



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 15th SITTING – THIRD ASSEMBLY: FOURTH MEETING - FIRST SESSION

Tuesday, 29 January 2013

*The East African Legislative Assembly met at 2.30 p.m. in the Chamber of Deputies, Burundi
National Assembly*

Anthem

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I wish to welcome you to today's sitting. I congratulate you, Hon. Members for joining H.E. Pierre Nkurunziza on Saturday, 26th January 2013 at Buganda Commune in Cibitoke Province. *(Applause)* I thank you for the good community work, *ibikorwa rusanji*, which you participated in. I thank H. E. the President for the powerful message and exemplary leadership he shows to the people. *(Applause)*

And you, Members you are thanked for the enthusiasm you exhibited during this exercise. I am sure the interludes of the solidarity songs made our presence to that community memorable.

We also thank H.E. Pierre Nkurunziza for launching the tree planting campaign by EALA in the effort of reversing the adverse effects of climatic change as per the EALA resolution we adopted

on Wednesday, 25 January 2013. (*Applause*) The commitment to planting trees will be undertaken whenever and wherever the Assembly is in session.

In response to the welcome remarks by the Chairperson of the commune where we visited, and in the spirit of the community's support, I undertook that day, and I think you all remember, that EALA will extend some support to this cause. And it is in that spirit that I will request each Member to contribute at least US \$ 100. (*Applause*)

Thank you very much for this cause.

In a special way, allow me to thank the Rt. hon. Speaker, Pie Ntavyohanyuma and the Rt hon. Deputy Speaker, of Burundi National Assembly, Mo-Mamo Karegwa. Assembly for joining EALA in this exercise and for all the logistical arrangements they put in place for us.

I wish also to that the Chair, Council of Ministers and the hon. Ministers for joining the Members in this activity. That showed the spirit of cooperation. (*Applause*)

At this juncture, allow me to extend on behalf of EALA our sympathies to the business community in Bujumbura and Burundi as a whole upon the disastrous fire, which gutted Bujumbura Central Market on Sunday, 25 January 2013 and destroyed all the merchandise and property within the market. We know how central this market was or is to the livelihood of the people. We hope Government and other disaster mitigating bodies can find a mechanism to help the people pull themselves through this tragedy. (*Applause*)

PAPERS

The following Papers were laid on the Table: -

(*by Ms Jacqueline Muhongayire (Rwanda)* :

The Report of the Conference of the Sixth Eastern Africa Association of Public Accounts Committee (EAPAC) held in Kigali, Rwanda last year.

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

The Report of the Committee on Agriculture, Tourism, and Natural Resources on the Governance of Natural Resources in the EAC Region, held in Nairobi, Kenya from 13th to 15th December, 2012.

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM, AND NATURAL RESOURCES ON THE WORKSHOP ON GOOD GOVERNANCE OF NATURAL RESOURCES IN THE EAC REGION

The Chairperson, Committee on Agriculture, Tourism, and Natural Resources (Ms Isabelle Ndahayo) (Burundi): Rt. hon. Speaker, I move that the report of the Committee on Agriculture, Tourism, and Natural Resources on the Workshop on Good Governance of Natural Resources be adopted.

The Speaker: Seconded by hon. Christophe Bazivamo, hon. Nkanae, hon. Okumu, and hon. Hafsa Mossi. Proceed, hon. Isabelle Ndahayo.

Ms. Ndahayo: Madam Speaker, In collaboration with the East African Community Secretariat and with the financial support of the UNDP Eastern and Southern Regional office, the Committee organized " The workshop on Governance of Natural Resources in the East African Region" in Nairobi from 13th – 15th December 2012.

The theme of the workshop was anchored on the understanding that the EAC Partner States undertook to manage natural resources in the Community in accordance with the principles set out in articles 5, 6, 7 and 8 of the Treaty for the establishing the East African Community.

Moreover, Parliaments both national and regional play a significant role in natural resources governance and in the transformation of the economy. Key roles being Legislation (formulating, reviewing and passing laws) that ensures equity, justice, sustainability, inclusion, transparency and accountability in the use of natural resources; Representation (designing inclusive consultative process for development of strategic visions, development plans, MTF, Budget Cycle and PFM frameworks) Oversight and Enforcement (ensuring compliance with set down rules, procedures and developmental plans in their implementation).

The main objective of the workshop was to engender a holistic approach that addresses good governance including political, economic, and corporate sectors in the management of natural resources.

The specific objectives were to:

- a) ensure understanding of the progress reached so far in the management of natural resources in East Africa as the basis for future policy development;
- b) ensure a collective understanding of existing ownership and revenue models;
- c) ensure a collective understanding of revenue risks inherent in existing policies;
- d) facilitate a collective understanding of what regional Parliaments can do to complement national efforts in ensuring equitable, accountable and sustainable utilization of natural resources;
- e) facilitate exchange of experiences, challenges and knowledge /innovations on natural resources governance; and
- f) develop policies and programmatic recommendations on governance of natural resources for the EAC region.

In addition to Honourable Members the East African Legislative Assembly of the Committee on Agriculture, Tourism and Natural Resources, the workshop was also attended by representatives from Ministries of Natural Resources and Tourism, Energy and Mines, Forestry and Wildlife and EAC Affairs and Planning. Other institutions represented include Lake Victoria Basin Commission, Lake Victoria Fisheries Organization, UNDP Regional Office, and Tax Justice Network-Kenya, Parliament of South Africa and EAC Secretariat and EALA staff working with the Committee.

Methodology

The workshop was carried out in a participatory approach that included technical presentations and exchanges of experiences on key various issues linked to Governance of Natural Resources.

Opening remarks

Remarks by Dr Julius Tangu Rotich

Dr. Julius Tangu Rotich, Deputy Secretary General - Political Federation at the East African Community Secretariat, addressed the Workshop. In his remarks, Dr. Rotich noted that the workshop was timely in view of recent discovery namely exploration and extraction of minerals in the East African Community region. He also emphasized the need for a concerted effort among organs and institutions of the Community in developing regional standards, policies, and strategies in the governance of natural resources. Dr. Rotich was optimistic that the recommendations from the Workshop would inform and complement other on- going initiatives in the region. He expressed his appreciation to the financial and technical support and was optimistic that UNDP will continue to support regional initiatives especially implementation of the recommendations from the workshop.

Remarks by Hon. Isabelle Ndahayo

The Chairperson of the EALA Committee on Agriculture, Tourism, and Natural Resources, Hon. Isabelle Ndahayo also addressed the opening session. In her remarks, she noted that the mining sector has the potential to lift the Partner States to middle and high level income States. She underscored the role of national and regional parliaments played in the governance of natural resources. She informed the Workshop that the Committee on Agriculture, Tourism and Natural resources has embarked on the process of developing a regional legislation in the management of natural resources, through workshops on setting benchmarks and standards for a model law for the region in the sectors of Minerals and petroleum coupled with learning from good examples such as from the Ghana Petroleum Legislation, the Tanzanian Mineral Law 2010 as well as on the draft law on Oil introduced already introduced in the Parliament of Uganda.

Experts Presentations

The following presentations were made, but because of their bulky nature, they cannot be attached to this report. However, they can be accessed under this report, on the EALA website: www.eala.org

The first series of presentations aimed to ensure understanding of the progress so far in the management of Natural Resources by East Africa as the basis for future policy development. They highlighted the efforts towards governance of natural resources in the EAC, progress, opportunities, challenges, and the way forward by EAC Organs and Institutions

The presentations made are the following:

1. Governance of Natural Resources in East Africa, progress reached so far by East African Legislative Assembly: by Hon. Mike Kenneth Sebalu , Member of the EALA Committee on Agriculture, Tourism, and Natural Resources.

Hon. Sebalu highlighted main activities carried out by the Committee, namely the following:

- the initiation workshop into Extractive Industry Transparency Initiatives (EITI) held in February 2008 from which came out a
- 21 points Resolution on Extractive Industries adopted by the Assembly;
- Consolidation of the Inter-Parliamentary Relation Liaison Committee idea and building consensus on the EALA Extractive Industry Resolution; the IPRLC resolution aims at improving legislative oversight , lawmaking and representational functions of IPRLC members;
- Official launching of the Constitution of the IPRLC in Bujumbura, November 18th, 2011;
- the site visits to mineral companies of Tanzania in Shinyanga, Kahama and Mwanza in November 2009 respectively in El Hilal Diamond extractive industry, Barrick Gold Mine operating in Bulyankulu and Geita Gold Ashanti company based in Mwanza Region;
- the Oil field visits in Uganda, Hoima district, to assess oil companies namely Tullow Oil Company followed by interaction of Committee Members with the Uganda Minister of Energy and Minerals, with civil society and the Committee on Natural Resources of the Parliament of Uganda; the two countries were chosen based on their production levels, on the existence of policy and legal frameworks on EI, on the significance of the EI sector to the country's economy and on budgetary provisions.
- various building capacity workshops on mining legislation ,oil , gas and other natural resources in view to enhance the Capacities of the IPRLC on legislative, oversight and representational functions of Members of Parliaments;
- On-spot assessments on EAC Projects and Programs on Environment and Natural Resources for follow up of the level of implementation and for guidance where needed;
- Close collaboration with EAC Secretariat in the development of policy and proposals for legislation on Natural Resources.
- the role of Agriculture in the changing Climate, issues of adaptation and mitigation of Climate Change , livestock development as a strategy towards food security and Foreign Direct Investment in Agriculture;
- Participation in so many important international conferences related to Management of Natural Related where good ideas to improve the sector have been discussed.

Main challenges encountered by the Committee while undertaking its activities were namely lack of financial resources to execute properly its legislative, oversight and representational mission.

2. Efforts towards Natural Resources Governance in East Africa Region (by Wivine Y. Ntamubano, Principal Environment and Natural Resources Officer, EAC Secretariat) (Annex I)

The presentation highlighted that in 2006, the EAC Partner States signed a Protocol on Environment and Natural Resources Management; however, the Protocol is yet to be operationalized pending full ratification. The Protocol has the objectives to foster closer cooperation for judicious, sustainable and coordinated management; conservation, protection and utilization of the environment and natural resources and deepen integration and poverty alleviation; promote shared responsibility and cooperation in the management of environment and natural resources including those that are trans-boundary in nature among Partner States; and

promote development and harmonization of policies, laws and strategies for environment and natural resources management to support sustainable development.

3. Governance of Natural Resources in LVBC: Opportunities and Challenges (by Ally Said Matano, Principal Program Officer (Projects and Partnerships) Lake Victoria Basin Commission) (Annex II)

The Commission's activities are focusing on the harmonization of policies and laws on the management of the environment in the Lake and its catchments area; continuation of the environmental management of the Lake including control and eradication of the water hyacinth; management and conservation of aquatic resources, including fisheries; economic activities in the development of fishing, industry, agriculture and tourism; and development of infrastructure, including revamping the transport system on and around the Lake.

4. The Role of LVFO in the Governance of the Fisheries of Lake Victoria: by Dr. Olivia C. Mkumbo, Senior Scientist, Lake Victoria Fisheries Organization. Annex III

Lake Victoria Fisheries Organization (LVFO) is implementing fisheries co-management on Lake Victoria by legally empowering fisheries communities to become equal and active partners with government in fisheries management and development. LVFO is guiding, supporting and implementing the building of the capacity of communities to participate in management and is making a real difference to their lives. The operations of the LVFO are guided by the LVFO Strategic Vision which aims at having a common system/resource management among contracting Parties in matters regarding Lake Victoria with the goal of restoring and maintaining the health of the eco-system and assuring sustainable development to the benefit of the present generation by harmonizing activities towards a healthy Lake Victoria eco-system and sustainable resources; integrated fisheries management; coordinated research programs; information generation, flow and exchange; and institutional/stakeholder partnership. Generally, the Strategic Vision acknowledges the collective responsibility of member states towards the lake and need for joint decision-making and action.

Measures to improve the governance of fisheries natural resources and she evoked the following:

- Support to establish/strengthen the co-management institutions at all levels including the Beach Management Units (BMU) and its networks; and empower them to govern;
- Operationalisation of the Fish Levy Trust Fund to ensure sustainable funding; for research & management and other social services to the communities;
- Active engagement of all players to control pollution loading - point source and non-point sources (User-/polluter pay principles); alternative sources of energy;
- Address Corruption and interferences –Policies on ownership and equity issues and
- Active collaboration among the different actors in Governance of the natural resources - Ecosystem Approach to management.

The second set of presentations aimed at ensuring collective understanding of existing ownership and revenue models and choice available for East Africa.

5. The Law, Justice and Governance of Natural Resources' Extraction: Overview and Critique of African Mining Vision and its Work Plan (by Brian Kagoro, OIC Governance, UNDP Regional Centre for East and Southern Africa) (Annex IV)

The African Mining Vision consists of transparent, equitable, and optimal exploitation of mineral resources to underpin broad-based sustainable growth and socio-economic development.

The vision highlights the critical constraints and success factors for realizing the Vision and these are , the level/ quality of resources potential data; contract negotiating capacity ; improving the capacity to manage mineral wealth ; addressing African infrastructure constraints and management of the case of artisans and small scale mining.

6. Natural Resources Governance: Harnessing Revenue flows challenges and lessons from East Africa (by Alvin Mosioma, Director, Tax Justice Network, Africa) (Annex V)

This presentation informed participants on the existence of legal frameworks on Natural Resources in East African Partner States. The presentation touched the strengthening process of the Tanzania mining law and the Uganda oil legislation. The main task now for EAC secretariat is to fast track approximation and harmonization of those frameworks to allow the East African Legislative Assembly to enact a regional harmonized Legal framework to govern the Natural Resources in the East African Region for the welfare of east African citizens.

7. Effective Parliaments in Legislation and Oversight of Natural Resources (by Fred Matiangi, Regional Representative, Centre for International Development, SUNY Africa) (Annex VI)

This presentation aimed at facilitating collective understanding of how respective country parliaments can and should ensure equitable, accountable, and sustainable natural resources utilization.

Parliament's Role in Economic Governance is threefold:

1. Legal and Policy Frameworks that ensure the principle of democratic governance: Parliament has a responsibility of formulating, reviewing, and passing laws that ensure that there is equity, justice, sustainability, inclusion, transparency, and accountability in the use of natural resources.
2. Economic Planning: As the representatives of citizens, Parliaments have the obligation for designing inclusive consultative process for development of strategic visions, development plans, MTF, Budget Cycle, and PFM frameworks. In addition, they are responsible for representing citizen interests in certain policies, treaties, and contracts processes. They also have a responsibility of effectively participating in this process.
3. Oversight and Enforcement: Parliaments have a responsibility of ensuring compliance with the letter and spirit of the contracts, policies, and development plans in their implementation.

With the discovery of mineral resources in all the countries of East Africa, there is urgency for articulating a common approach to resource utilization for development, preventing corruption

risks throughout the extractive stages and enhancing opportunities and benefits for citizens and communities in the value chain.

Emerging Issues

Apart from technical presentations, participants had an opportunity to share experiences from Partner States on governance of natural resources. From discussion sessions, the following observations came out:

- a) The East African Community Partner States have put in place policies, laws, and strategies in natural resources sectors. Whilst there are areas of convergence with some countries that are regarded as good practices that Partner States can learn from, there are also areas of divergence. There is a need for harmonization and approximation of laws to establish regional standards and benchmarks that will strengthen governance and ensure sustainable development.
- b) Good governance entails respect for human rights, accountability and transparency and participation of stakeholders in policy development and execution. Applying principles of good governance in the management of natural resources is fundamental in ensuring that the exploitation thereof, sets the EAC region on to the path of sustainable development.
- c) The East African Legislative Assembly's core mandate is legislation, oversight, and representation and that similar mandate exists in the national parliaments. These functions should complement each other, especially, in legislation and implementation of laws and policies governing natural resources.
- d) There is need to have a legislation on Natural Resources;
- e) The workshop was timely and the outcome will inform the law making process in the region.;
- f) The EAC Protocol on Environment and Natural Resources that was signed in April 2006 is not yet ratified by all Signatory Parties and as such, it cannot enter into force. This delayed ratification poses a threat to natural resources Management;
- g) The Inter Parliamentary Relations Liaison Committee on Extractive Industries already exists. The forum has so far conducted a number of field visits and meetings; however, there is need to strengthen its capacity and enhance the partnerships between Partner States and the Committee to enrich discussions on Governance of natural resources in the region.
- h) While the Committee Members recognize that Natural Resources are Sovereignty linked issues, they also recognize that the deepening and widening of the EAC integration, effective and efficient management of natural resources should be a priority as contribution of natural resources to the economies of the EAC Partner States.

- i) The extractive industry is a key area of concern especially with the recent discoveries of oil in Kenya and Uganda and Gas in Tanzania. The discovery of these natural resources has created excitement and high expectations from citizens while internationally the region is the focus of international forces with interest in mining. The existence of weak and multiple legislations in the region poses a great challenge on the governance of this crucial resource. There is need of joint concerted efforts at the regional level to ensure that East Africans benefit out of exploitation of their natural resources.
- j) The adoption of the Africa Mining Vision 2050 by the AU Heads of State in Africa shows Africa's commitment in transforming the minerals sector into tangible gains for citizens through improved mining regimes by ensuring that there is transparency, equitable and optimal exploitation of mineral resources to underpin broad-based sustainable development at local, national, and regional levels.
- k) Research and studies show that all EAC Partner States are losing billions of money yearly from natural resources sectors due to low royalties, resulting from corruption in contracting processes, weak negotiation skills and techniques, lack of enough and adequate data on natural resources among others. Finding solutions to these challenges should be a top priority for EAC Partner States.
- l) There is huge discrepancy in the earnings that accrue to governments and those to mining companies in such a way that continue to undermine the economic growth of the Partner States.
- m) Observance of human rights in mining sectors was highlighted as a challenge with mineworkers being characterized by low wages, poor housing conditions, and lack of safety gears among other deplorable conditions.
- n) Engagement of communities affected or impacted upon by resource extraction processes is critical for effective management of natural resources. It was further noted that natural resources are diverse with equally, diverse stakeholders. There is need for the EAC to engage with stakeholders in governance of natural resources for purposes of information sharing, peer learning and drawing best practices and lessons.
- o) There is need for regional forum which will bring together all sectors in natural resources to share experiences and exchange ideas with a view of having common understanding and avoiding overlaps and contradictions.
- p) Despite the fact that there is a lot of information on natural resources, the same has not been effectively shared amongst Partner States and widely publicized and circulated to inform the members of Parliament and citizens in general to enable them to confidently ask questions and demand for answers. Information Communication and Technology and especially the Internet, could be used for information sharing by posting the various legislation, policies and strategies at regional and national levels.
- q) On the management of Genetic Resources, the workshop was informed that East Africa is very rich in biodiversity and the associated traditional knowledge that have, over the years been accessed without any benefit in substantive way. The Nagoya Protocol on Access to Genetic Resources and Fair and Equitable Sharing of benefits accruing from

their utilization is an instrument, which helps protect resources from bio-piracy and enable community to gain from their Genetic Resources and Traditional knowledge through proper benefit sharing arrangements. It is high time for all Partner States to sign and ratify the Protocol to enable communities to gain from the genetic resources.

RECOMMENDATIONS

From the technical presentations by experts, exchanges of experiences on the status of governance of on natural resources by representatives from Partner States and emerging issues from those, the Committee recommends the following:

- i. The EAC Secretariat in collaboration with EALA Committee on Agriculture, Tourism, and Natural Resources should organize study tours in order to allow deeper and better understanding on laws relating to governance of natural resources from other jurisdictions. This will enable Members to learn more on the governance of Natural Resources especially from countries that have done well.
- ii. National Parliaments are encouraged to strengthen existing capacity and follow up to ensure compliance and adherence to good Governance in the Management of Natural Resources;
- iii. EALA Committee on Agriculture, Tourism, and Natural Resources through the Inter-Parliamentary Relations Liaison Committee on Extractive Industries and Partner States National Assemblies strengthen the partnership and participate in each other's activities for exchange of information and knowledge sharing
- iv. The EAC Secretariat establishes an institutional framework / mechanism that will facilitate the implementation and effective utilization of natural resources governance and development of regional guidelines and standards that reflect good practices.
- v. The Partner States that have not ratified the EAC Protocol on Environment and Natural Resources are encouraged to expedite the process.
- vi. The EAC Secretariat should initiate and develop programmes that will ensure continuous interaction with strategic partners in natural resources management.
- vii. The EAC Secretariat, LVBC and LVFO in collaboration with EALA convene regular sessions and facilitate study tours for the Inter Parliamentary Relations Liaison Committee on Extractive Industries for knowledge sharing with a view of learning from each other.
- viii. The EAC Secretariat should fast track the process of development of an EAC Mining Policy taking into consideration the Partner States' mining policies, Codes and share - holding agreements Africa Mining Vision and International instruments in the harmonization of mineral policies.
- ix. EALA urges Partner States to develop Human Resources capacity in the extractive industry sector in order to acquire the relevant competencies, knowledge, and skills for effective exploitation.

- x. EAC Secretariat should conduct Studies on extractive industries are conducted to provide evidence for sound policy formulation of natural resources. This will inform the negotiation and development of policies that ensure sustainable development in the region.
- xi. EALA urges Partner States to invest more revenues accrued from natural resources exploitation in social infrastructures and other strategic investments that will promote economic growth and sustainable development for the region.
- xii. EALA urges the Council to establish a regional forum on Natural Resources to serve as a platform for dialogue and sharing of information and experiences in the EAC region geared towards strengthening economic development and good governance in Natural Resources Management;
- xiii. The EAC Secretariat should develop an EAC Information, Education and Communication Strategy on natural resources to include a one-stop data shop for natural resources management in East Africa, a web portal with all relevant information including laws and policies relating to exploration and extraction of natural resources; and
- xiv. EALA urges Partner States that have not yet signed and ratified the Nagoya Protocol to expedite the process.

Conclusion

As Africa's natural resources wealth carries a great potential for economic development, employment creation and poverty eradication, therefore, there is need for joint concerted efforts in natural resources governance to allow these opportunities to become reality.

Further, the workshop was timely in the sense that participants extensively interrogated the status, the challenges and opportunities and possible way forward. The participants were optimistic that the outcomes of the workshop would inform regional initiatives, policies, and strategies towards efficient governance of natural resources in the region.

Acknowledgements

I wish to end my presentation on a thankful note to those who supported the Committee and made the workshop successful.

The Committee express its gratitude to the Rt. Hon. Speaker and the office of the Clerk for granting us time and space to undertake this activity.

Thanks are also extended to EAC secretariat department of Political Federation.

Finally, we thank the UNDP Eastern and Southern Regional Office for the technical and financial support towards the successful organization of the workshop. We hope that this partnership would be sustained to help in the implementations of some of the recommendations made from this workshop.

Madam Speaker, I beg this House to adopt this report with its recommendations.

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

The Speaker: Thank you very much, hon. Isabelle Ndahayo for that report. Honourable Members, before I move to the report, I would like to introduce to you, in the Speaker's Gallery, Mr. Elias Lukwago. He is the Mayor of Kampala City Council in Uganda, and I have been informed that he is here along with other mayors of the city councils of the City Authorities in the East African Community Partner States for a very important meeting. You are welcome and we wish you good deliberations. (*Applause*)

Honourable Members, the motion on the floor is that the report of the Committee on Agriculture, Tourism, and Natural Resources on the Workshop of Good Governance of Natural Resources be adopted. Debate is open.

Dr. Martin Nduwimana (Burundi): Thank you so much, Madam Speaker for giving me the floor. As a member of the committee, I rise to, of course, support this report. But the main reason I stand up before the Assembly is to emphasise on two points that I feel are important. The first point is a general consideration on the matter of management of the natural resources and the second point is to come up with some proposals in order to add value to our report.

On the first point, Madam Speaker, and dear colleagues in this august Assembly, I want to join many of you, if not all of you, to state once again that our region, East Africa is really a blessed region. It is one of the richest regions in the world in terms of natural resources; I mean the underground natural resources such as extractive minerals - petroleum, gas – and other things while looking at agriculture potential and the extraordinary richness of our wildlife and flora. I also mean the richness of our waters, both qualitatively and quantitatively, and above all the beautiful people of East Africa for whom the Almighty God has given all those resources as a gift. (*Applause*)

But, Madam Speaker, we here all that despite the extraordinary abundance of natural resources in our region, our people are not benefiting from them at all. We are in fact in the paradoxical and restating situation of being probably the richest region while we are at the same time the poorest people in the world.

Madam Speaker, my aim is not to blame anyone but allow me to say that when analysing a little bit the terrible situation, it is clear that its roots are correlated with the history that our region has experienced and continues to experience. To me, when looking at the period of the 50 years of independence that our region is finishing to celebrate this year, it seems that as a result obtained from the independence years until now, our region has evolved by widening and deepening the poverty of our people while at the same time either our natural resources are not exploited or are continuously used or stolen for widening and deepening the richness of others.

Madam Speaker, as I conclude on that general comment, let me say that I am sure that we all here agree that continuing to live in such a terrible situation is unacceptable.

Secondly, I am sure that we all here share in the dream or the vision that while celebrating the next jubilee or the first century of independence, our children and grand children will be thanking us for what we shall have done for them when they will realise that they are the richest peoples of the world. We can do so and fortunately, we are moving in that direction.

It is in that regard that as a member of this committee, I want to thank so much for the good work, which has been done by EALA especially the Second EALA. We have to continue in that direction and if possible improve on what has been done and even do more. Therefore, I want now to come up with the proposals I have talked about. I would like to share with you only three proposals.

Madam Speaker, the first proposal is related to the place the natural resources issues must have on the agenda of this Third Assembly. I propose that in the upcoming strategic plan of our Third Assembly, natural resources issues be in the heart of the plan so that at the end of our term we can say, well done.

The second proposal, Madam Speaker is that while waiting for that strategic plan, we expect our media especially our *Bunge La Africa Mashariki* Magazine to testify clearly out interest in the natural resources issues. I wish and I propose a special issue of natural resources issues to be produced soon. *(Applause)*

Thirdly and lastly, Madam Speaker, I come with a proposal related to one of the recommendations of the report. My wish is that the Inter Parliamentary Relations Liaison Committee on Extractive Industries is strongly supported, financed, and empowered. *(Applause)*

I propose that because I feel that it is a very good tool for both EALA and the National Assemblies of Partner States. I thank you, Madam Speaker. *(Applause)*

The Speaker: Thank you very much, hon. Dr. Martin Nduwimana. I will take hon. Bazivamo.

Mr. Christophe Bazivamo (Rwanda): Thank you, Rt. hon. Speaker. As said, the East African Region is rich in natural resources especially minerals. Actually, maps show that all the five Partner States are with huge natural resources. You find oil in Uganda and Kenya; gas in Tanzania; gold, tungsten, tantalum, cast iron, nickel and uranium spread everywhere in our five Partner States.

Rt. hon. Speaker and hon. Members, the region is planning to revive the railway transport and the region has enough iron, which can help, in this area and in other infrastructure activities instead of importing finished products. Here is to recall the importance of having local factories producing steel products in our region. We all know that tantalum is used in hi-tech electronics industries, tungsten is the main component in many hi-tech and strong weapons industries, gold and other precious stones as diamonds, sapphire and amethyst, which are all present in our region, are precious jewellery in the industries outside East Africa.

Unfortunately, all these resources are exported without any value addition in general which highly benefit the developed countries and the value of the benefits they get is far higher than what the donor community give back to the East African Community Partner States as loans or grants.

Rt. hon. Speaker, it is important that the East African Community Partner States pull together resources and ensure having a well-targeted local mineral transformation factory. Here, I think we have already spoken about having fertiliser factories, which can be in Uganda, Tanzania, Kenya, Rwanda, and Burundi given the fact that we have raw materials for the different final products.

But for all this to happen, the East African Community Secretariat has to have a well-coordinated sensitisation programme, through, among others, exhibition, mining forum, and media. And on the other hand, to have a kind of well thought mechanism to finance the mining industry as we know that the sector needs investment especially at the beginning so that you can really benefit from it.

For those reasons, Rt. hon. Speaker, the report highlights strongly the need of establishing an East African Community Mining Forum where all stakeholders in the mining sector can learn and exchange experiences towards developing this industry. And I emphasise that this East African Community Mining Forum has to be organised parallel with the mining exhibition activity so that everyone can benefit from what is happening in our region. But, I also note that this should have been done yesterday because it is very important and it is a shame to us as East Africans to have mineral industries but sell raw materials and then go begging peanuts from the benefits of our resources. *(Applause)*

It is also a shame to see our East African stakeholders in the mining sector going to learn and discuss about East African minerals and industries at forums in Canada, in South Africa, or in Norway but having nothing about it here in our region where local stakeholders could massively participate and benefit.

For that reason, Rt. hon. Speaker, the Council of Ministers should fast track the establishment of an East African Community Mining Forum and Exhibition for the benefit of our citizens, knowing that the mining sector needs important resources through investment to put in place a mechanism which can help stakeholders in the mining sector get money to invest so that we can benefit. For those reasons, Madam Speaker, I support the report and I declare that I am a member of this committee. Thank you. *(Applause)*

The Speaker: Thank you very much. I will take hon. Nkanae.

Mr. Saole Ole Nkanae (Kenya): Thank you, Madam Speaker. First of all I stand in support of this motion but before I comment on the motion, first and foremost, may I comment on a few things, which have happened between last week and today.

May I thank H.E. the President of Burundi for having opened the Fourth Meeting's First Session of the Third Assembly. May I also thank him on the same not for having taken off time to invite us to Buganda Stadium and launch the tree planting of the East African Assembly. *(Applause)*

It was the first place where I saw the *harambee* work; the conveyor belt of the human resources was marvellous. I saw it and I realised the beginning of architecture, which was the building of the pyramids in Egypt.

At this juncture, Madam Speaker, allow me to say a few *pole* words to the bereaved families and the members of this country and the city of Bujumbura in general for the accident or the incident, which occurred on Sunday; it was a disaster- that market. It was a big loss.

It was only last week that our own, hon. Patricia Mugorenejo Hajabakiga – *(Laughter)* - introduced a motion in this House on the East African Community Disaster Risk Reduction and Management Bill. I beg this House; I beseech you that when that Bill comes, let us pass it as fast

as possible. *(Applause)* There is, therefore, a need for the agencies to fast track that particular Bill so that we are prepared for any incident such as the one we have seen.

On this motion, Madam Speaker, I support it because of two things; I support it because it promises that it will ensure equity, justice, sustainability, inclusion, transparency, and accountability of our natural resources.

Madam Speaker, it also promises that to this day, or the day when this law will be passed, poverty eradication will be a thing of the past or it will be done as it is envisaged in the African Mining Vision 2050. I, therefore, support this motion with no uncertain terms. Thank you. *(Applause)*

The Speaker: I will take hon. Okumu and hon. Leonce Ndarubagiye in that order.

Mr. Chris Opoka-Okumu (Uganda): Thank you, Madam Speaker. I am a member of this committee and I rise to support the motion. Before I say what I would like to say, I would like to re-echo the words of that last speaker in relation to the disaster that took place in Bujumbura. I re-echo the deep felt condolences that the Speaker has stated when she was opening the session this afternoon.

Madam Speaker, as a member of this committee, I did participate in the workshop in Nairobi, I do whole-heartedly support the recommendations that are contained in this report, and I support all the findings of the committee. However, we as the East African Community are moving towards a political federation. *(Applause)*

We have been endowed with all these resources – many resources in this Community. And if the Community is from coast to coast as we anticipate it to be when the other countries in East and Central Africa join, we will be in charge of almost more than half of the most important resources on the surface of the earth and beneath the earth. *(Applause)*

What came out of this workshop is the amazing thing that at this stage the East African countries have got different laws regarding how they manage natural resources. Unless we harmonise the laws in East Africa; unless we make the laws speak the same thing, the ordinary persons who are the centre of this Community will not benefit. And all we are talking here may come to naught. So, Madam Speaker I think the most important thing first – I of course support the idea of consolidation and governance of natural resources of these countries.

Otherwise, the natural resources of these countries will continue to benefit people who are outside these countries and not the ordinary persons for whom this Community has been created because we say the objective of the Community is a people centred community. We must make it a reality. Thank you, Madam Speaker. *(Applause)*

Mr. Leonce Ndarubagiye (Burundi): Thank you very much, Rt. hon. Speaker for giving me the floor. I rise to support this motion as a member of the committee and I would like to raise one or two important issues.

The mining sector is really a tricky one. There are some countries that have been exploiting petrol in their mines since independence and yet their population are still poor. Why? We need to ask ourselves why. The real issue in the mining sector or petroleum sector is ownership. Who

owns the mines? As long as they are not exploited – when they are still under the earth’s surface, they belong to the countries where they are but once they start being exploited, it is tricky to know if they belong to the countries or to the multinationals depending on two main issues; the mining code and the petroleum code or agreement of exploitation. That is really, what matters most. And I think here is where we find that the petroleum multinationals make huge benefits when countries make fewer royalties for their people to benefit. That is why we must be very keen in developing or harmonising the code of mining in our region and the agreements that we sign with multinationals, which come with technology and finances to exploit our mines and petroleum.

With your permission, Rt. hon. Speaker, let me share with you something I heard the other day when there was a debate of the intervention of France in Mali, they spoke about mining and petroleum. One of the French politicians debating on that issue from the MoDem Party called Francois Bayrow said, “We actually pretended to be intervening to help fight terrorism, which is not true. We intervened to defend the uranium mineral in Niger to make sure those people don’t get grip of those mines.” So, there is something that is really very tricky because multinationals are very powerful and they have behind them their countries. I support this motion. Thank you. *(Applause)*

The Speaker: Thank you very much. I will take hon. Kaahwa.

The Counsel to the Community (Mr. Wilbert T. Kaahwa): Thank you very much, Madam Speaker. Madam Speaker, I wish you and all my honourable friends a very happy and prosperous 2013. Madam Speaker, I was not able to attend the first part of this meeting of this august House last week on account other duties of the Community that I was involved in at the East African Court of Justice.

Madam Speaker, I stand to support the motion. Let me begin by thanking hon. Isabelle Ndahayo and members of the committee for tabling a report, which is very instructive on the observations made at the workshop of the committee regarding governance of natural resources in the East African Community Region. There are three matters that have enthused me into making a contribution.

The first matter is referred to on page 7 of the report where the committee is referring the House to a presentation made by my good friend Wivine Ntamubano on efforts towards natural resources governance in the East African Community Region. And in her presentation, she reportedly indicated that the Protocol on Environment and Natural Resources Management, which was concluded in 2006, is yet to be fully operationalised pending full ratification. That is a correct statement.

A relates statement in this report is on page 12 numbered “f” and the reading I quote: “*The EAC Protocol on Environment and Natural Resources that was signed in April 2006 is not yet ratified by all signatory parties and as such it can’t enter into force. This delayed ratification poses a threat to natural resources management.*”

Lastly, on the recommendations the committee states on page 16 of the report that “*The Partner States that have not ratified the EAC Protocol on Environment and Natural Resources Management are encouraged to expedite the process.*”

Madam Speaker, to the best of my knowledge and belief, basing on the provisions of Articles 151 and 152 of the Treaty, the impact of non-ratification of a concluded and signed protocol is that in law it does not into force. It is as good as a document, which has been signed and concluded, but it does not serve the purpose because it has not entered into force.

Madam Speaker, let me also say that to the best of my knowledge and information and belief gained from participating in the last meeting of the Council, which was the 26th Meeting of the Council, and also reading the report of that meeting, I know for certain and I want to indicate to this House that the Council of Ministers is conscious about non-ratification of concluded protocols and other instruments.

At its last meeting, the Council took time to deliberate on those protocols and other instruments, which have not been ratified. Among 18 instruments, there are about six which have not been ratified and the Council of Ministers deliberated on those which have not been ratified, which include the Protocol on Environment and Natural Resources, which the committee has referred to at its workshop and in this report.

It is as if the Council of Ministers was aware of the likely observations of the workshop. The Council of Ministers in its wisdom, therefore, directed the Partner States, which have not ratified this particular protocol, among others, to ratify it. *(Applause)*

There are five Partner States in the East African Community. The Partner States, which conclude this protocol, are the original three- the Republic of Kenya, the Republic of Uganda, and the United Republic of Tanzania. The other two Partner States; the new Partner States, the Republic of Burundi and the Republic of Rwanda acceded to this protocol because it was part of their key agenda when they entered treaties of accession. So, as we speak now, it is only the United Republic of Tanzania, of those original Partner States, which has not ratified this particular protocol. And the Council of Ministers directed the United Republic of Tanzania to ratify and deposit instruments of ratification with the Secretary General on the Protocol on Environment and Natural Resources by 15th December 2012. As we speak now, Madam Speaker, I know for certain because I work in the office of the Secretary General, that he has not yet received instruments of ratification.

Since decisions and directives of the Council of Ministers are by Article 16 of the Treaty mandatory on those to whom they are addressed, like the Partner States, the Secretariat etcetera, the office of the Counsel to the Community will be preparing a reminder by the Secretary General to the United Republic of Tanzania to comply and try to deposit instruments by 15th December, 2013.

Madam Speaker, I thought I should divulge this information for purposes of enriching the report since the committee was not aware that as it undertook its workshop, the Council of Ministers also in its concerns was addressing the need to rectify this situation.

Madam Speaker, the last point I want to join issue with my honourable friend, hon. Christopher Okumu on the need for harmonisation of laws and in this particular instance harmonisation of Partner States municipal laws that relate to natural resources management. By virtue of Article 126 of the Treaty, there is a programme on harmonisation of municipal laws much as it has been afflicted by lack of resources, lack of capacity and by the sheer huge scope of the laws, we are

talking about. The programme is on course and at an opportune moment, we will be briefing the House on how far we would have gone. With those few remarks, Madam Speaker, I support the motion. *(Applause)*

The Speaker: I will take hon. Ogle.

Mr. Abubakar Ogle (Kenya): Thank you very much, Madam Speaker. From the onset, let me also join my colleagues in extending my heartfelt sympathies to the people of Burundi and particularly the down trodden; the poor who lost their entire savings in that infernal.

Madam Speaker, I also wish to congratulate the chair of the committee along with the members for a very thorough job and very comprehensive recommendations. I am particularly attracted to point K of the recommendations regarding the fact that the East African Partner States have lost so much money over the years due to corruption in the contracting process. I have two cases; one, almost all the mineral finds in the Eastern Africa Region happens to be in the periphery- the so-called marginalised parts of the countries. With due respect, if I may recall the instance of Kenya, the oil finds were in a place called Turkana, a very remote, marginal part of Kenya. And long before even that find could be made public, long before it was even known, some bureaucrat, some political fat cat somewhere somehow, by virtue of information that came into their possession because of their positions, were able to map the area and make it their own or owned by their agents, and in the process they made individual billions. And when it came to be known later, nothing could be done about it.

The only way to get out of this thing is, if we perhaps map the entire regions of Eastern African Community Partner States and find out where each mineral is so that the public has prior information to these finds and can always participate in matters related to contracting with international companies, if need be.

Secondly, it is not a coincidence that since the African Continent entirely adopted the so called "Look East Policy" because we were given a few infrastructures, we may be excited by some small super highways here and there but it is not a coincidence that following the arrival of our new investors from the East, incidents of poaching are on the up in the region. That is depleting our natural resources. I think we have not been given much information. We might just be excited by one or two infrastructural projects but in the process, we are losing so much of our natural resources. And for their being in this region, some of them are taking so much away from us. So, I think there is need to insist on citizen participation regarding mineral extraction when it comes to that. Thank you, Madam Speaker.

The Speaker: I will take hon. Kizigha.

Ms Angela Charles Kizigha (Tanzania): Madam Speaker, it is shameful for us as East Africans to see how poor we are. Why are we in this kind of situation? Madam Speaker, it is really known to everybody and us because all of us are watching and listening to news. We see some other countries, which are very small, like Yemen, and other countries and they only have oil and gas but their economies are very good. But for us in East Africa who have each and everything; we have mountains, we have rivers and lakes, we have gas and oil, we have limestone and many other minerals but other situations are very bad.

My question, Madam Speaker, is how far will we go or how far have we taken any actions to see how we shall come out with this kind of situation in order to be at par with other countries which have very good economies. Others are yearning for how they can come to Africa and take our assets like land, our gas and oil, minerals etcetera. While we as East African are still here talking about these issues. Why are we becoming poorer and poorer?

I remember hon. Kimbisa mentioned once that is it a curse for us to have such things which are a blessing from God and yet we are still in this position? Hon. Kidega also mentioned this and asked why we have everything and yet we are still in this situation.

Madam Speaker, what is the way forward now for us as East Africans? We should ask the Council of Ministers of Heads of State to look forward and get us out of this situation so that we can move forward. Otherwise, I support the motion. Thank you. *(Applause)*

The Speaker: I will take hon. Kimbisa.

Mr. Adam Kimbisa (Tanzania): Madam Speaker, I will try to anchor my discussions on one issue of food security because it was also discussed in the main paper. Madam Speaker, whenever I pronounce the words “food security” first and foremost it disturbs my dental formula. Why? At one stage in my life, I was a Chairperson of the Food Security for Africa but also in that regard, I feel uncomfortable because it is easy to beg for a road; you can beg for a harbour; you can beg for any kind of infrastructure, you name it but to beg for food is highly dehumanising.

You do not become particularly a fool in Africa – I am not trying to divide between men and women but I am saying in the African culture, there is nothing shameful like begging for food. Very shameful; and we keep begging for food year in year out. Many countries of the world have forgotten about hunger; they no longer speak about hunger. It is no longer in their vocabulary because most countries have food stocked in most of the shops and as the French say, “*Le supermarche d’aujourd’hui c’est l’église d’autre fois ça matche doju dou sholeglz dot refe.*” *(Applause)*

The Speaker: You may be obliged to translate.

Mr. Kimbisa: Yes, please. It means what used to be the churches where people used to go in big numbers in the past but nowadays people no longer go to church in such big numbers as they used to but you will find many of them especially in Europe in the supermarkets. Why? Because the supermarkets are full of food; that is why I am saying hunger is history in other parts of the world.

Still in the past, in the late 50s and early 60s many countries of Asia, especially India, some parts of Southern America, Africa, you name it, were almost in the same position as far as hunger is and was concerned. But today, in those countries a country as big as India with 1.112 billion people have eradicated hunger; they no longer speak of hunger because of what they call the green revolution.

The problem is – hunger in Africa has already found its mainstay. We are not eradicating hunger. And as you know, Madam Speaker, hunger and poverty are like brother and sister. Why is this persistent? In Africa we have excellent climate, we have reasonable rainfall, we have fertile

soils, rivers and lakes for irrigation and on the other side we even have some good experts from within and from without but hunger is still persistent, why? I reckon someone somewhere is not taking off sometime to do something right. Who is that someone? I think all of us in the political industry.

I suggest that if some kind of think tank could be put at the East African Secretariat, and put the legal framework together, make resources available for that effect and of course, we should have and encourage political will. Without political will, not all others I have said will materialise. Otherwise, I support the motion. Thank you very much. *(Applause)*

The Speaker: I will invite the Secretary General.

The Secretary General to the East African Community (Amb. Dr. Richard Sezibera): Thank you, Madam Speaker. I rise in support of the motion and I wish to thank the committee for this report of the workshop. I just wish that this report had come to us as a report of the committee itself other than the workshop to give it a lot more power but I really rise to support the motion and to thank the committee for organising this workshop. *(Applause)*

Madam Speaker, before I begin, I also wish to recognise and thank my good friend, hon. Peter Munya who is here in the House with us. Hon. Munya's being here in the House with us at this time in his political career is the biggest testimony that he is a very committed East African. *(Applause)*

I am also particularly happy that I saw his name in the papers on a list of those who are free top campaign for Governor in Kenya. *(Applause)*

Madam Speaker, I know that we wish Kenya good elections and that there will be no runoff. We wish them a very good election so that we have a good government in the first round but should there be a second round, and hon. Munya is Governor, I would love to see him as the first Governor/ Minister in the Government of Kenya. *(Applause)*

Madam Speaker, I also wish to extend my condolences to the people and the Government of the Republic of Burundi for the difficulties this country is experiencing after the fire that gutted the central market. We stand with Burundi at this time.

But, Madam Speaker, to every cloud there is a silver lining, I wish to commend the leaders of both Burundi and Rwanda for acting as East Africans in this tragedy. *(Applause)*

I was at the African Union Summit and I saw how quickly H.E. Pierre Nkurunziza even when he was with his peers at the Summit quickly took action and came back to this country and took charge of the management of this tragedy but also the very able way in which he quickly briefed his colleagues, the East Africans, and the reaction of the sister countries, especially Rwanda in solidarity. So, I wish to put on record my appreciation for this. *(Applause)*

Madam Speaker, this is one more reason, if any were needed, of the need to conclude our disaster management strategy and policy and the law that has been introduced in this august Assembly quickly. The natural resources of East Africa are extremely important for all of us. And they present an opportunity for East Africa to act together, to coordinate, harmonise, and manage these resources. If we do not do that, these natural resources also have the capacity to

divide us. Therefore, I wish to thank this House for this interest in the natural resources of East Africa.

Madam Speaker, our Community is now a US\$ 79 billion Community, up from a mere 40 billion a few years ago. We should congratulate ourselves for this. (*Applause*) But, we should also realise that it is a \$ 79 billion economy in a \$ 63 trillion world economy. And, therefore, the challenge ahead for us is major and we can only do it together and not separately.

Madam Speaker, there are natural resources which have been discovered in East Africa but there are many more that I am confident will be discovered in future. A few years ago, not more than five years ago, the whole world was sure that we were running out of oil. In fact, we were told that oil would pick in the year 2015. And, there was consensus that we needed to move away from hydrocarbons to other sources of energy because of pick oil. We now know that due to new technologies, the traditional oil and gas producing countries in the Middle East are being superseded by new emerging economies of Russia, the Caspian Area and for the very first time, the United States of America is a net exporter of oil and gas. It is beginning to satisfy its domestic demands and might be a net exporter of gas and maybe oil because of new technologies in Shell gas etcetera.

Therefore, Madam Speaker, although East Africa is discovering natural resources including hydrocarbons, there is urgency for the exploitation of these resources. And I am concerned because sometimes we in East Africa behave as if we have these resources and the rest of the world is waiting and so we give ourselves five years debating about laws, regulations and yet we have this gas and oil in the ground, not getting it out because everybody wants to have a share of a resource which is still potential instead of getting it out and having the debate on a resource that is actually a reality in our pipelines and in our homes. Therefore, there is urgency, Madam Speaker for East Africa, for the Executives in East Africa, for the Parliaments in East Africa to work towards actually getting these resources out of the ground into the world market because the competition is there and the competition is real. (*Applause*)

Madam Speaker, I will just give you an example our sister Republic of Tanzania has over 7 trillion cubic meters of gas –(*Interjection*) – I am told now it is 21 trillion cubic meters of natural gas. Five years ago, with this amount of resource, one country could easily have taken their time because the liquefied natural gas industry was at a standstill. Today, it is in danger of being superseded by pipeline laying in Europe, in Central Asia and the connection between Central Asia and Europe. So, unless we quickly get these resources onto the world market, we shall continue to have potential resources and not real resources. And, therefore, I wish to urge for quick action in this area.

I wish to thank the Government of Tanzania for reviewing their Minerals Act. I think that we now have in our region a country that has taken time to look at best practices and reviewed the Minerals Act. (*Applause*)

I also wish to thank the United Republic of Tanzania for voluntarily subjecting herself to a peer review at the African Union in which their mining industry was reviewed and compared to others across the continent. (*Applause*) I urge other countries to do the same. This shows us that we need to work together as East Africans.

Madam Speaker, I have taken a very close look at the recommendations and we at the Secretariat will certainly study them and make sure that those that need implementation are implemented.

Finally, I wish to remind this august Assembly that between the 6th and 8th of February 2013, there will be an East African Petroleum Conference and Exhibition in Arusha. I am glad to report that over 1,000 companies, people, and individuals have expressed interest to attend including the majors in this area. This shows that our region is becoming an interesting destination for investment in natural resources, especially in hydrocarbons.

In conclusion, I would hope that we could add a recommendation to this workshop to encourage our Partner States and the region in general to use the resources from their natural resources to invest in the people of East Africa because a natural resource is only dead capital until it meets the innovation of the people of East Africa. *(Applause)*

Therefore, investing in the people of East Africa will make these natural resources a real resource for East Africa and this is a resource we should use to invest in the people of East Africa, and especially the youths.

We are lucky that we have the natural resources, we have that potential and we have a demographic dividend – very few continents have had that in their history. We have both at the same time and this gives us an opportunity to really fast track the development of East Africa and become lion economies of Africa in the footsteps of the tigers of Asia and in contradistinction to Latin America that failed to use its demographic dividend and tie it to its resource base. Therefore, Madam Speaker, I would hope that the committee would agree that we strongly urge that the resources of East Africa should be invested in the people of East Africa especially the youths of East Africa. I thank you, Madam Speaker. *(Applause)*

The Speaker: Chair, Council of Ministers, if you have a comment. Otherwise, I will call the chair of the committee to wind up.

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you very much, Madam Speaker. I also want to add my voice to those who have congratulated the Committee on Natural Resources for a job well done. *(Applause)*

Madam Speaker, the concerns by the committee has been noted and particularly the one that talked about poverty amidst riches. Investment in exploitation of natural resources is capital intensive and this is why, if you take cases, for example, on discoveries of oil, the prospective companies that are coming in are all foreign. Naturally, they will only be attracted if they make heavy returns on their investment.

We in East Africa in particular and Africa in general, have been brought up to do beautiful writings, speak very well but when it comes to action, nothing is done.

In the past and in the absence of the scourge of corruption, our Governments had started parastatals, which were used in the development of certain sectors. When corruption crept in, and it became a notion that Government can never be a good businessman, these parastatal bodies were sold through the liberalisation process in virtually all the countries of East Africa.

Now, as I said earlier on, investment in natural resources, extraction, and processing is capital intensive, which we don't seem to have and, therefore, the status quo we have of poverty in the midst of riches. My view is that perhaps time has come for us to look more critically at the public private participation in these investments with our Governments taking an upper hand so that at the end of the day, the investments are for the benefit of our population and not for those who come in the name of foreign investments.

Madam Speaker, once again I would like to appreciate the recommendations made by the committee, the remarks made, the presentation of the report and I and my colleagues will take time to read and understand this report so that what can be done will be pushed into respective Partner States. With those few remarks, Madam Speaker, I support this motion. Thank you. *(Applause)*

The Speaker: Chairperson of the Committee, could you kindly wind up?

The Chairperson, Committee on Agriculture, Tourism, and Natural Resources (Ms. Isabelle Ndahayo) (Burundi): Thank you, Rt. hon. Speaker. First of all, I would like to thank all Members who contributed to this report. These are: hon. Martin, hon. Bazivamo, hon. Nkanae, hon. Opoka, hon. Leonce, hon. Kaahwa, hon. Ogle, hon. Kizigha, hon. Kimbisa, hon. Sezibera and hon. Bageine. *(Applause)* I thank you very much for your contributions. They will help to improve our report because you made so many contributions to enrich it and make it very clear and more important.

I thank hon. Kaahwa for the information he has given us and I thank the Council of Ministers for their efforts in accepting to follow up this issue in order to see that the Protocol on Environment and Natural Resources is operationalised.

I wanted to come back on the issue raised by hon. Kizigha where he was asking about what we can do in order to make these resources beneficial to our communities. As you have seen in our report, we highlighted the different efforts made by EAC Partner States and institutions and organs including EALA. These efforts have been made and we made several recommendations. So, now there is a call for each one to implement their responsibility and by doing this we shall achieve the main objective.

There is a need of reinforcing the capacity in order to implement these recommendations at regional and national level. I also agree with Members that there is an urgent need for harmonisation of the existing laws. We have seen that each country in the EAC has made different efforts towards putting in place laws. But, each country has different laws.

Madam Speaker, I beg that the report be adopted by taking into consideration all recommendations made. Thank you. *(Applause)*

The Speaker: Thank you very much, hon. Isabelle Ndahayo. Hon. Members, the motion on the floor is that the report of the Committee on Agriculture, Tourism, and Natural Resources on the workshop of governance of natural resources be adopted.

(Question put, and agreed to.)

QUESTIONS FOR ORAL ANSWER

Question Reference: EALA/PQ/OA/3/12/2012

Ms Dora Byamukama (Uganda): Madam Speaker and hon. Members, allow me to make a few comments before I move for answering of the question. First, I would like to wish you and all the people of East Africa a Happy New Year. I would also like to recognise and acknowledge with gratitude the warm welcome we received from the Republic of Burundi and in particular from our colleagues of the Burundi EALA Chapter.

I would like, in the same vein, to commiserate with the people who have suffered tragic loss because of the disastrous fire. We shall continue to pray and find ways of mitigating this loss.
(Applause)

Madam Speaker, I would like to move on to the issue at hand, and on behalf of the committee on Legal, Rules and Privileges, as the Chairperson Council of Ministers the following question:

Article 126 of the Treaty for the Establishment of the East African Community specifically on Legal and Judicial Affairs refers.

In light of this provision could the Chairperson of Council of Ministers inform this august house:

- (a) What steps have been taken to harmonize legal training and certification;*
- (b) What measures have been taken to encourage standardization of judgements of courts within the Community?*

Madam Speaker, I beg to move.

The Deputy Minister for EAC Affairs, Uganda, and Chairperson, EAC Council of Minister (Mr. Shem Bageine) (Ex-Officio): Madam Speaker, at its 11th Meeting held on 24th October 2009, the Sectoral Council on Legal and Judicial Affairs commissioned a study on harmonization of legal training and certification. The aim of the study is to establish a common regional syllabus for the training of lawyers and common examination standards for training in both law and legal practice.

The study, which was conducted by the International Law Institute Centre for Legal Excellence, Kampala, started with a desk review of existing literature on the subject, followed by preparation of the Inception Report, visits to designated institutions in the Partner States, preparation of the Interim Report and its consideration in national stakeholders workshops and validation of the Final Draft Report in a regional validation workshop.

The report recommends –

- (a) An EAC Model Syllabus for University Law Schools;*

- (b) An EAC Model Syllabus for Post-University Law-Training Institutes;
- (c) EAC Model Criteria for Admission to EAC Law Schools and Post-University Law-Training Institutes;
- (d) EAC Model Standards to be attained in examinations on the path leading to admission to law practice as an advocate in the Partner States;
- (e) EAC Model Advocates Legislation to govern admission and supervision of lawyers in the Partner States;
- (f) A Roadmap of steps to be taken and timeframes for achieving Community-wide adoption of these models;
- (g) A Roadmap towards achieving cross border legal practice within the Community; and
- (h) The Initiation of a Regional Cross Border Legal Practise Bill.

At its fourteenth Meeting held on 24th October 2012, the Sectoral Council took note of the Report but observed that the Report addresses matters that are currently under negotiations by the Sectoral Council on Education, Culture, Sports, Science and Technology which is developing an Annex to the Common Market Protocol known as EAC Common Market (Harmonisation and Mutual Recognition of Academic and Professional Qualification Regulations).

Pursuant to a directive made by the Sectoral Council, the Secretariat has submitted the Report to the Partner States for comments. With inputs from the Partner States, the Report will be submitted to the Sectoral Council on Education, Culture, Sports, Science, and Technology for consideration in the development of the EAC Common Market (Harmonisation and Mutual Recognition of Academic and Professional Qualifications) Regulations.

Madam Speaker, regarding the second part of the question, on harmonisation of judgments of Courts within the Community, which is a requirement of paragraph 1 of Article 126 of the Treaty, the East African Judicial Education Committee has spearheaded training in various judicial and related matters including:-

- (a) Judgment writing;
- (b) Case management for judicial and Para judicial officers;
- (c) Taxation of costs;
- (d) Computer skills.

Specifically on judgment writing the Committee has since 2009 guided on the standardisation of such requirements of effective judgments as elements of a judgment; purpose of a judgment; use of plain, unequivocal and understandable language; clarity or precision; attention to issues worth adjudication; application of citations and authorities; and structure of judgments.

In pursuit of its training programmes, the East African Judicial Education Committee, which is answerable to the Sectoral Council on Legal and Judicial Affairs, caters for Judges and

Magistrates serving at different levels in the Partner States' judiciaries and at the East African Court of Justice.

The Speaker: Supplementary question, hon. Byamukama?

Ms Byamukama: Madam Speaker, I want to thank the Chair, Council of Ministers for all the information that he has given us related to the implementation of Article 126 of the Treaty. Related to this, I would like to find out from him as to whether the publication of the East African Law Reports has been revived because this is also part of 126 and it is related to the issue of harmonisation of legal learning and standardisation of judgements.

Secondly, Madam Speaker I would like to find out as to whether not all these activities have deemed it necessary to involve EALA considering EALA's role as articulated under Article 49 of the Treaty that we should discuss all matters pertaining to the Community and make recommendations to Council. Madam Speaker, these are the two supplementary questions. I thank you.

Mr Shem Bageine: Madam Speaker, the first supplementary question relating to the review of law reports, my information is; one that these have been done by a private enterprise but the EAC Secretariat is also looking for funds to participate in the review of these law reports.

The second question; involvement of EALA in these programmes, this will be done at an appropriate time. I thank you.

The Speaker: Thank you very much. Another supplementary? Okay.

Ms Byamukama: Can we have copies if we cannot be involved at the inception? And I can see in one study you are coming to a final draft. Can we at least have the copies? Can they be tabled so that we can peruse through and I believe our ideas would be welcome because it is getting late in some of these stages. I would like to ask this, thank you.

Mr Shem Bageine: Madam Speaker that will be made available. There is no problem.

The Speaker: Thank you very much.

QUESTION REFERENCE : EALA/PQ/OA/3/13/2012

Ms Dora Byamukama (Uganda): Asked the Chairperson Council of Ministers:-

Article 27(2) of the Treaty refers. In respect of Jurisdiction of the East African Court of Justice.

Can the Chairperson of the Council of Minister inform the house of what steps are being taken to operationalise extended jurisdiction that was envisaged under Article 27(2) that is, other original, appellate, human rights and other jurisdiction to be determined by Council.

The Deputy Minister for EAC Affairs, Uganda, and Chairperson, EAC Council of Ministers (Mr. Shem Bageine) (Ex-Officio): Madam Speaker, on 24th November 2004 the Sectoral Council on Legal and Judicial Affairs decided that in view of the growing scope of the integration process the jurisdiction of the East African Court of Justice be extended as envisaged under Article 27(2) of the Treaty. This decision was adopted by the Council of Ministers at its

10th Meeting held on 9th August 2005. Accordingly and pursuant to directives made by the Council, the Secretariat prepared a draft protocol to operationalise extended jurisdiction of the Court.

The draft protocol for the operationalisation of extended jurisdiction was thereafter considered at national and regional consultative workshops involving such key stakeholders as the Offices of the Attorney General, the judiciaries, the Law Reform Commissions, the Bar Associations, the East African Court of Justice, the East African Legislative Assembly, the Business Community, and Civil Society, among others.

Madam Speaker, the development of the Draft Protocol as reflected in decisions taken at subsequent meetings of the Council and the Sectoral Council has necessitated further and wide consultations by the Partner States. The consultations, which are ongoing, will consider policy matters that pertain to the nature and extent of extended jurisdiction of the Court of Justice including the following:-

- (i) The impact of the expansion of the Country membership of the East African Community to include the Republic of Burundi and the Republic of Rwanda both of whose legal systems differ from other Partner States' common law systems
- (ii) The re-constitution of the Court of Justice following amendments in 2006 of Chapter 8 of the Treaty;
- (iii) The need to make the Court of Justice a permanent institution of the Community in view of the growing role of the Court as a regional judicial forum and the extended jurisdiction;
- (iv) A proposal that pending the attainment of a political federation the application and interpretation of universal human rights original jurisdiction and appellate powers in matters of human rights should be a primary obligation of national courts and the same be left at national level;
- (v) Appellate jurisdiction of the Court of Justice may necessitate amendment of some of the Partner States' constitutions and other relevant national laws given the Partner States' different court hierarchical structures;
- (vi) The fact that some Judges currently serving on the Court of Justice would be considering, on appeal, matters they had already considered in their Partner States; and
- (vii) The East African Court of Justice's lack of capacity given the fact that by virtue of Article 140(4) of the Treaty the EACJ Judges are still serving on ad hoc basis.

Madam Speaker, following a Resolution adopted by this august House in May 2012 calling upon the Summit to consider extension of the jurisdiction of the Court to cover crimes against humanity, the Council directed the Secretariat to prepare a comprehensive paper and table it before the Sectoral Council on Legal and Judicial Affairs.

At its 14th Meeting held on 24th October 2012 the Sectoral Council on Legal and Judicial Affairs took note of the Secretariat's Comprehensive Technical Paper but deferred consideration of the said paper pending further revision and comments by Partner States.

The Sectoral Council, therefore –

- a) directed the Secretariat to revise the Comprehensive Technical Paper on Extending the Jurisdiction of the East African Court of Justice (taking into account all relevant aspects of international crimes such as genocide, crimes against humanity, terrorism and war crimes and highlighting lessons from other jurisdictions that are in the processes of addressing such crimes in order to assess the capability of the East African Court of Justice to address all the challenges related to international crimes) and circulate it to the Partner States for comments; and
- b) Directed the Partner States to submit comments on the revised Comprehensive Technical paper to the Secretariat by 31st January 2013 in preparation for consideration of the Paper by the Sectoral Council at its next meeting scheduled for 13th -16th March 2013.

Madam Speaker, the outcome of the Partner States' consultations on both the draft Protocol and the Comprehensive Technical Paper are expected to inform and further guide on the extension of jurisdiction of the East African Court of Justice.

I thank you.

The Speaker: Supplementary question, hon. Byamukama?

Ms Byamukama: Madam Speaker, I do not have a supplementary question but I would like to congratulate the Chair, Council of Ministers for the progress made and we look forward to a report, maybe around March so that we are kept updated on the progress made. I thank you.

QUESTION: EALA/PQ/OA/3/14/2012

Ms Dora Byamukama (Uganda): Asked the Chairperson Council of Ministers –

Article 138 of the Treaty refers. In respect to status, Privileges and Immunities:

Can the Chairperson of the Council inform this August House:-

- (a) *What steps have been taken to ensure that the Community enjoys international legal personality?*
- (b) *What is the status quo in respect to conclusion of agreements with Governments of Partner States in whose territory the headquarters of offices are situated?*

The Deputy Minister for EAC Affairs, Uganda, and Chairperson, EAC Council of Ministers (Mr. Shem Bageine) (Ex-Officio): Madam Speaker, the steps so far taken by the Community to ensure that it enjoys international legal personality are:-

- (a) Compliance with the provisions of Article 153 (2) of the Treaty by depositing the Treaty with the United Nations and the African Union. This is a legal requirement under the international law principle of Recognition. This requirement similarly applies to all Protocols concluded and ratified by the Partner States. This is because by virtue of Article 151 (4), such Protocols become integral parts of the Treaty. In short, every treaty and protocol that has, after ratification, been registered as mentioned above;
- (b) The conclusion, pursuant to Article 138(2) of the Treaty, of headquarters agreements with the Government of The United Republic of Tanzania in respect of EAC Headquarters; with the Government of Kenya in respect of the Lake Victoria Basin Commission; with the Government of the Republic of Uganda in respect of the East African Community Civil Aviation Safety and Security Oversight Agency; and in respect of the Inter-University Council for East Africa;
- (c) The initiation of negotiations on a headquarters agreement with the Republic of Rwanda in respect of The East African Science and Technology Commission; and
- (d) The negotiation of a Protocol on Immunities and Privileges which will be used as a common basis for the Partner States' extension of immunities to secure the Community's international legal personality. This Protocol was approved by the Summit at the 13th Summit held on 30th November 2012 as an annexure to the Treaty and waits signing by the Ministers Responsible for Foreign Affairs. This will be done after the Sectoral Council on Foreign Policy Coordination, which is scheduled to meet on 13th -15th February 2013, has taken into account additional comments made by the Republic of Burundi, the Republic of Uganda, and the United Republic of Tanzania.

Madam Speaker, as far as the status quo regarding the conclusion of headquarters agreements is concerned allow me to inform this august House that -

- (a) there are Headquarters' Agreement in place in respect of the EAC headquarters and the headquarters of the Lake Victoria Basin Commission; the East African Civil Aviation Safety and Security Oversight Agency; and the Inter-University Council for East Africa; and
- (b) Negotiations are underway with the Republic of Rwanda in respect of the East African Science and Technology Commission.

Institutions like the East African Development Bank and the Lake Victoria Fisheries Organization, whose creation antedates the establishment of the Community have in place headquarters agreements concluded with the Government of the Republic of Uganda.

The Speaker: Thank you very much, Chair, Council. Hon. Byamukama, any supplementary question?

Ms Byamukama: Madam Speaker, I have two questions. In the response, I see that there is initiation of negotiation and negotiations are underway with the respective republics of the East African Community, which are going to go host these offices. My question is, don't we have a standard agreement? Should there be negotiations every time a Partner State has been commissioned to host a particular office?

Secondly, there is an issue of extending, according Community and its officers' privileges and immunities; I would like to hear more on this because it didn't come out very clearly, Madam Speaker. As you know, this House has debated the fact that our officers have to keep on renewing work permits and they have other challenges. So, I would like to hear more on this. I beg to move.

The Chairperson, Council of Ministers (Mr. Shem Bageine): Madam Speaker, the issue of having a standard format of negotiations in relation to placement of headquarters, for example, the one we are referring to in respect of Rwanda and Burundi, the Council has directed that a format be put in place so that we follow the same procedures and same considerations in negotiating these protocols.

Madam Speaker, I am aware that the issue of according members of staff of the Community immunities and privileges came up in recent discussions. And we all agree that this is important specifically in order to motivate our members of staff of the Community wherever they are. This of course also goes to other factors which I may not mention here but certainly there is need for their recognition as diplomats in the areas where they are operating within the Partner States. This matter is being addressed under the Protocol and it will be incorporated so that it is resolved. I thank you.

The Speaker: Thank you very much. Supplementary question, hon. Mulengani?

Mr. Bernard Mulengani (Uganda): Yes, Madam Speaker. Thank you, Madam Speaker. My supplementary question is as to whether the Council is aware that some members of staff who are nationals of some Member States where our institutions are resident are deprived of the privileges and immunities that they are supposed to enjoy. If the Council of Ministers is aware, specifically the Inter University Council of Education of East Africa and Lake Victoria Basin Commission, what measures are being taken by the Council to ensure that the staffs enjoy the benefits like those in Arusha are enjoying. Will these staff be paid their arrears because they have been working and they have been deprived of these benefits? Thank you.

The Speaker: Chair, Council, this is a serious matter.

The Deputy Minister for EAC Affairs, Uganda, and Chairperson, EAC Council of Ministers (Mr Shem Bageine)(Ex-Officio): Madam Speaker, the Council of Ministers is aware of these issues and as regards the Lake Victoria Basin Commission, the Council took a decision to negotiate with the Republic of Kenya in this matter and we hope to come up with an agreed position that will accord the members of staff the immunities and privileges that they deserve.

Madam Speaker, that is just an example of Kenya but as I said earlier on, the Council is aware of the lack of immunities and privileges being accorded to members of staff of the EAC wherever they are operating from and it is an issue that is being addressed. I want to assure this House that we will do everything possible to ensure that our workers are accorded the necessary privileges and immunities. I thank you.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO EXPRESS SYMPATHY AND SOLIDARITY WITH THE GOVERNMENT AND PEOPLE OF BURUNDI ON THE

LOSS OF PROPERTY OCCASIONED BY THE DISASTROUS FIRE THAT DESTROYED THE BUJUMBURA CENTRAL MARKET

Dr. Odette Nyiramilimo (Rwanda): Thank you, Rt. hon. Speaker. I beg to move that this Assembly do resolve to express sympathies and solidarity with the Government and people of Burundi on the loss of property occasioned by disastrous fire that destroyed the Bujumbura Central Market. I beg to move.

The Speaker: Seconded by hon. Rwigema and hon. Taslima. We proceed.

Dr. Nyiramilimo: Madam Speaker -

“WE THE MEMBERS OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY having learnt with distress the disastrous and catastrophic fire that gutted the Bujumbura Central Market on Sunday, 27th January, 2013;

AWARE that the Bujumbura Central Market is and has been the biggest market within the city and indeed the oldest hosting all kinds of businesses from food produce to hardware, electrical appliances and clothing among others thus offering employment to well over 10,000 people and a source of livelihood to a sizeable population of the city and the country at large;

NOTING that the fire broke out in the early hours of the morning of Sunday where many traders were not at the market save some of their properties;

RECOGNISING the government’s efforts to try to put out the fire especially through the Fire Department but had difficulties to succeed early enough due to the gravity of the fire;

NOTING that many of the businesses may not have any insurance cover and yet had acquired loans or were using their lifetime savings;

ALSO NOTING the desperation, pain and sense of loss that has been occasioned by the disaster;

APPRECIATING the quick assistance and rescue efforts offered by some EAC Partner States, namely Rwanda and Tanzania, do hereby:

- (i) Express our deepest sympathies to H.E. Excellence President Pierre Nkurunziza, the Government of Burundi, the business community, the traders and the affected families upon this great loss;*
- (ii) strongly urge the EAC Council of Ministers to put in place disaster risk management mechanisms to give guidance to what measures need to be put in place by Partner States in order to minimise the catastrophic effects of such disasters;*
- (iii) Support the efforts of the Government of Burundi to alleviate the suffering of the business community and the traders including any efforts to work with the financial institutions to extend any financial facilities to support them restart their livelihoods.*

Rt. hon. Speaker, I beg to move. *(Applause)*

The Speaker: Thank you very much. Hon. Members the motion on the floor is that this Assembly do resolve to express sympathies and solidarity with the Government and people of

Burundi upon the loss of property occasioned by the disastrous fire that destroyed the Bujumbura Central Market. Debate is open.

Mr. Abubakar Zein Abubakar (Kenya): Thank you, Rt. hon. Speaker for giving me this opportunity to contribute to this important motion. First like those who spoke before me, I would like to extend my heartfelt sympathies to those who were affected by this tragedy.

Secondly, Madam Speaker, I support this motion but I am not sure if there was loss of life because I was told that there was loss of life. And if there was loss of life, my suggestion and prayer would be that in this motion we also include the loss of life and not just the loss of property.

Thirdly, Madam Speaker, it is important for us to underscore the historical significance of this market. But it is also important for us to recall that this august House has granted leave to hon. Hajabakiga to introduce a Bill that deals with the question of establishing a legal framework that will then deal with the questions of disaster response and management. And I would like to urge hon. Hajabakiga to work hard and introduce this Bill in our next sitting, if it is possible. *(Applause)*

Fourthly, Madam Speaker, I entirely support your suggestion that this House makes a contribution that will be used to give a little comfort to those who have lost their dear ones and their property. *(Applause)*

Lastly, I would suggest in the vein that the Chair of Council has reminded us that it is easy to pass motions or Bills, but it is important to make follow ups, I will suggest that in our next sitting, we may get a progress report about those who have been affected and efforts to recover their lives and how far they would have reached and if possible, still be in solidarity with them. I thank you, Madam Speaker for giving me this opportunity. *(Applause)*

The Speaker: Thank you very much. I will invite hon. Rwigema.

Mr. Pierre Rwigema (Rwanda): Thank you, Rt. hon. Speaker for giving me this opportunity. Of course, I rise to support this motion and to express my sympathy and solidarity with the Government and people of Burundi. I thank hon. Odette Nyiramilimo for preparing and tabling this motion.

Madam Speaker, I have some reservations on this motion. I have also heard that there were some human lives lost and that is the reason why I add to the voice of hon. Zein if there were people who died, even if it is one, we have to restore human dignity by recognising his life that was lost.

The second observation is that I appreciate the quick rescue and intervention of Rwanda and Tanzania and as my colleague, the Secretary General mentioned, I thank Rwanda and Tanzania. But I think that the assistance and rescue efforts deserve a separate motion of thanks to those two countries as an appreciation for their cooperation. And this I can refer to the Bill of last week of hon. Hajabakiga, which should be in the House very soon.

The last observation, Madam Speaker, which goes in the same line is what my colleague, hon. Dora Byamukama was saying to find a way of mitigating this loss. I think the best way is to

invite our respective Governments of the Partner States to contribute to the repair of Bujumbura Central Market because after this disastrous fire, the population of the whole Burundi and mainly that of Bujumbura is in shortage of goods and materials and are in fact they are beginning an economic crisis. By inviting our Partner States to see how they can contribute, we shall have endeavoured to find a solution. With those few remarks, I thank you, Madam Speaker and I support the motion. *(Applause)*

Mr. Abubakar D. Abdi Ogle (Kenya): Thank you, Madam Speaker. I wish wholeheartedly to support this motion. By the time help came from Rwanda, the Rwanda chopper arrived at the scene, it was about five hours later and this is the more reason why we need to fast track the Bill which was presented before this Assembly by hon. Patricia Hajabakiga and why we need to have a rapid response to disasters of all kinds happening in the region.

Now that said, Madam Speaker, you will also notice that the fire brigade of Bujumbura city were not able to respond to that disaster immediately. I am informed that it was because of the construction around the market that they were not able to access it. In future, what might need to be taken into account is that in such huge public facilities like markets, the buildings around that area should ensure that there are no extensions and annexure that will hinder accessibility in the event of any calamity. With those few remarks, I wish to support. Thank you. *(Applause)*

Ms Hafsa Mossi (Burundi): Thank you, Madam Speaker. I am rising in support of the motion on the floor. Madam Speaker, many East Africans have learnt or have seen this fire with a great shock because it affected so many East Africans. Madam Speaker, I would like to inform you that not only Burundians had their goods in the market but also other East Africans, namely, Tanzanians, Ugandans, Kenyans and others.

This central market was very important to so many people in this country for food, and very many other goods found in that market burnt down. It will be very difficult for those people to get their jobs back. So many people will have difficulties to pay their loans from the banks and it is very important that we get safety regulations harmonised in East Africa so that the people are guarded against risks.

Madam Speaker, I also wish to appreciate the good words of sympathy from hon. Members here and I wish to commend the Republics of Tanzania and Rwanda who have given us great support in the spirit of East Africanness. *(Applause)*

With these few words, I beg to support the motion.

The Speaker: Thank you very much. I will take hon. Nakawuki.

Ms Susan Nakawuki (Uganda): Thank you very much, Madam Speaker. I am standing to support this motion.

Madam Speaker, I should confess that I have been one of the beneficiaries from this market. Just last week on Wednesday, hon. Emerance Bucumi took us to that market to buy *Bitenge*, and I actually admired the market. People were very busy and it was really parked to capacity. It is so heart wrenching that right now that entire market is down. I send my sympathies to all the people who had their businesses there and to the Government of Burundi.

I am also grateful to the Rwandan Government for their rapid response because if they did not come in handy, I suppose the fire would still be on and more people would have lost.

Madam Speaker, as you are all aware, the Burundi Government is going to lose a lot in terms of revenue and as you know this is a recovering economy after about 15 years of a crisis in this country. Therefore, this is going to be a setback.

Madam Speaker, now the question is, how are we going to address this problem? I feel it is pertinent that even the lowest we can do is not yet done, for example, sensitisation of the public. If I showed a fire extinguisher around here and asked how many people can operate it, it could be either very few or none at all, including myself of course. Even our business community who are involved in construction of buildings and markets don't take trouble to install gadgets for fire fighting because if there was any way to fight this fire, a lot of money would have been saved and people's property would have been saved. Therefore, this is a call to our regional Governments to come out handy and enhance the capacity to fight the fires. You might find that even a small fire may become very hard to manage and in the end, it spreads causing loss of lives among others. I want to thank you, Madam Speaker. I beg to support the motion.

The Speaker: Perhaps I would like to invite hon. Minister of EAC, Burundi, hon. Leontine Nzeyimana to also debate and clarify on whether there were people who lost their lives.

The Minister for EAC Affairs, Burundi (Ms Leontine Nzeyimana): Thank you so much, Rt. hon. Speaker. I take this opportunity to thank everybody here especially hon. Odette Nyiramilimo who moved this motion.

In this regard, I would like to give some information about this tragedy. On Sunday, 33 people were admitted in the hospital but only three are still there meaning that the 30 have been discharged and the injuries were minor. But up to now, there is so far no loss of human life that has been announced.

The Police managed to rescue the people who were in the market and moved them out and according to the information that we have, no one has died so far.

The government is trying to find a way of accommodating the people who were working in the market. Another place has already been identified where they will be relocated and a temporary market structure will be built to house them as we wait for another structure to be built.
(Applause)

Rt. hon. Speaker, I thank you so much. I actually announced during the Cabinet meeting this morning that EALA Members and you, Madam Speaker are greatly concerned over this tragedy and even announced that you are planning to visit the place tomorrow morning. I am just waiting for the time so that I can announce it and have the security issues organised. Thank you, Rt. hon. Speaker. (Applause)

The Speaker: Okay, I will take hon. Nkanae to round up on this motion.

Mr. Saole Ole Nkanae (Kenya): Thank you, Rt. hon. Speaker, for allowing me to express my deepest sympathies to this great nation for the loss. I am only thinking aloud, Madam Speaker and I am reliably told that by yesterday the fire was very small by 6.00 p.m. and two of those

small fire fighting machines were there early enough but were not functional. The one, which was functional, came later on from the airport but was not capable of doing it because the fire had already escalated.

I am also reliably informed; I do not know whether it is a coincidence that three weeks ago Togo had the same, Ivory Coast and Abidjan or Cote d'Ivoire had the same. If I see this is happening in the former French Speaking countries, what is happening? Is there malice or sabotage? I am thinking aloud. The investigations should be deep enough. Thank you.

The Speaker: Okay, I will take hon. Tiperu and then Chair, Council.

Ms Nusura Tiperu (Uganda): Thank you very much, Madam Speaker for giving me this opportunity. I would very much like to join my colleagues in supporting this noble motion expressing our deepest sympathies towards the tragedy that occurred in Burundi here.

Madam Speaker, before I do that, allow me to thank the members of the Burundi Chapter for their hospitality. They have always made us feel at home whenever we are here in Burundi. *(Applause)* I wish to thank the God fearing President of Burundi for his hospitality. *(Applause)*

Whenever we come to Burundi we remember the Almighty God because it is known that he is very close to the church and I think that is very comforting to find someone very political and yet extremely religious.

Madam Speaker, allow me to associate myself with all the recommendations and resolutions that have been put in this motion. It is sad because Burundi which was originally known for having been unstable had in the past few years registered tremendous success especially in the area of security and thus calling in so many people; investors etcetera who have been coming here.

Madam Speaker, this market may appear small but the fact of the matter is that it is unique in nature; it gets much of its supplies from the neighbouring countries like Uganda, Tanzania, and Rwanda and even across from the Congo. So, if you want to get certain goods that you may not find in your country of origin, you come to this central market of Burundi.

On arrival, I asked somebody where I could get very beautiful *kitenge* because I wanted to look smart in *kitenge* because the ones here are unique in their own way- I remember the last time I entered the market was very special, you would have the *kitenge* being sold on the shelves but also have a lot of clothing as curtains. You would not easily know where you had started and where you would end. All in all, there was so much in that market.

So, this market is more or less a tourist attraction; this market employs the biggest number of women and youths. If you want to know what happens especially in the social sphere of Burundi, you enter the market and you will get to talk more about Burundi.

I, therefore, thank the government for all the initiatives put in and I wish to thank Rwanda and Tanzania for the solidarity they have shown and call upon Uganda and Kenya to do the same. *(Applause)* But, I also urge that in view of the fact that there are so many women, particularly mothers affected, whose children are now not sure whether they will go back to school; which mothers are not certain whether about putting food on their table tomorrow; which mothers are not certain of paying school fees, I would request that we add another resolution calling upon all

governments within and outside to support Burundi in its fundraising efforts so that the Government of Burundi can work tirelessly towards proper reconstruction of that market. If you looked its old state, fire was bound to emerge. So, a serious reconstruction effort and support towards individual members who owned those stalls should be highly appreciated and supported largely focusing on women and youths. *Asanteni sana. (Applause)*

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you very much, Madam Speaker. I also want on behalf of the Council of Ministers to express our sympathy and empathy to the people who lost their merchandise in the fire.

Madam Speaker, I have not had an opportunity to visit the market before and even after the fire but I would like to advise that when reconstructing the market, there must be emphasis on the design, the construction and the materials in particular that are used to construct the market. What I have seen in old markets has been a worrying phenomenon where fire can easily spread from one stall to the other because of the inflammable materials that were used to construct these markets. And so when a fire breaks out, it is very easy to spread but difficult to stop.

So, those who will be responsible for reconstructing the market should ensure that there is proper design and that they allow for accessibility in case of a fire for vehicles and other equipment that will come in to help put out the fire.

Secondly, I think the traders who will be in the new market should also be advised to take out insurance covers for their merchandise. This would call for proper record keeping so that in the event of a fire, there is a record to go by because it will be with the insurance companies. And these would come in handy to help restore the capital that would have been lost through such fires.

This is important and once again, we sympathise with the people who have lost and we hope that some means will be found to help them in one way or another to restart their businesses. I thank you. *(Applause)*

The Speaker: Thank you very much. May I invite hon. Odette to wind up the debate?

Ms Odette Nyiramilimo (Rwanda): Thank you very much, Rt. hon. Speaker. I first of all want to thank all those who have contributed for the support. I would like to mention hon. Zein, hon. Rwigema, hon. Ogle, hon. Mossi, hon. Nakawuki, hon. Minister Leontine Nzeyimana, hon. Nkanae, hon. Tiperu, and the Chair, Council of Ministers.

There are some issues that have been responded to like that of loss of lives; now you know there was none and people are getting out of hospital. So, we should be happy that the even if the fire was bad it didn't go to the extent of taking away human life.

There are proposals of contributing towards the fund to help those people who had difficulties and I think as proposed by hon. Zein and hon. Tiperu, we can contribute as Members of EALA first of all and even as the staff and everybody who can. Maybe with the help of the Clerk, we shall see if we can improve the way the resolution is written to call upon other people to also support in that fundraising. With this, I thank you all for the support of the motion. *(Applause)*

The Speaker: Thank you very much, hon. Dr Odette Nyiramilimo. Hon. Members, the motion on the floor is that this Assembly do resolve to express sympathies and solidarity with the Government and people of Burundi on the loss of property occasioned by the disastrous fire that destroyed the Bujumbura Central Market. I wish now to put the question.

(Question put and agreed to.)

The Speaker: Perhaps I should mention that the Committee on Communication, Trade and Investment who are actually very concerned about the businesses should liaise with my office and that of the Minister of EAC and we see how we will arrange to go for that site visit.

Secondly, under rule 80, the Clerk will help in improving on the motion but also the Commission will arrange what I will call our initial support or our hand of sympathies in terms of whatever we shall be able to collect to be able to represent what you, hon. Members have agreed upon. Thank you very much. *(Applause)*

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO SUPPORT THE ESTABLISHMENT OF A UNITED NATIONS PARLIAMENTARY ASSEMBLY

Mr. Mike Sebalu (Uganda): Thank you very much, Madam Speaker. I also associate myself with the motion that has just been adopted and I just want to note that it was a blessing in disguise that this did not happen during a working day, because the stampede would have created a very ugly scenario. So, thank God that it happened over the weekend but it is very regrettable.

Madam Speaker, I do beg to move that this Assembly do resolve to support the establishment of a United Nations Parliamentary Assembly. I beg to move.

The Speaker: Seconded by hon. Nyerere, hon. Frederic Ngenzebuhoro and hon. Nakawuki; proceed.

Mr. Sebalu: Thank you very much, Madam Speaker and the seconders. I beg to move as follows:

“WHEREAS THE fundamental principles of the East African Community include the principles of democracy, the rule of law, accountability, and transparency;

AND WHEREAS THE Partner States of the East African Community are Member States of the African Union and of the United Nations;

AND WHEREAS THE Treaty for the establishment of the East African Community provides that Partner States of the Community shall accord special importance to cooperation with the African Union, the United Nations and its agencies and other international organisations;

BEARING IN MIND THE objectives of the African Union which focus on the achievement of a greater unity among African people, promoting democratic principles, rule of law and participatory governance;

APPRECIATING THE importance and good example of regional and sub-regional Parliamentary Assemblies in promoting the interests of the citizens in the regional and sub-regional intergovernmental organisations and thus in strengthening the democratic character of these organisations;

RECOGNISING THE growing role and involvement of international organisations such as the United Nations and its specialised agencies in key sectors such as the promotion of peace and security, economic development, health, education, environment and sustainable development;

NOTING THAT no formal parliamentary body exists at the United Nations that would allow for popularly elected parliamentarians to take part in its deliberations;

CONSIDERING THE insufficient formal involvement of elected representatives in the work of the United Nations due to the absence of a Parliamentary Assembly limits the democratic legitimacy of the world organisation;

AWARE OF THE concerted international efforts aimed at establishment of a United Nations Parliamentary Assembly;

FURTHER AWARE THAT the Pan African Parliament on the 24th October, 2007 adopted a resolution recommending the adoption of a common African position on the establishment of a United Nations Parliamentary Assembly;

FURTHER AWARE THAT this initiative is supported by other parliamentary and inter parliamentary bodies worldwide convinced that a United Nations Parliamentary Assembly would improve the transparency, accountability and effectiveness of the United Nations;

NOTING THAT a United Nations Parliamentary Assembly could be established simply by a vote of the United Nations General Assembly in accordance with Article 22 of the Charter of the United Nations without an amendment of the Charter of the United Nations Charter;

THIS ASSEMBLY do resolve as follows:

- (i) That it supports the establishment of a United Nations Parliamentary Assembly;*
- (ii) That welcomes the resolution of the Pan African Parliament and such other Parliaments and bodies that have pronounced themselves on this matter; and*
- (iii) Urges the Partner States of the East African Community to take the initiative to promote the development of a common African position in support of the establishment of a United Nations Parliamentary Assembly.*

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

The Speaker: Thank you very much. I know you were supported. So, I beg that you give justification to the resolution.

Mr. Sebalu: Thank you very much, Madam Speaker. Members of the Council of Ministers, dear distinguished colleagues, there is a global debate and a global campaign for this initiative. This debate is already on in earnest and it has manifested itself in various forums and the import of this motion for resolution is to ensure that the East African Legislative Assembly is part of this global debate which is very critical, important and necessary.

Madam Speaker, this debate and this particular intervention is indeed timely, necessary, desirable and important in order to make the United Nations system more people centred in terms of its creation moving from various aspects of it; the League of Nations graduating to the UN, a lot has been achieved and that is indeed very well appreciated.

But what this motion and resolution seeks to attain is to ensure that the UN takes its performance level another pedestal. It can do much better than it has done given the complementary nature that Parliaments do to institutions of this kind.

Madam Speaker, as already indicated, the UN has done a good job in executing its mandate but it can be assisted to do even a much better job with complementary support from a United Nations Parliamentary Assembly.

There is need for representation at the UN for the needs of the common people rather than just the Executives of Governments that are exclusively represented at the General Assembly. The people's voice at the Assembly – I just want to call upon hon. Colleagues to imagine an East African Community that did not have the East African Legislative Assembly. What kind of Community will it be? It would be, to say the least, disastrous in my view. (*Laughter*) So, we are giving the best practice to the UN that it can do much better with the people's voices supporting and amplifying its actions.

Madam Speaker, the United Nations Parliamentary Assembly would, therefore, come in handy to decrease the democratic deficit within the UN, provide democratic oversight to crucial UN organisations and create parliamentary awareness regarding UN work through advocacy programmes. Those institutions are doing a good job, just like the organs and institutions of EAC are doing a good job. But can you imagine how better these institutions of the UN would be if they had some oversight being undertaken on their operations. (*Applause*)

Some of the operations do take huge sums of money and there is no other body to ensure or check on value for money. So, it is important at this level to also bring in the parliamentary notion of representation and oversight to ensure that the interests of the global citizenry are protected. This would make the UN more relevant and better appreciated by the ordinary citizens of the Member States enhancing more and better linkage between the global organisation and the global citizenry.

The notion of parliamentary diplomacy is an emerging best practice that needs to be maximised to the highest level of global application and if it doesn't apply at the UN, then where else would it to apply because it is already creating dividends at different levels? And, we appreciate that it is a good value addition.

This notion has served a useful purpose at different levels in intergovernmental organisations such as the European Union, and the North Atlantic Treaty Organisation (NATO). They have a forum, the Organisation for Security and Cooperation in Europe (OACE), which has a parliamentary perspective. The AU has the Pan African perspective, and it is doing a pretty good job. The East African Community, which is a very good example within the African context and all the other regional economic communities, may not have graduated to legislative assemblies but they have parliamentary forums that are advisory and consultative thereby allowing the interaction of the views of the people with the views of the Executive arms.

Madam Speaker, the idea of a UN Parliamentary Assembly has received support from a number of Parliaments that have pronounced themselves on it. These include the following: The European Union Parliament, The Canadian House of Commons- Foreign Affairs Committee has made a pronouncement on the same matter; the Parliamentary Assembly of the Council of Europe has also made a pronouncement on this matter, the Pan African Parliament, the Latin Parliament's Commission on Political Affairs among others. So, it is not a call out of desperation or that is not in isolation. A precedent has been set across the globe in support of this initiative.

Madam Speaker, the UN Parliamentary Assembly would, therefore, be useful in fostering international cooperation from a legislative perspective, popularise the UN in Member States, reinforce and enhance democratic practice in the world and it will be definitely a value addition to the UN system.

Madam Speaker, the UN Parliamentary Assembly can be initiated in the short term to be an advisory and consultative body like the Pan African Parliament is. Then in the long term, it can be allowed to evolve into a fully-fledged legislative Assembly.

As regards membership, definitely, we do have members across the globe. This could begin with parliamentary representation from the National Parliaments and this is very cost effective taking the example of the Pan African Parliament where they do not earn extra remuneration over and above what they earn in their National Parliaments. They are only facilitated to meet that extra responsibility. So, there is already an arrangement that could be adopted to help us kick-start this very important initiative.

Madam Speaker, according to the UN Parliamentary Assembly campaign, the main aim is to ensure international cooperation, secure the acceptance and to enhance the legitimacy of the UN and strengthen its capacity to act which calls for people to be more effectively and directly included in the activities of the UN and its international organisations. They must participate better in gradual implementation of democratic participation and representation at global level.

Madam Speaker, I, therefore, want to call upon my colleagues in EALA to stand up and be counted as part of the progressive and people centred members of the international community by positively pronouncing yourselves in support of the establishment of a United Nations Parliamentary Assembly. Our Partner States do belong to the civilised community of nations and I believe they owe it to their people to ensure that we allow the people's voice at the global decision making level which is the UN.

Madam Speaker, with that, I beg to implore all my colleagues to support this resolution so that we can make our contribution to the democratisation process at a global scale. I beg to move.

The Speaker: I think the seconder was hon. Nyerere Makongoro.

Mr. Charles Nyerere (Tanzania): Hello, can you hear me? (*Laughter*)

Madam Speaker, thank you very much for giving me another opportunity to put my contributions to this very important motion by my colleague, hon. Mike Kennedy Sebalu. But shortly, I would also like to be among my colleagues who feel very sad for the tragedy that happened to the main market in Bujumbura. I feel very sorry and very deeply touched by it.

Madam Speaker and hon. Colleagues, I wish you a Happy New Year.

The Speaker: Happy New Year!

Mr. Nyerere: *Asante saana.* Madam Speaker, I am standing here to support this motion. Sometimes I come out quite clearly on how much I support a motion. I come out and say 100 percent, but with this one, no!

I love to be honest with myself and very truthful with myself. But with this one I feel that this is a big one. To put it differently, I am not quite sure if it is going to succeed in my lifetime. We may talk about it but then I might die when it has not yet happened. (*Laughter*) But then, I thank you very much, my colleague for the justification. We in EALA are not then only ones who see this importance - improvement of the United Nations, which is a very important organ for the global security and peace.

Madam Speaker, to give an example of what I feel at the moment...if this was an election...in elections, you may have a preliminary election or a by-election, which is a small one. But right now our brothers in Kenya are having a big one and in this big one, there are those who are just going there to have a CV but they know that they are not going to go through. So, it is the kind of feeling that I have. If this was an earthquake - if you go to Japan and have a little tremor, the deafening sound is almost the same with the big one but if you are not used to it, you might think it is the big one. But the Japanese will tell you, "No this is not the big one; this is just a little tremor".

Now, after that introduction, may I contribute as follows; history tells that in the United Nations, in the beginning, some nations were so big and it was obvious that they were bigger than then others were. But as the United Nations has gone on, the big ones are there but it is now changing. They do recognise the presence of the others and the voices of the others as well. And they do listen. If you tell them something again and again, if it makes sense, they do listen and they do act upon it. So, there is a possibility that this motion may go through in the lifetime of my colleague, hon. Mike Sebalu and mine too. (*Laughter*)

Madam Speaker, one example is that when the United Nations started, the composition and the total membership, for example, of the Permanent Members of the United Nations Security Council were just five Member States. But people started talking and arguing and they did listen. Today they are 15; the five remain to be permanent members but the other ten rotate every two years. So, changes do happen in the United Nations. We should not be afraid of this as EALA.

Another example of changes that do happen in the United Nations is that when the five permanent members of the Security Council started, they did not include the China that we know today, which has a capital in Beijing. To the United Nations then, China was Taiwan, and I do know this that when one Mwalimu Nyerere, the founder of Tanzania, went to the Chinese asking them for help to build the railway from Dar-es-Salaam to Zambia, they did ask him, "We can do this but can you also do us a favour?" What is it? "We think we are the ones who should be in there instead of Taiwan."

And he agreed and after he agreed, he sent to the United Nations a very young ambassador by the name of Dr Salim Ahmed Salim and told him that whenever he would get the time, he should tell the United Nations that if the purpose of the United Nations was to make sure that we

do not go into World War III, an atrocity that may cause the world and the human species to perish as we know it today, and this is why we said five of us should be this permanent, should Permanent Members of the United Nations - and when you went to China by then with some 40 million people and then some 40 million people in Taiwan and then 950 million people – I hear now the Chinese are clocking to 1.5 billion, then we are riding on the wrong horse. We have a super power somewhere there that we do not want to recognise but if they want to do something in the world which they can, as France or Great Britain or the United States or Russia can, then it is not Taiwan, it is Beijing. And they did listen.

It cost Dr Salim Ahmed Salim because this argument over the years made him very popular among the ambassadors and the others in the United Nations. So, when the time came for him to contest for the seat of the United Nations Secretary General, he won. *(Interjections)* No, he won but the United States was so furious with him and vetoed him out saying he is an Arab and is not a Tanzanian who was not going to be here; this is why he put in the motion to remove Taiwan our friends and bring in the Communists and after all Tanzania is also a Communist country.

So, we brought him back home and gave him the post of Foreign Minister and as soon as the post was available, we made him Prime Minister of Tanzania- welcome home, and when he was ready, he came to the OAU.

Mr. Leonce Ndarubagiye (Burundi): Ambassador Pascal Ruburiza of Burundi seconded Dr. Salim Ahmed Salim. Thank you. *(Applause)*

Mr. Nyerere: Thank you for that information. *(Laughter)*

So, I say changes do happen and I beg you, yourself, Madam Speaker and my colleagues to support this motion because the big countries in the United Nations, if you talk something that makes sense they listen and gradually do make changes in the United Nations.

Now, what is important here- let us not have a single voice like Dr. Salim Ahmed Salim was running around. We are now an East African Community with five Member States, which are members of the United Nations. If whenever the time came, if we agree as the EAC that this is important, then if an Ambassador of Burundi has the chance or Kenya, Uganda, Rwanda or Tanzania has the chance in there whenever it is appropriate either within the House or at the cocktail party of other ambassadors, you sell this. In five years' time, they will start talking about it in the corridors. The good thing about the United Nations is that if the Europeans start talking about, they will force the Americans to listen and it might happen in our lifetime.

With that contribution, Madam Speaker, I would also like to say that I did hear from somewhere that sometimes the big donors; Germany, Japan and especially the United States get tired of donating their dues. I hear that sometimes the United States stops completely to pay because they get tired. There are some guys over there; I think who believe they are misappropriating these funds. If you have an Assembly, you could even give it the job of accounting for these big organisations. The most important organisation for world peace and stability in the world. They could also be doing their accounting and we might just be afraid for nothing. You might find that the big donors will support this thing and will want us to be on board for that support that I beg from you, Madam Speaker and your Parliament and you my colleagues, let us support wholeheartedly. It is possible if we play our part. Thank you, Madam Speaker. *(Applause)*

The Speaker: Thank you very much. I will take hon. Frederic Ngenzebuhoro.

Mr. Frederic Ngenzebuhoro (Burundi): Thank you, Madam Speaker. Madam Speaker, I do not stand to justify why this House should support this motion. For me, this motion is obvious and relevant.

I just stand to thank hon. Sebalu for bringing this motion on the floor because I am convinced that the establishment of a UN Parliamentary Assembly should promote and strengthen the values of democracy, the values of transparency, the values of effectiveness, and I am convinced that those values are very important at this moment to this organisation.

Madam Speaker, I will not talk much because we have learnt that other parliamentary bodies have already adopted such a resolution. I, therefore, want to urge this House to adopt this resolution for the interest of the people of our Community and for the interest of our international community. With this, I beg to support this motion. Thank you.

The Speaker: I will take hon. Mulengani.

Mr. Bernard Mulengani (Uganda): Thank you very much, Madam Speaker. I rise to support the motion and I would wish to thank hon. Sebalu for the expeditious idea to bring this motion.

Madam Speaker, critics often point to a democratic deficit within the UN system. They note the advantage given to veto permanent membership in the Security Council, the inequitable single vote to both large and small nations in the General Assembly.

Madam Speaker, as a Member of Parliament, the creation of the United Nations Parliamentary Assembly would therefore be a practical step to make the UN a more effective organ. As hon. Sebalu said in his justification, through the International Monetary Fund, the World Bank group, the UN has been releasing colossal sums of money, and there has been no measure to ensure accountability.

As a Parliament, I urge my colleagues that we support this motion because to ensure international cooperation, secure the acceptance and to enhance legitimacy of the United Nations and strengthen its capacity to act, people must be more effectively and directly included into the activities of the United Nations and its international organisations. They therefore must be allowed to participate better in the United Nations activities.

Madam Speaker, as you see in the Community, because whenever we do our things we want to relate ourselves to international organisations. The role of the East African Legislative Assembly in the Community has been enormous and I think it is time that the United Nations is thinking positively that they need an Assembly that will do the oversight representative and legislative role for the United Nations.

Madam Speaker, a United Nations Parliamentary Assembly would be able to provide democratic oversight to insufficiently representative international organisations. The voice of the citizens would act as a counter balance not only to the voice of government within the UN but also to that of the international organisations such as the International Monetary Fund and the World Bank

Group, which do not benefit from any other oversight outside body. Even from the General Assembly, it does not take on the oversight role.

As the mover said, most of the Parliaments have supported the creation of the United Nations Parliamentary Assembly but one thing I want to urge colleagues is that as the United Nations Assembly is being formed, when you look at the formation, they are emphasising more of Member States. We as regional parliaments they emphasise the African Union. I want to urge colleagues where power lies that we need to start fostering the issue of regional parliaments also being represented at the United Nations Parliamentary Assembly because we are recognised as serious blocs, the more reason that possibly they are copying the EALA existence in the region that they think the idea is good at the United Nations level.

Madam Speaker, with those few remarks I want to support the motion and request my colleagues to do the same. Thank you.

The Speaker: I will take hon. Zein.

Mr. Zein Abubakar (Kenya): Thank you, Rt. hon. Speaker. I strongly support this motion but with caution and I would like to, through my contribution, persuade hon. members of this House that those two are not mutual exclusive.

The history of the United Nations shows us that the philosophical foundations of the United Nations were noble and they were democratic but the architecture and design of the structures of the United Nations fall short of the democracy part of it. Particularly, I am one of those critics my colleague referred to and said, point at democratic deficit. It has been a long journey to try to transform the United Nations so that we can democratise the Security Council.

I believe that the establishment of such a parliamentary forum would be one way of contributing to the transformation of the United Nations and democratisation of the United Nations. Sometimes it is very difficult to ask an institution to transform itself. Sometimes it requires the infusion of new structures within that institution to spur transformation.

It is no wonder that proposals for the expansion of the Security Council and reconfiguration of the veto power have not been achieved so far. I believe that we need to have such a democratic institution such as the parliamentary forum within the UN to expand the voice of the people and the citizens of the World in the true philosophy and ethos of the founding philosophy of 'we the people' and no one can demonstrate and represent the concept of 'we the people' than a parliament because a parliament is a direct representation of the people and has its hand on the pulse of the people.

Now the caution part; the caution part is this, that I will be one of those who would become an ardent opposer of such an institution if by any chance people think of establishing the foundation

for a World government. I am one of those who dearly love our sovereignty as a people, as a continent and as nations.

Secondly, if they come up with such undemocratic but sweetened debates that there are some small nations and big nations and that they need to be treated differently, I will oppose it. I believe that in this Parliament, we should seek to establish the principle of equality. Therefore, I would like my friend hon. Sebalu to accept my strong support and caution so that we can approach this as Africans.

My brother, hon. Nyerere talked about the history of how when we were not there we found that they had already established principles for us. Now we will be there from the beginning, from the onset, but we should be careful in terms of the visions of this would be Parliament.

Lastly, Madam Speaker I would like to persuade hon. Sebalu and the House that we should be among those who believe that we can trust but we must back the trust with facts that can be verified. Thank you very much, Madam Speaker.

Mr. Adam Omar Kimbisa (Tanzania): Madam Speaker, I am supporting this motion for one reason but I will put also a caution. The reason is my friend hon. Sebalu, my young brother hon. Mwinyi and hon. Leone have obviously indicated that they are touting to join this because they are finishing their term and they said - (*Laughter*) – they have become professional parliamentarians.

Madam Speaker, this is the very reason I want to also support that motion. However, I will put a small caution, which my colleagues already said. I know that under such circumstances you will find some countries are big brothers and others are just countries. You can debate an issue from sunrise to sunset but someone somewhere will put a veto and that motion does not go anywhere because it is not in the interest of those countries and this is happening even within the Euro-zone.

Within the Euro-zone, there are those countries at the centre and others at the periphery. The peripheries are sometimes called PIGS states...not the animal, but these are countries of Portugal, Ireland, Greece, and Spain. These are the countries at the periphery and the core countries at the centre are like Germany, the Netherlands, France, name it.

If you have been following, we have seen this kind of lopsided relationship costing some of those PIGS states. The caution I am making is that we should not have big brothers and ordinary brothers.

Two, we have also seen the leadership of such institutions take for example the World Bank which is for some countries only and the IMF for some countries only. I have never seen a black man being the President of the World Bank and I am not expecting one, maybe hon. Leone when he joins but I am not sure.

I can easily see that for someone from this part of the World to become the Speaker of this Assembly can be a nightmare if we are not careful. So much as I am supporting the motion because I think it is a noble idea, this caution should be taken into consideration. Thank you, Madam.

Mr. Fred Mukasa Mbidde (Uganda): Thank you, Madam Speaker, and hon. members. I equally stand to support the motion but with caution just like my other colleagues have done.

Madam Speaker, as lawyers by training, we are trained to prepare for our case but in most certain terms, you must prepare for the opposite case. For me I am preparing the proposers of the motion for what the opposite case might look like so that a compounded effort will have a resolution that will be extremely helpful in the circumstances, Madam Speaker.

Madam Speaker, we are proposing for a creation of an Assembly of the United Nations. That is provided for under Article 7 Clause 2 of the Charter of the UN, that any other subsidiary organs of the UN can be created. But then we also need to look at the character of the UN itself. One, it was equally established as an Assembly. It has organs under Article 7, namely...and that is where we are going to face a problem that we must take care of.

The organs include a general assembly and Madam Speaker that is the assembly under Article 22 from which we shall seek for the creation of another Assembly. We are going to have a problem, Madam Speaker and we must prepare ourselves for it. Then you go to other organs; the Security Council, the economic and Social Council, the Trustship Council, the International Court of Justice and the Secretariat.

Madam Speaker, this campaign is good and it is on-going. Just like the mover of the motion adumbrated here in the beginning, we only need to take care that whereas the creation of an East African Legislative Assembly was proper and probable because the uniting Partner States included among others, a goal to establish a federation, it might not be the case where states are inclined on maintaining sovereignty and that they are established for purposes of resolving conflicts which is majorly the role of the UN under its principles in Article 2 Clause 7.

So we are going to face a problem that we need to extinguish if we are to survive with our resolution. We must pass a resolution and equally accompany it with lobbyists that must lobby till either Jesus or Santa Clause return because both of them have not featured yet.

But Madam Speaker, there is a very serious problem. Whereas the African Union would create a PAP of some sort, the histories and obviously objective reasons for creation of the same were again different from that of the UN. From the OAU where a constitutive Act was adopted to establish a charter that established the African Union, we were now looking at the OAU for purposes of solving colonialism and providing solutions for colonialism then the African Union looking at fundamental rights in the governance of African peoples.

Now when you look at the UN, and you would like to establish a parliament, you have to be more prepared than even those that created the African Union. This is the preparation that we need to make. That whereas the objectives of the UN do not include, in fact they are express on sovereign maintenance under Article 2 Clause 7, we now have to make a justification for a parliament of some sort and that justification has to be bred here and the debate needs to be more enriched than the current debate that we have adopted as the House. Madam Speaker, I beg to move.

The Speaker: Thank you.

Mr. Daniel Kidega (Uganda): Thank you, Madam Speaker. I am a democrat and ideologically I believe in liberalism meaning that I support the creation of institutions that empower people's voices to be heard in governance processes.

Unfortunately, I am going to take on this from a different perspective from my good friend hon. Zein on the issue of local government. Maybe we are late in dealing with cohesive institutions globally that are handling our governance processes today. There is already either in theory or otherwise undemocratic governments already structured up there above the national governments that govern how we operate nationally and otherwise by every moment narrowing the policy space we have at national level.

I want to find out from you, how much policy space you think you have at national level. It is long gone. Institutions that do exist and their policies impact on us have already taken most of the space that was left for us as sovereign states very immensely.

If you look at institutions like the IMF, the World Bank, the WTO, and several others of that nature, do you know how much those institutions impact on the policies you derive at national level? How much policy space do you still have as sovereign states?

So the strife or intention of creating a global government that is going to govern us without electing it or that is not maybe even answerable to us is already a reality from my point of view. So for me, I support this motion on the basis that we are moving towards democratisation of a government that exists and that is governing us without our voices. So we, having elected representatives in the- I don't know whether it is going to be a forum, an Assembly with legislative powers or otherwise but in whatever shape, it may come or may be, it is important the people's voices or representation be there present. The democratisation process of these institutions that are already governing us is very important.

The second point as to why I support this motion very dearly, hon. Mike Sebalu is the question of improving the success rates of UN missions in the World. For those who have bothered to do some bit of empirical studies on the aspects of successes of UN missions in the World, this institution would be worth disbanding actually as their success rate is so low. So, if it were that

the creation of a democratic institution attached to it will improve on its success rate around the World then let it be.

Without going very far, one of the oldest UN mission is here in Congo with the highest funding almost. They are there. What they are doing, what successes they are attaining is eluding me as Dan Kidega, I do not know. So if I can only have representatives to whom I can pose questions on the deployment mechanisms and terms and conditions and successes of that institution, I will be happy.

Last a few years ago; 1993-1994, the UN was inexistent and to make the matter very annoying, at the helm of the leadership was a son of Africa. Hundreds and thousands of my brothers and sisters were being butchered just next door here. If be that the creation of this institution will make sure that the UN become more people centred and more accountable to the people, then let it be.

Also, if this institution will help to control the skewed manner in which the UN is used by the big boys or the big powers then let it be. We talked of the veto powers and every aspect of it. We know very well that in all these international institutions we are not equal. In fact, at times I laugh in my heart when I hear people talking of equality. When will you be equal with the other people? Is equality a reality? It is attainable or it is equity? When shall the Republic say of Uganda have equal opportunities and equal ability to do things like maybe Germany, United States and so on? I think we are talking about equity.

Even our fingers are not the same, we will not pray for my thumb to be longer than or be at the same height with my index finger but the right enjoyed by my thumb should be protected even if it is short. So if this institution is going to fight for equity of sovereign states, peoples and citizens of the World, I will then support it.

Finally, Madam Speaker, as EALA Assembly, our membership in this regional and international institutions is very important. As we pass this resolution, I would like to urge your office to work hard and make sure we don't only enjoy observer status in some of these institutions that are being created or that are already in existence.

I have attended a number of international meetings where we still enjoy observer status so as we fight for the creation of more institutions, let us fight for our space as EALA to have membership rights other than observer status. I thank you Madam Speaker. *(Applause)*

Ms Nusura Tiperu (Uganda): Thank you Madam Speaker for giving the opportunity. I would like to support my colleague, hon. Sebalu, on the resolution for the establishment of UNPA. But before I do that, hon. Speaker, please allow me to bring you greetings from the First Deputy Prime Minister of Uganda, and Chairperson of the EAC Council of Ministers, the hon. Eriya Kategaya, whom I was able to visit in the hospital in Nairobi. I want to report that he has greatly improved - *(applause)* - and may be during the next sitting, he will be here and he wished you a successful meeting.

Madam Speaker, I want to thank hon. Members and the staff of EALA for support I was rendered while I was in Nairobi. I would like to support hon. Sebalu in this resolution, first of all, I was able to witness the manner in which the UN works when I attended one of the meetings at its headquarter. Ugandans we are privileged because our embassy is very close to the UN headquarters, often times we understand what is happening within the corridors of the UN.

Madam Speaker, it was during the same sitting that the then leader of Libya, the late Muammar Gaddafi, attended a session and in a way spoke for more time than was offered. But the key issue he seemed to be raising was the same issue that members are raising here of other members having more powers compared to the rest and in a nutshell he seemed to be criticizing the operations of the UN. Whether he was right or wrong what people were able to capture was to the effect that something somewhere is not right and that there is need for the adjustment on the operations of the UN.

Madam Speaker, the issue of delay in response has been spoken about. Gone are the days when you see a UN flag and still suspect it to be an enemy car, which means the UN as a body need repackaging or re-branding and no any other body can do that other than a parliament. I therefore support hon. Sebalu's resolution.

I also support it, looking at the ideals of the UN and the areas they focus on, like the environment, peace and security, issues of women, refugees. These are the daily concerns that all our nationals talk about. How much money as colleagues have said is being spent and may be if the parliament is put in place, it will help most of these programs to be properly aligned as they are supposed to be.

Madam Speaker, I am not speaking because I am serving my last term in EALA, but why not have an opportunity for a body for veterans to go to a bigger body to legislate for the globe? Wouldn't you love to sit with somebody from Cameroon or somebody from America as MPs interfacing and discussing the ideals of the world? Where would we put our brains like Dr. Sezibera after leaving the EAC? Why not? Not for serious reasons, we have enough expertise, serious people who can reconfigure international ideals and put up a body of respect.

Madam Speaker, the issue of accountability has already been spoken about but I want to congratulate EAC in a special way because when I attended that meeting I was able to witness East Africans showing solidarity. It is a common practice that when a president is giving a speech, the nationals of that country remain to listen, and after the president's address, they all walk out. But when I attended that session, I saw East Africans with a spirit of solidarity in that when each of the presidents of East Africa spoke we all remained there, supported them, and clapped as usual and when the five presidents finished, we also walked out as a team. So that shows that EAC as a bloc is moving in the right direction. That means that there are many on-going negotiations that we may not see, and, indeed, the Community is doing a commendable job.

Madam Speaker, with remarks, I would like to conclude by saying that we need to support this resolution but urge that an amendment is put especially on the first resolve that should support the establishment of United Nations Parliamentary Assembly based on the principle of equity and mutual trust. Asanteni sana.

The Speaker: Thank you very much hon. Tiperu and I now invite hon. Sebalu to wind up.

Mr. Sebalu: Thank you very much Madam Speaker, for the opportunity. I would also like to thank the members who have contributed and from the onset, I want to say that the quality of debate was very high. Members really brought out issues that need to be considered and I must appreciate the contributions. Hon. Makongoro gave us good input and he brought the aspect of seeing it in a life time and my only comment on that is that each and every generation has its own historic mission and we should not adjudicate from that mission just because you will not live long enough to see it happen and to illustrate my point, Mwalimu Julius Nyerere started the EAC, so many years, a one hon. Makongoro is playing another part-(*applause*)- so if Mwalimu had abdicated it because he may not live to see it, then one Makongoro would never have had a chance to participate. So each generation has a mission. You just play your part and leave others to play theirs too. So we can initiate for those who will live to celebrate. It's like the EALA we are enjoying now, definitely by any stretch of imagination, is not the first EALA, in content and all aspects, but people had to start and because they started we are now members of EALA.

So that is not a problem in my view, it is like a foundation, you put your brick, another group comes and play their part. I want to quote the late President Julius Nyerere. He always said, "It can be done provided each and every one plays their part". We are simply playing our part and others will play theirs when their time comes. I will be happy when my son will be in that Assembly and I say we started it.

Hon. Ngenzebuhoro supported it whole-heartedly and indicated the issue of promoting democracy and good governance. I think that is well taken and I appreciate that point. Hon. Mulengani illustrated it very well and practically with the use of the global financial institutions and their operations, the nature of their closed and exclusive application, I think he did a very good job in illustrating it and I would like to compliment him.

Hon. Zein was cautious but I also appreciate cautious supporters of the motion. I do appreciate your caution but what we are doing here is that we are putting in place a principle and once we agree on the principle, then the details of having it operationalised can take care of the caution and the different aspects that have been raised. So this motion is simply bringing forward the principle that do we need an institution, a keen of a parliament at the global level? If we do, how then should it be put in place? How will it operate in order to avoid the kind of excesses that you pointed out? So my emphasis here is on the principle and once it is appreciated, definitely we do have the brains, people who can do something that will take care of some aspects but it is the principle that we are looking at and we do have the facts. Hon. Zein the facts are available in terms of engagement and in terms of the different parliaments and parliamentary organizations that have supported it including the European Union, they wouldn't do so if they didn't think it was a wise thing to do and many others that are mentioned in my justifications. We are not operating in isolation, if we are beginning it and it hasn't been thought through other processes, then we would imagine that may be we are taking the wrong side of the right corridor but we are not doing that because there is a precedent and all we need is to help, streamline the principle.

Hon. Kimbisa was also supportive and I hope he was not imputing improper motives on my part for moving this. I am just moving it for posterity and my chances of sitting there are not very high but at least as EALA, the third EALA let us be part of history that we saw a good thing which we thought was good for humanity and we supported it and that kind of position will make us relevant during our time. Those that will come after that posterity, will know that there was a parliament and forward looking because that is why I always refer to Mwalimu Julius Nyerere, the kind of statements he made so many

years ago, make some of these things relevant now because he was looking ahead. So let us play our part in this respect as well and when we are doing this, let us not fear to negotiate. You know it is one thing fearing negotiation and it is another thing negotiating out of fear.

Let us just put our issue on the table, other people will counter the arguments and that is appreciated because even when EALA was being started other people had different views but reason prevailed and we have this institution operating. We can use our own experience as an institution because at some point it could operate. It operated without an Assembly when there was a tripartite and these arrangements, there was no assembly and even the way we are proceeding now because at one point there was no assembly and that is why we are having protocols but now we are moving away from the protocols because there is an assembly whose job is to pass laws but that stage had to be overcome, the evolution of building the institution. So for me I think we can do it.

Hon. Mbidde I do appreciate your caution and your role as the devils' advocate is also something but I just want to say that you are talking about a general assembly of whom? It is the General Assembly of governments - (*interjection*)-

The Speaker: Order from hon. Zein.

Mr. Zein: Madam Speaker, is it parliamentary language for hon. Sebalu to quote the devil and refer to a member as a devils' advocate?

The Speaker: I think he quoted the expression used by hon. Mbidde in that reference otherwise, there is no devil here.

Mr. Sebalu: Madam Speaker, I was only using the Queen's English - (*laughter*) - by expression. Thank you very much. I was just responding to hon. Mbidde who was giving the other side. You are just talking about a general assembly; of whom? It is the General Assembly of Heads of States and governments. So you don't have a provision for the people's voice to be represented and it is that lacuna that we are trying to cure. It is that anomaly that we are trying to put right. It may not be that it is desirable for governments because sovereignty will remain whether you have a parliament or not. And sovereign states also do have parliaments, when this one is used exclusively I don't simply understand it and that because of sovereignty, then you can't have parliaments but parliaments are part and parcel of sovereign states. This is the separation of powers; you have the executive, legislature, and the judiciary. All are part of the sovereign states. Otherwise, we are trying to say that where there is no sovereignty is where parliaments are now. Even as a community we are operating as sovereign states and at a regional level it is a compound effect of different, sovereign states but we have a parliament applying.

It is for each and everyone. It is good, the lobby group is already in place, and we are part of the lobby group. It is consultative and advisory so that there is some form of interaction from another level of governance structure. Basically, I do not see any problem with that and it can be done. The lobby group is already in place. I have talked about different parliaments and parliamentary forums that have supported the initiative including the European Union Parliament. It is in support and there is already ground for this, we are not operating from isolation. We are not re-inventing the wheel; it is a question of our support to those who have already supported this initiative.

Hon. Kidega was spot on. He did a good job conceptually we appreciated the idea and you illustrated it well because these are excesses and the challenges that we need to look at. Hon. Tiperu, I do appreciate your support for the motion and finally I just want to say that UN is undergoing reforms, definitely anyone of you would appreciate that UN is in the process of undergoing reforms. What I am simply saying is that through this motion and resolution is that as EALA, and EAC let us play our part and contribute our ideas in this reform process by introducing a structural arrangement that will allow the people's voice to be represented to the highest level of decision making globally so that the UN is streamlined to take and appreciate the voices of the people. That is what we are doing as an Assembly, I want to beg you, even the cautious ones to support the motion, and we appreciate the principle. We will have this idea reflected taking into account the different aspects of caution, which I respect and appreciate but let us, carry the principle and work on the details implementation that can take care of the caution.

Madam Speaker, I beg to support, move, and encourage all hon. Members to support this important motion.

(Question put and agreed to.)

The Speaker: Hon members we have come to the end of today's session and I want to thank you for the you have shown. Before we adjourn, I have one important announcement to make that the Burundi chapter graciously invites you all members and staff of EALA to a dinner tomorrow, Wednesday, 30th January at Hotel Club-du-lac-Tanganyika at 6.30 p.m. This has been announced by hon. Jeremie Ngendakumana, the Chairperson of Burundi Chapter.

Hon. Members with that announcement, we have come to end of today's sitting and house stands adjourned to tomorrow 2.30 pm.

(The House rose at 6:55 p. m and adjourned until Tuesday, 30 January 2013 at 02.30 p.m.)