Speaker:** Hon. Members, I now propose the question that the East African Community Forest Management and Protection Bill, 2015 be read a Third Time and do pass. I now put the question that the East African Community Forest Management and Protection Bill, 2015 be read a Third Time and do pass, those in favour say, aye and those against, nay?

*put and agreed  
to.)*

*(Question*

**A BILL FOR AN ACT ENTITLED THE  
EAST AFRICAN COMMUNITY FOREST  
MANAGEMENT AND PROTECTION ACT,  
2015 READ FOR THE THIRD TIME**

*(Bill read a Third Time)*

**The Speaker:** Hon. Members, I would like to take this opportunity to congratulate Hon. Christophe Bazivamo, the mover of this Bill for a successful process of sailing through this Bill. I congratulate you. *(Applause)*

I would also, in a very special way, like to congratulate the Committee members for helping this House to process this Bill and the Chair, Council of Ministers for helping us get this far. I congratulate you very much. *(Applause)*

Finally, I congratulate this Assembly for passing this very important Bill as we prepare to move to Paris for COP 21. Congratulations. *(Applause)*

Hon. Members, as you may know, we are in the Republic of Rwanda and today I will adjourn the House a little early to allow me, on your behalf to go and pay last respects to our late mama this evening in preparation for burial tomorrow.

I request the rest of the House to go and continue with the practice for the sports. I thank you so much and House stands adjourned to Tuesday, 2.30 p.m.

*(The House rose at 16:04 p.m. and adjourned until Tuesday, 1 December 2015 at 2.30 p.m.)*