



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

**The Official Report of the Proceedings of the East African Legislative Assembly
56TH SITTING - THIRD ASSEMBLY: SIXTH MEETING - SECOND SESSION**

Tuesday, 27 MAY 2014

*The East African Legislative Assembly met at 2.30 p.m. in the EALA Chambers, EAC
Headquarters, Arusha, Tanzania*

PRAYER

(The Speaker, Ms. Margaret Nantongo Zziwa, in the Chair)

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I wish to welcome you to this sitting and to the Sixth Meeting of the Second Session of the Third Assembly sitting here in Arusha. As you are all aware, it is an important session of the Budget so let us accord it the attention it deserves. The Commission met and discharged its responsibilities and the resolutions and the administrative arrangements regarding this session will be circulated in an administrative circular from the Clerk including the program.

As an obituary, we received very sad news about the death of hon. Okumu Opoka's father who was called Mr Peter Okumu who passed on yesterday in Nsambya Hospital in Kampala. Hon. Okumu has travelled back to Uganda and the burial arrangements will be communicate to us in due course.

Again as an obituary, Miss Loice Ampaire the Hansard Reporter has lost her beloved mother, Mrs Joy Katera. Burial will take place on Thursday 29th May 2014 in Rwemituma, Kazo District. Hon. Members, may I invite you to rise and we observe a moment of silence?

(The honourable Members rose and observed a moment of silence.)

Mr Peter Mathuki (Kenya): Thank you very much. I too want to take this opportunity to thank the Clerk and possibly the Counsel to the Community for bringing to our attention as members and indeed this Assembly that there is a case taken to court by some of us members and indeed, first I want to register my due respect to court and the proceedings of the court.

I am aware one of the issues at the court or before the court is to determine if this Assembly has rules or no rules. I just wanted the clarification on whether we have rules possibly from the Counsel to the Community. I think this is very important so that then we know which issues we are operating on because that is one case before the courts so that we know how to proceed.

The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio): Rt hon. Speaker, indeed one of the issues, which arose during the hearing of Applications 5 and 6, the consolidated applications 5 and 6 of 2014 whereby interim orders were sought, one of the matters which featured is whether or not this august House has got Rules of Procedure on the basis of what it discharges; its responsibilities.

To the extent that the matter is before court, I would not want to divulge into it. The court took into account arguments on both sides for and against the argument and decided that it will rule on the interim matter on the 29th. Much as the court took into account those arguments, and the issue raised ordered this august House to proceed and they did advise that on the basis of those circumstances, pending a decision of the court, this august House should comply with the order of the court and proceed on the Rules of Procedure which have guided us not only today but since the House came into office.

So Rt hon. Speaker, I encourage you and the House to proceed on the basis of the Rules of Procedure.

Mr Mathuki: Thank you very much, hon. Counsel to the Community for that guidance saying that indeed we have rules and I want kindly if possible for members to take note of Rule 3 of the Rules of Procedure, sub rule 1. Rule 3 is on independent mandates, privileges and immunities. Sub rule 1 says, "*Members of the Assembly shall exercise their mandates independently and shall not be bound by any instructions or orders from any person or any authority regarding the exercise of their mandates.*"

I wanted, if possible, to understand from the Counsel to the Community, given what he has informed us and of course aware that we have a case before court, the interpretation of Rule 3(1) and possibly invoke the *sub judice* convention that clearly puts us to speed in terms of separating the powers and privileges of members and their authority to speak in this House freely regardless of a matter before any court.

Number two, you can answer if there is any court that can injunct the Parliament. I think this is very important so that for purposes of records, we know what your advice is going forward. Thank you.

Mr Kaahwa: Rt hon. Speaker, in my occupation in the East African Community, I am not only a member of this august House and I am not only a legal adviser. I am also an officer of the East African Court of Justice and I am bound by its rules.

Allow me to inform this august House that one of the issues before court is whether a court, like the East African Court of Justice, can injunct the proceedings of this House. That is the matter yet to be decided. It is before court and I would not want to indulge in it. These are matters before court; court has taken cognisance of them and in the interest of the Community, has encouraged us to proceed pending its determination of those issues. I would not want to divulge into the pros and cons of that argument because we have put it before an organ of the Community, which is supposed and expected under the Treaty to rule on this matter.

The Speaker: Thank you. Can we proceed, Mr Clerk? (*Interjection*)

Mr Mathuki: Madam Speaker, I don't I think I am clear, so that we know how we operate and I think it is important that...because in every aspect – (*Interruption*) -

The Speaker: Hon. Mathuki, can you then write it as a question so that Counsel to the Community can give an answer?

Mr Mathuki: You know this is the basis of our operation. Madam Speaker, they are so fundamental that by the time we write, we may be doing something- We may be proceeding yes but for purposes of records, we may be setting a very bad precedent and I think going forward, we need to do the right thing. This is an Assembly, which stands with a lot of integrity, and indeed even other parliaments possibly in the region and in the world will refer to what we are doing in this House. That is why we are saying we need to take this matter with a lot of weight because we may be setting the wrong precedent.

In fact, I started by saying 'a lot of respect for the courts' and indeed we should do that. My fear was that we are being prejudicial to what the court is likely to determine. Supposing the court determines on Thursday or Friday that this House has no rules, then what would happen? So I think if that is the case and if, by the advice of the Counsel to the Community we proceed using these rules, I think it is very clear, in our last sitting then. In our last sitting in this – (*Interruption*) -

The Speaker: Hon. Mathuki -

Mr Mathuki: The House was adjourned *sine die* illegally and I think we need to take that. Maybe that commission you are saying may advise us on whether indeed we followed these rules. I thank you.

The Speaker: Counsel to the Community, I think you need to either put what hon. Mathuki- Or put him to rest in terms of helping him to understand what you have said. I thought I had understood it and that is why I was calling on the clerk but it looks like he has not understood it so kindly – (*Interruption*) -

Mr Mathuki: Rt hon. Speaker, for the record it is not me, I am asking on behalf of the Assembly. It is not about hon. Mathuki in this case. Thank you.

Mr Kaahwa: Rt hon. Speaker, if you allow me, I will read out the order which was made by the honourable East African Court of Justice on the 9th day of May 2014. Short of referring to Council who appeared for the parties, the court ordered that the ruling on the matters which are in the references touching on the motion for the removal of the Speaker from office and also on matters which arose in the course of the pleading, such matters like whether or not there are Rules of Procedure for this House, the court ordered that the ruling will be delivered on the 29th May and the court secondly ordered that in the interim, that is between the 9th May and the 29th May, the status quo be maintained. The East African Assembly is hereby restrained from deliberating the matter for the removal of the Speaker pending the delivery of the ruling of the court.

The question which should be asked is what is the status quo? Madam Speaker, according to Black's Law dictionary ninth edition whose editor is Brian Garner and whose publisher is N.Y Thomas Reuters, status quo refers to the situation that currently exists. The situation that currently exists in this Assembly ever since it was established is that it is governed by the Rules of Procedure, which are guiding you now. In the circumstances, this Assembly may,

without infringing on the order of the court, proceed with its deliberations on the existing Rules of Procedure. A determination on whether or not the rules exist has not been made by the court. I thank you.

Dr Kessy Nderakindo (Tanzania): Thank you, Madam Speaker. From what hon. Counsel to the Community read that was the order of the court, I would like to get clarification as to what he meant, the status quo according to the dictionary, which means the existing. Does it mean the existing Parliament or the existing status of what was going on in the Parliament. I am asking this because there are a couple of definitions and meanings of status quo in the sense. There is also a definition of *status quo ante*, which means the status, which was there before the matter begun. The matter here, which was before the court, was the removal of the Speaker. I would assume the court would have told us if it is for the Speaker to continue chairing this Parliament, the court would have ordered to have status quo ante. But in my understanding and according to a couple of definitions, status quo means we were, when we were given the adjournment *sine die*. Thank you, Madam Speaker.

I would like to get this clarification from the Counsel to the Community, the difference between status quo and *status quo ante*.

Mr Kaahwa: Madam Speaker, let me first indicate that in its order, the honourable East African Court of Justice referred to the status quo not to the status quo ante. Status quo, according to the dictionary referred to before refers to the situation that currently exists in the circumstances under issue. Status quo ante refers to the situation that existed before something else occurred.

The court was fully aware I imagine of the difference between the two definitions and it referred to the status quo; pre-existing state of affairs. The existing state of affairs is such that on the 3rd April, this House was adjourned pending resumption and now it has resumed. The question that is being alluded to regarding the removal of the Speaker had not yet reached a stage whereby the Speaker was not in the chair. The Speaker was in the chair and adjourned the House and now the House has resumed. That is the existing state of affairs pending the determination of the application for interim orders.

Let me again repeat that the court took into account the real meaning of the status quo and without appearing to interfere with the proceedings of this House, ordered the House to continue as the situation is and the situation is such that the House was adjourned by the Speaker in the chair and now the House resumes. I thank you.

Mr Mathuki: Madam Speaker, I would want in that light-

The Speaker: Hon. Kessy had put the question so she can put supplementary question.

Dr Nderakindo: Thank you, Madam Speaker, for a supplementary question following the explanation from the Counsel to the Community is that he said that the interpretation of the status quo from the court was that 'as the matter currently stands' and he continued explaining that when the House was adjourned, the Speaker was presiding. Unfortunately, according to our own Rules of Procedure, once on the Order Paper, there is a motion of removing the Speaker then the Speaker cannot preside in the sense that the Speaker cannot make judgement on a matter, which involves him or herself.

To be clearer, on the day of the last sitting when the real was given you, Madam Speaker of adjourning *sine die*, it was done against the Rules of Procedure. So should we continue doing matters in this House against the Rules of Procedure is that is what the Counsel to the

Community is saying currently? Where we left, we were doing things against the Rules of Procedure. Should we continue doing things against the Rules of Procedure? Thank you, Madam Speaker.

The Speaker: Hon. Mathuki, you still want to ask again, because I think hon. members, we have been here, and we are all here. Of course, the allusion to erroneous closing of the House on 1st April has been stated several times but I will not allude to it as he guided, the matter is in court. I think as it were, we would refrain from talking about it and the Counsel to the Community guides us since he is the Counsel to the Community to the Speaker, he is the Counsel to the Community to the House, he is the Counsel to the Community to court, and then we see how we proceed. Hon. Counsel to the Community – (*interruption*) -

Mr Mathuki: Madam Speaker, you had told me to add on what hon. Kessy was saying.

The Speaker: You declined so – (*Interruption*) -

Mr Mathuki: I did not decline. It is important information based on what you have raised, Madam Speaker. You are saying we should adhere to what the Counsel to the Community is advising us. Yourself you did not follow the Counsel to the Community's advice on the day you adjourned the House *sine die*. Then there seems to be a contradiction-

The Speaker: Okay, that is your opinion so let the Counsel to the Community give us what he thinks.

Mr Kaahwa: Thank you very much, Madam Speaker. Maybe the *Hansard* will put us in perspective of what we are talking about. The *Hansard*- I may not also go deep into it because it is now a document before court. It is part of our pleadings but the *Hansard* will show clearly who was in the chair when the House was adjourned and if I remember correctly, House was adjourned before the motion was debated. One hon. member stood up and sought to adjourn debate. I do not remember exactly but the matter had not reached a stage where the motion as being discussed- May I proceed, Madam Speaker because I do not want to be derailed. This is a very important matter.

The Speaker: Okay, you will debate substantially. Let him finish. I will give you chance to debate, hon. Odette. Proceed, hon. Counsel to the Community.

Mr Kaahwa: Madam Speaker, in my own understanding, by the time the House adjourned and on the basis of a point of order which had been raised by one hon. member, proceedings for purposes of Rule 9 paragraph 6 had not yet begun. I thank you.

Dr Odette Nyiramilimo (Rwanda): Thank you, Rt hon. Speaker for giving me the opportunity to give information to the honourable Counsel to the Community. It was on the 3rd of April when the Speaker decided to adjourn because the point where the motion was was that it was to be referred to the Legal Committee. That stage was not reached because the Speaker adjourned the House *sine die*. If the court now ruled that the House or the Assembly should maintain the status quo, I would understand the status quo was the point where it was and where it was that the House was adjourned *sine die*. Now if the court will give the ruling after tomorrow on the 29th, I think maybe if I may advise the Counsel to the Community, I think you should advise us to wait for the court to make the ruling before we make some errors to our Rules of Procedure. Thank you, Rt hon. Speaker.

Mr Kaahwa: Madam Speaker, I sincerely thank the hon. Dr Nyiramilimo for the first part of her information and initially I thought that initially I thought she was going to derail me. I was mistaken; she guided according as far as reference to what transpired is concerned.

As far as determining issues where legal is concerned, I leave it to court but let me indicate to this august House something, which is not going to offend the rule of sub judice. Indeed some members were in court. By the time the parties finished making their submissions, the judges asked me a question. They said, we know Counsel to the Community you are also a member of the East African Legislative Assembly. Has the Assembly stopped business? When is it likely to resume? I had not yet received the provisional program but I told them that I have heard that the House is likely to resume on the 26th. Then they consulted and took that indication into account and said if that is the case, and looking at their own programs and work, they would not be able to deliver the ruling by the 25th. They would only deliver it on the 29th. Then they said, if that is the case and being part of the wider family of the Community, we would not want to interfere with the work of the Assembly. They said the Assembly can proceed on any other matters except those in dispute at the time it was supposed to resume which was yesterday 26th.

So they took it into account and they are aware that if the Assembly proceeds with discharging its other business other than the question of the removal of the Speaker from office, the House will not be offending its Rules of Procedure. I thank you.

The Speaker: Thank you very much. Hon. Kessy.

Dr Nderakindo: Madam Speaker, from what I hear from the Counsel to the Community there is a contradiction. He said that the court said that the matters of the Assembly should continue in the sense that the court did not want to interfere with what was going on in Parliament hence what was going on in the Parliament- We either continue it illegally in the sense that there was a motion on the Order Paper or should we follow what the court was saying?

The Speaker: The Counsel to the Community has guided, and I think – (*Interruption*) -

Dr Nderakindo: Madam Speaker, with due respect, what we are getting from the Counsel to the Community is a contradiction.

The Speaker: I want to hear the Counsel to the Community put it categorically. Can we proceed and then we are able to - From your interpretation.

Mr Kaahwa: Madam Speaker, there is no contradiction whatsoever on what I have said. I have said that the court took into account that the Assembly, after asking a question on the resumption date, took into account that the Assembly, besides the motion for the removal of the Speaker, has some other business as indicated in the program, which has been issued. They said the Assembly could proceed with all other matters but not deliberate on the removal of the Speaker pending the ruling it is supposed to make on the 29th. There is no contradiction in whatever I have said so far. I have read the order, it is very clear. I have, for the benefit of this Assembly, interpreted what is meant by the *status quo*, the term used by the East African Court of Justice.

Let me repeat what I have said in the writing that as far as I am concerned as an officer of the court, as a member of this House, this House should proceed with its normal business between now and the 29th except the motion until the 29th when a ruling is made. I thank you.

The Speaker: Please proceed, Mr Clerk, to item number two.

PAPERS

The following Paper was laid on the Table: -

(by the Chairperson, Committee on Communication, Trade and Investment (Ms Angela Kizigha) (Tanzania):

The Report of the Committee on Communication, Trade, and Investment on the Single Customs Territory.

(by the Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms Isabelle Ndahayo) (Burundi):

The Report of the Committee on Agriculture, Tourism, and Natural Resources on the Report of the Second Parliamentarian Workshop on Climate Change

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT ON SINGLE CUSTOMS TERRITORY

THE CHAIRPERSON, COMMITTEE ON COMMUNICATION, TRADE, AND INVESTMENT (Ms Angela Kizigha): Madam Speaker, I beg to move that the *Report of the Committee on Communication, Trade, and Investment on the Single Customs Territory* be adopted.

The Speaker: Seconded by hon. Abisai; hon. Shy-Rose Bhanji; and hon. Nsabimana. Proceed, hon. Angela Kizigha.

Ms Kizigha: Thank you, Madam Speaker, I will start with the background of the report.

Members of the business community are engaged in cross-border trade within the East African Community countries although businesses are severely hampered by inefficient trade facilitation systems. In bid to implement the EAC Customs Union Protocol, EAC Partner States have embarked on fast tracking the Single Customs Territory (SCT) whose framework was adopted by the EAC Summit of Heads of States in November 2013.

Under the SCT arrangement, the EAC member states will adopt a destination model of clearance of imports whereby the assessment and collection of tax revenues on such consignments will be done at the first point of entry. This allows free circulation of goods within the single EAC market, with variations to accommodate exports from one partner state to another. In that regard, Customs administrations in destination states retain control over the assessment of taxes. This will crystallize the gains of regional integration characterized by minimal internal border controls and more efficient institutional mechanisms for clearing goods out of Customs control.

Pursuant to article 49 (2) (e), " the Assembly may for purposes of carrying out its functions, establish any Committee or committees for such purposes as it may deem necessary to exercise both legislative and oversight functions on all matters within the scope of the EAC through meetings, studies, workshops; tours, on spot assessment activities, to mention but a few

In order to exercise its oversight mandate the EALA Committee on Communications, Trade and Investment has found it imperative to undertake an on spot assessment on the Port of Mombasa to engage Ports and Customs Authorities, EAC SCT Technical Working Groups, Private Sector on the preparedness and processes for the implementation of EAC SCT. Ports administrations play a significant role in the operationalisation of the Single Custom Territory to improve business environment in the EAC region.

Objectives of the On-Spot Assessment

The objectives of the on spot assessment were to; -

- (a) Understand the framework in place for the operationalisation of the Single Custom Territory;
- (b) Find out the operations and processes that will be involved in the implementation of the EAC Single Customs Territory;
- (c) Identify the expectations, fears/challenges that will be involved and recommendations to address them;
- (d) Visit Ports and Customs Authorities site installations and facilities to acquaint themselves with cargo handling and clearance procedures.

Methodology

The Members of the Committee on Communications, Trade, and Investment held meetings from 5th to 9th February 2014 with various stakeholders. Amongst them were Kenya Revenue Authority (Customs), EAC Technical Working Groups on the SCT, Kenya Ports Authority, and the Business Community. The Committee also carried out a guided tour on site installations and facilities in place including cargo handling and clearance processes and procedures. From these visits and meetings, the committee took stock of the observations and recommendations.

Findings

Framework for the Operationalisation of the SCT

The Treaty for the Establishment of the EAC was signed on 30th November 1999 and entered into force on 7th July 2000. Under Article 5(2) of the Treaty establishing the East African Community, EAC Partner States undertook to establish; a Customs Union, a Common Market, a Monetary Union, and ultimately a Political Federation.

The Protocol on establishment of the EAC Customs Union was concluded in 2004 and implementation commenced in January 2005 with the enactment of the EAC Customs Management Act. In addition, to achieve a fully-fledged Customs Union there was need to attain a Single Customs Territory (SCT), which is attainable by the removal of duties and other restrictive regulations and/or minimization of internal border customs controls on goods moving between Partner States with an ultimate realization of free circulation of goods.

In April 2012, the Summit adopted the Destination Model of clearance of goods where assessment and collection of revenue is at the first point of entry. In November 2013, the summit received the report on attainment of the SCT and took note that the framework for the operationalization of the SCT had been finalised and adopted by the Council in November

2013; and the Summit directed that the SCT commences on 1st January 2014 and that all operational requirements be finalised by June 2014.

Purpose and Objectives of the SCT

The main purpose of the Framework is to act as a tool and policy document that spells out the Scope of EAC SCT, and commitment of Partner States to operationalise the Customs Union and Common Market fully. Specific objectives include;-

1. Reducing the cost of doing business;
2. Enhanced application of cross border ICT systems and quality data collection at the regional level;
3. Enhanced capacity and improved coordination of the private and public sector agencies;
4. Enhanced compliance to regional standards and instruments.

Benefits of the SCT

1. Reduced cost of doing business by eliminating duplication of processes;
2. Reduced administrative costs and regulatory requirements;
3. Enhanced capacity of the private and public sector agencies
4. Creation of a mechanism for prevention of smuggling at a regional level;
5. Reduced risks associated with non-compliance on the transit of goods;
6. Enhanced application of information technology(IT) and data collection at the regional level;
7. Realization of economies of scale and optimal use of resources in clearance of goods in the EAC.

Pillars of the SCT

The framework is hinged on the following Pillars; -

1. Free circulation of goods: The following goods are classified as follows ;-
 - i) Imports into the EAC; - these include goods for direct home use, warehousing, transit, and goods for temporary importation.
 - ii) Intra-EAC transfer of goods; - these include transfer of duty paid goods, ex-warehousing between Partner States, treatment of goods in Special Economic Zones, Export Processing Zones and Free Ports, temporary transfer, transfer of locally produced goods, movement of exempted goods and country specific remissions or stay of application of the Common External Tariff (CET).
 - iii) Export of goods from PS to markets outside the EAC; - Prepare export entries and goods dispatched under seal depending on the level of risk of the consignment, Exports covered by either a single regional bond guarantee and/or monitored by the Electronic Cargo Tracking System (ECTS).
 - iv) Port and Border Operations; - there are a number of agencies involved and these include;- Customs, Port/Airport Authorities, Bureau of Standards, Public health, security, Food and Drugs Authorities, Pest Control bodies, Radiation Authorities, Clearing agencies, Shipping agencies; Banks, Transport, Shipping and handling companies.

There are principles that apply under free circulation of goods and these include; One Stop Border Post Model applies where established, Multi agency Coordinated Border Management (CBM) Model applies at Ports through a Single Window System, a mechanism for mutual recognition in respect of certificates and other administrative instruments; Partner States may have representation of their governments and licensed agencies at the ports of entry or exit.

2. Revenue Management in SCT

On the issue of Revenue Management, Partner States agreed to adopt a destination principle where assessment and collection of revenue is at the first point of entry, this policy takes into account the following; efficiency in clearance of goods, confirmation and notification of payments, tracking of goods after release from the first point of entry, and reconciliation of customs transactions among Partner States.

Effective information and communication systems among the Partner States where declaration process of goods will be initiated in the Partner States of destination and taxes will be paid to the respective Partner States, and finally goods will be released upon confirmation that taxes have been paid and appropriate customs procedures have been fulfilled.

The preconditions for the operationalisation of free circulation of goods and revenue management in the SCT include; -

- i. ICT requirements such as Compatible and interfaced Customs systems, all major customs stations must have functioning ICT systems,
- ii. Regional Cargo tracking systems,
- iii. Implementation of the Regional Customs Transit Guarantee Scheme to enable the operationalisation of a regional bond.

With regard to road map of the SCT, all key activities that enable the implementation of the SCT will be accomplished by June 30th 2014.

Milestones achieved in the SCT

The progress so far made with regard to the framework for the implementation of the SCT is highlighted as below; -

1. The EAC meeting of the Committee on Customs composed of Commissioner Generals of Revenue Authorities and Commissioners for Customs was held on 17th January 2014 and the Technical Working Groups (TWGs) were established;
2. Each Partner State was assigned to take lead of the work of TWG;
3. Each Partner State and the Secretariat appointed the focal persons;
4. The scope of work of the TWGs was developed;
5. The sessions of the TWGs and Committee on Customs were agreed.

Other key issues agreed

1. Piloting: The implementation process of the SCT will apply a phased approach based on the priorities to be piloted as determined by the TWGs in consultations with Commissioners of Customs of Partner States;
2. Resources: The SCT has financial implications, the Secretariat will mobilise resources to

- cover activities of the TWGs and the need for logistical support from Partner States;
3. Monitoring and Evaluation (M and E): The Commissioners of Customs constitute the M and E Team in liaison with the EAC Directorate of Customs;
 4. Capacity Building: Strengthen the human resource capacity of the EAC Directorate of Customs.

Establishment of the Technical Working Groups (TWGS) and Scope of Work

The Committee was informed that the establishment of TWGs was responding to the directives of the 28th Council of Ministers and the 15th Ordinary Summit both held on 28th and 30th November 2013 respectively that the SCT commences on 1st January 2014 and that all operational requirements be finalized by June 2014.

The EAC meeting of the Commissioner Generals constituted Technical Working Groups (TWG) and agreed that each Partner States shall take a lead to spearhead the work of TWGs. In order to ensure efficient and effective coordination of the TWGs activities, Partner States appointed focal persons at Senior Management level to work closely with the EAC Directorate of Customs. The approved TWGs and focal persons are as indicated below:

S/N	TWGs Name	Country to take Leadership	Country/ Secretariat Coordinators
1	Business Flows and Legal	Uganda	Ms. Sarah Mwesigye
2	ICT	Rwanda	Robert Mugabe
3	Compliance and Enforcement-	Kenya	Mr. Nicholas Kinoti
4	Capacity Building and change Management-	Burundi	Mr. Leonce Niyonzima
5	Inter-agency Cooperation	Tanzania	Dr. Patrick Mugoya
6	SCT Coordinator	EAC	James Kuleiye-

Scope of Work of the TWGs

Partner States further agreed on the scope of work that will be undertaken by the TWGs as indicated below:

S/N	Name of TWGs	Areas to be covered
1.	Business Flows and Legal	a) Review and develop SCT Business Flows b) Review and propose an appropriate regional Bond Management Systems.

		<p>c) Integration of other regional trade facilitation initiatives in the SCT operational mechanism.</p> <p>d) Develop a detailed schedule of activities leading to the operationalisation of the SCT including process documentation, inspection of facilities, testing and piloting.</p> <p>a) Review existing laws and regulations to cater for:</p> <ul style="list-style-type: none"> • Cross border ICT, • Regional Bond, • Operations of Customs from other Partner States at the first point of entry <p>e) Identify and review any other legal instruments relevant to the operationalization of the SCT</p> <p>f) Any other work relevant to the achievement of SCT</p>
2	ICT	<p>a) Develop solutions for interconnecting customs systems including Cargo tracking systems and any other trade facilitation systems</p> <p>b) Any other work relevant to the achievement of SCT</p>
3	Compliance and Enforcement	<p>a) Review Enforcement and Compliance Regulations and processes to cater for the SCT.</p> <p>b) Develop monitoring mechanism for compliance.</p> <p>c) Any other work relevant to the achievement of SCT</p> <p>d)</p>
4	Capacity Building and Change Management	<p>a) Identify, develop and implement capacity building interventions to support the SCT</p> <p>b) Any other work relevant to the achievement of SCT</p>
5	Inter-agency cooperation	<p>a) To develop mechanisms for inter-agency cooperation to facilitate the SCT.</p> <p>b) Any other work relevant to the achievement of SCT</p>

Other finding observed during the on-spot assessment

1. It was observed that Kenya Revenue Authority (KRA) introduced the cash bonds to prevent against the possibility of dumping of imports transiting through Mombasa destined to the hinterland, a scenario called “short landing”, where importers deliver less or no cargo to the final destination. If no dumping or short landing happens, the money paid for the cash bonds is refundable; but refund is an arduous process and therefore a disguised non-tariff barrier that cripples the hinterland import sector.

2. The Simba System used by KRA does not allow automatic bond cancellation. It is done manually and this causes delays on bond cancellation.
3. Non-implementation of the EAC Common Market Protocol. For example unharmonized work permits' requirements in the EAC still hindering the business people to operate in any country of their choice. However it was mentioned that SCT will act as a springboard to facilitate business operations in the region.
4. High communication costs in the EAC region may affect the operationalisation of the single customs territory.
5. A study on cost reduction is in offing and it intends to come up with quantitative analysis on the central corridor as a result of the Single Customs Territory.
6. The legal team is in the process of amending the EAC Customs Union Protocol to support the operationalisation of SCT especially to cater for extra territorial and single bond issues among others.
7. Some items are being piloted on single customs territory operational basis. This piloting started on 1st February 2014 and the items being piloted include; Clinker, Petroleum products, and wheat.
8. Clearing agents decried difficulties of accessing seals and passwords for respective Partner States to clear goods using Assycuda world system. However, clearing agents from Uganda have already started training programs in Mombasa to train their fellow clearing agents.
9. Full implementation of the EAC Single Customs Territory is slated for July 2014.
10. Partner States agreed to come up with their respective cargo tracking systems that would be integrated and harmonized for purposes of the SCT.
11. The capacity of the port of Mombasa has been expanded to meet the increased number of ships due to completion of bath no.19, ICT upgrading has been made, and Kenya Ports Authority has established offices in all EAC Partner States. All these are aimed to handle the fast growing demand at the port of Mombasa.
12. The committee visited the One Stop Centre in Mombasa where all government agencies are housed including those of Uganda Revenue Authority and Rwanda Revenue Authority. The Manifest Management System (MMS) is in place, a system that facilitates the process of the scanning and cargo clearing in a single customs territory.

RECOMMENDATIONS

1. Capacity building and sensitization programs undertaken to various stakeholders on the operations and processes involved in the SCT should be continuous and given timeframes;
2. Efforts should be made to fully implement the East African Common Market Protocol i.e. free movement of people, goods, capital and services to enable the operationalisation of the SCT;
3. EALA should keep track of the progress of the SCT until is fully implemented and liaise with the TWGs to determine the required legal instruments necessary for its operationalisation;
4. The Committee should also visit the port of Dar es Salaam for purposes of EAC Single Customs Territory.

ACKNOWLEDGEMENTS

1. The committee wishes to express its utmost appreciation for efforts and commitment

made by EAC Partner States in process of fast tracking the EAC Single Customs Territory.

2. The committee is also indebted to all stakeholders who spared their precious time to participate in this activity and also for their support and cooperation throughout the activity period.
3. Special thanks go to EALA management for the tireless efforts in mobilizing resources and all logistical arrangements to make this activity a reality.
4. The Committee is most grateful to TMEA's continuous support and cooperation to EALA and particularly the CTI Committee in enhancing the EAC Integration.

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

The Speaker: Thank you very much, Chairperson of the Committee on Communication, Trade, and Investment, hon. Angela Kizigha.

Hon. Members, before we proceed, allow me to recognise the members of staff of the Kenya National Assembly who are in the gallery today. They are from the department of the Clerk, others from the department of the *Hansard* and from the Sergeant-at-Arms' department. They are here on a parliamentary staff exchange program. They are led by Mr Rana, who is the Principal Clerk Assistant. You are most welcome. (*Applause*)

Also in the distinguished members gallery allow me to welcome and recognise Mama Esther Githaiga from Nyeri County, Kenya. Mama, *tunashukuru, karibu* Arusha. Mama Githaiga is the mother of hon. Mumbi Ng'aru. Welcome.

Hon. Members, the motion on the floor is that the *Report of the Committee on Communications, Trade, and Investment on the Single Customs Territory* be adopted. Debate is open.

Ms Shy-Rose Sadrudin Bhanji (Tanzania): Thank you, Madam Speaker for giving me this opportunity so that I can also add my voice on this topical issue on single customs territory.

Madam Speaker, it is highly commendable and gratifying to note that over ten years of the East African Community finally we are now ready or we have reached a point whereby tariff barriers and non-tariff barriers will now be reduced to the minimum if not removed all together.

As a Member of Parliament for East Africa, I wish to call upon the entire business community in East Africa and other stakeholders to exploit fully the single customs territory. Since the single customs territory is aiming at reducing the cost of doing business in East Africa, we expect the reduction of prices so that all East Africans can enjoy cheaper goods across the region.

Madam Speaker, another example of high cost of doing business is high communication costs in the East African region that may affect the operationalisation of single customs territory. We therefore call upon all the stakeholders in the ICT industry to make sure that the cost of doing business is also looked at and reduced.

Given the existence of 140 million plus East Africans, we are now tasked to make sure that our market at East Africa is taken to the next level. We have a duty to make sure that all East Africans are fully aware of the operationalisation of the single customs territory so that at the

end of the day when the goods become cheaper then maybe the poverty levels will also be reduced.

Again, I call upon all interested parties and stakeholders in the single customs territory to play their role effectively and efficiently so that single customs territory may add value in the integration agenda.

Madam Speaker finally, the heart of the single customs territory lies in the two major ports of East Africa: Mombasa Port and Dar-es-Salaam Port. We have already visited Mombasa Port three times; once as the whole Assembly, and twice as the Committee of Communications, Trade, and Investment. Thank you, Madam Chairperson for this recommendation that we go and visit Dar es Salaam port but Madam Speaker, I want to call upon the Chair, Council to make sure that the funding is available so that not only the CTI committee goes to Dar es Salaam. We have to make sure that the entire House, the way we visited Mombasa port is the way to visit Dar es Salaam port. We have to make sure if we are here to serve East Africans, we need to know what challenges our business community is facing in both Mombasa port as well as Dar es Salaam.

If I was to ask any member here what status do we have of Dar es Salaam port, what challenges our business community is facing in Dar es Salaam port, I am sure most of us will have very little information. So we must make it a point to make sure that going to Dar es Salaam is not an option but a must. We have to go to Dar es Salaam. Why is it taking two years to go to Dar es Salaam port? What is the problem?

Therefore, I thank you, Madam Chairperson and the committee for this good recommendation so that we go to Dar es Salaam Port.

Again, I want to call upon the Chair, Council to give us the status of the central corridor. What is happening as far as the single customs territory is concerned? We went to visit Mombasa port plus other areas for the Northern Corridor. I want the Chair, Council to give us an update or maybe the minister from Tanzania. We want the update status on how far Tanzania has gone in as far as single customs territory operations is concerned. I thank you, Madam Speaker.

The Speaker: thank you.

Ms Nancy Abisai (Kenya): Thank you, Madam Speaker. Perhaps my colleague has talked very passionately about the port of Dar es Salaam, and I could not agree with her more, but having said that, I would like to just add my voice to support the report, and also to emphasise the fact that this integration will be felt by people, not by just the many documentations and concerns that we raise but by them being able to feel as part of a people who are really involved in this integration business.

Madam Speaker, I would also just like to give one example. In any forums that we have held, the people want to know, they want to feel integration, and the only way to feel integration is if it impacts in your life as a person. Therefore, the achievement of integration will only be realised when we can actually say that we have free movement of people, capital, and services. Therefore, the operationalisation of the single customs territory is key.

When we were at the port of Mombasa, the people we met especially the clearing and forwarding agents decried so many problems in terms of even carrying out the clearing and forwarding operations. One, the cost even of just doing that business is very high. They said that we needed to look at the Assycuda and Simba systems. How do we harmonise? The

Simba system does not allow for the tracking of goods all the way. The Assycuda system officers need to be trained on it so those are some of the things that I feel need to be emphasised even more.

The whole question of having a cargo tracking system is key. Right now with what is happening, if you go to any other port, this is a system that is accepted and dealt with in many ports, and I do not know why we cannot have a cargo tracking system so that it can help us enable the officers to know how the cargo is moving. And, even for security purposes, I think it is very important.

Of course, I want to congratulate and I think it is very important that the Mombasa port with the expansion of back 19 has established offices of the EAC Partner States. That operation of one stop is very important and I think it is something that we need to see. That is why I think it is important that we also see what is happening at the port of Dar es Salaam and see how we can have those operations also in the same level because it does not help when one port is going to be operating with one system and another port also operating in another system. So harmonisation of these processes is key and it is important and I could not agree with you more that the port of Dar es Salaam we also need to move in that direction.

Regarding the legal issues, especially in terms of the paper work, you will find that every time you visit - like you are told that these are the documentation you need to present but at the end of the day, even the free speed for those documentation and the time that is required for you to obtain is long. So most of these things I think are things that we can be able to find a way to deal with and know how to then fast track them. So, I couldn't agree more with the full implementation of the single customs territory. When we say that it is slated for July, I hope that we will be able to realise it and that the people of East Africa will actually be able to see that this aspect of un-harmonised work permits and requirements, which is hindering the business people from operating, can be dealt with and also ensure that the mere fact that we have this full implementation, that we can be able to see the Common Market protocol implementation that the free movement of people, capital and goods – (*Interruption*) -

The Speaker: Pull the microphone a little nearer.

Ms Abisai: Madam Speaker, with that, I think that I have made my submission and I support this report. Thank you.

The Speaker: Thank you very much.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much, Madam Speaker. First, I would like to thank God for enabling us to arrive here safely. Second, I would like to take this opportunity to give my condolences to the family of hon. Opoka Okumu, and Loice Ampaire, for the deaths in their families. May the souls of the departed rest in eternal peace, Amen!

Madam Speaker, first let me congratulate the Chair of the Communication, Trade and Investment Committee for the good work she has done. My point is on the committee findings on the assessment of the one-stop centre reported in paragraph in number 12, which is on page 10. I just have a question here because they say that the committee visited a one-stop centre in Mombasa but the government agencies that were named here is just Ugandan Revenue Authority and Rwanda revenue Authority.

I just had a question on why Burundi and Tanzania (TRA) was not present. Is there any specific reason?

Secondly, I just have a suggestion because obviously I represent Tanzania but from Zanzibar and there was some technical issue that Zanzibar was not able to participate in trade in East Africa - (*Interruption*) -

Dr Nyiramilimo: Thank you, Rt. hon. Speaker, I only wanted to remind hon. Ussi that a member of EALA represents the whole Community not a specific country. Thank you.

Ms Yahya: Thank you very much, hon. Odette for that information. I just want to make this clear that Tanzania is the United Republic of Tanzania. Being a United republic is good. Zanzibar and Tanganyika making it Tanzania so I am here representing Tanzania but from Zanzibar therefore I am the only - me and hon. Mwinyi we are the only voice in this Parliament from Zanzibar so the issue of Zanzibar I must put them here and actually the deputy Minister of East African Affairs is from Zanzibar himself. So let me just finish my point, which is to urge the committee now Zanzibar can participate in trade. I am saying this because we just finished the Budget session in Tanzania, and it was commented in the United Republic of Tanzania parliament that the Zanzibaris were not benefiting in trade in East Africa.

Mheshemiwa Abdallah was present so I am just presenting their voice. They are part of Tanzania and they should benefit in trade in East Africa. It is not that I am saying that I am representing Zanzibar here. We are not an independent country yet so I am not a representation from Zanzibar. I am from United Republic of Tanzania.

I urge the committee to consider Zanzibar to benefit from trade as well. We have a big port in Unguja, which has been operating for centuries. Anyway we are representing one people, one destiny so they are part of the people. Thank you.

The Speaker: Thank you very much, hon. Ussi.

Mr Dan Kidega (Uganda): Thank you, Madam Speaker. I had not chosen to speak but there is a particular threading thinking in this debate that as a member of the committee I think it is important to add my voice too. I have been serving on this committee for the last two years now, we sit as a committee and come up with programs, and we look for funding for the programs through your office and the Office of the Clerk.

It is important for this House and the Community to know that the committee takes the port of Dar-es-Salaam extremely seriously. Most of us members of this Assembly actually benefit from that port when we are importing our vehicles. We want everything in that port to be streamlined and be done well as does happen in Mombasa.

When we were in Mombasa, we were even informally informed that there is a political directive that the Central Corridor replicates exactly what is happening in this other corridor. So it is important for us to put on record that the committee has prioritised port of Dar es Salaam as the most important activity in the next financial year and as members, we shall do all that it takes to follow the same processes which we did in the port of Mombasa.

The traders outside there do not matter. To them it does not matter whether it is Mombasa or Dar es Salaam. What is important to them is that their goods must move in record time and the cost of doing business must be low. We as the representatives of the people, that is our position and this is our voice to the government and people of Tanzania and the people of East Africa. I thank you, Madam Speaker.

Ms Dora Byamukama (Uganda): Thank you, Madam Speaker. I just have a correction which I thought should not go on the *Hansard* as was read and this is on page 6 number 2 which is talking about revenue management in single customs territory. It states, 'On the issue of revenue management, Partner States agreed to adopt a destination principle where assessment- It should be where assessment is at the point of entry and collection of revenue is at the first point of destination'. Then it should continue to read, that this policy takes into account the following; efficiency, clearance of goods, confirmation and the rest.

I would like to say that – (*Interruption*) -

The Speaker: Hon. Dora, write it properly so that the chair at the time of responding can put it in perspective.

Ms Byamukama: Yes I will do that with due respect. If I could just explain this destination model a little bit more, is such that the goods are assessed at the point of entry and taxes are paid at the point of destination. The background to this is that the Summit changed what we had at hand in order to accommodate this model after realising that the Community was not yet ready to receive and dispatch taxes from the point of entry. I think that maybe in future we may revert to this when we are prepared.

So, I just wanted to make this clear that this is the model whereby assessment is at the point of entry and collection of revenue is at the point of destination.

Madam Speaker, my second and last point is on the issue of Dar es Salaam. We as a committee do support the recommendation that we go to Dar es Salaam as a House and as a committee so that we can also acquaint ourselves with the structures at this port and be able to lobby and advocate for improvement of services where the case may be necessary.

I do remember having served in the Second Assembly that after 2007 when there was chaos after the Kenya elections, the port of Mombasa could no longer serve countries in the hinterland and we had to sue the port of Dar es Salaam for a while in order to access goods. And, therefore for us, these two ports are of equal importance and therefore we should give them equal attention. I beg to support.

The Secretary General (Ambassador Dr Richard Sezibera): Thank you Madam Speaker for allowing me to make my comments. I want to begin by also extending my condolences to the families of hon. Opoka Okumu and Madam Loice Ampaire on behalf of the East African Community Secretariat, the other organs, and institutions.

Madam Speaker, I also wish to thank the committee under its able chair, hon. Kizigha for this very important report. I remember when I was sworn in, immediately after that swearing in ceremony all media present at that time asked me what the priorities for me would be in my term. My answer was that the priorities were contained in the East African Community development strategy and they said no, we want yours. From that strategy, what are the five issues that you would really like to see seen? Just for recollection, I will mention them. I told them then that number one was full implementation of the Customs Union especially the coming into force of the single customs territory as number one. Two was implementation of the Common Market but especially the free movement of labour and people provisions. Three was the conclusion of the Monetary Union Protocol, four was cross border infrastructure, especially in rail, and energy, ports and harbours, and five was the involvement of the people of East Africa in the integration process.

I did share this with heads of state, all of them and they were supportive of this. Therefore, this coming into force of the single customs territory is very important for East Africa but I have to confess it is also of particular source of satisfaction to me and to the members of staff under me of all institutions and organs and I therefore wish to thank the Summit and the Council of Ministers for taking this very important decision.

Madam Speaker, that having been said, I wish to maybe update the House a little bit on events that have happened since this committee visited the ports of Mombasa and carried out this exercise. First of all, the piloting of the single customs territory on both the Northern and Central Corridor is going on well. The piloting on the Central Corridor for Rwanda and Burundi bound cargo is expected to commence in May 2014 and this will begin with a few products. For Burundi, it will be fuel and wheat grain. For Rwanda, it will be again fuel and wheat grain.

Madam Speaker, on the Northern Corridor, and in addition to the products listed in this report, those products have been extended to include neutral spirit, cement and cigarettes and milk and a few other products as well as cement and products produced by Mukwano industries to Rwanda.

So, this pilot is going on well and I am glad to report that this pilot project is expected to end with a full roll out. Already those products which have benefited from the piloting have not only brought down the cost of doing business substantially, but they have also increased revenues for the countries that have done so; revenues on fuel from the Republic of Uganda for example have gone up because of increased turnaround times and the revenue authority has been extremely happy with this.

Madam Speaker, I would like to take you back if you permit, to the other findings observed during the on-spot assessment on page 9. Number one, the cash bond introduced by the Kenya Revenue Authority pre-dates the coming into force of the single customs territory. In fact, part of the reason for the coming into force of the single customs territory is exactly so that we can remove this cash bond, which currently exists on the Northern Corridor, and I think the report should reflect that.

Second, on the issue of the Simba system and the Assycuda systems, which are not fully working seamlessly, I would like to report that in the last technical working group, the IT working group has developed procedures and processes for inter connectivity between Simba and Assycuda and TURNSIC for Tanzania. This will be done - To begin with it is a phased approach that deals with bi-lateral interconnectivity and once all this is done, it becomes a regional interconnectivity.

In addition, the Kenya Revenue Authority has received support from different partners under the leadership of the government, to upgrade the Simba system so that it can bring it the new and re-design it to bring in new models that are fully compatible with the Assycuda systems.

On number three, work permit requirements, I am glad to inform the House that this matter of work permits is before the agenda of the coming sectoral council of ministers responsible for planning to the end of June. Forms have been harmonised, procedures have been harmonised, fees have been waived or are being waived in there of the Partner States, the meeting will then consider what to do about the fees. That is the outstanding issue on work permits.

On the East African Community Customs Union Protocol, the process of amending it is going on well. That is on 6. At its last extra-ordinary meeting of Council, these amendments

to the East African Community Customs Union Protocol were passed and they are now before the sectoral Council of Legal and Judicial Affairs for legal input.

Finally, Madam Speaker, I wish to report on two important developments, additional to what is in this report. One is that single window systems have been established and are now operational in Kenya. In fact, the Heads of State launched the Kenyan single window system (Kentrade) on the 2nd May. The Uganda single window system I am told is on board so is the Rwandan one. Tanzania has a single window system. The issue now is training, sensitisation, and harmonisation so I am glad that this is being done.

Once all these are fully up and operational then they will be harmonised and there will be a regional platform based here in Arusha so that all these single window systems can communicate to each other in real time.

On electronic cargo systems, this decision was taken but the status of implementation varies. In Kenya as you know, the decision was taken, but then there are a number of issues that are before the court. I am told that the Uganda Revenue Authority is rolling out the Ugandan system. They have started doing so. In fact, the traders from Uganda are pushing that all other Partner States implement it. Rwanda is beginning to do so. Tanzania is ahead on electronic cargo systems. On this one and Burundi is working on it.

Madam Speaker, I wish to conclude by welcoming this idea that the port of Mombasa and the ports of Dar-es-Salaam receive attention from this House. They are already receiving considerable attention from the Council of Ministers, and the Members of Council have visited these ports and spent time with them, in them to look at how work can be done better and therefore, I certainly would welcome increased attention on both the ports of Mombasa and the port of Dar es Salaam by this august House.

With those many words, I beg to support. Thank you.

The Speaker: Thank you, honourable Secretary General.

The Assistant Minister for East African Cooperation, Tanzania (Dr Abdallah Saadalla) (Ex-Officio): Thank you, Madam Speaker. I would like to take this opportunity to welcome you back in Arusha. I hope you will enjoy at our headquarters.

Madam Speaker, to start with, I would like to commend the efforts taken by our great leaders of East Africa. I underscore that because there were a lot of rumours moving around in geopolitical turbulences especially due to the Political Federation and Single Customs territory. Madam Speaker, the realisation of Single Customs territory prove that Council of Ministers, EALA, Summit and East Africans are all working together despite all those turbulences.

Also I have to remind the House and the people that on the East African people not the other one which I do not want to talk about, issues of single customs territory was within the process and all what has been seen by the committee was the realisation of that process concluded by our great leaders.

With that preamble Madam Speaker, I would like to congratulate my sister the chair of this committee for a well-presented report but not only that, the participants on this great task. You have done very good work. The work is well done.

Madam Speaker, there was an issue of going to Dar es Salaam port. I remember last time was two years since we had a dedicated meeting at Mombasa with the staff and Council of

Ministers from different sectors. They visited Dar es Salaam and the reports are there. From the reports, there were issues, which were there, which did not disgrace Dar es Salaam port. I wonder why that was not within the continuity with the agenda of activities of EALA. I stand here in a greedy position that this activity was prioritised to start at Mombasa while Dar es Salaam has been waiting for the next year's program of this House. *Insha Allah*, it will realise.

Madam Speaker, the issue of Central Corridor is crucial for transportation of goods, upgrading the standards of lives of people, economic and social improvement of lives of people of East Africa and I would just like to notice to this august House that the importance of the Northern Corridor is almost the same as the importance of the Central Corridor.

We are working very hard on deepening the way into Dar-es-Salaam port, deepening berths 1 to 7 to accommodate more heavy ships, widening of... to accommodate more containers and more heavy trucks and so on, and other construction activities are on the way. Some of them have been completed.

Madam Speaker, we introduced single customs window since January. With this, we have a 24-hour banking system at the port and customs system. All facilities have said they are working 24 hours and we are planning to improve them as days go on.

Again, I have to tell the august House that there was a study done by the Secretariat and Tanzanian government has done its study on transportation of transit goods from Dar-es-Salaam to the end of the country's borders. In my budget speech and the budget speech of the Ministry of Transportation, it was clearly stated that there would be a decrease of roadblocks from 15 to 3, going together with the weigh bridges to be decreased from 8 to 3. That is to say that after every 500 kilometres, there will be only one weigh bridge.

The first weighbridge will be at Bigwaza some kilometres from Kibaha and it is going to be equipped with facilities of having weigh on motion. That is the technology, which is going to be introduced and it, is going to be the first in East Africa. The second one is Manyoni and the last one is at Makanazi.

All inspections, whether security or safety of the roads customs wise, whatever are going to be had in only three points for transit goods escorted by the well explained system of cargo tracking system which Tanzania has already finalised its experimental procedures and now it is going to have a full blown way of tracking cargo in transit and I hope the other countries are going to come and learn this best practice.

Madam Speaker, in Tanzania we have removed bonds for transit goods expecting that we are going to have good harmonisation within the implementation of this single customs territory. We were very reluctant and having high expectations that some people may abuse this system on dumping and even theft but through the win-win situation which our great leaders stayed and gave us orders that we have to go together in the spirit of integration and have single customs territory, these small issues are just going to be operational issues. Countries security authorities will take care of them, and hopefully they are going to be totally abolished.

Madam Speaker, on Assycuda and Simba system, I thank the Secretary General. It is true Tanzania is very far on this, it is almost interconnected in all our borders, and now we are in the process of how we can connect data with the Raddex system, which is within the EAC system. I hope again with the same spirit as he said that other countries are modifying their

systems so that we go in accordance or in tandem with the Assycuda system in such a way that data collection, revenue collection and others will be done in one single system.

I am happy to say that Tanzania now is very far on this and has already passed the stage of experimental state, and is now fully operationalised from April this year.

Hon. Dan really narrated issues, which touched me, that the committee and even hon. Shy-Rose that committee is in the plan of coming to Dar es Salaam. I welcome you to Dar es Salaam same as what we did when the dedicated meeting of ministers from all sectors came and visited Dar es Salaam. There is nothing to hide there, there are many activities being done, and I think we are once going to be a best practice area and we will notice it.

Madam Speaker, hon. Ussi talked about amplification, recognition of Zanzibar port. She is very right, but I just want to put an agenda on this august House that hon. Ussi, who is not here now though, urged me to stand up and say something about this that there is a project which is now within the feasibility study to amplify and upgrade Zanzibar Port to be a roll and roll accommodating port but also building a very big berth which is going to reflect the trans-shipment system within East Africa. So hon. Ussi I think will get this information from the *Hansard* that Zanzibar is not left behind. However, what she is now supposed to do, as a Member of Parliament from EALA is to push for it. I got this word from His Excellency hon. Kagame. Push, push, and push. If you push, issues will be realised. So myself being a parliamentarian from Tanzania and being a parliamentarian from Zanzibar in particular and her from Tanzania within the EAC, let us go together and push this agenda forward so that Zanzibar also in particular will realise the benefits of EAC.

Madam Speaker, with these few remarks, I thank you.

The Speaker: Thank you very much, hon. Dr Abdallah for that passion in the way you have delivered on the report. Hon. Shem Bageine, I was informed by the Chair Council that he will stand in for her. She is away again on very important regional matters so hon. Bageine on behalf of the Chair, Council.

The Minister of State for EAC Affairs, Uganda (Mr Shem Bageine) (Ex-Officio): Thank you very much, Madam Speaker. I would also like to add my voice to those who expressed sympathies with our colleague hon. Opoka and a member of staff on the loss of their relatives.

I would also like to thank the committee for a very well done job and the very detailed and educative report that they have submitted to this House. I would like to appeal to members of this House to take time off and study this very informative report so that whenever occasion arises, they can explain to the stakeholders what is involved in the operations of the single customs territory that is not easily understood by the stakeholders.

As you will note from the report, it is full of technical jargons that may not be easily understood by our simple traders who are supposed to be beneficiaries of this customs territory.

Madam Speaker, a lot of other points I was going to talk about have been talked about and I will not want to repeat except to say that the issue of the Central Corridor is something that is among the priority projects that were agreed upon by the second infrastructure summit held in Nairobi in November 2012. I am aware that there is an agreement for example between the United Republic of Tanzania and Rwanda in this regard.

Let me also hasten to add that I am aware of the North to South project corridor if we may that starts from Tanga, through Arusha, Busoma and on to Lake Victoria to the other side of Uganda. This, again, is one of the projects that were prioritised when we met in Mombasa in 2012.

I am happy that my colleague Dr Abdallah has thrown light on this and we hope to see progress on these projects because it is through effective development of infrastructure that business can be done faster and cheaply.

Madam Speaker, there was a question raised about the absence of agencies, government departments from Tanzania and Burundi at the port of Mombasa. The operations of the single customs territory involve businesses being conducted through a given port and presumably, most if not all imports coming into United Republic of Tanzania will obviously come through the port of Dar es Salaam and therefore it may not be necessary for departments and other people to be stationed in Mombasa when none of the imports are coming through there to Tanzania.

What I want people to realise is that we want to operate a common system so that when you are doing business in United Republic of Tanzania or elsewhere, you are following the same procedures so that we avoid situations that may lead to confusion amongst our businessmen.

Madam Speaker, the issue of work permits was touched on and the Secretary General did explain this but let me add that the successful operations of the single customs territory which I hope will later translate into a customs authority will be determined to a certain extent by the success of the Common Market Protocol implementations. In this regard, it is not just the work permits alone that are being looked at but to harmonise the laws in East Africa so that they conform to the provisions of the Common Market Protocol and therefore achieve the goals of free movement of persons, goods, services, capital and indeed enable various business operators to establish wherever they want including freight operators that operate under the single customs territory.

Madam Speaker, once again, I would like to thank the chair and her committee for a job well done and repeat my call that members should take time off to read and internalise the informative information that is in this report. I thank you.

The Speaker: Thank you very much, Chair Council hon. Shem Bageine representing hon. Phyllis Kandie. I want to invite the chairperson to respond. Hon. Angela Kizigha.

Ms Kizigha: I thank you very much, Madam Speaker. Before I acknowledge the members who contributed to the report, allow me also to add my voice to give a word of condolence to hon. Opoka and Loice.

Madam Speaker having said that, may I now acknowledge members who have contributed to the report on single customs territory. Number one is hon. Shy-Rose. Thank you very much and I just want to assure her that the recommendation of the Dar es Salaam port is already there. Also hon. Nancy, thank you so much. Hon. Maryam Ussi, thank you so much also for bringing up the issue of Zanzibar. Hon. Dan also I thank you for your contribution especially to remind us about the issue of Dar es Salaam port again. Hon. Dora, thank you for your amendments. Hon. SG, I also thank you so much for your support and for the contributions too single customs matters, movement of labour, the issue of cross border, the issue of ports and thank you so much for reminding us of our responsibilities. I also want to acknowledge hon. Abdallah, the hon. minister for also reminding us about the issue of Assycuda Plus,

Simba plus and the issue of removing bonds which is very important especially for traders who are within the region.

Madam Speaker, in conclusion allow me to also thank the hon. Chair, Council for the issue of Central Corridor because hon. Shy-Rose raised this. I hope she got the answer and also for reminding us about the issue of working permits and the Common Market Protocol. I thank you very much, Madam Speaker and I beg to move.

The Speaker: Thank you very much, hon. Angela Kizigha. Hon. members, the motion on the floor is that the report of the Committee on Communication, Trade and Investment on the single customs territory be adopted. I now put the question.

(Question put and agreed to.)

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES ON THE SECOND PARLIAMENTARIANS WORKSHOP ON CLIMATE CHANGE

The Chairperson, Committee on Agriculture, Tourism, and Natural Resources (Ms Isabelle Ndahayo) (Burundi): Thank you, Madam Speaker.

I move that the Report of the Agriculture, Tourism, and Natural Resources Committee on the Second Parliamentarians Workshop on Climate Change, which was held in Nairobi in December 2013, be adopted.

The Speaker: Seconder? Hon. Christophe Bazivamo, hon. Leonce Ndarubagiye, hon. Mike Sebalu, hon. Patricia Hajabakiga, and hon. Mumbi Ng'aru. Proceed, hon. Isabelle Ndahayo.

Ms Ndahayo: Thank you, Madam Speaker. Since hon. Opoka is a member of the Committee on Agriculture, Tourism, and Natural Resources, I would like to condole and sympathise with his family about the bad event that happened in his family.

Madam Speaker, the report of the second parliamentarians' workshop on climate change is composed of seven main parts; Introduction, methodology, findings; general observations; Committee Recommendations; and the last one is acknowledgements.

Introduction

Madam Speaker, climate change is defined as the change in the state of the natural environment, which persists for an extended period, typically for decades or centuries. The effects of climate change particularly climatic disasters of floods and droughts have serious and significant impacts on communities, ecosystems and economies with negative impact on sustainable development in developing countries and least developed countries are most vulnerable to climate change.

As representatives of the citizens of the East African Region, the Members of East African Legislative Assembly showed concern on this regional threat and searched for understanding it better with a view to contributing to finding a lasting solution, which can come, in the future as a law on Climate Change. As a result, the East African Legislative Assembly Committee on Agriculture, Tourism and Natural Resources followed very specialized workshops based on Climate Change issues where technical presentations and exchanges of experiences between focal points from the East African Region took place. The first

workshop came out with a Resolution, which has been adopted by the Assembly in January 2013. The Second Climate Change Workshop for Parliamentarians was held from 16th-18th December 2013 in Nairobi Kenya, to evaluate the level attained in the implementation of the said resolution.

Objectives of the Workshop

The overall objective of the Workshop was to deliberate on the implementation status of the EALA Resolution on Climate Change and to consider and deliberate on the following:

- (i) *the existing Climate Change Legal and Institutional Frameworks in the EAC Partner States;*
- (ii) *the implementation status of the EALA Climate Change Report and Resolution;*
- (iii) *the outcome of the 19th Conference of Parties (COP19) to the United Nations Framework Convention on Climate Change (UNFCCC), also serving as the 9th Meeting of Parties to the Kyoto Protocol (CMP9) held from 11th-22nd November 2013 in Warsaw, Poland;*
- (iv) *the climate change financing options for the region; and*
- (v) *the best practices in climate change adaptation and mitigation projects in the energy sector with a focus on the Olkaria Geothermal Power Project (1st and largest Geothermal Power Station in Africa).*

Participation

The Meeting was attended by honourable Members of the Committee on Agriculture, Tourism and Natural Resources of the 3rd East African Legislative Assembly (EALA), Hon. Jessica Eriyo, Deputy Secretary of the East African Community ,Productive and Social Sectors, representatives from the EAC Partner States National Parliaments and National Focal Points on Climate Change. Experts on Climate Change from COMESA Secretariat as well as staff members of the EAC Secretariat and the East African Legislative Assembly also participated to the workshop.

The List of Participants is hereto attached as **Annex I**.

Opening Remarks

In the remarks by the Committee Chairperson, it was noted that climate change is a major challenge to sustainable development with adverse impacts. Emphasis was on the need to focus on concrete solutions to ensure mainstreaming of climate change in development planning. The Assembly's commitment on climate change through the Committee on Agriculture, Tourism, and Natural Resources was also pointed out, noting that the 1st Session of the 4th Meeting of the East African Legislative Assembly (EALA) held from 21st January to 1st February, 2013 in Bujumbura, Burundi adopted the *Climate Change Workshop Report and the EALA Resolution on Climate Change*. Participants were equally informed that the Committee provided support on the draft on EAC Disaster Risk Reduction and Management Bill 2013 that was introduced as a Private Member's Bill and has since been taken by Council.

The remarks ended with appreciation of the ongoing collaboration between the EAC Secretariat and the East African Legislative Assembly and congratulations to Hon. Jesca Eriyo, the Deputy Secretary General for her dedicated support and appreciation to the EAC Secretariat and the Development Partner USAID for supporting the workshop.

Hon. Jessica Eriyo, EAC Deputy Secretary General for Productive and Social Sectors, welcomed the Honourable Members of EALA to the Workshop and thanked them for finding time to deliberate on climate change issues during the early days of the 3rd Assembly. She highlighted recent EAC's achievements noting that the 27th Meeting of the Council of Ministers held on 31st August 2013 approved amongst others the following key climate change strategic documents:

- (i) consolidated Proposals for Human Resource Capacity Enhancement for the Department of Environment and Natural Resources (*EAC/CM 27/Decision 24*) that includes a the Technical Proposal for the Establishment of the EAC Climate Change Coordination Function
- (ii) the EAC Climate Change Strategy and EAC Climate Change Master Plan (*EAC/CM 27/Decision 26*);
- (iii) Operational Modalities for the EAC Climate Change Fund (*EAC/CM 27/Decision 28*);
- (iv) EAC Disaster Risk Reduction and Management Strategy (*EAC/CM 27/Decision 28*);

She further noted that the Climate Change documents are in accordance with the EAC Climate Change Policy that was approved by the 9th Extra Ordinary Meeting of the EAC Heads of State Summit on 19th April 2011 in Dar es Salaam, Tanzania.

She also informed the Committee that EAC participated for the very first time as an accredited organization at the 19th Conference of Parties (COP19) to the United Nations Framework Convention on Climate Change held from 11-22 November 2013 in Warsaw, Poland based on the earlier recommendations of EALA. EAC also co-hosted a joint COMESA-EAC-SADC side event at the margins of COP19/CMP on 20th November 2013 in Warsaw, Poland. The theme of the side event was "*Enhancing Climate Smart Innovations in Eastern and Southern Africa: Sharing Key Successes and Partnerships for Climate Change Adaptation in Eastern and Southern Africa*". She concluded by thanking the Hon. Members for finding time to attend to the Meeting and their continuous support on sectoral issues.

Methodology

The workshop was conducted in an interactive approach where technical presentations were made by experts from EAC Partner States and EAC Secretariat and facilitators from COMESA Secretariat, PREPARED Project and Kenya Electricity Generating Company (KenGen) followed by interactive sessions. A field visit was also used as a methodology to allow participants explore best practices in climate change adaptation and mitigation projects in the renewable energy sub-sector.

Findings of the Workshop and the Field Visit

The Session of technical presentations was based on the status of climate change policy, legal and institutional frameworks in EAC region; it also considered the status of implementation of

the East African Legislative Assembly Report of the Workshop on Climate Change held in Mwanza in November 2012 and the Resolution of the Assembly on Climate Change.

Status of EAC Climate Change Policy, Legal and Institutional Framework

An overview of the EAC Climate Change Policy priorities with a focus on financial and institutional arrangements with regards to implementation of the Policy was presented to Members. It was pointed out that the Policy also elaborates on regional adaptation, mitigation, research and development as well as cross cutting issues with regards to climate change. The presentation highlighted the following:

- i. need for establishment of a clearly defined regional coordination and management structure to address regional coordination efforts;
- ii. information on the Policy which further states that the establishment of an appropriate regional implementation structure will be guided by the Protocol for Environment and Natural Resources Management and the proposal for the establishment of an EAC Climate Change Function;
- iii. information on the Policy which recognizes the Sectoral Council on Environment and Natural Resources as the highest decision making body on all matters regarding climate change as per the EAC Treaty;
- iv. proposed regional institutional arrangements mandated to oversee the effective implementation of the EAC Climate Change Policy through the EAC Climate Change Strategy, Master Plan and the EAC Climate Change Fund. The coordinating institution shall be vested, inter alia, with the specific mandate to design climate change policies, strategies and plans; designing relevant projects; promoting the introduction of climate change in education curriculum; and building the capacity of research institutions involved in climate change- related issues;

Status of the EALA Report on Climate Change and Resolution on Climate

Change

The status of the EALA Report on Climate Change and Resolution on Climate Change was presented to participants. It was reminded that the 1st Session of the 4th Meeting of the East African Legislative Assembly (EALA) held from 21st January to 1st February in Bujumbura, Burundi considered and adopted amongst others, the Climate Change Report and resolution. The Report observes the need to fast track the operationalisation of the EAC Climate Change Fund established by the Council of Ministers in 2010 through putting in place necessary legal instruments and recommended the following amongst others:

- (i) need for the Council of Ministers to introduce a Bill aimed at operationalizing the EAC Climate Change Fund and providing a legal framework for the EAC Climate Change Policy;
- (ii) need to capitalize the EAC Climate Change Fund to support regional climate change negotiation strategies and effectively implement regional programmes, policies and strategies;
- (iii) need to build synergy with other Regional Economic Communities (RECs) and the African Union Commission (AUC) towards consolidating common position for Africa on climate change through the African Ministerial Conference on the Environment (AMCEN);

Status of Climate Change Policy, Legal and Institutional Framework in the EAC Partner States

Climate Change Experts from Partner States made presentations on the status of the Climate Change Policy, Legal, and institutional Frameworks in their respective Partner States.

Climate Change Policy and Legal Framework in Burundi

Mrs. Renilde Ndayishimiye, Director General, Geographic Institute of Burundi (*IGEBU*), gave an overview of the Burundi National Climate Change Policy and Comprehensive National Climate Change Strategy and Action Plan (NCCSAP) as well as the existing and proposed climate change institutional framework and budget of the Action Plan. She highlighted the following:

- i. Burundi has submitted the first and second National Communications on Climate Change, the 3rd National Communication is under preparation,
- ii. National Platform on Disaster Risk Reduction;
- iii. Adaptation and Disaster Risk Reduction Strategy (DRR)
- iv. National Strategy on Biodiversity
- v. Policy and Strategy on Water Resources
- vi. Sector group on Environment, Water and Sanitation

Climate Change Legal and Institutional Frameworks in Rwanda

Mr. Fred Daniel Nzasabimana, Environment Expert, Ministry of East African Community, Rwanda gave an overview of the National Environment and National Development Policies promoting environmental management and climate change adaptation and mitigation; institutional arrangements and ongoing projects and programmes. He highlighted the following:

- i. The Constitution of Rwanda, the Environment Policy; Economic Development and Poverty Reduction Strategy (EDPRS II); National Green Growth and Climate Resilience Strategy and the Five years Government Climate Change Strategic Plan
- ii. Climate Change Institutional Framework in Rwanda comprises of the Ministry of Natural Resources (MINRENA) and the Rwanda Environment Management Authority (REMA). REMA has a Department in Charge of Climate Change & International Obligations has been established under REMA; Rwanda Development Board (RDB) and the National Climate and Environment Fund (FONERWA)

The following Environment and Natural Resources laws are in place:

- (a) *Organic Law N° 04/2005 of 08/04/2005 determining the modalities of protection, conservation and promotion of environment in Rwanda.*
- (b) *Ministerial Order regulating the importation and exportation of ozone layer depleting substances products and equipment containing such substances, 2008*
- (c) *Ministerial Order preventing activities that pollute the atmosphere, 2008*
- (d) *Ministerial Order determining the list of chemicals and other prohibited pollutants, 2008*
- (e) *Ministerial Order on the establishment of the National Man and Biosphere Committee, 2010*
- (f) *Law determining the organization, functioning and mission of the National Fund for Environment (FONERWA), 2012;*

Climate Change Legal and Institutional Frameworks in Kenya

Ms. Fatuma Mohamed Hussein, Ag. Director, Ministry of Environment, Water & Natural Resources, Kenya highlighted the following:

- (i) Kenya Constitution 2010;
- (ii) Kenya National Climate Response Strategy(NCCRS);
- (iii) National Climate Change Action Plan (NCCAP 2013-2017);
- (iv) Kenya has undertaken an assessment of existing policies, laws and institutional frameworks through the Legal Preparedness Assessment Report (LPAR). LPAR identified gaps, barriers and opportunities for effective climate change -provides the analytical basis for strengthened and reformed to support climate response
- (v) there are over 90 relevant laws –fragmented & gaps in the existing climate change related institutions and policy frameworks;
- (vi) Ministry of Environment, Water & Natural Resources (MEW&NR); National Climate Change Secretariat at MEW&NR; Climate Change Desk Offices/Units in several ministries/institutions; National Climate Change Activities Coordination Committee (NCCACC);
- (vii) Proposes the establishment of a high level National Climate Change Council (at the Office of the Presidency) for policy coordination, direction, oversight and guidance across all levels of government;
- (viii) Proposes the establishment of a Kenya Climate Change Fund in the Ministry of Finance to facilitate implementation of the Action Plan; and
- (ix) Kenya is also in the process of preparing a coherent stand-alone climate change policy, climate change law and undertaking institutional reforms.

Climate Change Legal & Institutional Frameworks in Uganda

Mr. James Magezi-Akiiki, Assistant Commissioner of Meteorology-Ministry of Water and Environment, Uganda submitted a copy of Uganda's presentation in absentia. The presentation highlighted the following key issues:

- (i) Climate Change Coordination Unit has been established at the Ministry of Water and Environment;
- (ii) the functions and mandate of the Climate Change Unit include: acting as the National Focal Point on Climate Change, to the United Nations framework Convention on Climate Change (UNFCCC) and its Kyoto Protocol; co-ordinate climate change stakeholder involvement in different sectoral actions; acting as the Secretariat to the Designated National Authority (DNA) for Clean Development Mechanism (CDM) projects; ensuring Uganda's effective participation in the climate change negotiations at National, Regional and International levels; monitoring the implementation of adaptation and mitigation activities, advising the Government on climate change matters, raising awareness and communication amongst the citizenry and reporting to the UNFCCC;
- (iii) other Directorates include: Directorate of Water Resources Management, Directorate of Water Development, Directorate of Environmental Affairs;
- (iv) National Climate Change Policy aimed to ensure a harmonized and coordinated approach towards a climate resilient and low carbon development path for sustainable development in Uganda is in place;

- (v) a draft National Climate Change Implementation Strategy is meant to complement the National Climate Change Policy and offers a way forward towards its operationalisation;
- (vi) the need for development of a National Climate Change Communication Strategy to raise further awareness has been prioritized; and
- (vii) National Climate Change Monitoring & Evaluation Framework is in place to assist effective and efficient implementation of the Policy and Strategy.

Experts from the United Republic of Tanzania were unable to attend the Workshop. However, the Secretariat reported that the Tanzania's National Climate Change Strategy was developed in 2012.

Specific Observations from the presentations by representatives of Partner

States

- i. the National process has greatly been influenced by the EAC Climate Change Policy;
- ii. EAC Partner States have made significant progress toward the adoption of and implementation of National Climate Change Policy and Strategies and Action Plans and institutionalization of climate change;
- iii. National climate change institutional structures have been established under ministries responsible for environment and natural resources;
- iv. there are a number of existing projects and programmes currently under implementation and hence the need for integration and harmonization for regional replication and broader impact;
- v. legal and regulatory instruments to support the effective implementation of policies still remain as a one of the major challenges at the national and regional level;
- vi. There is enabling policy, legal and institutional framework at EAC and Partner States to support implementation of CC initiatives (in line with national constitutions, planning documents, EAC Treaty, ENR. Policy etc)
- vii. Implementation challenges include: resource constraints (finance, technology, institutional-human resources, regulation), donor dependence, weak public awareness and communication;
- viii. need for existing political will to be translated into political action and reporting to the EAC Heads of State Summit on the status of implementation of the EAC Heads of State Declaration on Food Security and Climate Change of 2010.

Outcome of the 19th Conference of Parties to the United Nations Framework Convention on Climate Change

Dr. George Wamukoya, Climate Change Advisor in COMESA presented on the outcome of the 19th Conference of Parties to the United Nations Framework Convention on Climate Change also serving as the 9th Meeting of Parties to the Kyoto Protocol (COP19/CMP9) was held from 11th to 22nd November 2013 in Warsaw, Poland. The overall objective of COP19/CMP9 is to review the progress made in the implementation of the decisions of COP18/CMP8 (Doha Gateway) which was held from 26th November to 7th December 2012 in Qatar, Doha. He highlighted the quest for a new international climate change regime-outcome of various COP. He singled out the need for EAC to follow on key issues of regional interest in the ongoing negotiations highlighting the following:

- (i) the need for EAC Partner States to strategically engage with the international community to address the challenge posed by climate change including key decisions of COP19 including the Warsaw International Mechanism for Loss and Damage ;
- (ii) issues related to work streams I and II of the Ad hoc Working Group on the Durban Platform for Enhanced Action (ADP). The ADP's mandate is to "develop a *protocol, another legal instrument or an agreed outcome with legal force under the Convention applicable to all Parties, which is to be completed no later than 2015* for it to be adopted at the COP21 and for it to come into effect and be implemented from 2020.";
- (iii) definition of common interests specific to the EAC region to inform the common African position through: *the African Group of Negotiators (AGN); African Ministerial Conference on the Environment (AMCEN), and the Committee of African Heads of State and Governments on Climate Change (CAHOSCC)* and other negotiating blocs;
- (iv) the need for EALA to galvanize political will to support the negotiations and to ensure that that EAC's interests within the broader African interests are reflected in the final outcome; and
- (v) need for EAC to make its contribution and early preparations for the Ministerial Dialogue on ADP to be held in May, 2014 in Bonn, Germany and the Climate Summit scheduled for 23rd September 2014 in New York, USA amongst other international policy meetings;
- (vi) EAC position on the Warsaw International Mechanism for Loss and Damage?

Consideration of Climate Change Financing and Clean Development Mechanisms

The Session featured two key presentations on the International Climate Change Financing Mechanisms, and Clean Development Mechanism (CDM).

International Climate Change Financing Mechanisms

Mrs. Emily Ojoo-Massawa, Climate Change Adaptation Technical Advisor for the Planning for Resilience through Policy, Adaptation, Research and Economic Development in Eastern Africa (PREPARED) Project presented an overview of the international climate change financing mechanisms. The presentation focused on the following amongst others:

- (i) provisions on financial mechanism under Article 11 of the UN Framework Convention on Climate Change that established a financial mechanism to provide financial resources on grant or concessional basis under the guidance of the Conference of Parties;
- (ii) operation of the financial mechanism is entrusted to one or more existing international entities. Currently, the operation of the financial mechanism is partly entrusted to the Global Environment Facility (GEF);
- (iii) the developed country Parties may also provide and developing country Parties avail themselves of, financial resources related to the implementation of the Convention through bilateral, regional and other multilateral channels;
- (iv) modalities for accessing climate change funding through National Implementing Entities (NIEs), Regional Implementing Entities (RIEs) and Multi-lateral Implementing Entities (MIEs);

- (v) direct access opens a new opportunity for developing countries, since they will be able to access the AF financing and implement projects through national and regional legal entities that attain accreditation;
- (vi) the accreditation requirements include: *Financial Integrity and Management; Institutional Capacity; Project and Programme Management Capacity; Transparency and Self-investigative Powers*

Key Climate Change Funds established under the UNFCCC

- (i) the Special Climate Change Fund (SCCF) - to finance projects relating to adaptation and technology transfer amongst others;
- (ii) the Least Developed Countries Fund (LCCF)- the work programme to assist Least Developed Country Parties (LDCs)-the preparation and implementation of National Adaptation Programmes of Action (NAPAs);
- (iii) the Adaptation Fund (AF)- established to finance concrete adaptation projects and programmes in developing country Parties to the Kyoto Protocol that are particularly vulnerable to the adverse effects of climate change. It is financed from the share of proceeds on the Clean Development Mechanism project activities and other sources of funding [amounts to 2% of certified emission reductions (CERs) issued for a CDM project activity];
- (iv) the Green Climate Fund (GCF)- established in 2010 at the 16th Conference of Parties and designated as the operating entity of the financial mechanism of the Convention, in accordance with Article 11 of the Convention at the 17th Conference of Parties in 2011;

Clean Development Mechanisms: Case Study of the Kenya Electricity Generating Company Ltd (KenGen)

Dr. Pacifica F. Achieng Ogola, Chief Officer, Clean Development Mechanisms at Kenya Electricity Generating Company (KenGen) presented on “*KenGen Clean Development Mechanism (CDM) Projects Experience and Future Plans*”. Her presentation focused on KenGen carbon assets and plans, existing and potential benefits accruing from CDM project, challenges, and lessons learnt. The presentation highlighted the following:

Existing CDM Challenges

- (i) delay in project registration as result of the long validation process and updating of the Project Development Document (PDD);
- (ii) delay in project construction due to finance and rigorous procurement requirements;
- (iii) demonstration of additionality requirement by proof whether a project would have occurred without CDM;
- (iv) high transaction and project registration fees; and
- (v) market risks such as no guarantee of Certified Emission Reductions (CER) sales in European Union-Emissions Trading Scheme (EU-ETS) from a non-LDC country project.

Key CDM Eligibility Requirements for Participating Countries

- (i) ratification of the Kyoto Protocol
- (ii) establishment of Designated National Authorities (DNA) charged with approval of CDM projects in host countries;
- (iii) project must demonstrate additionality (ability to reduce emissions to what would have occurred under business-as usual scenario);
- (iv) Projects must assist the host country to achieve its national sustainable development goals;
- (v) CDM project should not result in diversion of Overseas Development Assistance (ODA) i.e. ODA should not be used for project financing and purchase of CER, however, ODA can be used for CDM-related capacity building;

CDM Governance Framework

- (i) CDM shall be subject to the authority and guidance of the Conference of the Parties serving as the meeting of the Parties to the Kyoto Protocol (COP/CMP) and be supervised by the CDM Executive Board. The CDM Executive Board consists of 10 members and 10 alternates as follows: 2 representatives each from Annex I and non-Annex I, 1 representative each from each UN region and Small Island Developing States (SIDS).;
- (ii) Emission reductions resulting from each project activity shall be certified by Operational Entities to be designated by the Conference of the Parties serving as the meeting of the Parties to Kyoto Protocol, on the basis of: *real voluntary participation approved by each Party involved; , measurable, and long-term benefits related to the mitigation of climate change; and Reductions in emissions that are additional to any that would occur in the absence of the certified project activity (business as usual scenario).*

Key Observations

- (i) the Clean Development Mechanism (CDM) is one of the three flexible mechanisms established under Article 12 of the Kyoto Protocol aimed at mitigating climate change by reducing global emissions of green house gases;
- (ii) CDM is a unique arrangement involving trading in emissions between developed and developing countries. The other two mechanisms established under the Kyoto Protocol: the Joint Implementation (JI) applies in transitional economies mainly covering the former Soviet Union and Eastern Europe; and Emissions Trading (ET) only allows trading of emissions between developing countries parties only;
- (iii) CDM has the dual purpose of assisting Parties not included in Annex I (developing countries) in achieving sustainable development in contributing to the ultimate objective of the Convention (reducing greenhouse emissions), and to assist Parties included in Annex I (developed countries) in achieving compliance with their quantified emission limitation and reduction commitment;
- (iv) Developing countries are therefore expected to benefit from project activities resulting in certified emission reductions (CER); while developed countries may use the CERs accruing from such CDM project activities to contribute to their compliance commitments;

- (v) Regional distribution of CDM projects in Africa according to UNEP RISO data indicates that Africa has 258 projects of which 120 are in South Africa. East African countries have very few CDM projects (Kenya- 29, Uganda-18, Tanzania-6), Rwanda and Burundi (no data).;
- (vi) non-LDCs will not be eligible to sell carbon credits in the EU Markets in the 2nd Commitment Period that commenced from 2013 and runs upto 2020 despite the emergence of new carbon markets e.g. bilateral offsets and domestic emission trading schemes;
- (vii) ability to generate more revenue from the carbon markets, will depend on access to green energy financing;
- (viii) CDM institutional capacity enhancement are key in demonstrating the sustainability of the CDM projects;
- (ix) Need for experience and lesson sharing such as KenGen's benchmarking with geothermal carbon credit projects in Indonesia and seeking alternative post 2012-CER buyers such as Norwegian, Swedish and UK government buyers.

Field visit to KENGEN's OLKARIA II Geothermal Power Station

Kenya Electricity Generating Company Ltd (KenGen) facilitated the field visit with an aim of exploring best practices in climate change adaptation and mitigation projects in the energy sector. The Kenya Electricity Generating Co. Ltd (KenGen) is a public limited company with 70 percent and 30 percent shareholding owned by the public and private sectors respectively. KenGen has a total of national installed capacity of 1239 MW and 1721 MW (incl. IPPs and EPP). KenGen's CDM's project development was initiated in 2006 with potential 6 CDM projects under the World Bank Community Development Carbon Fund (CDCF), where only 3 projects qualified. The CDM Section was established in 2008 to provide technical support to KenGen's CDM project portfolio.

Olkaria Geothermal Project is the 1st and largest Geothermal Power Station in Africa under the management of Kenya Electricity Generating Company (KenGen). Olakaria is partly located in Hellsgate National Park in Naivasha managed by Kenya Wildlife Service.

GENERAL OBSERVATIONS

The Committee on Agriculture, Tourism, and Natural Resources made the following general observations:

- (i) There is an enabling policy framework at EAC and Partner States level to support implementation of climate change initiatives that includes National Constitutions, National Development and Strategic Plans, National Visions, National Environment Policies, EAC Treaty, Protocol on Environment and Natural Resources Management, Climate Change Policy, Strategy, Master Plan, Operational Modalities for the EAC Climate Change Fund etc;
- (ii) The implementation of climate change initiatives in the region is faced by a number of challenges including limited financial, institutional, technical resources such as: human resources capacities; lack of legal regimes for enforcement), donor dependence, weak public awareness and communication;
- (iii) Need to mobilize the participation of private sector in climate change mitigation solutions;
- (iv) there are a number of existing projects and programmes currently under implementation in the region;

- (v) EAC has developed a Concept Note for Establishing an EAC Carbon Credit Exchange Mechanism to facilitate the region to benefit from the international carbon trading mechanisms.
- (vi) it was observed that the report and resolution on climate change was not sent to Partner States as it is stipulated in art. 65 of the Treaty for the establishment of the East African Community.

COMMITTEE RECOMMENDATIONS

The Committee of Agriculture, Tourism and Natural Resources made the following recommendations based on the technical presentations, field visit and general observations and discussions:

1. urged the EAC Council of Ministers to translate the existing political will into political action at the regional level through implementation of the EAC Climate Change Policy by introducing a Regional Climate Change Bill and reporting to the Heads of State on the status of the EAC Heads of State Declaration on Climate Change and Food Security;
2. urged the EAC Secretariat to initiate a draft EAC Climate Change Bill to give legal effect to the EAC Climate Change Policy through: *(a) establishing a Regional Institutional Structure to coordinate Climate Change initiatives; (b) legally establishing and operationalizing the EAC Climate Change Fund; and (c) establishing an EAC Carbon Credit Exchange Mechanism;*
3. urged the EAC Partner States to jointly engage on the ongoing climate change negotiations as part of the collective international effort to come up with a new climate change regime in 2015 under the Ad hoc Working Group on Durban Platform for Enhanced Action to take effect by 2020;
4. urged the EAC Secretariat to ensure that the next round of the Secretary General CEOs Forum to focus on the role of Private Sector in Climate Change Mitigation as a theme;
5. urged EAC Secretariat to ensure the integration, harmonization, replication and up-scaling of multiple climate change projects and programmes currently under implementation in the region, for wider regional impact;
6. urged the EAC Secretariat to take advantage of EAC's accreditation status as an Observer to the UNFCCC as a basis for seeking further accreditation as a Regional Implementing Entity (RIE) to position itself to access international climate change financing available through multilateral and bilateral sources including the United Nations Framework on Climate Change (UNFCCC);
7. urged the EAC Secretariat to promote Clean Development Management (CDM) capacity enhancement through collaboration with regional and continental institutions such as the African Green Fund (AfDB) and the Collaboration with Regional CDM Collaboration Centre hosted by East African Development Bank (EADB) to amongst others: *(a) strengthen monitoring, reporting and verification (MRV) of registered CDM projects; (b) review of on-going CDM modalities and procedure; developing greenhouse gas inventories; and (c) develop and design CDM projects as well as developing regional CDM project guidelines and supporting the establishment of the EAC Carbon Credit Exchange Mechanism to facilitate the region to benefit from the international carbon trading mechanism;*

8. urged Office of the Clerk to submit the Report of the 1st Parliamentarian's Workshop on Climate Change and the EALA Climate Change Resolution to the EAC Secretariat for onward submission to Partner States;
9. recommends to this august House to adopt this report with its recommendations.

ACKNOWLEDGEMENTS

The Committee appreciates the Speaker of the East African Legislative Assembly for allowing Members of the Committee to attend this important workshop. The Committee expresses thanks to the EAC Secretariat for organizing a second Parliamentarian Workshop on Climate Change and inviting key national and regional stakeholders and experts, resource persons to facilitate the Workshop effectively by providing empirical and detailed data and information to the Legislators. These include:

Hon. Jessica Eriyo, EAC Deputy Secretary General for Productive and Social Sectors; Mrs. Renilde Ndayishimiye, Director General, Geographic Institute of Burundi (IGEBU); Mr. Fred Daniel Nzasabimana, Environment Expert, Ministry of East African Community, Rwanda; Ms. Fatuma Mohamed Hussein, Ag. Director, Ministry of Environment, Water & Natural Resources, Kenya; Mr. James Magezi-Akiiki, Assistant Commissioner of Meteorology-Ministry of Water and Environment, Uganda; Dr. Pacifica F. Achieng Ogola, Chief Officer, Clean Development Mechanisms at Kenya Electricity Generating Company (KenGen); Dr. George Wamukoya, Climate Change Advisor, COMESA; Mrs. Emily Ojoo-Massawa, Climate Change Adaptation Technical Advisor for the Planning for Resilience through Policy, Adaptation, Research and Economic Development in Eastern Africa (PREPARED) Project. The Committee would also like to appreciate the financial support provided by development partners, specifically the Government of the United States of America through USAID-East Africa.

Finally, the Committee appreciates all the Technical Staff from the Department of Environment and Natural Resources at the EAC Secretariat and the East African Legislative Assembly for organizing the workshop and preparing this report.

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

The Speaker: Thank you very much, hon. Isabelle. We acknowledge that it was a long report but you have done very well to be able to go through it, thank you.

Hon. Members, the motion on the floor is that the *Report of the Committee on Agriculture, Tourism and Natural resources on the Second Parliamentarian's Workshop on Climate Change* be adopted. Debate is open.

Mr Christophe Bazivamo (Rwanda): Thank you, hon. Speaker. First of all let me also take this opportunity to address my condolences to hon. Chris Opoka and his family and also to Loice Ampaire and her family for what has procured in their families.

Hon. Speaker, let me also thank the chairperson of this committee and I take this occasion to acknowledge that I am also a member of this committee and I take this opportunity to support the report.

However, I have some comments. Climate change is now a reality and its negative impacts are already being observed and hardly been faced by citizens in all our Partner States.

Madam Speaker, the recent flooding in Bujumbura, Burundi, in Dar es Salaam, Tanzania, and already observed drought in Kenya and Uganda or landslides, and flooding in Rwanda are all live testimonies that all our Partner States are already at risk.

Madam Speaker, protection, and mitigation measures are well known including nature and natural forest protection, reforestation programs among others. Here I want to emphasise the fact that there is a strong need in our region to think about and to put in place reforestation programs at East African Community levels of course to be implemented in our Partner States.

As you know, forests play really a very important role when it comes to climate change mitigation and this is in addition to the important role forests play in our socio-economic livelihood.

Rt hon. Speaker, for this importance and for the purpose of protecting our citizens, for the purpose of mitigating climate change, I propose another recommendation to urge the East African Community Secretariat to promote afforestation programs in Partner States and to mobilise funds to support the implementation. This will be very useful if it is implemented because it will be for a big importance when it comes to climate change mitigation.

This recommendation has been given to the chair of the committee and if the House sees it so, I wish it to be put in addition to the recommendations, which have already been given. Thank you.

The Speaker: Thank you very much, hon. Christophe.

Mr Leonce Ndarubagiye (Burundi): Thank you very much Rt. hon. Speaker for giving me the floor. I also join my voice to those who expressed their condolences to the bereaved families that lost their beloved ones.

I take this opportunity to state that I am a member of this committee, so of course I have been participating in the making of this report like every other member of this committee. I will be very brief in my remarks.

The truth of the matter is that pollution and climate change is here to stay with us. As hon. Bazivamo said, the recent tragedy that happened in Bujumbura, Burundi, especially in Bujumbura has not happened in the memory of an old man living in the region. It is the first time that it has happened, probably for the last 100 years and we must be very careful and see other places those things happening.

Secondly, we should always keep in mind that in a world that is changing, there are some countries that totally disappeared. Where there is a desert today, it was not always a desert. It may come down...when it comes from the desert down it is our countries down of the desert, so we must be very careful. We must also be very careful not to trust so much those who polluted and those who created this situation. When you go and ask Chinese to implement the agreement on climate change, they tell you that those who polluted have industrialised just because they were polluting, and they want to prevent others to industrialise as they did. If you ask the Europeans and Americans, they tell you, our great grandfathers did not know but actually, that is not an excuse so today, there are not so much cooperating in preventing further pollution of the climate so the climate changes there. It is up to us to find out how we can prevent these to wipe out our countries.

I remember, I was a member of the last legislature, the Second EALA, and I remember I was also a member of the delegation to Copenhagen for the Climate Change Conference. I remember with so much sorrow that at a given time, all the presidents of the French speaking countries, before coming to Copenhagen, were summoned to Paris to take a common position. You can imagine that that position was supposed to be to the advantage of France and other countries of that calibre. I am sure about it because even our Vice President Dr Yves Sahunyavu went there. I was looking for him and they told me, no, all heads of delegation are in Paris!

So, what I want to say here is that we should recommend strongly that we find homegrown solutions like the one that hon. Bazivamo is proposing. We should find homegrown solutions to our problems and not put them together with the world problems. Well, we can also learn from others and cooperate with others, but definitely, we must find our own homegrown solutions. I thank you very much, and I support the motion. (*Applause*)

The Speaker: Thank you very much. Hon. Leonce.

Dr Odette Nyiramilimo (Rwanda): Thank you, Rt. hon. Speaker. I first wish to express my condolences to hon. Chris Opoka and our member of staff Loice Ampaire.

Madam Speaker, I am a member of this committee, and I wish to, first, bring some corrections to our document. There are some typing mistakes but the ones I wish to correct are on page 14 on committee recommendations. The first paragraph should end by saying, "*The committee recommends that this august House urge the EAC...*" and then 1, 2, 3 would follow "urge." We did not urge ourselves; it is the august House to urge the EAC Council of Ministers, and the rest. I will give that to our chairperson.

Madam Speaker, while our other objective in this workshop was to appreciate and evaluate the implementation of our resolution; the resolution that was adopted in this House in January 2013, we were surprised and a bit shocked that none of the representatives of the Partner States had ever heard of that resolution. Some of them even called their Partner States to know where the resolution should be and they did not trace that resolution that was adopted here. So it is a shame that recommendations or motions are made in this House are sometimes lost somewhere. The channel of communication has some problems, and we would urge this august House, and notably the Clerk, to make sure that resolutions made are channelled to whom they are directed to.

Madam Speaker, I wish to finish my comments by commending the government and the republic of Kenya. They have developed a very big geo-thermal power station that we have seen ourselves. We visited it and later the whole House visited it while we were touring in Kenya. That achievement is a big one. In most of our countries, we have some geo thermal stations that should be exploited in the same vein as Kenya has done and is producing more than 200 megawatts. We did not visit the other stations but that one in itself is already a very achievement so let us really commend Kenya for having done so.

Madam Speaker, I beg to support the motion.

Ms Mumbi A. Ng'aru (Kenya): Thank you, Madam Speaker I want to thank you for an opportunity to stand on the floor of the House in this Sixth Sitting and contribute and I want to join my colleagues to say *pole* to hon. Okumu who is also a member of our committee for losing his dear father. It does not matter the age of a parent, loss is loss, and like we were telling him yesterday, even at that age they still refer to us as my boy. The same *pole* to

Loice. At her young age she has lost her mother, it is not easy. We join her in prayers that God gives them comfort at this very difficult period.

I would say I am a member of the committee and I will appreciate our chair, hon. Isabelle Ndahayo. She is one chair who is very positive. Thank you, hon. Isabelle because even twice or thrice when our committee was not able to sit because of logistics or lack of funds, she still held the committee in that positive attitude that when funds are available, we still go on and she has not let the mood and those negative things affect the committee. Thank you for that leadership and I am sure she lifts us up.

I want to say I found the workshops on climate change very educative, very informative especially information from the technical experts. Madam Speaker, it is my humble plea that I wish the expert advice and information that has been shared in those climate change workshops, we can have an opportunity as the whole House to be educated and informed and come to the same level, all of us. I am sure it would be very beneficial to the House.

I know that funds have always been an issue, but if, through your leadership, we could get those experts to share what they have shared with the Committee of Agriculture, it would be very good for the august House. It would probably make it easier for the Secretariat as they push their agenda especially on the Bill on risk reduction, which the Summit chair said they would give priority. We as a House will be able, from an informed point of view, to participate and contribute to the formation of that Bill.

I want to say that I am in agreement with the report, thank you so much for adopting it and I beg to support it. Thank you.

The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio): Madam Speaker, I thank you very much for giving me this opportunity to contribute to the motion on the floor, which I support. May I join you and the rest of the members in condoling with hon. Chris Opoka Okumu and Miss Loice Ampaire who have lost their dear ones? If my memory is correct, it is only a few months ago that Loice lost her dear father and now she has lost her mother. I join you and the rest of the members of the House in praying to the Almighty God to hold the families in fortitude during this trying moment and in praying that the Almighty God rests the souls of the departed persons in perfect peace.

Madam Speaker, I have read this report, I have read the observations and findings and in that regard, I feel obliged to thank hon. Isabelle Ndahayo and the entire Committee on Agriculture, Tourism and Natural Resources for having facilitated this workshop on a very important aspect of this region and this region's development which is climate change in the wake of what we all know is happening.

Madam Speaker, my short intervention is with regard to the committee's recommendations, which feature on page 14. I am intervening with the sole intention of proposing an amendment so that the report reads better in one or two aspects. May I refer you to paragraph 5, which has the list of recommendations?

The first recommendation is where, and I am taking into account hon. Dr Nyiramilimo's contribution on this one, the Assembly will be urging the EAC Council of Ministers to translate the existing political will into political action at the regional levels through implementation of the EAC climate change policy by introducing a regional climate change Bill and reporting to the heads of state on the status of the EAC heads of state declaration on climate change and food security.

The second one immediately after that one is to the effect that the EAC Secretariat should initiate a draft EAC Bill on climate change to give legal effect to the EAC climate change policy through, (a) establishing a regional institutional structure to coordinate climate change initiatives; (b) legally establishing and operationalising the EAC climate change fund; and, (c) establishing an EAC carbon credit exchange mechanism.

Madam Speaker, as the House is urged to make these very good recommendations, we should reflect on the provisions of the Treaty. Under Article 14 paragraph 2 sub paragraph (a) of the Treaty, it is only the Council of the Ministers, which can initiate and submit Bills to the Assembly. It is the only organ, which can, in addition of course to hon. members of this House under Article 59 of the Treaty.

The Secretariat cannot on its own initiate and introduce a Bill in this august House. Madam Speaker, to that extent, I propose an amendment to the two recommendations first of all by combining them without losing the intent and the gist of what the committee proposed to read as follows:

1. Urge the EAC Council of Ministers to translate the existing political will into political action at the regional level.
2. Initiate a climate change Bill for purposes of statutorily implementing the EAC climate change policy which Bill should among other provisions:
 - (a) Establish a regional institutional mechanism to coordinate climate change initiatives.
 - (b) Establish and operationalise an EAC climate change fund.
 - (c) Establish an EAC carbon credit mechanism.

The proposed amendment I am making takes into account the relevant provisions of the Treaty and the good intentions of the committee.

Madam Speaker, as is a requirement of this august House, I prepared a text, which I feel obliged to pass over to the honourable chairperson of the committee.

With that contribution, I support the motion. Thank you. (*Applause*)

The Speaker: Thank you very much, hon. Counsel to the Community. I invite the Chair, Council if he has a comment on this very important report.

The Minister of State for East African Community Affairs, Uganda (Mr Shem Bageine) (Ex-Officio): Thank you very much, Madam Speaker. Before I make one or two comments on this report, I would like to request that whoever is responsible in future should endeavour to make available these reports so that we can read them before we come into this House. The earlier report and this one I saw them for the first time today and it does not give us an opportunity to look up information and contribute meaningfully to these reports.

Having said that, once again I want to thank the committee for a very exhaustive report, which has certainly got a lot of information touching on a very vital aspect of our nations' survival.

Madam Speaker, sometimes we have tendencies pointing accusing fingers to our past colonialists and alleging that they are responsible for the degradation of our environment and hence adverse climate change that we are experiencing.

I recollect as a young man in my own place in Uganda where the colonialists had established a farming system known as terraced farming. This was brought in because of the hilly nature of the country and they introduced three-foot bands so that this would prevent soil erosion. They also had preserved the swampy areas in the valleys. No sooner had they gone after independence than our people went in and they started destroying all the bands, they dried the swamps and what happens today is when it rains in those hills, the soil cascades to the valleys the covers the food they would have grown there and they have what we call in legal terms double jeopardy. They lose the soil and they lose the crops. It is not the colonialists who are doing this.

Madam Speaker, we as a people know what happens, again giving an example of that area. I remember as a young man in 1953 there was frost because the place used to be very cold. During that period, we never experienced malaria because mosquitoes could not survive the cold in that area but as a result, the environmental degradation perfected by ourselves, our people started dying from malaria. The water level went down, the crops became stunted, and we no longer produce food enough to go round amongst ourselves.

It is therefore important that we as a Community use determination to preserve what we have, and this calls for very cautious reviews of projects that might have adverse effects on our environment and we balance the profitability of those projects and the future protection of our environment for posterity.

Madam speaker, the Partner States have the political will and indeed, in forming this Community and laying out objectives and goals, what we want to achieve speak volumes, not only of just having political will but determination to translate this political will into action.

Madam Speaker, I have listened to the recommendations that have been amended by the Counsel to the Community and indeed the Council of Ministers will study these and come up with necessary legislation in order to further preserve and protect our environment for the benefit of our future generations. I thank you.

The Speaker: Thank you very much, Chair, Council. I now invite hon. Isabelle to wind up debate.

Ms Ndahayo: Thank you, Madam Speaker. First of all, allow me to thank all hon. members who participated and contributed on the debate of this report. First, there is hon. Bazivamo, hon. Ndarubagiye, hon. Nyiramilimo, hon. Mumbi, hon. Counsel to the Community, and hon. Chair, Council.

Madam Speaker, I want to say that I support the proposal made by hon. Bazivamo. They are good and I think his proposal is in addition to the recommendation we made in Bujumbura when we adopted the resolution on climate change and also maybe I can ask... I do not know who can answer me because that time we recommended and decided to plant trees wherever we will be having our plenary. So we have stopped, I do not know why we have stopped. I think we should start again to support this proposal.

I accept the proposal of correction made by hon. Odette and I will correct the report. Also I appreciate the observations made by Counsel to the Community. They are very important and

we are going to take care of them. We are going to request you to submit the written proposal.

Madam Speaker, before I end, I would like to remind this august House that there is no EAC without Partner States. If there is no link between what we are doing here and our Partner States, if they do not have reports and are not informed of what we are doing here, what we are doing here is a joke because I think they are the most implementers of what we decide here.

So I would like to request if possible to avail all the documents including this on climate change because we have seen that climate change is a reality in our region. Our people are suffering too much from the effects of climate change.

Lastly, I want to react on the issue raised by Chair, Council that the report should be available and ready at least some days before we table it here in the House. I want to say that since our last sitting, it was ready, it was even on the Order Paper so it means since the time we adjourned the plenary, the report was here, it was even distributed which means this is not- I do not agree with his request. Thank you, I submit.

The Speaker: Thank you very much. I think you have wound up very well. I will just add the voices of the Commission to the Clerk that we should try to enhance the implementation of Article 65 through widening of how we circulate our resolutions to the offices of the Speakers, to the officers of the clerk and then also members of the respective chapters could be given information that these very important resolutions have been delivered to the respective national assemblies.

Hon. Members, with those very important additions, I want to move to how we are concluding this very important report. The motion in the floor is that the *Report of the Committee on Agriculture, Tourism, and Natural Resources on the Second Parliamentarians Workshop on Climate Change* be adopted. I now put the question.

(Question put and agreed to.)

Resolution adopted.

QUESTIONS FOR ORAL ANSWER

The Speaker: I observe that the hon. Mulengani is not here, and according to our Rules, I do not have any notice of whom he assigned. Therefore, I will just urge you, honourable members, since the questions are important and the answers have been given, to read them and be able to appreciate them to guide us in our future work of the East African Community – (Interjection) -

Mr Kidega: Madam Speaker, information please. I am sure your office might be aware of the reason for the absence of hon. Mulengani – *(Interruption)* -

The Speaker: No!

Mr Kidega: Hon. Mulengani has a court case going on about his late wife. Today he has been in court, he has very critical follow-up questions to this question, and that is the basis on which he has not delegated somebody to ask it on his behalf because he has other interrogative questions related to the answer. Please take his apology, thank you.

The Speaker: the Clerk will guide me because I think one of my clarifications was that after observing that hon. Mulengani was not in the House, I tried to inquire and since he also said he did not have any other assignment, the clerk will guide us on how to proceed on this at an appropriate time.

Mr Straton Ndikuryayo (Rwanda): Thank you, hon. Speaker. Without contravening hon. Dan Kidega because his information he was delivering, I would like to inform this august House that it is better that this question comes after tomorrow's report because our report for tomorrow will cover some aspects like this questions. Thank you, hon. Speaker.

The Speaker: Okay, the clerk has noted and we can look at it in the procedures of understanding how we can re-align our arrangement.

Hon. Members before we close, hon. Frederic Ngenzebuhoro has requested me to get a few minutes to address you.

Mr Frederic Ngenzebuhoro (Burundi): thank you, Madam Speaker for giving me the opportunity to express some words. First, I would like to express my condolences to hon. Opoka and Loice and their families for the loss they have experienced at this time. We know that they are very trying and hard moments and that is why we wish them strength at this moment.

I rise, Rt hon. Speaker, to express on behalf of my family and myself our deep and heartfelt thanks to this Assembly especially since February 2014. Madam Speaker, I must confess that you placed me on a spot of the entire Assembly has helped us to be encouraged and to understand and accept what was happening in my family. We understood that it was good will and we have to execute that good will.

Madam Speaker, when I lost my son, I got support of the entire Assembly. During the burial ceremonies, some of you participated. Others sent messages. I must publicly thank hon. Patricia. They came from Rwanda, they joined our family, and in a special manner, I would like to thank the Burundi chapter for the support I got during that period.

Thanks to your presence, I was able to be strong and my family was able to-from my family especially from the widow of my son and my family on a large scale. Thank you for what you have done. It has been a very comfortable for us to be able to go through these moments.

Madam Speaker, this happened when I had planned to go to India for my son who had been in Mulago Hospital for eight months. I would like to make a testimony here. If today my son is able to walk normally, it is thanks to the clerk Madete. I met him, I told him about the status of the leg of my son, and he asked me, why don't you take him to India? I told him I will think about it but I had looked for advice from Mulago Hospital doctors. Since that time, with his staff especially the Clerk's office, we were in touch with our insurance, AAR, and they were very good. In April I think, I was able to take him to a certain place, special, which is named Ahmadabad. It is in Gujarat State where they specialise in these issues of bones and hips. I spent three very hard days when I arrived there because they had to go back to all the examinations that had been done in Uganda, they decided to make what they could do, and I must confess that in Uganda, I am grateful for what they did. They did all they were able to do but you know in India, there are other means.

What I can say, ultra modern means so they found that there were many things, which had been missed in Uganda. They asked me, are you ready to accept that we can proceed? I told them that is why I have decided to come and see you. Very briefly, they did the operation

about seven or eight hours. It was a team of eight doctors and after eight hours, the doctor who was leading the operation came to my room and told me, the operation has been a success at a hundred percent. Then I said, that is once again a gift from God.

I waited for two weeks and I must tell you that during that period, I was spending all my days on a small bed like this, the bed you know in secondary school when you have around 40 kilos. After two weeks, my son went again through radiology. They found that everything was very well done especially on his hip because what happened is when he got the accident, the hip dislocated and it went on another bone. They did not discover that until we went to India and what they had to do was to bring that bone back to the right place. This was done. Three weeks after, they dealt with the knee, which also had a problem and the ankle. Fortunately, everything went well, he was able to recover the movement of his leg and now I would like to inform you that thanks to your prayers and what you have done, my son is able to walk normally again. *(Applause)*

That is why I would like to take this opportunity to thank everybody from the Secretariat. I got many messages from the Secretariat, messages from EALA Members and Staff, and especially, as I have said, I thank the Clerk who advised me to go there.

I take this opportunity also to thank all the members that contributed in many ways and especially the doctors in Shallby hospital. For me it has been a miracle.

Lastly, Madam Speaker, I have said that the will of God cannot be challenged, it is impossible. You know I lost that beloved son in February. In April I took my son to India and now in May exceptionally, my last son was performing in St Lawrence University in Uganda. He got his Bachelors' degree at 19 years. It is an exception because in Burundi for example, we are used to see people getting Bachelor's degrees at 24-25 years just like I did. I got my Bachelors' degree at 25 years but he got his at 19 years. I said, it is another gift from God and he told me jokingly that he would get the PhD at the time I got my Bachelors.

So Madam Speaker, thank you very much for giving me this opportunity to express these words indicating to you how my family and myself we have been touched by what you have done. Thank you again and God bless you. *(Applause)*

The Speaker: Thank you for that very passionate update and appreciation. I am actually happy to hear that the patient in Mulago who I used to call, go, and see is now walking. Thank God.

Hon. Members, we have come to the end of today's deliberations and I want to thank you for the commitment and dedication you have shown. I want to adjourn the House to tomorrow 2.30 p.m. House stands adjourned.

(The House rose at 6.00 p.m. and adjourned until Wednesday, 28 May 2014 at 2.30 p.m.)