



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 121ST SITTING - THIRD ASSEMBLY: FOURTH MEETING – FOURTH SESSION

Wednesday, 27 January 2016

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

PRAYER

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

(The Assembly was called to order.)

MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE PETITION TO THE EALA REGARDING WORK/RESIDENCE PERMITS IN THE EAC FOR THE CITIZENS OF THE PARTNER STATES

MOTION

Dr. Odette Nyiramilimo (Rwanda): Thank you Rt. hon. Speaker. I beg to move -

THAT, the Report of the Committee on General Purpose on the Petition to the East African Legislative Assembly (EALA) regarding work/residence permits in the East African Community (EAC) for the citizens of the Partner States be adopted.

(Several hon. Members stood in the places to second the Motion)

The Speaker: Hon. Members, the Chairperson will present the report.

Dr. Nyiramilimo: Thank you, Rt. hon. Speaker. Since this is my first time to speak in this House from the beginning of 2016, allow me to wish you, the Chair of the Council of Ministers, the Ministers here present, the Secretary General of the Community, my colleagues, Members of EALA and all the staff of EAC and EALA a very prosperous and happy New Year 2016.

From the outset, in accordance with the Treaty and Rules of Procedure of the EALA, we received as EALA a petition regarding work/residence permits in the EAC for the

citizens of the Partner States, jointly prepared by the East African Employers Organization (EAEO) and the East African Trade Union Confederation (EATUC). The Assembly received the petition on 11 February 2015 at the EAC Headquarters and it was then referred to the Committee on General Purpose for consideration.

The Committee subsequently met to consider the Petition in 5 October 2014 in Nairobi, Kenya, where it took the decision to invite the petitioners to interact with and, thereafter, met with the EAC Council of Ministers for the same on 26 November 2015. Mrs. Rosemary Ssenabulya, the Chairperson of the EAEO and Stephano Mwaiko, the Programme Officer of the EATUC represented the petitioners.

Background

Rt. hon. Speaker, the EAEO is a regional organisation of employers established for the development and protection of the employers' interests in the EAC. It ensures that the employers' organisations of member states become active partners in the process of development of the region. It has a potential outreach of more than 8,500 companies and business entities, 100 associations and chambers affiliated to national employers' organizations. The EATUC represents more than 2.5 million workers organizations in the unions affiliated to the national trade union centres. The EATUC was established in 1998 and it is currently composed of confederations and trade unions of all EAC Partner States. The two apex bodies are responsible for lobbying and advocacy to foster a vibrant regional labour market.

The petition urges the EALA to ensure the implementation of provisions of the Common Market Protocol, in particular, Article 10 and Annex 2. Since July 2010 progress towards the implementation of especially the free

movement of the workers has been slow, affecting the spirit of regional integration. Specific aspects related to the Common Market Protocol include -

1. Processing time for work/residence permits should be shortened from over three months to a maximum of 30 days, with priority granted to East Africans. Furthermore, standardization should be ensured for documents required for work/residence permits applications in all the Partner States to facilitate and ease the application process.
2. A new version of Annex 2 of the Common Market Protocol should be put in place when the current one expires in 2015. The new annex should be put in place and a road map for the gradual implementation of free labour mobility, which eventually compromises all sectors, and categories of the blue and white colour workers. Furthermore, the new revised annex should be put in place a tripartite mechanism at the EAC level and should be administered at national level through the tripartite forums.
3. Abolition of work/residence permit fees for East Africans in the spirit of oneness and instituting equal treatment of all East Africans. In addition, implementation of standardized work permit classes to include amendment of national laws shall be expedited.
4. The need for the establishment of a more centralized and efficient database system with information on work/residence permit issuance and migration flows. In the meantime, Partner States should be obligated to provide regular updates and statistics to guide policy development.
5. Bureaucracy should be addressed by having competent authorities issue work/residence permits at centralized national centres established on tripartite basis, comprising representatives from relevant Ministries, employers'

organizations, trade union centres and other relevant stakeholders.

6. While the transition period that allows addressing the challenges and fears of the individual Partner States is necessary, the final goal of allowing all workers to enjoy the benefits of free movement across the EAC should be reached within no more than seven years from July 2010.

Specific issues related to labour and migration that they are petitioning include-

1. Fast tracking the portability of social security benefits across borders in the region and for the implementation of the use of common identity cards as travel documents.
2. The need for amendment of national employment policies and labour legislation in order to facilitate gradual approximation and harmonization, thus securing the rights of workers regardless of whether they reside in their country of origin or another partner state.
3. The need to improve the collection of validation of disaggregated labour market data by regularly inviting employers' organization and national trade union centres as well as relevant stakeholders on the board of the national implementation committees.
4. The EAC scorecard should in the future include progress on the implementation of the Common Market Protocol and free movement of labour.
5. Monitoring and evaluation of the Common Market Protocol should be improved by the Partner States with special emphasis on the adherence to the requirements and guidelines of the EAC monitoring and evaluation framework.
6. All additional requirements that are outside and contradictory to provisions of the Common Market Protocol such as minimum annual salary, income levels or age limits should be addressed.

Rt. Hon. Speaker, specific issues on popularisation, dissemination and translation of the Common Market Protocol include popularisation versions of the Common Market Protocol, which will be created and translated into widely used local languages in the Partner States to raise awareness among the people of East Africa, about the benefits of free movement of workers and regional integration. This will help address and enhance the spirit of solidarity to facilitate the process of sensitising people and the right to seek employment across the region.

Emerging issues:

The Committee held a meeting with the petitioners and Council of Ministers and the following observations were made:-

1. The Committee expressed appreciation for the commitment showed by the employers and employees' apex bodies in their efforts to improve the general welfare of workers.
2. The Committee observed that the regional employer and employee bodies, as they stand, have a part to play and the ability to gainfully leverage and use the bargaining and lobbying powers to advocate for some issues by strengthening the national level bodies and showing cause by exercising pressure at that level. This includes among others advocacy on amendment and harmonisation of the necessary legislation at the national level by engaging the executive and parliaments.
3. The Committee further observed that specific areas of cooperation and implementation of the Common Market Protocol remained in the remit of the individual Partner States. These include particularly the issue of work/residence permits among others. In order to

enhance implementation and ensure harmonization, implementation should be advocated at the level of national governments, where only those aspects requiring further attention and the schedules that require completion should be brought to the attention of the Assembly. In the meantime, best practices within the region provide a strong basis for among others, advocacy and lobbying.

4. With regard to the portability of social benefits, the Committee observed that a proposed bill was in the process of being drafted. The Committee would continue to work with the EATUC and EAEO on it. A meeting to discuss was scheduled for this year and it was held yesterday, 26 January 2016, in Mount Meru Hotel, where the General Purpose Committee found it necessary to carry out further research to improve the draft Bill and proposed another meeting with stakeholders in the near future.
5. With regard to the sensitization and popularization of the Common Market Protocol, the Committee urged the petitioners to play their part too by working with the Assembly in sensitization and outreach efforts that can be jointly organized both at national and regional levels.

Submissions by the Council of Ministers:

1. The Council of Ministers urged the petitioners to make use of the leverage and potential they have that was still underutilised, particularly at the national level, through their access to the executive and members of the Summit, the Heads of States. Developments in the Northern Corridor Initiative was cited as having initially been brought on the table by apex bodies that had made use of flexibilities within the Treaty. In addition, just as the annexes provide, some

instruments, while already developed, were not fully implemented, including free movement of persons.

2. The petitioners and the advocacy bodies they represent to monitor the implementation of the Common Market Protocol by carrying out research and providing authentic data that would provide a basis for focused intervention and undertaking as the advocates at the national level.
3. The Council of Ministers informed the Committee that the issue of portability of social benefits, in addition to already being discussed by the Partner States on a bilateral basis was on the agenda of the forthcoming Northern Corridor Initiative meeting, where employee and employer federations and other relevant stakeholders had been fully involved at the Partner States level to provide a way forward. The Council of Ministers undertook to avail themselves the petitioners in all their efforts, particularly at the national level.

Recommendations:

Rt. Hon. Speaker, after due consideration, the Committee recommends the following:-

1. That the Assembly works jointly with regional advocacy bodies to engage in sensitisation and popularisation of the Common Market Protocol among other issues.
2. The Assembly to formalise its engagement with the East African Business Council and the private sector actors in Partner States.
3. That the Council of Minister evaluate and report on efforts and challenges in the implementation of Annex 2 of the Common Market Protocol.
4. That the Council of Ministers continuously develops interventions to enhance the business environment in the

region and fast track development of policies and strategies on key issues to enhance implementation. This in particular, should be fast-tracked by informally abolishing work/residence permit fees as well as the facilitation of the portability of social benefits, which had started on bilateral basis by some Partner States.

Conclusion:

The Committee appreciates the opportunity to interact with petitioners on issues of diverse interests to the Community and the opportunity afforded to the Committee by the Assembly to consider the petition. The Committee applauds the petitioners for the noble cause of championing for important aspects of the integration. The petitioners on work/residence permits undertook to include the EAC integration programmes in their workers and employers' training programmes. They informed the Committee that they are already engaging with the relevant stakeholders at the national level and are committed to continue doing so. The Committee undertakes to continue its support to the petitioners, follow up on the issues discussed, and always provide an opportunity to the petitioner to update the Assembly on their gains and achievements.

Acknowledgements:

The Committee would like to express appreciation to the Rt. Hon. Speaker for the opportunity to consider the petition as well as the Council of Ministers and the Secretary General of the EAC for the positive response and support. Special appreciation goes to the petitioners for the effort, initiative, commitment and advocacy as well as the valuable interaction with the Committee. Thanks also go to the General Purpose Committee Members for their active participation, the Committee Clerk, Elizabeth

Barinda and other members of staff for their valuable support.

I beg to move – (*Applause*).

The Speaker: Thank you so much Chairperson Committee on General Purpose. I would like to thank you and Members of the Committee for processing the petition this far.

Hon. Members, the Motion before the Assembly is that the Report of the Committee on General Purpose on the petition to the EALA regarding the work/residence permits in the EAC for the citizens of Partner States be adopted.

Before I open the debate, I have two key points to inform this debate. This is not the first time that this matter comes before this Assembly. You will remember that hon. Bernard Mulengani moved the Motion on this matter and the Assembly pronounced itself with clear recommendations and resolutions, particularly to the Council of Ministers. When a petition comes to this House it is one of the most direct ways in which this Assembly, in fulfilling its representative role, can deal with the needs of the East Africans. Therefore, this business is very important.

COMMUNICATION FROM THE CHAIR

VISITING DELEGATION FROM THE PARLIAMENT OF UGANDA

The Speaker: Finally, I would like to recognize the presence of visitors from the National Parliament of Uganda from the Committee on EAC Affairs, who have come to visit us. We appreciate their regular visits to us. That reflects their commitment to this Assembly and the integration process. The Members are hon. Sarah Mateke, Vice Chairperson, hon. Nelson Sabila, Member of the Committee and the Clerk of the

Committee. You are most welcome – *(Applause)*.

Honourable Members, debate is now open. Hon. Leonce, the Floor is yours.

Mr. Leonce Ndarubagiye (Rwanda): Thank you very much, Mr. Speaker for giving me the Floor. I fully support this report and congratulate the Members of the Committee for doing a very good job.

I would like to ask them to accept that we include something in the recommendations as (5); to do everything that we can to speed up the process of integration and set a date for reaching a political federation in our territory of East Africa, so that all this debate about residence permits becomes obsolete.

Since I am also speaking for the first time this year, I wish you a happy new year and many more happy years to come, so that you can reach 74 years and beyond.

Thank you.

The Speaker: Hon. Member, what is the magic about 74 years that you wish Members to reach.

Mr. Ndarubagiye: It is my age – *(Laughter)*.

The Speaker: Thank you. Hon. Peter Mathuki.

Mr. Peter Mathuki (Kenya): Thank you, hon. Speaker for the opportunity. I also wish you, the hon. Members and staff a happy new year, 2016. However, very importantly, I wish to thank the Committee on General Purpose for ably coming up with this very important report. I also thank the EAEO and EATUC for raising a very important issue that touches on the lives of citizens in this region.

In the report, it would have been very important if the Committee also had a

schedule indicating how each Partner States is progressing on the issue of work permits, so that we know where we are for each partner state. I know that we may not be at the same level; some could be quite ahead and others lagging for some reasons. I think that could be the basis of tasking the Chair of the Council of Ministers to tell us why some countries are possibly ahead of others.

In the same breath, let me also congratulate, in a very special way, hon. Suzan Kolimba for her nomination as a Minister, and by extension, an Ex-officio Member of this House. That is very important and this case, seeing a woman being nominated. That should be the spirit. Of course, as hon. Bageine put it yesterday, it is a Council of Ministers comprising four women and one man. We wish you well. However, very importantly, you have come on board and appreciate that the role of Parliament is to legislate and oversight. Therefore, expect all of us not to tell you “congratulations” every time, but to ask you very hard questions. Some of those questions will be how, why and when some things are happening. You will not expect these Members and Assembly to stand with you on some issues all time. We will disagree seriously, especially when it comes to issues affecting the lives of citizens in this region.

When we are talking about work permits, what is the commitment of the Council of Ministers and even the Community generally in ensuring that integration is a success? What is the Council of Ministers doing in this? We have been singing about work permits year in, year out. It has become a chorus for this Assembly. What have you been doing? You should tell us what the commitment is by the Partner States to ensure that, of course, things like work permits do not exist anymore in the region. In fact, what we are hearing is the opposite; that some Partner States are increasing the charges for

work permits for residents of East Africa. In fact, that kills the spirit of regional integration. That is why maybe they saw you as very competent. Maybe you have come on board to sort out this problem. Please, tell this Assembly what you are doing to make sure that the citizens of East Africa do not continue suffering and paying that kind of colossal amount of money. Why should one pay for a work permit when they are working in the region? I know that you have the answer to this and East Africans are watching you all over. They expect you, as the Chair of the Council, to tell us how you are going to sort out this problem. In fact, it is record that the Partner States actually intend to kill this Community. When you increase the charges for work permits – (*Interruption*) -

Mr. Martin Ngoga (Rwanda): On a point of order, Mr. Speaker, Sir. Is it in order for the hon. Member to address one Member of the Council of Ministers? Is it in order for questions to be directed in this way?

The Speaker: The hon. Member on the Floor and any other Member has the liberty to direct questions to the Chair of the Council of Ministers, who represents all the other members of the Council. In line with the advice given yesterday by hon. Shem Bageine that they work as a team, the Chair is just a representative figure.

Proceed, hon. Member.

Mr. Peter Mathuki (Rwanda): Thank you, hon. Speaker. I just want to remind my friend, hon. Ngoga, that this is an issue that is of public importance. Therefore, if we cannot talk for citizens, and then I do not know who should be talking for here. When we say that the work permits should not be unnecessary high, we are not enjoying what we promised and Ministers are putting this Community on the spot, again it concerns the very citizens who actually made this Community.

I have seen the submissions and recommendations on this matter, but that is not sufficient according to me. This is a story that we have been talking about. If you go to the records, you will find what has been said, year in year out. In this report we should be asking the Council of Ministers to tell us in terms of timelines when they expect some of the work permits to be abolished in the region, so that we are uniform. That is what citizens expect from all of us. We could be here but citizens are suffering.

Mr. Abubakar D. Abdi Ogle (Kenya): On a point of information, Mr. Speaker, Sir.

The Speaker: Will you accept to be informed by hon. Ogle?

Mr. Mathuki: Yes, Mr. Speaker, Sir.

Mr. Ogle: Mr. Speaker, Sir, I understand you are in anguish in trying to canvass on the issue of work permits. But you will also be surprised to note that while we are canvassing this issue, one of the Partner States has undertaken an operation called “*timua wageni*.”

The Speaker: Hon. Ogle, could you, please, translate what you have said in Kiswahili for the benefit of the *Hansard* and Members who may not understand.

Mr. Abubakar D. Abdi Ogle (Kenya): ‘Operation *timua wageni*’ means ‘get rid of foreigners’, including East Africans. One of the Partner States is undertaking this.

Ms. Maryam Ussi Yahya (Tanzania): Rt. Hon. Speaker, I would like to inform hon. Ogle further regarding what he has said.

The Speaker: You inform the person who has the Floor, but I guess it is an addendum to the issue on the Floor.

Ms. Ussi Yahya: Thank you, The Speaker. Currently, Tanzania is tackling illegal

immigrants. There is no East African who has been expelled from Tanzania just for being Kenyan, Ugandan or Burundian.

The Speaker: Hon. Peter, the Floor is yours.

Mr. Mathuki: Thank you very much, Mr. Speaker, Sir. I appreciate the information by hon. Ogle. Of course, I want to remind my good friend, hon. Mariam, that I do not know when she joined the Government, because she seems to be giving an answer on behalf of the Government. I am sure that the Executive, in this particular case, the Chair of the Council, will tell us this authoritatively, for purposes of record.

The Speaker: Hon. Peter, would you like to take information from hon. Mulengani?

Mr. Mathuki: It is okay if it is from hon. Mulengani.

Mr. Benard Mulengani (Uganda): Thank you very much my son, hon. Peter Mathuki. He understands why I call him “my son.” The information I want to give him is that on page two of the Report of the Committee of General Purpose, there are two advocacy organs. There is the EAEO and EATUC. I suppose that these organs have representation from the five Partner States, including Tanzania.

Mr. Mathuki: Thank you very much for that important information. Of course, I do appreciate the role and mandate by these two very important organisations; EATUC and EAEO. They represent workers in this region. I have a lot of interest in this because I participated in their formation and understand where they are coming from. They represent people in this region. When we talk of a people-centred Community that is what they are asking. They are asking how we can continue talking about a people-centred Community when some Partner States are charging over \$3,000 for a

residence permit. That defeats the purpose of not only a Common Market Protocol but why we are together as a Community. It should be easier if we borrow from what is happening in the West. Somebody should walk freely from one partner state to another and work easily. I am addressing the Council of Ministers on this because they represent the Executive. They meet the heads of state every other time. We are asking why some Partner States are charging that kind of money for work and residence permits. We must underline this.

As I finish, I urge the Council of Ministers to tell us when they expect this to be over. Of course, I appreciate that some states have abolished the work and residence permits fees. That should be the way to go if we are talking of one people, one destiny. We cannot be operating as a coalition and doing something else. The Chair of the Council, therefore, should make a serious commitment to this House on when they should finish this, because we must give answers to these two organizations that represent over three million East Africans. Chair of the Council of Ministers, please, tell us when the East Africans are going to walk freely within the region, without paying any amount of money.

Thank you very much.

Ms. Nancy Kabeyeka Lung’ahi Abisai (Kenya): Thank you very much, hon. Speaker, for giving me this opportunity. First, I wish all of you a happy new year and congratulate in a very special way Dr. Suzan Kolimba for joining us. We look forward to having very fruitful working sessions and deliberations with you.

Since I am a Member of this Committee, I am not going to belabour many of the things that we could have discussed in the Committee. However, I want to raise two fundamental issues. One of the reasons I want to raise these issues is that we have policies and

legislation. The reason we have policies and legislation is to develop principles and other work programmes to help come up with implementation frameworks of some of these processes, so that it is operationalized. When we have petitions such as this, it just goes to say that there is something somewhere, which is not happening.

I take particular note of the petition. If you look at page 2 of the petition, it says that popularized versions of the Common Market Protocol should be created and translated into widely used local languages in Partner States, to raise awareness among the people of East Africa about the benefits of free movement of workers and regional integration. Why are we even having a petition that is being raised to this effect? That means what this Assembly has been talking about on matters of sensitization is key. I think we do not have to belabour the point on sensitization. The Council of Ministers is here and they are listening. We have talked about sensitization and development of popular version and materials. Maybe they are developed but are not been used. Maybe they have not reached this Community and that is why this petition is coming out. It is important that we look at that.

The same petition says that the Common Market Protocol monitoring and evaluation should be improved by Partner States with special adherence to the requirements and guidelines of EAC Monitoring and Evaluation framework. I think these are some of the things that should be asked of this Community and Assembly. We should have an EAC Monitoring and Evaluation framework, which already has guidelines. It should have been disseminated. If it is there, is it being used or it is just lying on the shelves? What are the methods that can be used to disseminate this? It was not developed to be on the shelves of some office. Therefore, the issue of dissemination

is very critical. If this were done, then the migration flaws that we are talking about would not be there. We should not be discussing these issues over and over. When these petitions come from very reputable organizations of this Community, then it means that there is definitely a gap somewhere. Something somewhere is not happening in terms of either information flow, communication, development of EAC materials and the whole framework of how operationalization is being done. We need to start improving on that.

Thank you very much, Mr. Speaker, Sir.

The Speaker: Thank you, hon. Nancy. I now give a chance to hon. Susan.

Ms. Susan Nakawuki (Uganda): Thank you very much, hon. Speaker, for the opportunity. I also want to add my voice in welcoming the hon. Minister from Tanzania, Dr. Suzan. I want to also appreciate the gallant East Africans - the EAEO and EATUC - for bring this petition.

Rt. hon. Speaker, I have been anxiously waiting for the Minister from Tanzania because of the media reports that we have been seeing, especially in *The East African*, for the last two or three weeks. Many East Africans have actually been trying to find answers and ascertain the truth. We have been reading that leaders in the United Republic of Tanzania have sent packing all non-Tanzanians working in Tanzania, especially teachers. We have also read that fees have further increased because they have split the residence permits from the work permits. So, you have to apply for each separately with different fees. Also, for any foreigner to work in the United Republic of Tanzania, you only have to do a job, which cannot be done by a native. All these issues came and we did not have concrete answers to them. That is why I was anxiously waiting for the Minister to give the East Africans

assurance, because the media reports are coming out on daily basis. I would like the Minister to give East Africans answers. Are these just allegations or the truth?

Hon. Speaker, we are aware that our Partner States are not all on the same footing regarding these work permits. I appreciate that right now EALA has been concerned and the other East Africans have come out to issue their concern. I know that Rwanda abolished work permits fees since 2008. Kenya did the same in 2010 and Uganda followed in 2014. The Republic of Burundi made commitments to do the same, though they have not been actualized. I remember very well, when we were discussing the issue of work permits in Rwanda, the Minister then, hon. Abdalla Saadalla, telling the Assembly that the United Republic of Tanzania did not have any plan to remove work permit fees because it was a source of revenue that the Republic was bound to lose. He said it on the Floor of the House and it is in the *Hansard*. I am not sure if he was echoing a position from the United Republic of Tanzania or it was a personal statement. I still need to know from the Chair of the Council of Ministers whether that position is still the same.

I know that the Council of Ministers has made a commitment to implement the Common Market Protocol fully, which includes free movement of labour, services and capital. How will we implement this and ensure that these rates are observed if we are still thinking in that direction? I am concerned because for any lawyer, doctor or accountant to practice in the United Republic of Tanzania the work permit costs \$3,000, which is very expensive, especially for the young people who are looking for employment opportunities. I would like to know what is being done about this.

Finally, I would like to add a recommendation – (*Interruption*) -

The Speaker: Hon. Susan, there is information from hon. Martin Ngoga. Will you take it?

Ms. Nakawuki: I will take it, hon. Speaker.

Mr. Martin Ngoga (Rwanda): Mr. Speaker, Sir, I want to inform the hon. Member that last week the Chairperson of the Association of Private Schools Owners in the United Republic of Tanzania was complaining about this same issue; that it is being made very difficult for private schools to employ foreign teachers because of these conditions. So, it is not just a sentiment by outsiders but even by the Tanzanians themselves.

Ms. Nakawuki: Thank you, hon. Martin, for that information. It is very important because I also read that article and it even enriches my debate. Even as we talk of the countries that have abolished the fees, there are also other hidden conditions. For instance, some Partner States have put an age limit. You must belong to some age category to qualify for a work permit or you should be looking for a job, which the natives cannot do. I do not know of any such jobs. This is like giving with one hand and taking with the other.

The Speaker: Hon. Susan, hon. Leonce may be interested in knowing the age categorization. Which group is endangered? - (*Laughter*)

Ms. Nakawuki: Rt. hon. Speaker, for example, in the Republic of Kenya if you are below 30 years then you are an endangered species in that field. You cannot easily get a work permit. I do not think we should be discriminated against because of our age.

I want to add a recommendation for the Council of Ministers to fast track the harmonization of procedures related to the

issuance of work and residence permits in the EAC Partner States. The Council of Ministers had issued a directive to the Sectorial Council of Legal and Judicial affairs to fast track the harmonization. Since then no conclusion has been reached. The Council should fast track this to ensure that we are all at the same level, so that East Africans are not disadvantaged.

Thank you.

Dr. James Ndahiro (Rwanda): Thank you, Mr. Speaker. Happy new year to all of you and a special welcome to Dr. Susan. At an appropriate time, I will introduce myself to her – *(Laughter)*.

The Speaker: Hon. Members, please, listen to hon. Ndahiro. He has made a very strong point and the hon. Minister and Chair of the Council of Minister would like to appreciate that hon. Ndahiro has a special endowment of how he meets people; because of the impairment he has suffered.

Proceed, hon. Ndahiro.

Dr. James Ndahiro (Rwanda): Thank you, Mr. Speaker, for that statement. I hope everybody has heard. I am a Member of the Committee on General Purpose, and I would like to make a correction. Since we are reading the Report in this House as EALA, we should avoid referring to the word ‘tripartite’ in the report. That word came in because of the petitioners. We discussed it and they told us their sentiments. We just included the work to inform the House, but it should then be expunged from the records, because the report should address all the five Partner States.

Hon. Speaker, the petitioners were of the view that the Common Market Protocol was designed to capture the best principles supporting the integration initiative. But, it is unfortunate that the annexures to the Common Market Protocol were never

concluded. It is in this Chamber that we reminded the Council of Ministers that some of those annexures, including Annex 2, were expiring in December 2015. We are talking about a matter that is affecting people directly. East Africans were told of the Common Market Protocol and they celebrated. They took initiative to explore opportunities in the Community and now they are experiencing a situation, which we are to blame. You do not expect a primary school teacher somewhere to cross the border to teach in another country, after seeing a copy of the Common Market Protocol and without reading the annexure because they are never concluded, to understand the process of sending his application and even waiting for his own profession to be agreed on by all Partner States. This is because different professions were given different dates by different countries. That is why in the recommendations made the issue of sensitization is very important.

I appeal to the Council of Ministers to mobilize resources immediately, so that EALA and other East Africans – members of different institutions and organs of the Community – could go down and advice the people not to rush to cross the borders because barriers still exist. Partner States have sovereign rights to protect their economies and regardless of being members of this Community, they will still go ahead and eject anybody without a work permit, because probably he is serving in a profession that was never concluded.

This brings me to the issue of leadership. I think all we are seeing are symptoms of lack of leadership in this Community. This is because we have always been calling upon the Council of Ministers to finalize the famous institutional review, so that we can have an appropriate structure and mechanism that will provide leadership in this Community in terms of the implementation

of programmes, projects *et cetera*. Now that, that process is endless who is taking the leadership of this Community? Integration matters have become secondary agenda in all Partner States. It is no longer a primary agenda and that is why our Ministers have other priorities. They think about integration after other state priorities. If we continue like this, we are not integrating, but just misusing public resources. It is time for the Council of Ministers to take it up with the Summit and determine whether integration is a secondary agenda. If so, then we can look for the appropriate mechanism to integrate other than raising the anticipation of East Africans, yet we are not ready. If that project is still inter-state and they are not willing to relieve some powers to the Secretariat, then we better all go back home and operate from there. Then we could be meeting once a year if need arises, otherwise, we are wasting resources. We keep on meeting and talking about issues that are always bringing more issues.

Mr. Speaker, on the issue of employers, this region needs to be competitive. In order to be competitive we need skilled labour. Given the way the global business is, immediate attention to solutions is required. Skills can be mobilized in the region. We are talking about half of our budgets being spent on importation of things that would otherwise be produced in the region. We have not sat as a Community to set a limit on our imports because we can identify some items that can be produced in the region regardless of our borders. If an item can be produced in Tanzania and it has the capacity to supply the whole region, why do we still import that item? This also requires leadership. Basically, I am appealing to the Council of Ministers to ensure that this Community remains competitive by allowing participants – the stakeholders who are involved – to mobilize both financial and human resources within the region, particularly on projects that benefit all of us, unless there is any state

which has any benefit in spending hard-earned dollars on importing items from China and Dubai. Imagine we are importing even toothpicks despite the forests that we have. We also import jam, eggs and meat. I have seen hotels within the EAC, which import meat from South Africa. The Council of Ministers owes us an explanation to many of those things.

Thank you very much.

Ms. Hafsa Mossi (Burundi): Thank you, Mr. Speaker, Sir. I also want to add my voice in wishing all of you and members of staff a happy new year 2016. I also congratulate Madam Minister from the Republic of Tanzania for joining us. As women, we are very happy to see a Council of Ministers with four women Members out of five. Rt. Hon. Speaker, I also want to congratulate you for having made it possible for East Africans to express themselves about the issues related to their wellbeing through this Assembly's function of representation. It has never happened before and this is very positive.

On the issue of work and residence permits, many Members have touched on different aspects, especially on the consequences of non-implementation of this. I think it is also a non-tariff barrier, which touches on the welfare of workers in terms of enjoyment of benefits of free movement across the EAC. Also, it has consequences on investment and business, taking into consideration that this Community should be people-centred and business oriented. I think we are going in the wrong way.

This House has talked extensively about this issue and a resolution was moved. Heads of State have been meeting and talking about non-tariff barriers. We really commend their efforts in making sure that non-tariff barriers are history in this Community. The East Africans have taken it up and moved a petition. I would want to urge the Council of

Ministers to put this matter on the agenda of the next Summit, so that Heads of State can give directions on this issue.

Lastly, I would like to propose one recommendation, which was proposed by the petitioners. It is recommendation No.13 that deals with the one-stop centres, which could deal with this issue. Of course, we also need to take into consideration the proposal by hon. Ndahiro to remove the word ‘tripartite.’

Thank you, Mr. Speaker.

Ms. Dora Byamukama (Uganda): Thank you, Mr. Speaker, Sir, for giving me this opportunity. I would also like to thank the Committee for a very good report. Hon. Odette has set the record of presenting excellent reports. I hope that recognition of the staff that support this will be made. The Members should also be congratulated because their reports are always excellent and to the point.

I would like to make some few comments starting with page 3. It says that the petition urges EALA to ensure the implementation of the provisions of the Common Market Protocol. It goes on to say that the implementation of especially the free movement of workers has been slow, affecting the spirit of EAC integration. I would like to get some more information, is possible. If it is not available, maybe the Committee should seek for this information. We would like to have facts and figures. Since July 2010 how many have applied to move across the East African borders? How many have been allowed and not allowed? Therefore, what percentage is this? When you say “slow”, it does not really capture what we would like to hear as an Assembly. Please, if you can, go ahead and find out specific figures, so that we can talk with facts and persuade.

I come from a background of the Second Assembly, which ensured that travel charges to Tanzania, which were being imposed on the people of Burundi, were removed. Therefore, I believe and trust that we actually have it within our powers to make a difference in people’s lives. I would like to give comfort to Members that in this short time remaining, we could make some progress on this issue of free movement of workers.

My second point is on page 3, which states that a new version of Annex 2 of the Common Market Protocol should be put in place when the current one expires in 2015. My challenge is that if we use the word ‘expire’ then it means that anybody who has enjoyed any benefits from this protocol may find himself or herself in a very difficult situation. Maybe the correct words should be “when the current one comes up for review in 2016.” We know that 2015 passed and we are in 2016. So, the word ‘expiry’ when it comes to a protocol may pose some challenges.

Having said that, it may be important that we should capture the fact that we should not wait for reviews after five years. There should be annual reviews. I would like to congratulate the Secretary General, Ambassador Dr. Sezibera, for having put in place a scorecard. I think this is a very important achievement. If this scorecard is used properly, we will be able to have a monitoring and evaluation mechanism, which will inform us not only on a five-year basis, but also on an annual or bi-annual basis. From the scorecard, since we have countries, which have acceded to the Common Market Protocol at different levels, it is very difficult to gauge when it comes to the issue of how much has been implemented. For example, when it comes to free movement of legal practitioners, we have some countries, which have not acceded to this Common Market Protocol. As I said

yesterday, some countries like the United Republic of Tanzania had not acceded as at July 2010. The speech of His Excellency President Jakaya Mrisho Kikwete on the EAC State of Nation was very clear that Tanzania had moved away from not permitting lawyers to move across the borders and, therefore, this should have been taken up as a policy matter. This review should have captured the fact that the country has moved on. Those are the issues that I would like addressed.

Mr. Speaker, Sir, on page 3, there is the issue of equal treatment of all East Africans. I would like the Committee to tell us something about student visas and fees. There is a belief that to some extent there is equal treatment. Is this true or not? We should begin to push for equal treatment authoritatively.

I would like to move on to the issue of access to information. There is capturing of data, but you cannot capture data if you cannot have access to information. Therefore, the points that have been made are important and should be supported. There is also the issue of minimum wage, which is very important. I am glad to note that some countries are taking up this very seriously. I am concerned in respect to the issue of minimum wage. If we do not have minimum wage in place, we will have people moving from low paying countries to higher paying countries. They may be exploited in the process, which is tantamount to human trafficking. Therefore, it is very important that we harmonize the laws and policies to do with labour and workers as well as transfer of benefits.

On page 5, many of our Partner States are now happing upon the issue of local content. We have now cocooned and are treating our citizens better than East Africans. We should try to see whether we could push for a definition of who an East African is. When

we look at our laws you will find that we call not anybody is a citizen a foreigner or alien. In this report, I see some progress towards getting a category called "East Africans." Maybe we should push and insist that anybody in the East African Community should be defined as such, especially in our identification of nationals, so that we distinguish ourselves from aliens or foreigners. For example, whenever I am confronted, I tell people that I am an East African and they do not know how to deal with me. I think we should push for a definition of who an East African is. For example, when you go to Ngorongoro Crater, you should be able to pay the same fee as Tanzanians.

Mr. Speaker, Sir, on page 6 I support the fact that there is a Bill, which is the process of being drafted. I hope and pray that this Bill will be treated as an EAC law rather than us cocooning into our own partner state positions. I think it is very important that we move forward in this particular aspect.

I would like to mention what was pointed out on page 7. The Northern Corridor is mentioned twice under the submission of Council of Ministers. This makes me very nervous because if you talk about the Northern Corridor, what about the Central Corridor? Why are we now citing the Northern Corridor initiative rather than an EAC initiative? Have we lost faith and confidence in the EAC that now we are pushing everything to the Northern Corridor meeting? What is happening? I think we need to have more clarification because whenever we have submissions by the Council of Ministers the Northern Corridor features. This means that either the EAC is synonymous with the Northern Corridor, which is not the case, or we no longer have faith in the EAC, which is a problem. Maybe we should have some statement on this issue

because it makes us very uncomfortable. I think we need to clear the air on this.

Mr. Speaker, I agree with the Committee on sensitization and popularization of the Common Market Protocol. I agree with hon. Ndahiro. One of the challenges I have, as a person who is supposed to preach integration, is that I have no tangible message to give to East Africans. We always talk about low-hanging fruits. For example, if you talk about free movements of persons and you still have work permits and requirement for visas, which cost US\$3,000, what message are we sending? People will ask whether they are in East Africa or they are going to Europe. It becomes very complicated. If you go to work in the United Kingdom (UK) or Canada now, I do not think you are expected to pay US\$3,000. This means that we have a serious non-tariff barrier in form of these work permits and visas. It is very important that we clear the air on this.

Mr. Speaker, the point made on sensitisation and popularisation is very important. I urge the Committee to take on an amendment, which states that this particular aspect of sensitization and popularization should be spearheaded by EALA. This is because EALA is the people's representative. We speak on behalf and for the people. Therefore, I would like us to have a recommendation that sensitization and popularization should be spearheaded by EALA and the Council is urged to provide resources for this particular activity urgently.

Mr. Speaker, Sir, with those comments, I would like to thank the Committee and urge that we adopt this report.

Thank you.

Mr. Abdullah Hassan Ally Mwinyi (Tanzania): Thank you very much, hon. Speaker. I would like to join my colleagues who have spoken before me in

complimenting the Committee on General Purpose for bringing before us an extremely pertinent and important aspect of the integration process. It is absolutely timely and fitting.

Mr. Speaker, I would like to make general and specific comments in relation to this topic. Before I do so, I would like to introduce myself as an East African of Tanzanian origin. I believe in the vision, thinking and philosophy of East Africa, hence the reason for my contesting and being a Member of the EALA. I believe in the unity that was formulated by our forefathers, in the first and second EAC. Our forefathers decided to come together as a Community for various reasons. Some are political and others economic. I will touch upon a few.

If you look at the macro level, in relation to the free movement of persons, in all countries that have developed, immigration has been a core fact. Part of the history of the superpowers – the United States, Australia, New Zealand, UK and Germany- involved immigration. China is an exception because they have a few billions of people there already. The core fact in any country is its human resource. The people are the most important factor in their development. When we talk about people, we are referring to the professionals - doctors, engineers, lawyers and various other skills. For a country to train a doctor from entry level to the end, it costs more than US\$250,000. It costs even more in some countries. Therefore, when a doctor moves from one country to another, who wins and who loses? Is it the country that has employed the doctor or the one that has used taxpayers' money to train that doctor and then he goes to work elsewhere? We can use the same argument with engineers and teachers. It is actually the country that receives them, which benefits. In principle, as a Community, we must start to think differently. Inward immigration does not

actually mean taking away of jobs. It is actually bringing of major intellectual power to assist the economic development of any country. If you go to the United States a doctor is more likely to be a Turk or Indian, and they are the biggest economies in the world. I think there has to be a mindset shift that immigration in and out need not be negative as is normally associated. It is a very positive thing to any country's economy.

I would like to go specifically to the Common Market Protocol. Some of us were here when we saw the gallant East Africans who had completed this document and were before the Summit. They were heralded as being excellent Members of this Community, rightly so. They were given certificates for a job well done. Someone is whispering that money also exchanged hands for the fantastic job that they had done; the job of creating a Common Market Protocol.

Let me touch on a few sections of the Common Market Protocol. Why is it such a brilliant document? First, Article 4 of the Common Market Protocol reads,

“In accordance with the provisions of Article 76 and 104 of the Treaty, this Protocol provides for the following:

- (i) free movement of goods;
- (ii) free movement of persons;
- (iii) free movement of labour;
- (iv) the right of establishment;
- (v) the right of residence;
- (vi) free movement of services; and,
- (vii) free movement of capital.”

This is a fantastic document. Those of us with a lot of affinity for East Africa were extremely happy with this document.

If I may go further, Part “d”, Section 2 of the Common Market Protocol says:-

“In accordance to paragraph 1 each partner state shall ensure non-discrimination of the

citizens of other Partner States based on their nationalities.”

That is the law. With those freedoms, there is a fundamental principle of non-discrimination. As a law, this document has been legislated. Actually, the Treaty is a principle legislation in all our Partner States. So, this is in force.

The Speaker: Hon. Mwinyi may also want to remind this House that all protocols become part of the Treaty.

Mr. Mwinyi: Absolutely. I stand guided, Mr. Speaker. This is part of the Treaty and there is a fundamental principle of non-discrimination. So, on the point that was mentioned by hon. Dora about visiting Ngoro Ngoro, when it says “Tanzanians” it means “East Africans.” So, if somebody is from Sudan or Ethiopia he or she can be treated as a foreigner but a Ugandan, Rwandan or Burundian cannot be charged any higher than a Tanzanian can because there is a principle of non-discrimination.

A Kenyan colleague residing in Dar-es-Salaam wanted to take a boat to Zanzibar. Upon arrival at the boarding point, foreigners were being charged \$50. He was obliged to pay the foreigners' fees and he brought this matter before us. In principle, this happens all over East Africa and not just in Tanzania. We were in Mombasa at lone time and there was a similar principle. We sat with the business leadership and explained to them. They understood and changed their definition of foreigners from a particular national to “East Africans” as far as charges are concerned. Having said that, every right and power must have obligations and a balance.

Section 5 of Part “d” reads -

“The free movement of persons shall be subject to limitations imposed by host

Partner States on grounds of public policy, public security and public health.”

Those are grounds within which a partner state can be depart from the general principle. Having mentioned those particular sections and the principles, it is our responsibility to ensure that we meet the spirit and letter. If you look at the annexures that have been put forth, what you will see is the tentativeness within which the Partner States embarked. We had a very good document, but because of some insecurities and issues of employment and land, we were timid in opening up all the rights, lest the national members of individual Partner States are affected adversely. We have had enough time to look into the consequences.

Mr. Speaker, there was an issue that was contributed by hon. Susan Nakawuki in relation to the statement before this very House by the Chair of Council previously, that a big factor in this is revenue; that Partner States generate revenue from work permits. I think it is important to look at that revenue. We need to look at the statistics. How much does Tanzania, for example, earn in revenue from work permits sought by East Africans vis-à-vis outsiders? Is it significant or crippling? Can we deal with it? I think we need to go to the details. If this is the real issue in relation to work permits, then we should look at the statistics. If these revenues are going to be crippling, then that is a legitimate – *(Interruption)* -

Dr. Ndahiro: On a point of information, Mr. Speaker, Sir.

Mr. Mwinyi: I will take the information.

Dr. James Ndahiro (Rwanda): Hon. Speaker, I want to inform my honourable friend on the financial burden that the East Africans are enduring here. The correct fees actually is \$2,000 payable after every two

years. So, it is a lifetime expense to an individual working in this particular country.

Mr. Mwinyi: I take that information, but I must correct him a bit; that the US\$2,000 fee is in relation to certain professions and not across the board. Under the current regime, teachers pay US\$500. However, that is still a significant amount for teachers, unless they are working in a private school or the employer pays for them.

That having been said, we must take into account what other issues that are creating this timidity in all the Partner States - some more than others do to open up our borders. We need to be true not only to the letter of the Common Market Protocol but also the spirit of uniting an entire area for our mutual and equitable development.

Finally, I want to touch on the report itself, more specifically, on the matter that was alluded to by two of my colleagues, hon. Ndahiro and hon. Dora. That is the mention of “tripartite” and “Northern Corridor” in the report. I think there is a subliminal link between the two. There is an old African saying that if you want to go fast, you travel alone, but if want to travel far, you must travel with others. There are many issues within our integration process. Some are real and others perceived. Even the perceived issues must be dealt with squarely. We must find an opportunity, be frank and open. I would urge the Council to come up and say clearly “there are issues 1, 2 and 3, and how do we proceed?” There has to be that kind of discussion, where we can contribute and assist in the development of the Common Market Protocol.

Ms. Dora Byamukama (Uganda): On a point of clarification, Mr. Speaker, Sir. I just want to provide clarification on the issue of “tripartite” and “Northern Corridor.” When you look at page 3 of the report, it says that the newly revised Annex should put in place

a tripartite mechanism at the EAC level, which should be administered at the national level through the tripartite forums. I think what the mean is that in the tripartite form, we will have the trade unions, employers and the governments. When I talked about the Northern Corridor is not what you understand it to be, because the other tripartite is between SADC, EAC and COMESA. So, these are two different tripartite. One goes to the national level of the workers' employers and governments and the other one is a tripartite arrangement of a different nature.

What I was concerned about was a bilateral arrangement, which seems to be taking on what we should also be achieving as EAC, as envisaged under the Treaty and Common Market Protocol. I hope that makes it clearer.

The Speaker: There is a follow up clarification from hon. Ogle.

Hon. Abubakar D. Abdi Ogle (Kenya): Mr. Speaker, Sir, I am a Member of this Committee. I was there when the petitioners appeared before the Committee. Their understanding and position regarding "tripartite" was the employers' body, employees in national governments--- I understand the sensitivity about this issue. It evokes issues about the so-called coalition of the willing. It is not "tripartite" in that context. We are talking about 'tripartite' in this context. In view of that, the earlier request by hon. Ndahiro, which was also supported by hon. Mossi that it be expunged, should be done away with. I think it should remain the way it is.

Thank you.

The Speaker: Hon. Mwinyi, before you take back the Floor and summarize, I think we must understand the use of the words in the context of the report. Of course, the words used can mean different things, but let us take them in the context in which they are used.

Secondly, reference to the Northern Corridor is of no harm. It is a project within the context of the EAC. It is just like other projects being done in other corridors. So, let us put them into perspective.

Proceed.

Mr. Mwinyi: Thank you very much. I am duly informed. There is a third type of tripartite, which was the tripartite Commission, which was the precursor to the EAC. Tripartite denotes three things. So, if there are any three things, the mind wonders.

Mr. Speaker, as you correctly put it, the Treaty stipulates the principle of variable geometry; two or more member states within the Treaty or community can proceed at a faster pace than others can. That is completely acceptable, but I was just cautioning about the issue of "tripartite" meaning three countries. Since it is not very clear in the report, it needs to be re-worded to mean those other different bodies.

I want to summarise and submit that it is an important topic that needs further input, in order for us, as a Community to take it forward. Like any relationship, we have our ups and downs. We need an injection to give us a quantum lift, so that we can spearhead and deal squarely with this matter in the Common Market Protocol. This is because in the Customs Union – the first entry point - there has been incredible advancement. But in the Common Market Protocol, if you look at the scorecard, all the Partner States are found wanting. We would like to hear from the Chair of the Council what the real issues are, in terms of statistics and numbers that are actually prohibiting progress in the Common Market Protocol; a document heralded by the Summit of Presidents that won prizes and certificates.

Thank you, Mr. Speaker, Sir.

The Speaker: Thank you very much, hon. Mwinyi. Hon. Members, I have decided to give ample time to this report because of its importance to the people of East Africa and the timeliness of this report. So, I will give everybody an opportunity to speak.

Hon. Mulengani, hon. Shy-Rose and then hon. Bazivamo.

Mr. Benard Mulengani (Uganda): Thank you very much, Mr. Speaker. I also want to welcome hon. Susan. The Council yesterday said that they have more female Members than men. Council being part of the House, men are still in the deficit of five women. If we had a party, five men of the House would dance without a woman. You are welcome hon. Susan.

Mr. Speaker, when we are reading our report and appreciating that the two organizations that petitioned the Assembly have representation from all the five Partner States, and they are petitioning on the issues of work permits, to be fair to this organization we, as members, should appreciate that there is a problem of work permits in this region. It is shaming if one of us will stand up and start to argue against this petition after the citizens of this region have presented it.

Mr. Speaker, colleagues have been raising their concerns on this particular report and the issue at hand. I want to thank hon. Mwinyi who specifically came out on the issue of statistics. When you read paragraph 2 of this report, where they say that it has a potential outreach of more than 8,500 companies and business entities, 100 associations and chambers affiliated to the national employers' organizations and then they go further to say that the trade union co-operation represents more than 2.5 million organised--- Hon. Mwinyi went ahead to dissect and say that the people who have been agreed upon are the professionals. How many people are creating problems in this region

for us not to conclude the issue of work permits?

That brings me to another point. In these countries – given the existence of these unions – if the will was there I think individually in the Partner States there would have been enough advocacy to ensure that they push the Governments to yield and solve the matter of the work permits. However, it seems true that because of the numbers of the people who move, they do not have enough voice to advocate in their Partner States for the waving of the work permits.

On page 3, the petitioners are reminding us that they take 30 days to get the visas. They also remind us of the expiry of Annex 2. However, we want to ask the Council what they are putting in place as a roadmap to implement the Common Market Protocol. I want to remind the Council also that in Burundi, on 18th April 2013, I moved a Motion urging the Council to do a number of things. We passed six resolutions. May I use this opportunity to kindly request the Council, while responding to the various questions raised by the Members, to give us a brief on the level of implementation of those particular resolutions that were adopted on 18 April 2013?

On page 3 again, the petitioners are requesting for equal treatment of all East Africans – non-discrimination. This is knowledge that should be known to the Council, but I am surprised that we are seated here and we want to be reminded by our citizens. The people who are supposed to drive the Community and integration seem not to be aware of what is happening.

On page 4, they have proposed areas, one of which is outstanding in the hands of the Council; the protocol on portability of social security benefits and others. They can also give a response on that, because some of these things were raised and the Council

seems not to have addressed them. The petitioners are also reminding us about the amendments that need to be made within the Partner States. This includes the national employment policies and labour legislations. It is worrying for a citizen who does not sit in this House to know of the challenges appearing and advise the House to proceed on what we know. It is also shaming that since the Common Market Protocol came into place, there seems to be no progress in this particular area. May we receive responses in those directions?

On page 6, as I said in the beginning, we are advising the advocacy groups – the employers and employee bodies – to use the bargaining and lobbying powers at their national level. Again, the reason they run to us is that maybe they have tried their best at the national level and they are not getting results. One of the reasons could be that the number of people moving cannot ably stand the voice and advocate for the removal of work permits, as they may impact on some people who fear for their jobs. We need to solve this matter conclusively.

At this point, I would request the Council to help us define who the foreigners are and publish their definition of who are regarded foreigners in whichever Partner States. Some colleagues said that when the issue of “foreigners” came up in Tanzania, it did not mean the East Africans. But it is silent even in the newspapers and everywhere. When they talk about ‘foreigners’ they do not put a rider to say ‘not including East Africans.’ We want the Council to define who are referred to as ‘foreigners.’ When a country imposes a tax to foreigners, it should go ahead to define who the foreigners are. That will save us all the debates that we are going through.

The Speaker: Hon. Mulengani, you may also want to know that we are still sovereign

states and some of those issues are embedded definitions in our constitutions.

Proceed.

Mr. Mulengani: Much obliged, Mr. Speaker. Indeed, we are sovereign states, but the fact that the Common Market Protocol was assented to by the Partner States, enforcement of the implementation of the Common Market Protocol demands that the Heads of State actually put in the minds that work permits may fail the implementation on the Common Market Protocol principles.

When I looked at page 8, where the recommendations talk about fast tracking the abolishment of work and residence permits, I remember the situation that our colleagues and staff of the EAC residing in Arusha are going through. They have to go to Dar-es-Salaam every year to renew their residence and work permits. We have time and again requested the Council to give work and residence permits equivalent to the period that our staff and colleagues will be residents here. That would be a good indication that there is a will for integration and for the people who are coming to work in the EAC.

Mr. Speaker, in reference to the experience that hon. Mwinyi went through both in Mombasa and Dar-es-Salaam, it is evident that we require the Council to pronounce itself in the issue of work permits and what they think about it. Also, sensitization needs to be done.

I support the Report.

Ms. Shy-Rose Sadrudin Bhanji (Tanzania): Thank you very much, Mr. Speaker, Sir, for giving me the Floor so that I can also say a few words. I wish to first commend the efforts undertaken by the General Purpose Committee through the Chair, Dr. Odette and for coming up with this

timely report, even though I wish it were more thorough.

Mr. Speaker, Sir, whereas I share the idea of free movement of people in East Africa and commend the effort by the petitioners and the Committee, I still think more light should have been shed in the petition and report. The petition and report have been combined and summarized as if all five Partner States are uniform in as far as this issue is concerned. I wish I could read more on the opportunities and challenges of labour mobility in East Africa. If we had that entire information, one could have appreciated the labour opportunities against the limitation of protocols amongst the Partner States. I am aware that there are specific areas of labour mobility that have been accommodated, agreed on and implemented in all five Partner States. That should have been highlighted in the petition as well as the report. I stand to be corrected, but this is not the beginning of the implementation of the Common Market Protocol. Somebody who is not aware of this would think that we are starting afresh to implement this proposal of the Common Market Protocol on free movement of people.

The other area, which I wish would have had more findings on, is on the status of work permits fees in all five Partner States. We are talking on behalf of East Africans and so, it is very important that we present enough data, statistics and situation analysis, so that at the end of the day, everyone can appreciate what we are talking about. I believe that we are facing challenges on some issues and maybe resistance because our people lack knowledge as far as integration issues are concerned. Special attention must be given to the already agreed areas of labour mobility. I believe that the teaching profession is one of the areas. Has Tanzania taken advantage of sending Kiswahili teachers to all five Partner States? While we are lobbying for work permits fees to be reduced, let us take

advantage of the areas agreed on. When we were in Burundi, we did oversight activities on harmonization of curricula. We were told that Burundi is facing a shortage of Kiswahili teachers. During EALA plenary session in Dar es Salaam I asked the outgoing Deputy Minister from Tanzania why Tanzania had not sent Kiswahili teachers to Burundi, which was facing a shortage. I am sure it is not only Burundi that is facing this shortage. I wish to know how many Kiswahili teachers have been sent across East Africa.

My other point is on the need to popularize, disseminate and educate our people on the Common Market Protocol. Awareness is key as far as all integration issues are concerned. It is important for EAC to be made aware of the provision for free movement of people. Most people do not know about this, yet we have been talking about sensitization for the last four years in this Assembly. Let me thank the President of Kenya, His Excellency President Uhuru Kenyatta for inviting EALA to Kenya to sensitize Kenyans. That is a good example and I urge the Chair of Summit, President John Pombe Magufuli to invite EALA Members to Tanzania also to inform and educate Tanzanians regarding the fruits and benefits of integration.

Mr. Speaker, Sir, I seek further clarification on the following issues. Why does it take three months to process a work permit? What is the reason for shortening the period to one month? Why can it not take less than one month? What criteria was used to agree on one-month period? How many workers from each partner state are working in the five Partner States? How many Tanzanians are working in Kenya, Rwanda, Burundi and other Partner States, and vice versa? When we have all this data, we will appreciate and move on from there.

Thank you, Mr. Speaker, Sir.

The Speaker: Before hon. Bazivamo takes the Floor, I would like to recognize again the second group of students from the Institute of Accountancy, Arusha, from the EAC youth club, led by their secretary, Mr. Evans Ayo. Thank you for visiting us and taking interest in the integration agenda, as young people.

Hon. Bazivamo.

Mr. Christophe Bazivamo (Rwanda): Thank you, Rt. Hon. Speaker, for this opportunity. Let me thank the Chair of the Committee for a presentation well done for the work they have produced. This Community is people-centred and market-driven. When we speak about “market-driven”, it is about business. Doing business has a lot to do with East African citizens. The issue of time management is very important for development and we know that underdevelopment has a link with wastage time. Therefore, taking three months to issue a work permit is not serious if we really value time, especially when we know that it is possible for it to be done in less time. It has been said and it is true that the processing of residence and work permits is done in three days in Rwanda. For East Africans it is free of charge. If that is possible, what do we not do it elsewhere?

Mr. Speaker, Sir, if the cost of permits is high that hinders development. It stops some people from investing or working. This leads to less development and unemployment. When you do not create employment opportunities this poses a problem to our society. Therefore, the high cost residence and work permits should be reviewed to ensure development. This issue is related to registration of business. When businesses take long to register business, this affects development and employment opportunities. In Rwanda, it takes less than 12 hours to register a business. If this is possible in one country, why can it not also happen in other

countries? I propose that the Council of Minister should identify best practices of doing business in general, with regard to registration of business and work permits. It should then champion for these best practices to be practiced in all Partner States, for the advancement of the EAC.

I support the report.

Ms. Valarie Nyirahabineza (Rwanda): Thank you very much, Rt. Hon. Speaker, Sir, for giving me the opportunity to contribute to this Motion. I have to declare that I am also a Member of the General Purpose Committee. Since this is my first time to speak in Plenary this year, let me join my colleagues in wishing all citizens of East Africa a happy and prosperous year 2016.

Rt. Hon. Speaker, I am a bit upset because the subject matter that we are dealing with in this report is grounded on the Common Market Protocol. I was lucky to be part of the Second EALA where we were given an opportunity as Members to go to the first Partner States for public hearings over the Common Market Protocol. We explained to our fellow citizens the benefits of having a Common Market Protocol and all of them were excited. They said that this pillar of economic development was going to uplift their lives. Look at the report that was done by the Committee on Rules and Privileges on the implementation of the Common Market Protocol. We have been complaining of the slow pace of implementation. Look at many resolutions before this House, where Members expressed their disappointment regarding the implementation of the Common Market Protocol. Look at the many reports, which highlight the same issue.

Rt. Hon. Speaker, as Members of the General Purpose Committee of course we received the people who were representing other people. Now the East African citizens are speaking out because they know the benefits

of the EAC integration. They are looking up to us not only to explain to them what the integration process is all about, but to also tell them where we have reached since the process began. Unfortunately, sometimes we are ashamed that we have opportunities to go and sensitize them but we do not have much to say. That is why they came to us with this strong petition. With regard to this petition, it is grounded on the Common Market Protocol. When the Common Market Protocol became operational on 1st July 2010, its overarching objective was to widen and deepen co-operation amongst the EAC Partner States in the economic and social fields for the benefit of East Africans. We know that for proper enjoyment of the rights and freedom granted under the Common Market Protocol, Partner States are required to not only review the laws, but also align their policies to the spirit of the Common Market Protocol. We know that there is roadmap that was developed by the EAC secretariat under the leadership of His Excellency Sezibera, and I thank him for that. Such an exercise is going on within our Partner States, though at a different speed. We know that many policies are not aligned yet and that is why I urge the Council of Ministers to take this matter up and see how best things can be expedited or fast-tracked, so that we meet the expectations of the East African citizens who are looking up to us. They should not feel that we signed a protocol for the sake of it. They should see the protocol being implemented to the letter.

Rt. hon. Speaker, under Article 10 of the Common Market Protocol, the EAC Partner States guaranteed the free movement of workers, who are also citizens of the Partner States. According to the protocol, we know that EAC Partner States are committed to the abolition and discrimination based on nationality concerning employment, remuneration and other conditions of employment and work. Among other things,

the same protocol entitles citizens of any EAC Partner States to move freely within the territories of the Partner States for the purpose of employment in accordance with the national laws and administrative procedures governing the employment of workers of that Partner States. I am just mentioning those two aspects, but even these are not being respected. Only some aspects are being implemented and that is why people decided to come to us and speak out, so that we can do something as an Assembly.

According to the report, the timeframe that is assigned for a work permit to be issued is long and does not allow people work and move freely. I would like to hear from the Council of Ministers about what kind of timeframe they would want to promise, so that the issue of work permits can be solved once and for all. Some people have proposed one month while others less than one month. We should make an undertaking as to how some of those requirements can be waved as has been done in some Partner States.

There are so many other things that are contained in the petition, like the portability of social security benefits. The Committee on General Purpose had a meeting yesterday and we know that some people are putting their heads together, which should eventually govern this. Of course, it will require time and resources for us to come up with the required.

The Committee on General Purpose had a meeting yesterday and we know that some people are putting their heads together, which should eventually govern this. Of course, it will require time and resources for us to come up with an adequate legal framework and other legal instruments related to ensure that this sees the light of day.

My other point is in line with the petition again. My humble plea goes with the third point of the petition. A revised version of

Annex 2 of the Common Market Protocol should be put in place when the current one expires, as has been explained ably by my sister Dora. The new annex should put in place a roadmap for the gradual implementation. This has been lacking and even in the last Plenaries was spoke out and said that there is no clear roadmap for implementation. Once again, my humble plea is to the Council of Ministers. First, I want to hear from them when this is likely to be done. Is the roadmap for implementation going to be developed for that matter?

The petitioners also said that while the transition period allows for addressing the challenges and fears in the individual Partner States, they wish that the final goal of allowing all workers to enjoy the benefits of free movement across the EAC should be reached within not more than seven years from July 2010. This is a humble plea. People are complaining because what they were expecting from the Common Market Protocol has not been achieved. It is time to put heads together so that something can be done to improve the lives of our East Africans whom we are representing here.

With those remarks, I want to hear from the Council of Ministers giving us a timeframe and saying whether they are with us in terms of giving hope to the East Africans who are crying out there.

Thank you.

Mr. Martin Ngoga (Rwanda): Thank you very much, Mr. Speaker, Sir. This is one of the rare occasions when this House is almost unanimous on a subject. This means that we have one organ that is committed to the implementation of our instruments. I was moved by the articulate way and conviction with which hon. Mwinyi referred to these instruments of our project of integration. When you look at the object and purpose of these instruments and the deficiencies in the

way we are implementing our policies, there is a big mismatch. This makes me believe that possibly this is a problem anchored to our decision making process in which we find many discrepancies in terms of mindset, attitudes.

This report addresses itself only on one aspect of the Common Market Protocol, but you can find similar problems in other freedoms that the protocol provides for. When you speak about free movement of goods, there are issues of standards. You can export juice from Rwanda or import milk from Kenya because there are issues about standards. What is difficult with harmonization? When we talk about free movement of services and cross-border practice people will refer to discrepancy in languages. I have never such a problem – issues of language - in this House. I trained in Tanzania, practiced in Rwanda at the highest level, and had no problem. Common and civil laws are colonial systems, but we keep inventing new barriers. We are a generation of politicians that is risking giving an appearance of working hard to defeat the object and purpose for which our forefathers, that hon. Mwinyi referred to, wanted us to achieve.

The citizens that are petitioning us now, which is a big encouragement--- It is good news that we are walking at a slower pace than our people, because they will keep pulling us. They will start questioning very soon, whether we are honest in what we do. We prevent teachers from moving from one country to another, but send our children to those countries where teachers were supposed to come from, because we can afford. Tanzanians started the best university in Rwanda in Science and Technology – Kigali Institute of Science and Technology -. Tanzanian professors started and managed it for many years. The best teachers in mathematics in Rwanda today are from

Tanzania. The best managers of hotels in Arusha are from Kenya. Therefore, we cannot deny that everyone has his area of competence. This is what we must reap as the benefit of integration. There is a risk of complacency; somebody thinking that they have everything they need. Integration is a win, win situation. There is what you give and what you get. So, when there is a wrong impression of being self-sufficient in anything, then we are missing the idea behind integration.

Although integration was meant to create a bigger market for our people, it was not meant to curtail competition amongst our people. Even in a family when you want to encourage your children, you create some form of competition. You do not group them among those who can excel and those who cannot excel; otherwise, they would not help each other. It is time we start questioning our conduct vis-à-vis what we set out to do. Hon. Dora wonders whether this is some form of engagement or marriage. There is a way she puts it that keeps challenging my mind. We have instruments that were negotiated for a very long period. They were not just invented one day. Therefore, we cannot keep negotiating about instruments that were negotiated. Instead, we should be implementing them and time is of essence.

Thank you, Mr. Speaker, Sir.

Mr. Chris Opoka-Okumu (Uganda): Thank you, Mr. Speaker, for giving me the opportunity to contribute. This Motion has been thoroughly debated by my colleagues who have raised all the important issues that need to be raised. I hope that the Council of Ministers were taking notes.

I would like to zero on the fourth recommendation, which the Committee made, that is, fast tracking to abolish work/residence permit fees uniformly. That is a very important recommendation. We

cannot move towards a political federation and live up to the slogan of ‘one people one destiny’ and the principle that this Community is people-centred and market-driven when we still have work permits. If the issue is simply collecting revenue, I think we can get more revenue if we allow people to work and tax them. Hon. Shy-Rose recommended to the Republic of Tanzania to send Kiswahili teachers to other Partner States. The money that they will earn will be remitted back to the Republic of Tanzania. Today one of the biggest contributors of foreign exchange in Uganda is remittance by Ugandans living abroad. So, the issue of charging too much for a work permit is mind-boggling. Hon. Dora asked me for my experience and I want to tell her that in Canada, where I lived and worked in the immigration system, they charge \$155. Why charge \$3,000 when these people are going to pay tax and contribute to the economy? You will buy food from a Canadian woman. Let me rephrase that; they will buy from a Canadian businessperson. For us here it is mostly the women who sell in the market.

The Speaker: Hon. Chris, is it only women who sell food in Canada? (*Laughter*)

Mr. Opoka-Okumu: Rt. Mr. Speaker, that was a slip of the tongue because the experience in the Africa. But in Canada, both men and women sell food.

We need to abolish work permits totally. There should not be a timeframe. We had a bad experience last time when we reached Malaba, the border of Uganda and Kenya. We were informed of how Ugandans who cross over to sell small products like beans, *matoke* and so on are arrested by the police for doing business without permits. Why should this happen, when we are talking of ‘one people, one destiny’ and a Community which is people-centred? We, as an Assembly, are so unfortunate because to the

ordinary people we are the face of the Community. They do not know the Council of Ministers because they do not see them. The ordinary people are asking what we are doing and what they have gained. They look at us because we have been elected to the Assembly.

Rt. Hon. Speaker, the issue of abolition of work permits, free movement of labour and right of residence is very important. It will help the economy of East Africa and enrich the different countries. During Idd Amin's time in Uganda, Kenyans employed Ugandan teachers who were running away and sent them to rural areas. Kenya also employed many Ugandan doctors and sent them to rural areas. That helped the economy of Kenya. Why should teachers be sent away from East African countries when they are educating children? Sensitization should be done to the policy implementers about the objective of the EAC. This is because they are the ones who make recommendations to the Council of Ministers. If those people are not sensitized the attitude of protectionism and sovereignty which supersedes reason will counter the treaty.

With those remarks, I support the Committee.

The Speaker: Thank you very much, hon. Chris. I now invite the Chair of the Council of Ministers. I know you have a full plate to respond to the numerous enquiries and clarifications that have been raised by the Members. You can take the podium because I know you have a lot of paper and issues to respond to.

The Deputy Minister for Foreign Affairs, East African, Regional, and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): my colleague will give some of the responses. Could you allow him to start and then I will conclude?

The Speaker: For our record, I think it should be made clear here because this matter has come to me by some Members of the Council of Ministers. All Members of the Council of Ministers are Members of this House. They are at liberty to contribute and participate in the debate, bearing in mind their own rules and regulations of collective responsibility.

The Minister of State for EAC Affairs, Uganda (Mr. Shem Bageine) Ex-Officio: Thank you, Mr. Speaker, Sir. I stand here to thank the Committee for the report on issues that are of paramount importance and concern to the people of East Africa. My colleagues and I have listened to the various remarks, concerns and recommendations to the Council of Ministers, which I am sure we will find time to look at and respond accordingly.

Let me comment on two or three issues. The first one is the issue of the Northern Corridor. Initially, the Northern Corridor was a misapplication of the principle of variable geometry. Indeed, the media did not help us by coining it to be a coalition of the willing. Initially the Northern Corridor appeared as if it was pulling away from the rest of East Africa. Indeed, they tried to discuss issues, which were properly before the Council, on which decisions had not been made. The principle of variable geometry applies where certain issues are agreed upon and two or three countries go out to implement those decisions or projects at a faster rate.

I am pleased to say that operations of the Northern Corridor and Central Corridor are being done with the participation of the Secretariat of the Community, which was not involved initially. It should now be understood that it is not designed to exclude anybody; it is just a question of connectivity. Since the project joins three countries, those countries will join to implement it, but with

the participation of the Secretariat. It reports to the Council, which then reports to the Summit. I should make this clear so that everybody understands how it operates.

The Speaker: Hon. Mathuki would like to get a clarification from the Minister.

Mr. Peter Mathuki (Kenya): Thank you very much, Rt. Hon. Speaker. If what the Minister is saying is right, then this project should be done within the framework of the East African Community's Ministries at the country level. But if you go to each Partner States, you will find standalone secretariats handling matters of the corridors, which are not working within the framework of the EAC Ministries at the country level. That is where the confusing is. Could you kindly clarify? When you say that these things are done within the framework of the EAC, what does it mean, because that is not visible at the country level?

The Deputy Minister for Foreign Affairs, East African, Regional, and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): Thank you very much, hon. Mathuki. The operation and implementation of East African decisions, directives and projects are done at country level. Therefore, it is not surprising to find standalone committees in any given Partner States, specifically dealing with the implementation of the projects. Meetings are held and reports implemented. The secretariat of the Community pick up those reports and it is not expected to go and sit in Kampala or Nairobi in order to implement this project. These are just operations.

The other point I should comment on is the longstanding institutional review. I spoke about it yesterday and in the past. We had hoped that the Council would meet before the Summit and conclude the issue of institutional review alongside the financing mechanism and the political federation

issues. Unfortunately, the Council has not been able to meet. It is my hope and desire that the next Council will conclude on these outstanding issues, so that decisions are taken one way or the other. I hope that the decisions taken will be positive, so that we reinforce our Secretariat at the centre and upscale it to have the authority to take certain decisions, instead of referring to Partner States time and again for responses, which take years to come.

The other issue that I want to mention briefly is the harmonization of laws. I am aware that all Partner States have identified laws within the legal systems of the Partner States, which do not comply with the provisions of the Common Market Protocol. We had hoped that by the end of 31st December 2015 we would have harmonized laws. Unfortunately, this has not yet been done. I believe it is one of the subjects that will be considered and a decision taken during the next Council meeting.

The other issue is on Kiswahili teachers. Hon. Shy-Rose is concerned about Tanzanian teachers not being able to travel and teach in other Partner States. We are in the process of setting up the national Kiswahili councils in accordance with provisions of the Kiswahili Commission. I can speak for Uganda and say that we will certainly need a lot of Kiswahili teachers, preferably from the Republic of Tanzania, because our country is the least Swahili speaking country for obvious reasons; when Swahili was associated with terrible regimes. We will certainly get teachers and Uganda is in the process of removing work permit fees for East Africans who want to work there. The other Partner States should do the same.

I have clarified a few issues. My colleagues will deal with the rest.

Thank you.

The Speaker: Thank you so much.

Hon. Kandie from Kenya.

The Cabinet Secretary, Ministry of Labour, Social Security and East African Affairs, Kenya (Ms. Phyllis Kandie) (Ex-Officio): Thank you, Mr. Speaker, for giving me the opportunity to speak and make comments on this very important report at this point in time. I appreciate the Committee on General Purpose for its work that will not only help this Assembly, but also the Council of Ministers in terms of taking stock of where we have reached in terms of implementing the Common Market Protocol. Let me also congratulate the Minister from the Republic of Tanzania for her appointment. I would like to take this opportunity to welcome to this Community.

Thirdly, I take this opportunity to introduce myself again. The last time I addressed the Assembly I was the Cabinet Secretary for Tourism, Commerce and East African Community. My current position is Cabinet Secretary for Labour, Social Security and East African Affairs. So, this report is quite relevant to what we are thinking in Kenya.

Having said that, the matter we are discussing today is considered very weighty in Kenya. We are committed to it in terms of fully implementing the Common Market Protocol. We are convinced as country that if we fully implement the Common Market Protocol we would have gone halfway in terms of integrating the EAC. We take this matter very seriously and I have the responsibility of ensuring that the Common Market Protocol is fully implemented. If we all do it together, we will achieve a lot as the EAC.

In helping the Chair of Council - and this is not to pre-empt what she is going to say - while we would like the ideal situation of implementing the Common Market Protocol – that all of us implement it at the same time

– the reality right now is that other countries have moved faster than others for various reasons which have been highlighted by the hon. Members here today. There are some countries with bilateral agreements on reciprocal basis, one of which is the Common Market Protocol. However, obviously the ideal situation is for all of us to work and move at the same pace. It is actually very important for us to take stock of that at this point in time. The Common Market Protocol was signed in 2010 and it was envisaged by our leaders at that time that by 2015 we would have actually fully implemented it. However, we have not reached where we were expected to have reached. At this point in time we need to take stock of it and I want to assure the Members of this House that as Council of Ministers we take it very seriously. This is because we think it is a very important stage and step for us to integrate fully as the EAC.

I would also like to make a comment on the sixth point, on page 5, where all the additional requirements that are outside of and contradictory to the provisions of the Common Market Protocol, such as the minimum annual salary income levels or age limit should be addressed. While the General Purpose Committee looked at, for example, additional requirements like minimum annual salary, as contradictory, it is relevant. As we move forward to implement the Common Market Protocol fully, we need to appreciate the fact that as people move across borders, we need to address issues of competition across the EAC. Currently, the issue of the minimum wage is based on inflation, but soon we need to start looking at annual increments based on productivity. This issue is very relevant for us and not contradictory.

Mr. Mathuki: On a point of information, Mr. Speaker, Sir.

The Speaker: Hon. Minister, would you like to be informed?

The Cabinet Secretary, Ministry of Labour, Social Security and East African Affairs, Kenya (Ms. Phyllis Kandie) (Ex-Officio): Yes, Mr. Speaker, Sir.

Mr. Mathuki: Thank you, Rt. Hon. Minister for the opportunity to give you brief information, and I want to appreciate your eloquence on this matter and congratulate you on your new appointment as the Minister responsible for labour. When we say that we want to determine the minimum wage based on productivity that is very misleading. Minimum wage is based on collective bargaining and that is international standard. When we talk about productivity and we judge those who are working at the lowest level on their productivity, it becomes very difficult. When we come to the professional level, this can apply because it depends on how one produces. But to set the minimum wage based on productivity, we may not be getting it right. That is something that we need to relook at as an Assembly. We could have a minimum wage in the Community because there are some countries without minimum wage in this EAC.

The Speaker: There is further clarification from hon. Dora.

Ms. Dora Byamukama (Uganda): Thank you, Mr. Speaker, Sir. The issue of minimum wage has been articulated by hon. Mathuki, but I just want to add that when we look at minimum wage from an economic angle, then we may look at productivity. However, when we look at it from a human rights angle, it is actually a living wage. We have to look at the person, how much they eat per month, pay for accommodation, and spend on health and any other aspects. So, we need to take some time, as this Assembly, to look at that issue squarely. In Uganda, for example, we have never revised our minimum wage since

1984. It still stands at 6,000 Uganda Shillings, which is about \$2. But the minimum wage board is in place. So, this is the right time for all of us to look at the demand and supply as well as the human rights aspect.

Thank you.

The Speaker: Thank you very much. Before the Minister takes the Floor, Chairperson of the Committee on General Purpose and the Committee, this is a serious matter that we need to take forward as this Assembly and it falls squarely in your docket.

Proceed, hon. Minister.

The Cabinet Secretary, Ministry of Labour, Social Security and East African Affairs, Kenya (Ms. Phyllis Kandie) (Ex-Officio): Thank you, Mr. Speaker, Sir. I do appreciate the comments made by the hon. Members on this matter. I said that this matter is relevant rather than – (*Interruption*) -

A Hon. Member: On a point of clarification, Mr. Speaker. I seek clarification on the matter before us. We know the hon. Minister as the Cabinet Secretary for Tourism, Commerce and EAC, but since the portfolio has changed, are we in order to let her proceed before being sworn in?

The Speaker: Hon. Members, I am very conscious of the restructuring of the task, which was before the hon. Minister. Actually, what His Excellency President Uhuru Kenyatta has done is more or less to comply with the Summit and Council position that the EAC docket should be almost standalone. She has been lessened of other burdens to concentrate more on EAC affairs. So, she is still the same person.

Proceed, hon. Minister.

The Cabinet Secretary, Ministry of Labour, Social Security and East African

Affairs, Kenya (Ms. Phyllis Kandie) (Ex-Officio): Thank you, hon. Speaker, Sir, for protecting me. To conclude, I just wanted to highlight the relevance and importance of this matter, as has been raised by the hon. Members. We also agree and appreciate that we are at different levels of economic development and so, there will be many issues to be discussed on this matter.

Finally, I would like to comment on the matter that was raised by hon. Susan Nakawuki on the age limit on work permits. I think she mentioned the age limit of above 30 years. I am not aware of this and do not think it is the true position.

Thank you very much, Mr. Speaker, Sir.

The Speaker: Thank you very much, hon. Minister. The Chair of the Council of Ministers will now tie up the position of the Council of Ministers.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): Mr. Speaker, I would like to thank the Committee on General Purpose for presenting this report, which will assist the Council to do its job. I will start by giving the general response relating to the petition and the report that was submitted by the Committee. From that general response, some of the issues, which were raised by some hon. Members, will be addressed.

The petition of the EALA was jointly made by the EAEO and the EATUC as the regional organization of the employers established for the promotion of the development and protection of employers' interests in the EAC and to ensure that the employers' organization in Partner States become active in the promotion of East African integration. One of the pillars is the promotion of the EAC and therefore, they petitioned the EALA praying that the provision of Article

10 and Annex 2 of the East African Common Market Protocol be implemented and any further delay will have grave implication on the investment in the region's taxes and the general business environment. In this regard, they made recommendations.

The Council of Ministers would like to respond to specific issues that were raised. The processing time for work/residence permits should be shortened from over three months to a maximum of 30 days, with priority granted to East African citizens. As the Council of Ministers, we wish to respond as follows. In accordance with Regulation 6, Section 1 on free movement of workers, a worker who has secured an employment contract for a period of more than 90 days in a territory of another partner state shall apply for a work permit within 15 working days, from the date of the entry in the host partner state, in compliance with the above regulation. Therefore, the processing of the work/residence permit does not take over three months as envisaged in the petition.

Secondly, the required documents for the work/residence permits application should be standardized and made uniform throughout the East African region, to facilitate the easing of the application process as provided in Annex 2 of the EAC Common Market Protocol. At its 20th Sitting from 12th to 13th July, 2014, the Sectorial Committee of the Council of Ministers responsible for East African Affairs and Planning considered the report of the chiefs of immigration in the review of the harmonized resident work permit fees and application forms and procedures - Regulation No.6, Item No.9 on East African Community free movement of workers Regulations, Annex 2 and Regulation No.6, Item No.5 of the EAC on the rights of residence regulations, Annex 4 of the Protocol for the establishment of the East African Common Market Protocol.

The East African Secretariat was directed to convene a multi-sectorial meeting of experts to address the issue of harmonization of the residence and work permit fees, application forms and procedures by March 2015. However, due to budgetary constraints the multi-sectorial meeting did not take place as planned. Indeed, the meeting took place from 8th to 10th in Nairobi, Kenya. Another meeting on the same subject was held from 4th to 6th November 2015 to finalize the unfinished business from the Nairobi meeting. The output of the said two meetings on harmonisation of work and residence permits was as follows. They proposed harmonized classification, procedures and fees for issuance of the entry work, residence permits for citizens of the East African Partner States and proposed harmonized application forms for entry work, and residence permits for citizens of East African Partner States. The two reports above will be considered by the Chiefs of Immigration before their submission to the 24th meeting of the Sectorial Council of the Council of Ministers for East African Affairs and Planning and subsequently to the Council of Ministers.

The other recommendation was that the revised version of Annex 2 of the Common Market Protocol should be put in place when the current one expires this year. The new Annex should put in place a roadmap for the gradual implementation of the free labour mobility, which eventually comprises all sectors and categories of blue and white colour work.

In accordance with Article 53 of the Common Market Protocol;

“This Protocol may be amended by Partner States in accordance with the provisions of Article 150 of the Treaty.”

The Council with the approval of the Summit may review the Annex to the Protocol and

make such modification, as it deems necessary. It may be noted that the protocol mandates the Council of Ministers to monitor the implementation of the protocol every three years, assess causes of the delay in implementation and take appropriate measures to remedy the situation. Furthermore, the 16th Ordinary Summit, in November 2014, directed the Council of Ministers to undertake a comprehensive evaluation of the performance of the implementation of the protocol for the establishment of the East African Customs Union. Common Market and Monetary Union and terms of reference for the study will be considered by the 33rd Meeting of the Council of Ministers. Once the study is completed, several recommendations will be made and they may include the revision of annexes whose timelines are yet to expire. Therefore, if the Council deems it necessary to attend the annexes, the provision of Article 53 of the Protocol will be operationalized.

The other recommendation was that the revised annex should be put in place through the tripartite mechanism at the EAC regional level and should be administered at the national level through tripartite forums. This recommendation may be considered once the decision to amend and make modification to the annexes of the Protocol has been agreed upon. Refer to the explanation, which was given above.

While the transition period allows addressing the challenges and fears in individual Partner States, the final goal of allowing all workers to enjoy the benefit of free movement across the EAC should be reached within more than seven years from July 2010. In accordance with the Schedule to the East African Common Market Free Movement of Workers Regulations, the implementation dates for the free movement of the various categories of workers in Partner States range from 2010 to 2015. Thus, the recommendation in the

petition of enjoyment of movement of workers within more seven years from July 2010 may be considered if the Council finds it necessary to amend the annexes to the Protocol.

On additional requirements that minimum annual salary income level or age limits outside the provisions of the Common Market Protocol, which are contradictory to the spirit of integration, the response from the council is as follows. Matters regarding minimum annual salary and age limit for workers were not included in the Protocol. However, under Article 12 of the Protocol Partner States are undertaking the harmonization process of the national labour policies, national laws and programmes to facilitate free movement labour within the Community. Thus, the matter of minimum annual salary and conditions for the workers are embedded in Partner States' labour and employment policies and laws, which the Partner States are reviewing.

The other recommendation was that a popularized version of the Common Market Protocol should be created and transmitted into widely used local language in Partner States to raise awareness among the people of East Africa about the benefits of free movement of workers and regional integration. This will be facilitated through the process of sensitizing people on the right to seek employment across the region. The Council wishes to respond as follows. This recommendation is noted. However, Communication and Corporate Affairs Department of the East African Secretariat has developed a simplified version of the provision of the Common Market Protocol with form part of the information, education and communication and materials for sensitization. Partner state Ministries responsible for East African Affairs are also carrying out publicity and awareness

programmes about the EAC integration, and matters of the common market are included.

On the issue of the Common Market Protocol monitoring and evaluation being improved by Partner States with special emphasis to the adherence of the requirements and guidelines of East African monitoring and evaluation framework, the Council of Ministers established the Regional Monitoring Group (RMG) on the implementation of the Protocol. The RMG meets annually and receives the statistical updates from the Partner States on the implementation of the all freedoms and rights in the protocol. It compiles the data and status of implementation of the protocol. The Sectorial Council of Ministers responsible for East African Affairs considers the reports of the RMG. In the meeting of RMG on the implementation of the protocol, held in June 2014 it was noted that there was need for Partner States to prepare biannual implementation plans at the Partner States level. In the last report on 31 December 2014, Partner States presented updated information on the status of implementation of the protocol in accordance with the EAC Monitoring and Evaluation Guidelines. However, the RMG observed that the slow pace of harmonising national laws into the East African context has hampered the implementation of the protocol. Therefore, adherence to the requirements and East African Monitoring and Evaluation Framework is not the fundamental issue that affects the implementation of the protocol. In addition to the proposed recommendation to the petition, adherence to the requirement of the monitoring and evaluation framework should be complemented with actual implementation, such as amendment of laws to comply with protocol, mainstreaming the protocol commitment into the national plans, budgets *et cetera*.

Item No.9 was relation to capturing information concerning work and resident permit issuance, immigration flows within the region through establishment of a centralized and more efficient database at the East African regional level, and Partner States obliged to provide up to date statistics to guide policy development.

The East African Secretariat established the East African Monitoring System (EAMS) that enables collection of data from Partner States centrally. Initially, the system was expected to capture data on the status of implementation of Council decisions and directives, but will upgrade to capture data from the findings of the RMG that will include data on issuance of work/resident permits *et cetera*. The RMG is to monitor the status of implementation of the protocol on bi-annual basis as highlighted in the response given above.

On the collection and validation of the EAC labour market data being improved by regular invitation of employers' organizations, national trade union centre and other relevant stakeholders on both the national implementation committee *et cetera*, the response is as follows:

During the meeting of the RMG on the status of implementation of the protocol, it was noted that there was need by the Partner States to follow the data collection guidelines in the monitoring and evaluation framework and provide designated data where applicable to assist in monitoring the implementation of the protocol. In addition, under Regulation 24 of the EAC Secretariat, in collaboration of Partner States, is mandated to conduct manpower surveys to determine available skills and gaps in the labour market in the Community, as may be required from time to time. By 30 June 2014 two Partner States; that is, the Republic of Rwanda and Kenya had finalised their respective manpower

surveys. The Republic of Burundi finalised her survey and awaits validation of the said report. The Republic of Uganda and the United Republic of Tanzania have completed the pilot phase and they are yet to embark on the main phase.

In considering the report on the progress implementation of the protocol, the Republic of Uganda and the United Republic of Tanzania were directed to finalize national---

The Speaker: Hon. Minister, I would beg you to do a bit of summary, because that work should have happened before the Committee. You are just supposed to respond to the debate.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): On the progress made on the implementation of Common Market Protocol provision on free movement of labour, it may be noted that the fulfilling of Article 50 of the Protocol of the EAC Secretariat, with support from the World Bank Group and Trademark East Africa to develop and East African Common Market Scorecard 2014. The purpose of the scorecard was to contribute towards the monitoring of the implementation of the common market by tracking the progress of Partner States.

The other issue was the need to expedite the implementation of standardized work/resident permit classes and include amendment of national laws of Partner States to conform to the new work/resident permits. Revision and harmonization is being done, after which it will be implemented.

I should respond to the issue of abolition of work/resident permit fees for East African citizens in the spirit of oneness, for furthering the regional integration, thus instituting equal treatment for East African citizens, as repeated by many Members. In accordance

with Regulation 69, the work permit shall be issued in accordance with classification forms fees as may be approved by the Council of Ministers. In implementation of these regulations the Republic of Uganda, Republic of Rwanda and Republic of Kenya waived the requirement for work and resident permit fees for East African citizens. The Republic of Burundi waived resident permit fees with effect from 2nd October 2015, but they charge work permit fees. In the case of United Republic of Tanzania, they charge work and resident permit fees, since they are still harmonising and revising their regulations, law and policies.

On the amendment of national employment policies and labour legislation in the process of gradual approximation to harmonize and secure the rights of workers in the East African region if they reside and work in their country of origin or other Partner States, that is happening.

I will now go to the specific responses to issues, which were raised on the United Republic of Tanzania. On Tanzania's progress towards the implementation of the East African common market, Tanzania has established a national common market implementation committee to monitor the implementation of the Common Market Protocol at national level closely. It has also strengthened the national monitoring committee to increase the participatory level of private and government agencies. They have monthly and quarterly meetings. Tanzania has also abolished fees for permits issued to students who are citizens of other Partner States admitted in approved training establishments.

Tanzania also continues to issue machines readable to national identity cards. On the issue of how many East Africans have moved from other Partner States to United Republic of Tanzania, Tanzania has continued to

implement agreements under the movement workers from other Partner States, as given through the issuance of work permits. In 2011, for example, 1,626 work permits were issued to Tanzania from other Partner States. There were about 137 given to people from Rwanda, 80 permits to Burundi, 1, 081 permits to people from Kenya and 378 from Uganda.

Between January and December 2012 there were about 590 work permits issued to citizens from other Partner States. There were 527 for Kenya, three for Burundi and 57 for Uganda. Tanzania continues to implement the agreement on free movement of citizens where for the period from July 2010 to December 2015, a total of 1,594,303 inflows were recorded. This is a clear testimony on how Tanzania is committed to the social economic development for East African citizens and how it is embarrassing the spirit of regional integration.

Tanzania also continues to recognize academic and professional qualifications and experience; licenses and certification obtained from other Partner States. For example, for the period of July to December 2014, a total of 92 qualifications from other Partner States were recognized. Tanzania has also enacted a Non-citizens Employment Regulations, 2015, which enters the EAC Common Market Protocol. Tanzania amended the Immigration Regulations of 1997 to reflect the provision of East African Common Market Protocol. The amended regulation came into force from July 2015.

The Speaker, I beg to submit – (*Applause*).

The Speaker: Thank you very much, hon. Minister and Chairperson of the Council of Ministers. Hon. Members, you must have realized that the Speaker has been very patient and kind to the Chairperson, Council of Ministers. I was wondering how she captured the concerns of the Members during

the debate in typing. In addition, our rules do not allow reading during debate, apart from reports and answers to questions. However, I consider that constant reference to her text, but debating. So, she was not reading. I thank her for that elaborate response to the issues raised in the debate.

I now invite the Chairperson of the Committee to respond to the various issues, conscious of our rules of procedure, given that it is now 6.10 p.m.

Dr. Odette Nyiramilimo (Rwanda): Thank you, Rt. hon. Speaker. I thank all the Members who contributed to this debate in support of this Report. You also thanked the petitioners who showed clearly that there are concerns on the needs of East Africans.

Rt. hon. Speaker, I thank hon. Leonce, hon. Peter Mathuki, hon. Nancy, hon. Susan, hon. Ndahiro, hon. Hafsa, hon. Dora, hon. Mwinyi, hon. Mulengani, hon. Shy-Rose, hon. Bazivamo, hon. Valarie, hon. Ngoga, hon. Chris, the Chair, Council of Ministers, including the other two Ministers, hon. Shem Bageine and hon. Kandie.

There were many responses from the Minister, but before going to details, many issues were raised by Members. In summary, for the Members who would have wished the Committee to bring the data and statistics of the movements of labour in the EAC, we also wished to have this, and it is specified in the Report. That is why we discussed with the petitioners and told them that we would like them – in the different Partner States – to help us get that data. Of course, we will ask the Council of Ministers to bring it to this Assembly so that we can be convinced about what should be done and how the Common Market Protocol is being implemented.

I will not address the recommendations of the Members, one after the other, because most of them are almost similar.

The Speaker: Chairperson, in the interest of time, you could address particularly the inclusions to the recommendations, because they are very vital.

Dr. Nyiramilimo: Rt. Hon. Speaker, that is what I intended to do. First of all, the recommendation from hon. Susan Nakawuki was that the Council of Ministers should fast track the harmonization of the work/residence permit in the EAC. She has not brought the draft of that recommendation, but I think it was already specified. It is a matter of redrafting that point better than it was.

The other recommendation was from hon. Ndahiro. He urged the Council of Ministers to bring the EAC Scorecard on the level of implementation of the Common Market Protocol; to capture facts and figures from all EAC Partner States. He has sent the recommendation and the Committee agrees with it. We, therefore, urge the Council of Ministers to give the scorecard. The Chair of Council said that it was developed at the Secretariat, but since we have not seen it, we would like to Council of Ministers to bring it to us and show at which level every partner state is implementing and where they are.

The recommendation from hon. Dora was that the Assembly should spearhead the sensitization and popularization of the Common Market Protocol and the Council of Ministers should provide resources for executing this mandate. We have been claiming to conduct the sensitization, as representatives of East Africans. We are aware that the Council of Ministers said that the Ministries in charge of East African Affairs are doing it at the country level. But the petitioners and parliamentarians, especially the Committee on General Purpose, are convinced that this sensitization of EAC citizens is not well conducted. That is why as EALA Members we need to take

this as one of our main objectives. The Chair of the Summit asked us, when we were addressed by His Excellency President Museveni and thereafter, His Excellency President Uhuru Kenyatta ... They want us also to be the driver force of this sensitization of citizens. Therefore, we take this recommendation as the Committee on General Purpose. I hope that all the Members also agree with hon. Dora's recommendation.

With regard to the issue of a one-stop centre, as recommended by hon. Hafsa, it is already in the recommendations.

The Speaker: Hon. Chair, if the principle is agreeable with the Committee report, just say, "We are agreeable to this because it is already reflected in the Report." Do not go into details if it is already captured.

Dr. Nyiramilimo: Thank you, The Speaker. The other recommendation was given by hon. Bazivamo. The Council of Ministers should identify best practices and mobilize for these best practices to be spread to the Community and he should ensure their implementation. These are best practices on portability of social benefits and we agree on this.

Regarding submissions from other Members, the Committee agrees with all of them. Hon. Patricia would like us to correct Recommendation No.3, which states that the Council of Ministers should evaluate and report during the next Plenary Session that will be held in March. That is an existing recommendation from the Committee. Therefore, what hon. Patricia asked was to complement and precise the time when the Council of Ministers should have reported. As a Committee, we agree on this amendment to the recommendation.

Rt. hon. Speaker, we understand that the responses given by the Chair of Council of Ministers were very exhaustive. But we would wish to have written responses and

have the data requested by the Members. We would like to have a table showing---

The Speaker: Hon. Chairperson, just to guide you, I was being very kind as the Speaker to allow this matter concluded. Ordinarily, what was being presented here is what you should have discussed in your Committee meetings, to compound in your report. If you remember, hon. Shy-Rose and other Members, kindly indicated that your Committee did not capture some data. That interaction should have happened at the Committee stage, but find a way of marrying into the Committee report to enrich it. At this stage, the Minister is not obliged to submit any written document. The Minister is actually debating the report.

Proceed and conclude.

Dr. Nyiramilimo: Thank you, Rt. The Speaker, for the guidance. We take cognizance of what the Minister debated. We will wait for responses to our recommendations.

Thank you and I submit.

The Speaker: Thank you very much, Chairperson of the Committee on General Purpose.

Hon. Members, the Motion before this House is that the Report of the Committee on General Purpose on the Petition to EALA regarding the work/residence permits in the EAC for the citizens of the Partner States, as amended be adopted.

(Question put and agreed to)

I would like, in a very special way, to congratulate the Chairperson and Members of the Committee on General Purpose for conclusively bringing to an end on petition from the East Africans, which involved about two million people. We have done this great work as an Assembly. I will also hasten to

thank the EATUC and EAEO for capturing this very important matter and bringing it to the Assembly. I also encourage them that most of these issues are work-in-progress. We shall continue following up on them. We will cooperate with them to bring necessary legislations that will cure some of the issues that they raised in the petition. I also urge the Council of Ministers to do what they have pledged to do.

ADJOURNMENT

The Speaker: Honourable Members, the House now stands adjourned until tomorrow at 2.30 p.m.

The House rose at 6.30 p.m. and adjourned to Thursday, 28 February 2016.