

**Wednesday, 29 May 2013**

*The Assembly met at 2.22 p.m, in Parliament House,  
Kampala, Uganda*

**PRAYERS**

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

*The Assembly was called to order.*

COMMUNICATION FROM THE CHAIR

**The Speaker:** Hon. Members, I want to welcome you to today's sitting. I have two items to talk about by way of Communication from the Chair. One is that yesterday, the Office of the Speaker received a petition from civil societies in Uganda led by SEATINI concerning the EAC/USA Investment Agreement and other agreements

mainly the trips agreement. They have very important prayers to EALA.

I am now forwarding this petition to the Committee of Communication, Trade and Investment and the Committee on Legal, Rules and Privileges to study it so that they can make recommendations to the Assembly. So, the chairpersons of those two committees liaise with the Clerk so that you can get some time to consider this very important item.

The second issue is that Hon. Odette Nyiramirimo, as we retired from the House, suffered a dislocation in her left leg and she is receiving treatment through AAR. We will be updating you on the progress. Thank you very much.

THE EAST COMMUNITY VEHICLE LOAD CONTROL BILL, 2012 FOR  
SECOND READING BY WAY OF MOTION

**The Chair of Council of Ministers (Mr Shem Bageine):**

Madam Speaker, I beg to move that The East African Community Vehicle Load Control Bill, 2012, be read for the second time. I beg to move.

**The Speaker:** Okay, the motion is seconded by hon. Kahwa, hon. Dr Sezibela and hon. Dr Abdallah. Please, Chair of Council, proceed.

**Mr Bageine:** Madam Speaker, I am pleased to move that EAC Vehicle Load Control Bill, 2012 be read for a second time. This is because the progress it has reached is a fulfillment of the Council of Ministers' undertaking to actively support the pursuit of this august House's legislative programmes.

Secondly, the passing of this Bill into law will go a long way in giving legal effect to:

- a) The provisions of the Treaty for the establishment of the East African Community on common transport and communication policies in general, and road transport in particular; and
- b) The provisions of the protocol or the establishment of the East African Community Common Market mainly on the free movement of goods and coordination of transport policies for purposes of facilitating the common market.

This Bill is founded on the Treaty for the establishment of the East African Community and the various related legal instruments. Article 89 of the Treaty obliges the partner states to develop common transport and communication policies in order to promote the achievement of the objectives of the Community as spelt out in Article 5 of the Treaty and particular Article 89 (a) requires the development of harmonized standards and regulatory laws, rules, procedures and practices in the transport sector.

Article 90 (1) specifically requires the partner states to adopt common rules and regulations governing the milestones, technical requirements, gross weight and load per axel of vehicles used on trunk roads within the Community.

In Article 38 of the Common Market Protocol, the partner states have committed themselves to evolve coordinated and harmonised transport policies. This is aimed at providing for adequate, reliable, safe and internationally competitive transport infrastructure, modes and services for the development and consolidation of the common market.

These policies shall apply to logistics and transport by roads and other transport models.

Madam Speaker, for purposes of background information, I wish to bring to the attention of this august House that the East African Community has got about 15,000 Kilometres of roads constituting what is known as the Regional Trunk Road Network on which 95 percent of the region's import and export freights is transported.

The typical lifespan of a bitumen road is 20 years, but this is on the assumption that it is maintained as required and carries the loads in accordance with the prescribed design.

Therefore, the need to control vehicle loading is very important and hence the reason for introducing this Bill.

Madam Speaker, in 2001, the partner states concluded a tripartite agreement on road transport. The main objective of the agreement is to coordinate partner states' efforts in providing and sustaining the development of road infrastructure and related facilities in support of the social-economic growth of

the East African Region by ensuring that the roads facilitate access to areas of population, production and market centres.

Article 9 (d) of that agreement requires partner states to enhance the overall quality of road transport and road traffic in the region by jointly developing comprehensive strategies aimed at harmonising and implementing relevant technical standards on, among others, roads and vehicles. This Bill therefore, has strong legal basis and is relevant to the economic development of the region.

Madam Speaker, in 2005, the partner states in collaboration with the World Bank and the African Development Bank, formulated the East African Trade and Transport Facilitation project aimed at the removal of none-tariff barriers along the transport routes in the region.

The main objective of this project was to reduce the high cost of road transport and the high turn-around times for trucks to and from the Sea ports. One of the major impediments to the smooth flow of traffic along major corridors is the inefficiency of weigh bridge

stations. This is well documented on the various studies and from stakeholders' analysis.

A part from the poor infrastructure and obsolete equipment at these stations, the disparity of application of vehicle load control laws in the partner states also contributes to the poor transport services.

In order to address the above concerns, the Council of Ministers at its 14<sup>th</sup> Meeting held in September 2007 directed the Secretariat to convene a meeting of experts with a view to coming up with a regional strategy on vehicle load control. Among the recommendations that that meeting made was the need to develop a regional legal instrument that would guide the management of vehicle loading in the whole region.

This recommendation was further reinforced by a joint decision of COMESA, EAC and SADAC in 2008 to harmonise the following important aspects of vehicle load control in the Eastern and Southern Africa Region:

- a) Common gross vehicle weight and axel unit loads;
- b) Introduction of a bridge formula for the protection of bridges;

- c) Common weighing tolerance;
- d) Burning of four axle groups
- e) Weighing verification intervals a long major corridors;
- f) Auditing of weigh bridge stations;
- g) Dissemination of overloading offences and the introduction of administratively administered fees;
- h) Level of fees to be based on the recovery of road damages; and
- i) Development of a data management system.

In October 2010, the Secretariat with funding assistance from the Japanese International Cooperation Agency engaged a consultant to carry out a technical study to analyze these and other issues so as to enable partner states make an informed decision on the way forward.

Several stakeholders' workshops were held as part of the study culminating into a meeting of permanent secretaries in August 2011, which endorsed the technical and legal aspects of the study.

within the context of the above highlighted EAC Legal instruments and existing relevant legislation of the



partner states and informed by the extensive studies and stakeholders' consultation, the Council, at its 24<sup>th</sup> Meeting held from 20<sup>th</sup> - 25<sup>th</sup> April 2012, approved the recommendation to develop this Bill.

Madam Speaker, I would like to thank the Committee on Communications, Trade and Investment for having studied the Bill in 2013 and for undertaking public hearings, the outcomes of which have evidently served to increase knowledge on/and appreciation of this Bill.

This Bill is timely as it comes at a time when the region's transport sector is experiencing difficulties in coping with different applications of road control regulations between the various partner states.

Madam Speaker, this Bill is premised on 23 principles developed by the study and agreed on by the stakeholders. Key, among these principles, are the following:

1. Dissemination of overloading and the setting of fees based on the recovery of road damage costs;
2. Determination of maximum load limits at 8 Tones on Steering Axels; 10 Tones on single none-Steering

Axels; 18 Tones on Tandem Axels and 24 Tons of Triple Axels;

3. Determination of 56 Tones maximum gross vehicle weight on 7 Axels but no quadruple axel groups;
4. Acceptance of liftable axels if accompanied by a deadman's switch or on all suspensions or with an automatic drop down mechanism when loaded;
5. Allowance of the use of interlinked trucks and as determined by designed routes and maximum length of 22 metres; and
6. A requirement for the location n of weighing stations along the regional road network to be optimized in order to enhance efficiency.

Madam Speaker, the potential benefits of this Bill are numerous. The main benefit however, will be reduced time delays at weighing stations and the reduction in the number of weighing stations through the optimized spacing use of the modern equipment; improved data through electronic linking of the weighing stations, enhance to enhance efficiency of staff through a regional training curriculum and most importantly the elimination of corruption by instituting transport systems of weighing.

Transporters will therefore, be able to traverse the region's road network without having to worry about the

disparity in the partner states' laws and regulations on load control.

Madam Speaker, finally I would like to thank the Committee on Communication, Trade and Investment, which with support of technical staff from the Directorate of Infrastructure and the Office of the Council to the Community, have had their contributions enrich this Bill especially in regard to clauses: 2, 9, 11, 19 and 28 and all the inclusion of a new clause to enable the council amend schedules as and when necessary. Madam Speaker, I beg to move.

**THE SPEAKER:** Thank you very much, Chair of the Council. Honourable members, the Motion on the Floor is that the East African Community Vehicle Load Control Bill, 2012 be read the second time. I now invite the Chairperson of the Committee on Communication, Trade and Investment to present the committee report.

**The Chairperson of the Committee on Communication, Trade And Investment (Ms Angella Charles Kizigha):** Thank you, Madam Speaker. The committee held a series of meetings and public hearings to consider the East African Community Vehicle Load Control Bill -

**The Speaker:** Sargent-At-Arms, can you help the member so that she can speak through the microphone.

**Ms Kizigha:** Madam Speaker, as I was saying the committee held a series of meetings and public hearings

to consider the East African Community Vehicle Load Control Bill, 2012 whose copies have been circulated to members and it is a property of this House.

In accordance with the provisions of Rule 68 (2), I now beg to present the Report of the committee on the Vehicle Load Control Bill. Madam Speaker, I beg to lay the Report on Table.

**The Speaker:** Thank you. Clerk, Please take note. You can now proceed to present the report.

**Ms Kizigha:** Madam Speaker, before I proceed to read the report, allow me to personally thank you for permitting me time for leave while I was sick. I also would like to thank the Chair of the Council and all the members of this august House for the care and cooperation during the time I was sick.

Madam Speaker and honourable members, I also would like to thank all of you for the good cooperation exhibited during the consideration of the Border Post Bill in Kigali, which work went on well before the House finally passed it.

Also allow me to thank hon. Ogle Abdi, in special way, for standing in for me during the Kigali Plenary when I was sick. I thank you, for a job well done. *(Applause)* I should not forget to thank my committee members who also did a wonderful job during that.

Madam Speaker, now allow me to read the Report on the Communication, Trade and Investment on East African Community Vehicle Load Control Bill, 2012.

The introduction:

The Treaty for the Establishment of the East African Community in Clause 14 (b) mandates the Council to initiate and submit Bills to the Assembly. In this respect, the EAC Council of Ministers developed the EAC Vehicle Load Control (VLC) Bill, 2012.

The object of this Bill is to make provisions for the control of vehicle loads, harmonised enforcement, and to make institutional arrangements for the Regional Trunk Road Network within the Community.

In December 2012, the Council referred the Bill to the Assembly for consideration and ultimately passing as one of its core functions is legislation. As part of the legislative process, the Assembly also referred the Bill to the Committee on Communications, Trade and Investments for consideration.

Among other means of considering Bills, the Committee adopted holding public hearings with a view to involve

citizens in the legislative process by getting their inputs on the Bill.

Therefore, it is against this background that the Committee Members held consultative public hearing workshops from 6<sup>th</sup> to 12<sup>th</sup> March 2013 with different stakeholders in all Capitals of the EAC Partner States on the VLC Bill.

The objectives of the stakeholders' consultations:

The overall objective of the public hearings was to consult the public about the EAC Vehicle Load Control Bill, 2012 but specifically to:

- a) gather public opinions, views and inputs that can inform the Bill;
- (b) Understand the likely opportunities, challenges, and impact associated with the Bill; and
- (c) Come up with relevant recommendations.

Methodology:

The Members of the Committee on Communications, Trade and Investment got divided into two groups. One group covered the republics of Burundi and Rwanda, while another covered the Republic of Uganda and both groups converged in the United Republic of Tanzania to hold

public hearings on the EAC Vehicle Load Control Bill, 2012.

All the public hearings were held in EAC Partner States' capitals and were participatory in nature to consult various stakeholders from the government, private sector, civil society including media to bring on board their views on the EAC Vehicle Load Control Bill.

The stakeholders consulted included among others; EAC Secretariat, Ministries of EAC Affairs, Ministries of Trade, Ministries of Infrastructure and Transport, Roads Authorities, Commercial Truck drivers Associations (Transporters), Vehicle Inspection departments, Weights and Measures agencies, Revenue Authorities, Immigration, Bureau of Standards, Police, Traders, Clearing and Forwarding.

The Committee further engaged the EAC Secretariat technical officers and the Council of Ministers to scrutinize the Bill. From the stakeholder consultations, the following observations and recommendations were made:

## Observations:

- a) Stakeholders in all partner states appreciated and underscored that the Vehicle Load Control Bill is the cornerstone for trade facilitation as it will eliminate major NTBs along the EAC Regional Trunk Road Network in the region;
- b) Stakeholders also expressed appreciation to EALA Members for allowing them to be involved in the legislative process. This confirms that EALA upholds the principle of EAC being people centered;
- c) Stakeholders observed that there is shortage of necessary infrastructure and technological facilities to facilitate effective implementation of the VLC law; and
- d) Stakeholders noted with concern that the Council delays to come up with regulations to facilitate the efficient and effective implementation of regional laws. Even when the Council makes the regulations, different stakeholders are not consulted for their inputs.

## Recommendations:

There is need for partner states to develop, upgrade, and modernize all the required infrastructural facilities and enhance technological advancement to



enable efficient and effective implementation of the Vehicle Load Control law;

The Council of Ministers should fast track the process of making regulations necessary in effective implementation of the EAC Vehicle Load Control law; and

The Council of Ministers should conduct sensitization programs on the EAC Vehicle Load Control to the EAC populace to ease the implementation of the law.

Conclusion:

Having comprehensively and carefully considered and analyzed all the concerns, comments and opinions from the stakeholders during the consultations and further having discussed them at length with EAC technical officers including the Council of Ministers who initiated the Bill, the Committee proposed the following amendments as indicated in the attached Schedule to facilitate effective implementation of Bill in the EAC Partner States.

Madam Speaker, I beg to move.

**The Speaker:** Thank you, Chairperson, Committee on Communication, Trade and Investment. Honourable

members, the Motion on the Floor is that the East African Community Vehicle Load Control Bill, 2012 be read to the second time. Debate is now open to the House.

**Mr Daniel Kidega (Uganda):** Thank you so much, Madam Speaker. I don't have much to add onto the report of the committee because I am a member of this committee.

However, I have three points to talk about. The first is to appreciate the work method that the committee developed in dealing with this Bill. I am sure the Assembly will recall very well that this is the second law we are handling as this August Assembly. The first law was the OSBP and the second one this Vehicle Load Control Bill.

The leadership of this committee and its members have developed very good working relationships with the stakeholders in the partner states. They have also developed very good working relationships with the technical persons at the Secretariat and the Council of Ministers.

All these allowed it to be the first committee to table two Bills on the Floor of this Parliament and have them

passed so easily. It is in that spirit that I now would like to thank the chairperson and all the committee members together with the technical staff and Council of Ministers for the good work done.

Madam Speaker, the two laws I am referring to are very organic laws. Yes, we have passed several laws in this Assembly, but these very two that I am referring to have far-reaching implications on the people of East Africa.

I know most of you have driven on the road from Mombasa to Kigali. As you drive from that port to Kigali, you realise that the road is very bad because of the pressure being exerted on its surface by vehicles.

So, this Bill, which is going to regulate the weight of vehicles, will go a long way into managing and improving the efficiency of managing our road network in the region. Therefore, I would like to thank the Council of Ministers so much for bringing this law to the House.

But this also revokes a clear issue that this Assembly has been consistently asking the Council of Ministers to work on the railway network. Yes, we are going to control the weights of vehicles, but we need to realise

that we still have heavy loads that must move on land. So, whatever control you are going to include in this law will still affect the surfaces of our roads.

In the circumstances, I would like to strongly appeal to the Council of Ministers that much as we pass these laws, they are not enough for us to realise absolute efficiency in the Trade and communication sector of this region. We need to have the railway network of this region revamped and made operational.

Madam Speaker, with those two points, I would like to thank you much and say that I support the motion.

**Ms Patricia Hajabakiga (Rwanda):** Thank you, Madam Speaker. As I speak to the House for the first time, I wish to thank the Government of Republic of Uganda, the Parliament of Uganda, citizens and our colleagues, Members of EALA of the Uganda Chapter for having accorded us all what needed to be in Kampala. I thank you very much.

I would like to state that I support the motion, but also to congratulate the Council of Ministers for having tabled this important Bill, which intends not only to protect our roads but also will go a long way

to reduce on some of the none-tariff barriers related to weigh bridges along the two corridors.

Madam Speaker, allow me to congratulate our chairperson for her able leadership demonstrated during the entire process as we consider this Bill starting from the time of the public hearings.

Like Hon. Daniel Kidega has said, this work also required the commitment of the committee members, taking into account the fact that we worked under very hard conditions because we did not have any funding from the Community.

Finally, I also would like to thank AWEPA who came in to support us in order for us to conduct the public hearings before considering this Bill.

The Bill is very critical for the integration and particularly for the transporters. However, if you may recall, Madam Speaker, before public hearings commenced, we had the opportunity to track the corridors as a committee in March. This made it so easy for us to understand the Bill after we received it from the Council of Ministers.

While the Bill will try to reduce the none-tariff barriers in terms of weigh bridges, we still have a long way to go in regard to other none-tariff barriers.

So, I urge the Council to speed up so that they can bring us that Bill on the None Tariff Barriers to deal with it. This will enable us to provide the service we have been called for and facilitate our private sector and the free movement of persons so that we can move the integration forward. Thank you very much.

**Mr Harelimana Abdu Karim (Rwanda):** Thank you, Madam Speaker. I, as well take this opportunity to thank the Government and the people of Uganda and more especially our colleagues to the Ugandan Chapter, for the warm reception they accorded us since our arrival at this beautiful Capital of Kampala. For some of us, this is our second capital. For example, I first came to this city in 1968, when people like Hon. Daniel Kidega weren't yet born. *(Laughter)*

Madam Speaker, I rise to support the motion; we need it because our roads are very expensive to make. So, once you allow transporters to use them the way they want, they can get destroyed in just months.

The long distance roads such as the one from Dar-es-Salaam to Kigali is more than 1700 Kilometres - it takes at least 5 to 6 years to construct a road, but as I said, destroying it can take only a few months. We spend a lot of time and money and so it wouldn't be good to destroy what has taken out time to construct in just a short period. It is on the basis of that that I support the motion.

However, much as I appreciate that the Bill is coming to reduce of none-tariff barriers, I think are already introducing another one. When you look at Clause 9, you realise that it talks about a special category of vehicle loads and we are giving powers to the relevant ministers in partner states to permit these vehicles to

move on our roads - my fear is that that might turn into another none-tariff barrier.

I am saying this because a minister is a very busy person and most of the time they are in the capital cities. So, imagine some load being imported from say, Asia, through Mombasa or Dar-es-Salaam ports and the importer has to first talk to a minister in say, Kampala or Kigali depending on the destination.

We will recall that among the none-tariff barriers that we found in the implementation of the common market related more to certificate of origin, which is just a small paper. You find someone exporting goods from Central Tanzania to Uganda through Mutukula Border, but they need to get the paper from Dar-es-Salaam yet the goods could be worth just \$2000 - imagine travelling all the way to Dar-es-Salaam to collect such a paper and now we are here giving such powers to a minister?



Yes, I support the motion but this issue has to be looked into such that those powers are given to someone else at the point from which the goods are being imported from.

Madam Speaker, I beg to move.

**Mr Abubakar Zein (Kenya):** Thank you very much, Madam Speaker, for giving me the opportunity to say a few words about the motion on the Floor of the House. I stand to support it.

However, I would like to point out a few things about the process of making this law. I am not a member of that committee, so I would like to thank the chairperson and all the other members for the work they have done. I also would like to thank the Council of Ministers. I would like to draw the attention of ministers present here to the fact that they should bring more Bills for us to pass them into laws.

I would like to applaud the members of the committee for insisting and finding ways of securing resources that allowed for public participation in the making of this law.

I would like to urge this House therefore, to make an institutional policy to the effect that before we pass any law, there must be a provision for public participation. It is good practice and one of the ways of involving the people of East Africa in not only making these laws but because it is also part of our efforts to invest in constitutionalism.

By them participating and getting to know the details of the law, they will be internalizing what is provided for in that law.

May I, Madam Speaker, say that it may be good practice for us to allocate resources to do mass education amongst the people of East Africa about every law we

enact here. I know that the Commonwealth system operates on the premise that the law is a donkey - allow me to use that word in this august House - and that once a law has been passed, it is the responsibility of citizens to abide by it. That is usually said that ignorance of the law is not a defence for flaunting that law. But I think we have now gone beyond that philosophy.

We must establish the philosophy that after we have passed a law in trhia august House, there is a sensitization programme about that law. This will enable people to abide and live within the provisions of that law. It is only common sense that we do that.

I would like to say that I support the contention mentioned by some member to the effect that these laws are not sufficient to spar economic activities. I want to say that if we are serious about integration, we

must invest in railway transport. I agree with that position because I also know that the Summit, as part of its master plan for infrastructure development, has identified a number of priority areas that have to be invested in.

It is important for us to keep reminding ourselves about this until we get it.

My last comment is: like hon. Abdu Karim said, we should be aware - if we provide unfettered discretion, that will be a ground for future none-tariff barriers or may I talk about future corruption. That is why we need to be careful about giving discretion to make people allow what we have already outlawed. For example, if we decide on the weight to be moved on our roads, we should just say there are exceptions to allow any loaded vehicle over and above what is provided for

in this law, no matter the justification that might be fronted.

**Mr Bernard Mulengani (Uganda):** Thank you very much, Madam Speaker. Before I make my contribution, I also want to add my voice to the voices of those who spoke yesterday in welcoming our colleagues to Uganda. I wish all of you a nice stay. And as one of our leaders usually says, *mwenjoyi*. Kindly try to pull off time to see Kampala by the night. *(Applause)*

I rise to support the report of the committee. I had opted not to speak to this report because it is clear. However, I have been tickled by the submission of honourable Hajabakiga and I thought to myself - I need to say something in confirmation of what she raised.

First of all, when I look at the recommendation number one, where they are saying that the Partner States

should develop, upgrade and modernise all required infrastructural facilities and enhance technology advancement to enable efficient and effective implementation of this bill, it reminds me of the various laws that we have passed in this House that have not taken form in terms of implementation - not even tabling them in the Member States.

We have over 40 laws that were passed by the previous Assemblies and to date have never seen light of the chambers of the national parliaments. I want to urge the Council that the Vehicle Load Bill is among the very many bills - I mean laws - that we have passed, that need and are actually very fundamental to the citizens of this region.

The Vehicle Load Bill will go a long way to enable our business community to reduce their costs in terms of the supply chain. I will refer to a very important law

that we passed - the Common Market Protocol. Member States are still staggering; they have not put frameworks in place to enable the Common Market Protocol perform. Now, with such a law, I will urge the Council of Ministers to ensure that this law not only sees light in the Member States' parliaments but also be implemented.

The other point I want to raise regards sensitisation. Indeed, as the committee observed the need for sensitisation - I happen to be privileged to have seen the budget that is yet to come. I want us to take keen interest in this area when the budget is tabled in this House, for you to see what direction the Community is moving to in regards to sensitisation on issues of the Community. And I call upon you to ensure that this recommendation be budgeted for if it is lacking in nature.

Madam Speaker, honourable Hajabakiga raised the issue of funding the public hearings. Even where the Council is originating a bill, they are not providing for funds for the Assembly to be able to carry out its function. I do not know what the executive thinks about this Assembly. They are intentionally - I would think - unknowingly yet deliberately depriving us of our won duty. And I think it is a very serious matter. I want to call members again, in the budget that is yet to come on this Floor, if there are no funds under sensitisation, we each should stand on our two legs and re-allocate money to this area.

I also want to advise you that if the budget also does not have funding in the area of printing bills and providing them to this House, we do not have jobs. And I am requesting you that this issue of funding from AWEPA handling bills should stop. The committees are unable to do justice to these documents and they are unable to do proper scrutiny in Member States because



of the size of budget that we are given by AWEPA. In any case, they even contravene our agreements with the Community. I am serving the Community with a specified description of emoluments and yet AWEPA gives us small amounts of money - it is not my entitlement - but we go out of our way because of the spirit of integration - as they usually say - and do this work. This is not what we should go for.

Madam Speaker, as I sit down, I support this bill. However, we need to put it in the background the messages that I have delivered to you. Thank you very much.

**Ms Bhanji Shy-Rose Sadrudin (Tanzania):** Thank you, Madam Speaker for giving the Floor so that I can also air my contribution. From the very beginning, I wish to declare that I am a member of the CTI Committee. And I

also do support the report which has been presented by our chair, *mheshimiwa* Angela Kizigha.

Madam Speaker, with your permission, before I start my contribution, please allow me to thank the leadership of Kampala City and EALA members in Uganda for a very warm welcome accorded to us since our arrival. Likewise, I wish to express my gratitude for the general atmosphere of peace which we have witnessed in this country. And this is a result of the able and wise leadership of President Yoweri Museveni.

Madam Speaker, I wish to take this opportunity to express my sincere congratulation to the Chair Council, *Mheshimiwa* Shem Bageine because I have noticed that he is taking very special interest in the day to day activities of the members. (*Applause*) He is following up who has not been feeling well and he has been encouraging us and showing that he is very much

together with the members of this Assembly. *Mheshimiwa Bageine* - he is not even listening to me - (*Laughter*)

Madam Speaker, having said that, I wish to commend the Council of Ministers for coming up with this very important bill on Vehicle Load Control, 2012. In fact, in my view, I think this bill is long overdue - maybe 10 years late. As we all know a good road network is key and a backbone of interstate trade. And therefore, the good roads are a contributor to our efforts of integration.

For now, the bill needs a hard look to make sure that maintenance of roads will prolong the lifespan of our road network. For sure, one sector of good road maintenance is through the supervision and management of this vehicle load. And that is the reason I am commending Council of Ministers for having come up with this bill.

However, I would like to caution that no matter how good the bill is, there are still loopholes in realising it. While I fully support the reduction in number of weigh bridges and removal of NTBs, we should not lose sight of the crafty drivers, who conduct business by overloading their trucks in between the weighbridges. For example, the driver may be tempted to buy and sell goods which could have excessive load between one weighbridge and another. And if we allow this, the roads, which caused a lot of money, will be damaged within a short time. Madam Speaker, that is the reason I am advocating for checks and balances for supervision of these roads.

Finally, in order to fully understand what this bill is all about - just like my colleagues have said - there is a need for customer education among the truck drivers and all stakeholders in this transportation

industry. Thank you, Madam Speaker, for the opportunity. I full support the bill.

**Mr Ombasa Joseph Kiangoi (Kenya):** Thank you, Madam Speaker, for affording me this opportunity to make a contribution to this important bill. The ultimate goal of the Community is the attainment of sustainable growth in the region for the benefit of the peoples of East Africa. Economic activities will have to be undertaken so as to get to this goal. That is why infrastructure, in terms of road network and the railways, in particular, are very important.

The railway system is what will take East Africa out of this quagmire which we find ourselves in. But that railway network has not been developed; we have talked about it - the chief executives of our Partner States, Summit members, have laid a foundation for it. We do hope that it will come to fruition as soon as possible.

Personally, I do not believe that it is a miracle to attain the railway network.

But what we have now and what we must cling onto very dearly is our road. These roads that crisscross our region are in danger of deterioration and even being phased out completely. It is not surprising to find a road that was previously there and is now full of gulleys and murrum mounds on it. That is why we must protect this road network that we have and that is why this bill is very important.

If, for example, you have travelled from Mombasa through Nairobi to Nakuru, you will find that on the road rises - in the hilly places - on the left hand side, where the big trucks pass, the road has completely been destroyed.

The technocrats who advise the committee, assessed that for one to increase one tonne above the limit of 10, the damage caused is about is like 54 percent. And we must take that very seriously if we are to have this trade within East Africa improved so that we can attain the final objective.

Madam Speaker, it has been argued, and particularly by those who are involved in transportation that it might be a barrier to trade. It is not because the benefits to be gained by controlling the vehicle load are more spread and will benefits more people than the individualistic gains. Unfortunately, corruption and ineffectiveness sets in and they are the things that draw us backwards. Even as we pass this bill, deliberate effort must be put in place to ensure that the corrupt practices that sometimes exist amongst ourselves, our officers and the people manning our roads, are eliminated. If that is not done, it does not matter what kind of legislation we out in place. We may

put very good legislation in place but the officers in charge and other officials, because of the desire to be involved in corruption; to have *kitu kidogo* in their pockets - "*kitu kidogo*" means a small thing, Madam Speaker because I know of your strict requirements that one must explain in English what they say in Kiswahili. That is what we need to look at so that corruption is eliminated and the legislation we pass in this House can be effective.

The other aspect I want to mention before I sit down is implementation. I have looked the laws that have been passed by this Parliament over the years, but when you look at whether the implementation follows their passing, you will find that it is very slow.

Therefore, Madam Speaker, I support this bill because it is coming at a very opportune time and we should all strive to ensure that it is implemented to the letter.



And a bit of it is that it covers everybody; it covers the driver, the owner, and the operators.

So if it the driver who has been found on the wrong, he is punished together with the vehicle owner. It will be a good deterrent and that is what is required to save the roads. Thank you and I support the bill.

**Mr Mwinyi Abdullah Ally Hassan (Tanzania):** Thank you, madam Speaker, First, I take this opportunity to thank the chair as well as the Committee of Communication, Trade and Industry and Investments for the hard work that they were forced to undertake in order to achieve the results that we see before us today. I am saddened to hear that a Council bill was not provided for financially for the work that is absolutely necessary - of legislating for the Community.

Madam Speaker, it is a shame to hear that it was AWEPA that financed this activity. From my understanding,

usually AWEPA finances activities other than the core activities of the Assembly. There must have been very creative ways of putting in a proposal in order for this very vital and important work to be done. That is an absolute change.

Madam Speaker, I would like to quote, if I may, Article 132(5) of the Treaty on the establishment of the EAC. It states thus: "*The resources of the Community shall be utilised to finance activities of the Community as shall be determined by the Assembly on recommendation of the Council.*" I will repeat this section for emphasis: "*...as shall be determined by the Assembly on recommendation of the Council.*"

Madam Speaker and honourable members, there you go; the power is with us here today. We have the power to determine the Community's budget, which is being read tomorrow. So this is the operative provision and I am

sure everyone will look at it carefully and make sure that we shall determine the budget of the Community as we shall see fit.

I would like to remind this august House of the contribution that I made in Nairobi at the very beginning. I challenged the Council of Ministers to produce a legislative calendar. I am in EALA for the second term and the only time I remember a legislative calendar being produced was at the beginning of the Second Assembly. If my memory is accurate, it was the late honourable Kategaya who gave us a list of bills that we brought before the Council. That is a very important exercise simple because by using that calendar, we shall be able to budget for those bills expected to come in the following financial year.

Since that is not being done, this is what we find ourselves in; you get a bill that is not planned for

and we start running around and talking to AWEPA and other development partners. We then find creative means to put a concept note together to put the work of East Africans. This is an absolute change. So I would like to call upon the Chair Council of Ministers to give us a legislative calendar for the financial year 2013/1014. This will enable us to budget for that very important activity.

Finally, Madam Speaker, I would like to comment on Clause 9 of the bill, which was referred to by two of my colleagues - very different recommendations. The first clause 9 gave exceptions where Partner States can go beyond the expected load. Honourable Harelimana felt that the Minister was too high a position for this discretion to be exercised and my colleagues here felt that there should not be any discretion in the first place. I actually agree with his position because we all agree that we do not want to damage our roads. This is the saving provision where there are exceptional

circumstances and they should not happen every day. That is why it is very important to put somebody at a high level - political level - to make such a decision. Taking away any kind of discretion - we are all assuming that the Council of Ministers is made up of persons who have logical minds; they would not allow any load unless it is absolutely necessary. They could be weaponry that needs to go across the border that is above and beyond the weight that the roads can take. So there are exceptional political situations, whereby we must leave such discretion to the political office holders to make, on the assumption that they will make logical decisions. With those few remarks, I beg to support the report. Thank you.

**Ms Pareno Judith Nayiai (Kenya):** Thank you, Madam Speaker. I wish to support this motion and to thank the chair and the committee for the job well done. As East Africa and EALA, our motto currently is that we should have a people-centred Community, a people-driven

process and I believe that these public hearings before we pass any bills is one way in which we achieve the people-driven process. And in consulting the people to get their views, we are actually getting feedback from them on their feelings about what we are doing. And I think it is one way they feel they belong and it is one way to make them accept these laws.

It is not once that we have passed a law and there is an outcry in our national assemblies; you will find people coming out and saying, "No, this is not good for us." But when you involve the people and you get their input and feedback, it is one way to make them feel that they are driving this process. And I think it is a good thing for us to encourage these public hearings.

Madam Speaker, for those who use public transport - and I am sure that most of us use road transport - I think you can easily understand the importance of passing

such a bill. I am sure it will really help us a lot. For those who have used the Mombasa-Nairobi Road, you will find a lot of areas where we have heavy trucks going uphill, there are sunken areas. You will find the road re-done over and over again just because we do not control our vehicle loads. And I think it is important that we pass the law and have a uniform way of handling this transport system.

However, Madam Speaker, as we pass this law and check on what the people want, there are a lot incidents that come with this vehicle loads control centres. I will give an example of a trading centre that is quickly developing, called Mulolongo - just between Athi River and Nairobi. This place is named "Mulolongo" which means a "queue" in Kiswahili.

So how did this town come about? It came about because the first load control centre that I ever saw was at

Mulolongo. And what did it create? It created very long queues of transporters from Nairobi because not being able to be cleared in time. And what did it lead to? It led to a development of a town because the queues were very long. It would get dark and people needed to sleep and at the end of the day the Mulolongo centre came up. So I hope that as we put in the load control centres, we will do what the committee has recommended - that we need to have modern facilities to be able to clear these vehicles fast.

We cannot then do centres and not have in place modern facilities to clear vehicles to avoid developing towns by default; we can develop towns but it should not be by default. So these are some of the things we need to consider as we pass this bill.

Another thing, Madam Speaker, is that there are other incidentals that come up because of these centres. And



I will give the practical example of Mulolongo because it is the oldest centre there. I have severally been sitting in a court around there whenever I have court sessions and you will find a lot of trucks owners being charged very high fines like Shs 100,000 for just a little excess load. So as we develop - I have seen in clause 20 of this bill that we have some offences and penalties - but as we pass the law, let us balance the interest of trade and the interest of the rule of law. This is because if I am not able to pay a fine of Shs 100,000, what else will I resort to?

I will resort to corruption because the next thing we heard about these centres is that you would rather pay someone Shs 10,000 than go to court to pay a higher amount. So again we have corruption arising out of these centres.

Another aspect, Madam Speaker - I am just about to finish - is the rate of the HIV-related cases in our load control centres. There was a town we had a survey done just within the same area in Kenya. And what were the results? Most infections were actually were around the load control, centres because most of the drivers stop here and because they are not cleared in time, they end up having unnecessary business around the centre. So at the end of the day, you find other things cropping up along the way.

So, Madam Speaker, this is a good report and I support it; the law would a good one but we have to take care of a lot of other things. I support this motion.

**The Speaker:** Thank you, hon. Pareno, I will now take honourable Murunya next. But hon. Members, you will appreciate that we need to balance; I may take one or

two other members like honourable Dr Ndahiro and then I will invite the chairperson to wind up on this.

**Mr Murunya Bernerd Musoni (Tanzania):** Madam Speaker, before I comment on the Bill, let me take this opportunity to thank the Government of Uganda, for the hospitality we have been accorded since our arrival. I also thank the members of the Uganda Chapter; they have been very good and welcomed us very well. Thank you very much.

Madam Speaker, maybe for the information of my other colleagues from other countries, I want to say I have got close relationship with Uganda. And as my namesake, Bernard Mulengani said, do not try at night; try in the evening.

Madam Speaker, this Bill, like my colleagues have said, comes at the right time because if you look at the

state of our roads within East Africa, some of them are pathetic and have been damaged. I happen to be in the Regional Affairs Committee and when we were looking at none-tariff barriers, we travelled from Mombasa to Kigali. When you travel along that road, you can see the damage that has been caused by trucks. These roads really need protection. We all know how expensive it is to construct a road. So that gives us a very good reason to put down our feet and protect them.

Madam Speaker, even as I support the motion, one thing touches me, especially clause 12 of this Bill. If you look at it, it says: "*The Council shall determine the regular network of weighbridges and weigh stations along the trunk road.*" I propose that this should be left in the authority of partner states because they are the ones which know where the location of the weighbridges should be and not the Council of Ministers. I support the motion. Thank you, Madam Speaker.

**The Speaker:** I invite hon. Ndahiro and I think I will now give chance to the Secretary-General before I invite the committee chairperson and later the Chair of Council.

**Dr Ndahiro James (Rwanda):** Thank you, Madam Speaker. I associate myself with all the preambles and I salute the "Pearl of Africa". I have only two comments to make; the Council of Ministers has brought a Bill to save our roads. That is good.

But I think there are many more other things to save; we need to save our manufacturing industries, our environment and others. I appeal to them to bring very soon - even the roads which they are saving - we need to see other policies in that regard. What I want us, as a Community, to see is a harmonised road system, whereby we have roads that mirror our aspirations.

Madam Speaker, from Mombasa to Bujumbura, the Northern Corridor or the one from Dar-es-Salaam - the Central Corridor - are very narrow. Actually you can equate them to residential roads in developed countries; you cannot call them regional roads. Our traffic increases on a daily basis and so we want to see regional standards because I expect regional roads from Mombasa to Bujumbura to have a minimum of six lanes.

But you will find the problem is that we build one lane or a dual carriage way but two metres of that road have people settled - high-rise buildings are coming up and you wonder in future what will happen. It is going to be a problem if we have to enlarge those roads yet we have to compensate those individuals who have settled along those roads. What is the policy in this Community?

The Council of Ministers should come clear and set a standard; if we have to construct regional roads, they should be of a certain size. They can be 50 by 20 metres but not these small roads. How can you save what you do not have? These are no roads.

Madam Speaker, if we are in the spirit of saving, I appeal to the Council of Ministers to save our economies. We are looking at the problem of roads but this problem is not isolated; it is a manifestation of a situation and if we are not careful, we shall always act to protect what we have lost control of yet we have been part of it. I will give you an example; between 1960s and 70, this region had an efficient transport network because - people may argue that the population then was smaller and people were poor. But again these developments take place when we are seeing and we are the leaders.

When people are migrating from rural areas to urban areas, yet you know that the infrastructure and utilities are not in line with the population, what do you do? We have kept the infrastructure and utilities which date back to 1940s. Those utilities were planned to serve a smaller number of people but that number has since grown. I appeal to the Council of Ministers to look at all those areas. These roads are probably sufficient today but they will not be sufficient tomorrow. We are in this condition because our railway system - the ones we are now calling to revive - were operating some few years back. Why did they collapse? They collapsed because we were told that we need no business in subsidising corporations like railways and we accepted. Today China is more competitive not because of any miracle but because of government subsidy. If we are not able to subsidise our important sectors like railway and manufacturing, we are yet to become competitive; competitiveness will remain a slogan but we are unlikely to become truly competitive.



I again appeal to the Council of Ministers that they should maintain this spirit of saving and work together with Partner States to save our economy and other sectors that will see this region compete with the rest of the world.

Lastly, Madam Speaker, I would like to comment on clauses 9 and 12. At the committee level, we also got concerned about clause 9 but we later realised that actually these loads are not frequently transported along our roads. You might find that these abnormal loads come maybe one a year or once in five years and sometimes they require special attention in terms of security - you might find for instance a big machine that cannot easily be transported by a normal vehicle but probably adjustments need to be made to a vehicle of a certain size and that is going to disrupt traffic on the road. That will now require the traffic police and other related parties to get involved and escort such a cargo from one place to another. Then whose

responsibility - if we deny that responsibility to higher authorities, who else will manage that? If deleted the word "Minister" and probably replaced it with "relevant authority" we are told that legally, you have said nothing. You need to charge somebody because he has power, which he can even delegate. And there are clauses in this bill that mandate the Council of Ministers to make regulations. If they find that that particular clause is not being operationalized in a manner we envisaged, they can come up with a regulation, probably to mandate another office or to ask the Minister to always delegate that responsibility to a certain office. But those are details; the spirit is we need to give that responsibility to the highest authority otherwise we might end up making our region - you remember what happened to Ivory Coast? We have to always be careful on what is entering our region.

Clause 12, Madam Speaker -

**The Speaker:** As you conclude.

**DR NDAHIRO:** Maybe I should leave that to the committee chair. Thank you, Madam Speaker.

**The Speaker:** Okay, I will now call on the Secretary-General.

**The Secretary-General (Dr Richard Sezibera):** Thank you, Madam Speaker. I rise to support the bill but I will also begin by thanking the Republic of Uganda and the Uganda Chapter for the excellent facilities and facilitation accorded to all of us.

Madam Speaker, I am proud to be a member of the Third Assembly. (*Applause*) And I am proud to be a member of the Third Assembly because of your leadership, Madam

Speaker and also because of the leadership of the committees of this Assembly. I wish to pay tribute to the Committee on Communications, Trade and Investments because this is one committee - I have to confess, Madam Speaker - that generates a lot of enthusiasm, even within members of the Secretariat, when they have to come and work with this committee. I thank the leadership of this committee - *(Applause)* - in addition to the good practice that the committee has of consulting the public about its work and about the bills that they consider.

Madam Speaker, I also wish to pay tribute to the Council of Ministers and the leadership of the Council and the Chair of the Council. In the last two meetings of this Assembly, this Assembly has considered two bills from the Council of Ministers and considered other work, introduced to this House by the Council. I wish to thank them for the leadership. I know they are at the last count, 11 other bills are on the way and I

look forward to the continued leadership of the Council so that the trend continues.

Madam Speaker, I also wish to thank Council because it is not true that the last time the Council came to this House with a legislative agenda was 2006; that is not true.

Hon. Musa Sirma, in his last Budget Speech last year, came this House a legislative agenda and if you may recall, that agenda had seven Bills. These two are among those seven. I am sure the Chair of Council has good reasons why the others are just soon coming to this House.

I also would like to pay tribute to the different interlocutors we dealt with while developing this Bill, especially the private sector. The private sector has been a very good partner to the Community. They

participated very actively in all the studies while we developed this Bill.

In that regard I would like to thank the East African Business Council, the executive officers, the transporters' associations and all the others who played an important role in this Bill and in the One-Stop Border Post Bill. This truly was a collaborative effort.

Madam Speaker, finally, I would like to pay tribute to my colleagues at the Secretariat. The Bill we are considering has about 36 pages. However, I would like to inform the House that the Bill is informed by very detailed studies and thousands of pages of scientific work and by hundreds of reports of different nature. It is on this basis that I thank the staff at the Secretariat and those in the partner states for the

tremendous work they did to bring us to where we are now. (*Applause*)

Just as an example, the Bill talks about acceptable tonnage of 56. But to get to that figure, we had to do a lot of studies and debate including a lot of science. It was very critical work.

Perhaps this is now the right time for me to read an important judgement recently delivered by the East African Court of Justice in the matter between a Mr Timothy Alvin Kahoho Vs The Secretary General of the East African Community.

Mr Kahoho thought that the Summit should be giving direction to the Secretariat to do some work. To sort out that he took this matter to court. Let me just read a page of that judgement into the record of this House. The judgement reads: "... while addressing this issue, it

behoves us to address in steward, the critical role that the Secretariat plays in the affairs of the Community generally. In the Book: The Drive towards political Integration in East African, edited by Isabella Wafubwa and Joseph Clifford Bigurungi at page 173, a one Professor Sam Turyamuhika writes as follows: the current East African Secretariat has been typified as powerless, meetings and workshop organiser, minute taker, e.t.c. We take a different view of that harsh and unfair judgement. The East African Community Secretariat is the fulcrum on which the wheels of the integration rotate.

The Summit, the Council of Ministers, the Coordination and Sectoral committees are all part time and meet only as often as their functions require yet the Secretariat slogs day in, day out to ensure the ship of integration remains afloat. The Community, in our view is like a giant sheep owned by the shareholders, who are the people of East Africa.



The Summit is like a board of directors and the Council is like the management. The captain is the Secretary General and the crew are the staff of the Community. To call the captain and crew useless and denigrate their role in keeping any ship on the high seas on course is to say that shareholders of the board of directors can single-handedly and without input from those that physically man the ship sail that ship from a distance.

The Summit represents the owners of the ship and it is the duty to decide where the ship goes and should always act in the best interests of the shareholders. The Summit thus needs to periodically assess progress and regularly inform the shareholders of the profits benefits from the operations of the ship.

The Council, the Coordination and Sectoral committees are the Summit agents in overseeing progress aforesaid.

Without the captain and the crew, the ship can barely survive the storms and other perils that are prevalent in high seas including attacks by pirates. We digressed to make the point that our reading and understanding of Articles 11, 14, 18, 21 and 71 of the Treaty, which creates the functions of the Organs of the Community is that the Secretariat is an organ created by Article 9 of the Treaty to steer of ship of integration by implementing decisions of all the other organs and its crucial thereby ought to be recognised and supported."

Madam Speaker, I read this portion into the record to pay tribute to colleagues who put in the hard work required to steer this ship.

Madam Speaker, as I conclude, let me turn to three aspects of the Bill. One is Article 9 - I am glad that Hon. Ndahiro and hon. Mwinyi have talked about this - which is very important because it talks abnormal

loads, awkward and hazards loads and staple loads. You cannot remove it because some of the loads that are on our roads are specialised.

The honourable minister from Rwanda will probably tell you that to move equipment required for methane gas extraction requires construction of special trucks literally. Or on the same, the honourable minister from Tanzania what is happening there as they do gas extraction although it is being done at the shore in Mutwara in Uganda.

The ministers of defence will tell you that some of the loads that they move cannot be packed in containers because they are specialised and some of them are hazardous, but with a number, which is awkward and clearly abnormal.

So, if you remove it, you will not be protecting the roads of East Africa. I am also being reminded that on Lake Victoria, a number of boats are being imported to move through the waters. You can't move those loads through the normal trucks.

So, I urge this House to accept Articles 9 and 12 for the reasons that I am sure the Chair of the Committee will explain.

Finally, Madam Chair, I don't want to conclude without paying tribute to the Chair of the Summit, H. E, Yoweri Museveni for the direction that he has given us - *(Applause)* - but also for the practical way in which he is steering our Community.

Madam Chair, I want to say that I was privileged to be with President Museveni at a Summit in Durban early this year. I want to say that I was proud to see his

leader in moving the EAC Project forward in a practical manner. (*Applause*) He has personally taken it up to look for funds for the railway network. (*Applause*) He passed on these projects to the presidents of Russia and China. He has also taken it up to look for funds for the energy sector, ports and harbours and for all the projects that the Summit adopted in November last year. I wish to pay tribute to him and the leadership of our Community in general for taking us forward.

With those remarks, Madam Speaker, I beg to support the Bill.

**The Speaker:** Thank you so much, Secretary General. I now would like to invite the Chairperson of the Committee before I give time to the Chair of Council of Ministers to respond to some of the issues.

The Chairperson of the Committee: I thank you, Madam Speaker. I also would like to thank all members for their contributions.

Before I conclude, I also would like to inform the House that the report is that the Bill has received overwhelming support. We have taken note of the issues raised and the committee will follow up on them with the Council, the partner states and all other stakeholders.

I also would like to inform you that the Committee seeks to address similar issues through amendments when the Bill comes to the House at Committee Stage.

Madam Speaker, let me also take this opportunity to thank and recognise all honourable members who have spoken to this report. Particularly, I recognise the contributions of hon. Daniel Kidega, hon. Patricia,

hon. Abdu Karim, hon. Zein, hon. Mulengani, hon. Shy-Rose, Hon. Kiangoi, Hon. Abdallah Mwinyi, hon. Pareno, hon. Ndahiro and hon. Secretary General. (*Applause*)

Madam Speaker, I now move that the House adopts the second reading of this Bill.

**The Speaker:** Thank you very much for those god comments. I now invite the Chair, Council of Ministers for some responses.

**The Chairman, Council of Ministers (Mr Shem Bageine):**  
Thank you very much, Madam Speaker. I would like to thank Hon. Kizigha, the Chairperson of the committee, which worked tirelessly in examining this Bill before coming up with a good report and constructive amendments, which we shall be dealing with later.

Madam Speaker, I also would like to thank all those who contributed and spoke to the Motion in regard this to this Bill. The various concerns and points raised in the process are welcome. I have in particular taken note of the issues relating to the development of alternative mode of transport from the roads onto to the railway lines. This is in keeping with the thinking of the Heads of State as expressed during the Summit on Infrastructure in November last year in Nairobi, Kenya.

Indeed when the Chairman of the Summit was visiting Brecks, I had the honour of giving him the priority list of projects that have interconnectivity within our region and these centred on the development of railway lines to standards that will serve the entire region of East Africa and beyond.

Hon. Members, it cannot be over emphasised that continuous use of transport on our roads, even with the



passage of this Bill, will perhaps reduce, but not entirely on the costs we incur in maintaining our roads whose estimated lifespans are never met because they cannot accommodate the load on our roads.

Madam Speaker, I also took note of the view relating to the width of our roads. The roads tend to be narrow and sometimes very hazardous to drive on them when you meet in different directions heavily loaded trucks. It is therefore important - and I have taken note of this - that in future, as we develop roads, we widen them and also if finances can permit, we develop highways for duo-carriage. But ultimately as I said, the alternative of using railway lines will be the best answer to our problems.

Members also raised other interesting issues, which I would like to say, we have taken note of including the implementation of the law and the writing of

regulations by the Council of Ministers to further help on the implementation of these laws. I also took note of the concern of the committee about financing their work. I can promise that the Council will look into this. I entirely agree that it is not helpful for us to always depend on donor financing.

Finally, I appreciate the support that members have given to this Bill and the view particularly relating to awkward loads, which are not very common but do come up and also the acceptance that the ministers of the partner states, alongside the Council of Ministers to participate and their political role in the management of this law.

Madam Speaker, with those few remarks once again, I thank the members of EALA for supporting this Bill. I thank you.

**THE SPEAKER:** Thank you very much, Chairperson, Council.  
Hon. Members, the motion on the Floor is that the East  
African Community Vehicle Load Control Bill, 2012 be  
read for the second time. I now put the question.

*(Question put and agreed to.)*

BILLS

SECOND READING

THE EAST AFRICAN COMMUNITY VEHICLE LOAD CONTROL BILL,  
2012

BILLS

COMMITTEE STAGE

THE EAST AFRICAN COMMUNITY VEHICLE LOAD CONTROL BILL,  
2012

Clause 1

**THE CHAIRPERSON:** I propose the question that clause 1 be part of the Bill. I now put the question that clause 1 be part of the Bill.

*(Question put and agreed to.)*

*Clause 1, agreed to.*

Clause 2

**THE CHAIRPERSON:** I propose the question that clause 2 be part of the Bill. I now put the question that clause 2 be part of the Bill.

**The Chair Committee (Ms Charles Kizigha):** I beg to move that clause 2(a) be amended by replacing the definition of weighbridge with the following new definition. "Weighbridge means a machine for weighing vehicles under this Act including all its associated peripherals or software." The justification is to complete the definition of the weighbridge. I beg to move.

**Mr Shem Bageine:** Madam Chairperson, I have no objection to the amendment. Thank you.

**The Chairperson:** I now put the question that clause 2, as amended, be part of the Bill.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

**The Chairperson:** I propose the question that clause 3 be part of the Bill.

**Ms Kizigha:** I beg to move that clause 9(3) be amended -

**The Chairperson:** Chair to the Committee, we are on clause 3. "The Act shall apply to the implementation of the vehicle." I see hon. Mwinyi. I think yours is coming far later. Do you have an amendment?

**Mr Mwinyi:** Yes! Clause 2 is not yet done with. We have moved to clause 3.

**The Chairperson:** We have finished and I have put the question.

**Mr Mwinyi:** That was 2(a). How about 2(b)?

**The Chairperson:** I think when I rose my eyes up I did not see any other person standing up, I thought everything was cleared. So, it may be for recommittal and we are now on clause 3. I now put the question that clause 3 be part of the Bill.

*(Question put and greed to)*

*Clause 3, as amended, agreed to.*

Clause4

**The Chairperson:** I propose the question that clause 4 be part of the Bill. I now put the question that clause 4 be part of the Bill.

*(Question put and greed to)*

*Clause 4, agreed to.*

*Clause 5, agreed to.*

Clause 6

**The Chairperson:** I propose the question that clause 6 be part of the Bill.

**Mr Mbidde:** Madam Chair, I propose an amendment to clause 6(2) to include that "subject to section 7 and 9, any person who drives, uses, causes or permits..." I want it to begin with that because there are other persons within the Act that can give permission after all the other activities have been conducted, for vehicles to move.

**The Chairperson:** Is your amendment written down, hon. Mbidde? If you want your amendment to be carried, it should be written and presented to the Clerk or to the Speaker for purposes of seeing how it is included in the amendments. Well, since I have not received any other written amendments, I now put the question that clause 6 be part of the Bill.

*(Question put and agreed to.)*

*Clause 6, agreed to.*

Clause 7

**The Chairperson:** I propose the question that clause 7 be part of the Bill. I now put the question that clause 7 be part of the Bill.

*(Question put and agreed to)*

*Clause 7, agreed to.*

*Clause 7, agreed to.*

*Clause 8, agreed to.*

Clause 9

**The Chairperson:** I propose the question that clause 9 be part of the Bill.

**Ms Kizigha:** Madam Chair, I beg to move that clause 9(3) be amended after inserting after the words "such fine" the words "or other penalty". The clause is amended to include penalties. I beg to move, madam chair.



**Mr Bageine:** Madam Chairperson, I have no objection to the proposed amendment.

**Mr Abdu Karim:** I thank you, Madam Chair. I want to propose that the words "someone delegated by the minister" be added after the word "by" to be read: "lots shall only be transported through the region trunk load network if a special permit has been issued by someone delegated by the minister of the relevant partner states." Madam Speaker, I beg to move.

**The Chairperson:** You are moving on clause 9(1). Chair, council, hon. Abdu Karim has written this amendment on a piece of paper.

**Mr Bageine:** Madam Chairperson, with all due respect, the Council of Ministers does not accept this amendment and it was my understanding right from the beginning that - in fact, members who spoke had accepted that the

role of political leadership is important in the implementation of this law. So, I object to the proposed amendment.

**The Chairperson:** I put the question on the amendment of hon. Zein.

**Mr Zein Abubakar:** Thank you, Madam Speaker. I listened to my brother when he spoke first then I listened to the reasons why this clause is formulated the way it is and that not only is there justification for provisions for such laws but that it is a given that when a minister is given that discretion, that minister ordinarily within the established tradition can delegate that function. So, I would like to persuade the mover of that motion to accept it that way.

**The Chairperson:** Hon. Abdu Karim, there is a persuasion coming through, otherwise we will have to put it on the Floor.

**Mr Abdu Karim:** Thank you, Madam Chair. I am persuaded.

**Mr Okumu Opoka:** It is unfortunate that hon. Abud Karim has been persuaded but otherwise -

**The Chairperson:** Hon. Okumu, since hon. Abdu Karim has been persuaded and has conceded, you can't move on the same premise. You can only come in substantially if you think that you can still hold substantial ground but not on the grounds of hon. karim.

**Mr Okumu-Opoka:** So, substantially, personally, I think that it should be written in the law itself. I agree with the Chairman of the Council of Ministers that the political leadership -

**The Chairperson:** Can you move by making a substantial amendment to the Speaker in writing? Thank you. I will wait for it. Hon. Members, I have received an amendment

on 9(3) from the committee and the Chair, Council has no objection. I now wish to put the question that clause 9, as amended, be part of the Bill.

*(Question put and agreed to.)*

*Clause 9, as amended, agreed to.*

*Clause 10, agreed to.*

Clause 11

**The Chairperson:** I propose the question that clause 11 be part of the Bill.

**Ms Kizigha:** Madam Chairperson, I beg to move that clause 11(7) be amended by replacing the words "authority" with the word "organisation." The clause was amended for assistance purposes. I beg to move.

**Mr Bageine:** Madam Chairperson, I have no objection to the proposed amendment.

**The Chairperson:** I now put the question that clause 11, as amended, be part of the Bill.

*(Question put and greed to)*

*Clause 11, as amended, agreed to.*

Clause 12

**The Chairperson:** I propose the question that clause 12 be part of the Bill.

**Mr Mwinyi:** Thank you, Madam Chair. I propose an amendment of which I will bring down before you as written on my piece of paper as per the rules.

**The Chairperson:** Can I first see it because the rules say so. Proceed.

**Mr Mwinyi:** Madam Chair, may I be allowed a few minutes to go through and ask hon. Peter Mathuki to proceed with his proposed amendment.

**The Chairperson:** The amendment has been received at the Table and for purposes of facilitation, the Clerk wishes to give you chance to -

**Mr Mwinyi:** Much obliged, Madam Chair. My proposed amendment to clause 12(1) is as follows: National authorities shall determine the regional network of weighbridges and the locations of weighbridges and weighing stations along the regional trunk road network as per the criteria determined by the Council. I beg to move.

**The Chairperson:** The challenge is that the Counsel has not had an opportunity to access this amendment but through the same procedure, we can have him share that and then we can comment. For purposes of giving hon. Mwinyi an opportunity to present his amendment, I have also received another amendment from hon. Peter Mathuki and since it is the same clause, hon. Peter Mathuki, you can also move your amendment.

**Mr Mathuki:** Thank you very much, Madam Chair. I propose an amendment on this clause where now the clause reads: the Council shall determine the original network of weighbridges and location of weighbridges and weighing stations along the regional trunks roads networks. I propose that we have the council adopt criteria by partner states to determine. Madam Chair, I am a member of this committee but I felt that in order to avoid a situation where the Council is actually implementing and at the same time overseeing, we put a situation where, and we see based on of course what the Secretary General said being the captain, of course he may have so much to do because the Council of Ministers may not have time to go and determine the locations of these networks.

**The Chairperson:** So, you could be specific. What are you amending, inserting or deleting?

**Mr Mathuki:** Deleting the lines that read: "the council shall determine the regional network of weighbridges..." and replace it with "the council shall adopt a criteria by partner states of East Africa..."

**Mr Kaahwa:** Madam Chairperson, it is not my intention to go against the ruling you have made to guide us on this matter but I encourage you to use your powers to enforce the requirements of rule 69 of the Rules of Procedure strictly, and in this regard, my concern is that both proposed amendments for whatever they are worth have not been circulated to the committee to enable the committee appreciate and internalise, to use your words, Madam Chairperson, the nature and extent and usefulness of the proposed amendment.

Secondly, I am of the humble view that the clause as it now provides is fully reflective of the Council's role in a matter of installation and management of weighbridges. The Council shall, from a pilot view and



a policy position, determine the regional network of weighbridges and the locations of weighbridges. Much as the criteria is in my humble view, subsidiary to the overall dissemination of the regional network of weighbridges, matters of the criteria are matters which the council, using the powers granted to it under this Bill on making regulations, can be catered for through the making of regulations. I thank you, Madam Chairperson.

**The Chairperson:** Hon. Peter Mathuki, have you appreciated the Counsel's guidance and in view of the fact that there could have been logistical challenges and you were not able to circulate your amendment? I acknowledge that I received it at Table. How do you want to proceed? You may also be persuaded.

**Mr Mathuki:** Madam Chair, before I go that direction, I only felt a matter of technicality in terms of how it should be, it should not override the objects of this

Bill very importantly and what I am saying is, we put a situation where now the Council will be determining, and my problem is a situation where the Council will try to implement this which in effect will be very difficult to do so, while the National Roads Authorities at the partner state level should be able to do this and then if at all they get an adoption or maybe an OK from the Council but not the council themselves to determine, implement and at the same time try to oversee. That is my only issue. It is not about whether it was circulated to the committee or not but I felt it is not enough, based on what CTC has explained.

**The Chairperson:** My challenge is that you are a member of the committee. What happened? Why didn't you have an opportunity to make your views heard? That creates a challenge.

**Mr Mathuki:** Madam Chairperson, alright; for the sake of the record of course, but I also raised it in the

committee that I was not convinced. But I am persuaded, Madam Chair.

**Ms Hajabakiga:** Thank you, Madam Speaker. I want to get clarification from the mover of that amendment as to whether the functions of the Council have been changing into the functions of the Assembly on the oversight role because when you look at the functions of the Council right from 1 to 5, I do not see anywhere where the Council is charged by with responsibility of oversight. So, I thought they are the executive and along with others, they make policies but they don't do an oversight role.

**Mr Mathuki:** Thank you, Madam Chairperson, I thought the mover of the amendment has conceded and debate is closed on the matter. Guide me.

**The Chairperson:** Thank you, I think this is already taken care of. Since hon. Peter Mathuki has withdrawn

the proposed amendment to this Article, I think we do not have a procedure or clarification matter. Hon. Mwinyi.

**Mr Mwinyi:** Madam Chairperson, I am not persuaded by my learned friend, the Counsel to the Community. The issue is the criteria. If we make the Council of Ministers determine, we are putting ourselves into a very bureaucratic process whereby the Council has to meet to determine the manner and the locations of weighbridges. The proposed amendment seeks to cure that by coming up with a criteria from the technical person of which the Council will approve. So, the role of the council still remains but we are actually putting this process away from the political to the technical. I beg to move.

**Mr Zein Abubakar:** Thank you, Madam Chairperson. The information I want to share is that I believe that the decision of the Council is always guided by technical input that there is not a single time that the Council

of Ministers has ever met to make any deliberations without the input of technical people so that the Council of Ministers is informed by technical people. Secondly, the information I have which I want to share with my hon. Member is that the Council of Ministers is made up of representatives of all partner states. Therefore, if there is any interaction or input from a specific member state, that can be done at the Council of Ministers and lastly, I hold the view that subsidiary legislation can take care of any objective criteria that needs to be considered and can come through the council of ministers.

**Ms Hajabakiga:** Information.

**The Chairperson:** To who?

**Ms Hajabakiga:** To hon. Zein.

**The Chairperson:** But he has sat down now - *(Laughter)* - hon. Zein, I wanted hon. Hajabakiga to appreciate that the person in the name of hon. Zein to whom she wanted to give information has sat down. He is not on the Floor, so, he cannot take the information. I want to take hon. Ndahiro.

**Mr Kiangoi:** Procedure, Madam Chairperson.

**The Chairperson:** To the chair?

**Mr Kiangoi:** No, generally.

**The Chairperson:** I think we are proceeding well.

**Dr Ndahiro:** Madam Chair, I wanted to persuade my friend hon. Mwinyi that we discussed that issue for more than four hours yesterday and we totally agreed that we are legislating for regions and the Council of Ministers are policy makers of the region and therefore, we

cannot mandate technocrats in partner states. And actually to answer the questions or his fears, we agreed that in subsequent Articles - may be 23 or so will take care of those fears and we had a consensus on that issue and I think it makes sense because if we change our role to now mandate partner states to do the things the way they have been doing them, then what are we doing? Then there is no reason why we should be working on regional law whereas there are other domestic or national laws that would take care of this issue. We are at regional level because we think we must act in that away. Thank you and I persuade my friend to concede.

**The Chairperson:** Hon. Mwinzi, there is this plea because of two reasons; you are not a member of the committee. So, this is the opportunity you have but I think you have received very convincing persuasions.

**Mr Mwinyi:** Madam Chairperson, I think there is a clear misunderstanding in relation to my proposed amendments and the intervention from my friend, hon. Ndahiro. I am not referring or deferring this discussion to partner states technocrats. It is the EAC technocrats coming up with criteria whereby the council agrees to it. It is not a single partner states criteria; it is a criterion of the East African Community which is actually agreed upon by the Council.

So, nothing is deferred to any partner states but I will stand and if the majority feel that this is not a proper amendment, I will agree to it. But at the end of the day, it is partner states' technical persons who come up with that criteria, which the council of ministers will accept. I thank you.

**The Chairperson:** CTC, I saw you rise to the Floor.



**Mr Kaahwa:** No, Madam Chairperson, I don't now need to take to the Floor because my honouable learned friend has been sufficiently persuaded, according to what he has just said. In addition to the submission I made and the clarification I attempted, I just wanted to indicate to the committee that when the committee met with the council of ministers, they extensively addressed this matter and a summary has been given by hon. Dr Ndahiro and actually if we are patient enough; the honourable chairperson of the committee will be proposing an amendment which takes care of the concerns of both hon. Mwinyi and hon. Mathuki. I thank you, madam chair.

**The Chairperson:** I can see from the chair that hon. Mwinyi is conceding. I think he is convinced by the CTC and the earlier suggestion proposals by the members. I now put the question that clause 12 be part of the Bill.

*(Question put and agreed to.)*

*Clause 12, agreed to.*

**The Chairperson:** I propose the question that clause 13 be part of the Bill. I now put the question that clause 13 be part of the Bill.

*(Question put and agreed to.)*

*Clause 13, agreed to.*

*Clause 14, agreed to.*

Clause 15

**The Chairperson:** I propose the question that clause 13 be part of the Bill. I can see hon. Taslima.

**Mr Talsima:** Madam Chairperson, I brought my notice.

**The Chairperson:** It has been received, proceed.

**Mr Taslima:** Madam Chairperson, on clause 15, my proposal is about 15(g) where it said in consultation with relevant implementing agencies this phrase

"relevant implementing agencies" is also repeated in other clauses like clause 15(4) and clause 17 (2). This is about enforcement of this law and the law provides that the partner states shall by Notice in the national gazette appoint authorised officers with purposes of this Act and notify the Sectary General. That officer under 15(1) given the duty of the authorised officer shall have the power to - these are the powers and among these powers you find under (g) in consultation with relevant implementing agencies; from there, you find relevant implementing agencies. Now my concern is, these relevant implementing agencies, if they remain without being interpreted or, at least something should be given or provided for its interpretation so that we know which relevant implementing agencies are there in a given state. As it is, it is not disclosed and my proposal to the amendment is that we should say something like "any agency appointed by the partner state for purposes of enforcement of this law." I beg to submit.

**The Chairperson:** Chair to the Council, you may react to that amendment although I think the interpretation will have to go to clause 2 which we have already dealt with but of course I learnt that clause 2 is due for recommitment because I think one or two areas were not dealt with. So, Chair to the Council, I wanted your reaction on the view or amendments as presented by hon. Taslima so that it can give him way to the amendment.

**Mr Bageine:** Madam Chairperson, as you rightly observed, we already had passed clause 2 where the definitions come and I do not know what the Chairperson thinks but I thought the amendments came in when we already had gone over that clause. So, I don't think we can at this stage accept unless we go for a recommitment.

**The Chairperson:** Thank you, I think hon. Taslima was very keen about the relevant implementing agencies. As it were, you are not moving to delete them or

substitute that word. So, as it were, I think this Article now stands as it is, unless otherwise. That is how the Chair is moving.

**Mr Talsima:** That is close to what I am stating, Madam Chairperson. The only problem which remains in my heart is that these 'relevant implementing agencies' will be read as it is and when it comes to implementation, they are not known at all and why I did not bring them in clause 2 is because in clause 2, yes, it was not mentioned at all and I thought that when we come to it, maybe that was the time when I could speak about it but at this point, it can go on being read the way it is.

**The Chairperson:** So, the chair can advise that it prepares the committee.

**Mr Bageine:** Madam Chairperson, I want to believe that the various partner states have different implementing agencies and I don't think that we can possibly name

them in that section because of that difference and from time to time, the agencies could be called this today or change name or another one is set up. So, as long as they are relevant agencies, then the partner states will choose which name to use or which agency to use as long as they are competent to implement this law.

So, I don't think it will be possible for us to begin naming this. I think the hon. Member should accept that as long as we are referring to relevant implementing agencies and as long as they are technically capable and identified in the various partner states, that should be enough.

**Mr Kidega:** Thank you so much, Madam Chairperson. I would also like to volunteer information to my hon. colleague that the variant nature of the good being transported requires various expertise. You maybe transporting something which is chemical in nature and

the agency may be handling it may be a different one or you may be transporting something which is mechanical in nature. Therefore, the relevant agency will be dependent on the goods on transit. So, it is very difficult to go deep into that and procedurally since we did not stand over close 2 -

**Mr Kaahwa:** Madam Chairperson, I have been listening to hon. Talsima and his concerns when he moves to police this amendment. Of course we have a procedural problem in that we have already handled clause 2 but maybe, and for the reasons I am going to state, hon. Talsima may be persuaded to seek your permission to rely on rule 71 for a recommittal of the Bill. The reason I am saying that there could be need to revisit clause 2 given the reference implementing agency in clause 15 is this. In clause 15(1) (g), there is reference to relevant implementing agencies; now that is understood, as the Chairperson of the Council has stated. When you talk about relevant implementing agencies and those agencies

are many, they could include revenue authorities, mines in case of explosives, petroleum agencies, etc. The problem comes in another sub clause of this clause which is sub clause 4. There, you are not referring to relevant implementing agencies. The Bill is referring you to implementing agencies in general and when it comes to implementation, then the problem could arise, in which case, the committee may consider defining implementing agencies to mean agencies relevant to the implementation of this Act but if you have to include that definition in clause 2, for purposes especially of addressing the lacuna in sub clause 4, then hon. Talsima, with your permission, may seek a recommittal of the Bill. I thank you, Madam Chairperson.

**The Chairperson:** Thank you for that guidance. Hon. Patricia Hajabakiga.

**Ms Hajabakiga:** Thank you, Madam Chairperson. If you read very well Article 15, it starts with "an



*authorised officer shall have the power to...*" which means that the person who has got the powers is the authorising officer. All the others are mere consultants, so they don't take decisions. It is the authorising officer defined that may take those decisions but may consult anybody. It wasn't probably even necessary to say, "the relevant implementing agency". It is good that it is there but it is not critical because they don't make decisions. Those who make decisions are the authorising officers in offloading or whatever but may consult whoever they want. That is what I wanted to add on the explanation from the Chair to Council.

**The Chairperson:** Definitely now, we have two sides of the debate whereby hon. Taslima is not moving an amendment in terms of either deleting or inserting. So, as it were, clause 15 remains substantially as it is. I now wish to put the question that clause 15 be part of the Bill.

*(Question put and agreed to.)*

*Clause 15, agreed to.*

*Clause 16, agreed to.*

*Clause 17, agreed to.*

*Clause 18, agreed to.*

*Clause 19, agreed to.*

**The Chairperson:** I propose the question that clause 19 be part of the Bill.

**Ms Kizigha:** Madam Chairperson, I beg to move that clause 19(1) be amended by inserting the word "perform" immediately before the word "any other" the justification is that the clause was amended to complete the sentence.

**Mr Bageine:** Madam Chairperson, I have no objection to the proposed amendment.

**The Chairperson:** I now put the question that clause 19, as amended, be part of the Bill.

*(Question put and agreed to.)*

*Clause 19, as amended, agreed to.*

*Clause 20, agreed to.*

*Clause 21, agreed to.*

*Clause 22, agreed to.*

Clause 23

**The Chairperson:** I propose the question that clause 23 be part of the Bill.

**Ms Kizigha:** Madam Chairperson, I beg to move that clause 23(2) be amended by replacing paragraph (a) with the following:

a) Overloading fees and other penalties to be imposed under this Act and the method of payment of such fees or penalties.

b) By inserting the following new paragraph after paragraph k.

c) Determining the criteria for the establishment of optimal regional network of weighbridges and the location of weighbridges and weighing stations along the regional trunk road network. The justification is the clause is amended to include penalties. I beg to move.

**Mr Bageine:** Madam Chairperson, I have no objection to the proposed amendments.

**The Chairperson:** I propose the question that clause 23, as amended, be part of the Bill.

*(Question put and agreed to.)*

*Clause 23, as amended, agreed to.*

Clause 24

**The Chairperson:** I propose the question that clause 24 be part of the Bill.

**Ms Kizigha:** Madam Chairperson, I beg to move that the clause be amended by inserting the following new clause after clause 23; "24, amendment of the schedule, the council may, from time to time amend the schedule." The first schedule is amended to enable the council amend the schedules from time to time as deemed necessary. I beg to move.

**The Chairperson:** Chair to the Committee, I think that amendment will come in after clause 24. Otherwise I think what you are amending is not part of clause 24. So, allow that the question is put on clause 24 and then you move after that. I put the question that clause 24 be part of the Bill.

*(Question put and agreed to.)*

*Clause 24, agreed to.*

Now you can proceed to move the amendment, hon. Chair of the Committee.

**Ms Kizigha:** Madam Chairperson, I beg to move that the Bill is amended by inserting the following new clause after clause 24. "Amendment of the schedule, the Council may, from time to time, amend the schedule to enable the council amend the schedules from time to time as deemed necessary." I beg to move, Madam Chair.

**Mr Bageine:** Madam Chairperson, I have no objection to the proposed amendment.

**The Chairperson:** This is now a completely new clause. So, I propose the question that this new clause be part of the Bill and I now put the question that this new clause, which may be clause 25, be part of the Bill.

*(Question put and agreed to.)*

*Clause 25, agreed to.*

The first schedule

**The Chairperson:** I propose the question that the first schedule be part of the Bill. I now put the question that the schedule be part of the Bill. Is there an amendment? I have not seen it.

**Ms Kizigha:** Madam Chairperson, I beg to amend that the first schedule by replacing Kibue with Karongi, Gisenyi with Tubavu; and (b) by deleting the word "Butare". I beg to move.

**The Chairperson:** I appreciate that the justification has not been given but I want to hear the views of the Chair to the Council on this amendment.

**Mr Bageine:** Madam Chairperson, I was privy to this amendment and I have no objection to it.

**The Chairperson:** Since there is no objection from the mover of the Bill, I now move to put the question that the first schedule be part of the Bill.

*(Question put and agreed to.)*

*The First schedule, agreed to.*

*The second schedule, agreed to.*

*The third schedule, agreed to.*

*The Fourth Schedule, agreed to.*

*The Title, agreed to.*

MOTION FOR THE HOUSE TO RESUME

**The Chairperson:** Hon. Munya, are you moving the motion?  
I thought it was the Chairperson of the Council.

**The Chairperson of the Council and Minister of State for East African Community Affairs (Uganda) (Mr Shem Bageine):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House report thereon. I beg to move.



**The Chairperson:** Seconded by hon. Dr. Abdallah Sadala. I now put the question.

*(Question put and agreed to.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

**The Speaker:** Chairperson of the Council.

**The Chairperson of the Council and Minister Of State for East African Community Affairs (Uganda) (Mr Shem Bageine):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, "The East African Community Vehicle Load Control Bill, 2012" and passed it with some amendments. I beg to move.

**The Speaker:** The Seconders, hon. Abdallah Sadala, hon. and hon. Monique Mukaruliza.

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

**The Speaker:** Chairperson of the Council.

**The Chairperson of the Council And Minister of State  
for East African Community Affairs (Uganda) (Mr Shem  
Bageine):** Madam Speaker, I beg to move that the Report  
of the Committee of the whole House be adopted. I beg  
to move.

**The Speaker:** Hon. Mwinyi.

**Mr Mwinyi:** Madam Speaker, in accordance with Rule 71 of  
our Rules of Procedure, I beg to move that Clause 2-

**The Speaker:** Hon. Mwinyi, I am being guided that the  
question has to be put first; just a second.

I now wish to put the question that the Report from the Committee of the whole House be adopted.

*(Question put and agreed to.)*

*Report adopted.*

#### BILLS THIRD READING

**The Speaker:** Hon. Mwinyi.

**Mr. Mwinyi:** Rt. Hon. Speaker, in accordance with Rule 71 of our Rules of Procedure, I beg to move that Clause 2 is recommitted to define "Tandem Axle" and "Tridem Axle" to make the definition inclusive and comprehensive. Madam Speaker, I beg to move.

**The Speaker:** The Seconder. Do you have anybody to second you, hon. Mwinyi? Okay, hon. Taslima.

Now, I wish to put the question on the recommittal. I wish to put the question because I think it was not audible enough.

*(Question put and agreed to.)*

BILLS COMMITTEE STAGE

**The Clerk:** The East African Community Vehicle Load Control Bill, 2012 is recommitted in respect of Clause 2.

**The Chairperson:** I propose the question that Clause 2 be recommitted to be part of the Bill. Hon. Taslima.

**Ms Taslima:** Madam Chair, I have a reservation on 15 -

**The Chairperson:** We are on Article -

**Ms Talsima:** I am sorry - under Article 2, Clause 2. Include the definition of the words "relevant implementing agencies" and if I may pose that -

**The Chairperson:** Proceed to move what you want to move.

**Ms Taslima:** Thank you very much, Madam Chair. I would say that it should read, "Any agencies, relevant implementing agencies means any agency appointed by the partner states for the purposes of enforcement of this Act."

**The Chairperson:** The Chairperson of the Council.

**Mr Bageine:** Madam Chairperson, the proposed amendment is note worth, it is not harmful and I have no objection. I thank you. (*Applause*)

**The Chairperson:** Okay. Any other amendments on (2)?  
Hon. Mwinyi.

**Mr Mwinyi:** Madam Chair, I would like to propose and amendment to Clause 2 (b) by inserting the following new definitions which were omitted previously. "Tandem Axle means two axles suspended together with spacing between the axles ranging from 1.2 metres to 2.5 metres and interconnected in such a matter that any load imposed upon them will automatically be distributed in proportions predetermined by the design of the suspension system regardless of the load profile or road condition."

Tridem Axle means three axles suspended together with a spacing between the axles from 1.2 metres to 2.5 metres and interconnected in such a manner that any load imposed upon them will automatically be distributed in proportions predetermined by the design of the suspension system regardless of the load profile or road condition" This clause was amended to define these

terms, "Tandem Axle and Tridem Axle" because they are used in schedule. Madam Chair, I beg to move.

**The Chairperson:** The Chairperson of the Council.

**Mr Bageine:** Madam Chairperson, I would like to thank the Mover of the amendment because again, I remember speaking about these two terms that were missing in the definition and I am glad that they have been brought up. They should have been brought up earlier on. I have no objection to the proposed amendments to define the two terms, "tandem and tridem axles".

**The Chairperson:** I now put the question that Clause 2, as amended, be part of the Bill.

*(Question put and agreed to.)*

*Clause 2, as amended, agreed to.*

MOTION FOR THE HOUSE TO RESUME

**The Chairperson:** The Chairperson of the Council.

**The Chairperson of the Council And Minister Of State for East African Community Affairs (Uganda) (Mr Shem Bageine):** Madam Chairperson, I beg to move that the House do resume and the Committee of the whole House report thereon. I beg to move.

**The Chairperson:** Seconders, Dr Sezibera, hon. Leontine Nzeyimana and Dr Abdallah Sadala. I now put the question.

*(Question put and agreed to.)*

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

**The Speaker:** Chairperson of the Council.



**The Chairperson of The Council and Minister Of State for East African Community Affairs (Uganda) (Mr Shem Bageine):** Madam Speaker, I beg to report that the Committee of the whole House has considered the Bill entitled, "The East African Community Vehicle Load Control Bill, 2012" and passed it with some amendments. I beg to move.

**The Speaker:** Seconder, hon. Kaahwa, hon. Leontine Nzeyimana and Dr Abdallah Sadala. I now put the question.

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

**THE SPEAKER:** Chairperson of the Council.

**The Chairperson of the Council and Minister Of State for East African Community Affairs (Uganda) (Mr Shem**

**Bageine)**: Madam Speaker, I beg to move that the Report of Committee of the whole House be adopted. I beg to move.

**THE SPEAKER:** Seconder, hon. Abdalla Sadala and hon. Leontine Nzeyimana.

I now put the question that the Report of Committee of the whole House be adopted.

*(Question put and agreed to.)*

THE EAST AFRICAN COMMUNITY VEHICLE LOAD CONTROL BILL,

2012

THIRD READING BY WAY OF MOTION

**The Speaker:** Chairperson of the Council.

**The Chairperson of the Council and Minister Of State for East African Community Affairs (Uganda) (Mr Shem**

**Bageine)**: Madam Speaker, I beg to move that, "The East African Community Vehicle Load Control Bill, 2012" be read for the Third time and do pass. I beg to move.

**The Chairperson:** Seconders, Dr Sezibera and Dr Abdallah Sadala. I now put the question that, "The East African Community Vehicle Load Control Bill, 2012" be read for the Third time and do pass.

*(Question put and agreed to.)*

## BILLS

### THIRD READING

A Bill for an Act entitled, "The East African Community Vehicle Load Control Bill, 2012"

### QUESTIONS FOR ORAL ANSWER

**The Speaker:** Hon. Susan Nakawuki.

1.0 QUESTION: EALA/PQ/OA/3/07/2012 or 2013? (By Hon. Susan Nakawuki)

*"The negotiations for the proposed EAC Monetary Union were based on agreed timelines. However, we note a slow pace in the process since the 2nd half of 2012.*

*Could the Chairperson of the Council:*

*a) Detail to this August House all the key elements of the Monetary Union including the East African Currency Board and the Central Bank. Could he further state the proposed timelines?*

*b) Inform this August House what challenges are being experienced, if any, that are causing delays in the negotiations;*

*c) Inform the august House by way of a road map when the EAC Monetary Union Protocol is likely to be concluded."*

**Ms Nakawuki (Uganda):** I beg to move that the Chairperson of the Council of Ministers responds to Question referenced EALA/PQ/OA/3/07/2012.

**The Speaker:** Chairperson of the Council.

**The Chairperson of the Council and Minister Of State for East African Community Affairs (Uganda) (Mr Shem**

**Bageine):** Madam Speaker, the East African Community Monetary Union strives to attain the three key prerequisites for a Monetary Union which include:

1. Macroeconomic Convergence
2. Financial Market Integration and
3. Legal and Institutional Convergence

To function smoothly, the East African Community Monetary Union should start with the member countries in the single currency area fulfilling and maintaining the targets in the EAC macroeconomic convergence. This implies that economic convergence among the partner

states in the single currency area must have been achieved.

Currently the EAC is reviewing and negotiating the targets for the macroeconomic convergence criteria on the following indicators namely;

1. Inflation, fiscal deficit, Debt to Gross Domestic Product ratio and Reserve Cover on imports.
2. Integration of the Financial Markets and Instruments is necessary for monetary policy to work across the single currency area.

In this context, the ongoing implementation of the EAC Customs Union and Common Market Protocols is laying a foundation stone especially in movement of Capital, Persons and Enterprises, the right of establishment and Harmonised Taxation Regimes.

In addition, a framework for establishing a single financial market in the region is being developed. This

cuts across all the bank and non-bank financial sectors including capital markets coordination, harmonisation and development, pensions and insurance sectors coordination, harmonisation and development. The single financial market is being anchored on the on-going efforts to create an integrated payment and settlement system in the region.

(iii) The legal and institutional framework of the Community and the national authorities in the EAC Monetary Union require to be defined and agreed to through the East African Monetary Union Protocol. Therefore, the legal framework will include among others: a Protocol that the partner states will adopt and ratify as an integral part of the Treaty; and Bills for Establishment of the East African Central Bank, East African Monetary Institute, regional bodies responsible for statistics, surveillance, compliance and enforcement and approximation of national laws accordingly.

Madam Speaker, the EAMU process therefore includes:

(a) Preparation, adoption, ratification, and implementation of legal instruments such as a Monetary Union Protocol, inclusive of the Bills for new institutions such as East African Central Bank;

(b) Establishment of the operational and regulatory framework necessary for the smooth functioning of a monetary union;

(c) Attainment and sustaining a level of macroeconomic convergence that allows countries participating in monetary union to reap the benefits thereof; and

(d) Changeover from national currencies to a single currency, which must be properly anchored in society and particularly in the financial market, which will be instrumental to the success of the changeover.

Madam Speaker, the negotiation process by the High Level Task Force on the monetary union is almost complete though with some outstanding issues which are expected to be concluded with the guidance from the



Sectoral Council on EAMU that is scheduled to meet in June, 2013. The outstanding issues include:

1. Institutions necessary for the proper functioning of EAMU;
2. Targets for the macro-economic convergence criteria;
3. Management of slippages on fiscal deficit;
4. Overdraft facilities Management of financing gap raising from mismatch between revenue and expenditure of partner states as an exception to prohibition of central bank lending;
5. Withdrawing from the EAMU after joining by any partner state;
6. Management of harmful tax competition and disclosure of fiscal policies

The negotiations process of the EAMU Protocol had some challenges that led to delays to conclude the negotiations. These included among others:

(a) Delays in conclusion of critical studies which were on Exchange Rate Arrangements, harmonisation of Monetary Policy Frameworks, Fiscal Policy Coordination and Harmonisation and Review of the EAC Macroeconomic Convergence Criteria. These technical studies have since been completed and have led to significant progress in the negotiations.

(b) Untimely rescheduling of High Level Task Force meetings due to competing tasks in the partner states that require the attention of the members of the High Level Task Force.

Madam Speaker, in accordance with the directive of the 14<sup>th</sup> Ordinary Summit held on 30<sup>th</sup> November, 2012 and the 11<sup>th</sup> Extraordinary Summit held on 28<sup>th</sup> April, 2013, the EAMU Protocol negotiations that started with the first meeting of the High Level Task Force in January 2001 will be concluded in June, 2013. The High Level Task Force that is negotiating the EAMU Protocol had its last technical meeting on April 29<sup>th</sup> to 2<sup>nd</sup> May, 2013.

This will be followed by the third meeting of the Sectoral Council on Monetary Union to clear the outstanding matters I highlighted above.

In accordance with the directive of the 11<sup>th</sup> Extraordinary Summit of the Heads of State held on April, 2013, the EAMU Protocol will be signed in November, 2013 during the 15<sup>th</sup> Ordinary Summit. The signing of the EAMU Protocol will include the meetings of:

- a) Meeting of the Sectoral Council on Monetary Union planned for June, 2013 to clear all outstanding matters in the draft EAMU Protocol and forward it to the Council of Ministers;
- b) Extra-Ordinary Meeting of the Council of Ministers planned for July, 2013 to consider the final Draft EAMU Protocol and commit it to the Sectoral Council on Legal and Judicial Affairs for legal input;
- c) Extra-Ordinary Meeting of the Sectoral Council on Legal and Judicial Affairs planned for end of July, 2013 to provide legal input to the Draft EAMU Protocol and forward it to Council; and

d) Council of Ministers meeting planned for August, 2013 to forward the Draft EAMU Protocol to Summit for signing in November, 2013. I thank you.

**The Speaker:** Supplementary question from hon. Susan Nakawuki.

**Mr Nakawuki:** I want to thank you, Madam Speaker. I want to thank the Chairperson of the Council of Ministers for that elaborate answer. None the less, I have some few supplementary questions.

First of all, I would like to know if there are any lessons that you have learnt from the Euro Zone crisis.

And then, I would also like to know whether we have any mechanisms in place to prevent similar occurrences or future crisis of that sort.

And then, I would like to also be informed whether the monetary union is feasible under the current EAC Treaty.

And then, I would also like to have some assurance from the Chairperson of the Council to this august House. The assurance is to the effect that the Monetary Union Protocol will be concluded by November 2013 as scheduled by the Summit bearing in mind that there had been a deadline of March 2012.

Finally, I would like to know if there is any planned funding mechanism for the Monetary Union. I thank you, Madam Speaker.

**The Speaker:** It is a mouthful but I think it is important and they are supplementary questions anyway that are precise. Yes, Chairperson of the Council.

**Mr Bageine:** Madam Speaker, I would like to thank the hon. Member for the questions she has raised although I did not get question No. 1, I got 2, 3, 4 and 5.

The arrangement for dealing with crisis in future if it does come - there are provisions in the draft Protocol which include the establishment of the surveillance and enforcement commission, which will deal with aspects of how member states are handling certain aspects of the macroeconomics in their areas, for example, borrowing as a percentage of GDP, issues relating to taxation as a percentage of GDP, harmful tax competition and so on. So, this surveillance commission will be handling this so that we avoid any crisis in future.

Yes, the monetary union is visible although it has not yet been concluded because it is one of the protocols to be that is talked about a lot within the community.

The other question is whether it is in the treaty. It is provided for under Chapter 14 of the treaty and the last question which she put here was on mechanism on funding. Yes, part of the problem that we have been having in concluding the protocol and indeed one of the outstanding issues is the issue of funding. This is being negotiated by the high level task force and as I stated in the answer, it is hoped that the Sectoral Council dealing with this particular protocol will come up with the answer on how funding is going to be carried out on this protocol. I thank you.

**The Speaker:** I thank you very much. Hon. Members, you appreciate that we are slipping out of time and I want to beg your indulgence so that we are bale also to get the next question put so that it out of the way otherwise tomorrow, we start on the budget. I wish to invite hon. Isabella Ndahayo to put your question.

2.0 QUESTION: EALA/PQ/OA/3/10/2013 (By Hon. Isabelle Ndahayo)

*"Aware that the EAC Protocol on Environment and Natural Resources Management was signed in March 2006 by the then Partner States and further aware that the Republic of Kenya and the Republic of Uganda ratified the Protocol and submitted instruments of ratification to the Secretary General;*

*Could the Chairperson of the Council of Ministers inform this August House:*

*a) If there are any challenges to get the required full ratification and what the Council is doing to mitigate them ensure completeness of the process?*

*b) The EAC Partner States are signatory to different conventions, agreements and Treaties on "Environment and Natural resources";*

*Could the Chairperson of the Council update the House on the current status of the implementation of these commitments?"*



**Mr Isabelle Ndahayo (Burundi):** I thank you, Madam Speaker. I would like to ask -

**The Speaker:** Speak through the microphone.

**Ms Ndahayo:** I thank you, Madam Speaker. I would like to ask the Chairperson of the EAC Council of Ministers to respond to the question reference EALA/PQ/OA/3/10/2013. I beg to ask.

**The Speaker:** The Chairperson of the Council.

**Mr Bageine:** Madam Speaker, it is true that the Republics of Uganda and Kenya ratified the EAC Protocol on Environment and Natural Resources and deposited instruments of ratification with the Secretary General in November 2009 and January 2010.

The United Republic of Tanzania is however still in the process of ratifying the protocol.

Full ratification of the Protocol in accordance with its Article 45 will enable the protocol to enter into force.

Madam Speaker, the Declaration by the 9<sup>th</sup> Extraordinary Summit of the Heads of State on Food Security and Climate Change recommended the fast tracking of the ratification of this Protocol. Several Council and Summit directives emphasised on the need for The United Republic of Tanzania to ratify the Protocol.

Further, the Secretariat is preparing an Operational Strategy and Action Plan for the implementation of the Protocol when it enters into force. Priority areas and actions for implementation have been identified and a framework for implementation has been developed.

Madam Speaker, regarding the second part of the question, I wish to inform this august House that the

EAC partner states are signatory to a number of conventions, agreements and treaties on "Environment and Natural Resources", commonly called Multi-Lateral Environmental Agreements.

The 3<sup>rd</sup> and 4<sup>th</sup> EAC Development Strategies prioritises the promotion of joint participation in Environmental Treaties and Conventions. In line with the implementation of the above, the Committee on Environment and Natural Resources at the 12<sup>th</sup> Meeting identified a number of Multilateral Environment Agreements to be jointly implemented at International (9), African (1) and East African Level(5).

Madam Speaker, with regard to promotion of joint participation and implementation of Multilateral Environment Agreements, the East African Community developed a Post Rio+20 Plan of Action to implement the outcome of the Rio+20 Summit on Sustainable Development which was held in June 2012 in Rio de Janeiro, Brazil

under the theme: *The Future We Want*.

The East African Community has further developed an EAC Post Rio Plan of Action that was approved by the Sectoral Council on Environment and Natural Resources at its 2<sup>nd</sup> Meeting held on 1<sup>st</sup> February, 2013 in Kigali, Rwanda.

The East African Community has also finalised a Framework for Joint Participation in and Implementation of Regional and Multilateral Environmental Agreements, whose objective is to guide partner states in effective coordination and implementation of these agreements, and to harness and maximise the benefits and opportunities under various international conventions and treaties on environment and natural resources that the EAC Partner States are party to.

Furthermore, the East African Community has been accredited with observer status in two of the three Rio

Conventions, namely, The United Nations Framework Convention on Climate Change and The United Nations Convention on Biological Diversity (UNCBD) during the UNCBD COP11 held in Hyderabad, India in October, 2012 and the 18th Conference of Parties held in Doha, Qatar in 2012 respectively. The Secretariat has developed Post COP18 and Post COP11 Plan of Action and preparations for the UNFCCC COP19 and UNCBD COP12 respectively. I thank you.

**The Speaker:** I thank you very much, Chairperson of the Council. Supplementary question from hon. Isabelle Ndahayo.

**Ms Ndahayo:** I thank you, Madam Speaker. I would like to thank the Chairperson of the Council for the response given to my question. I do not have any supplementary question. I thank you.

**The Speaker:** Supplementary question, hon. Afsa.

**Ms Hasfa Mossi (Burundi):** I thank you Madam Speaker. I wish to thank the Chairperson of the Council for the responses. However, I have one small supplementary question and one substantive question, if I may, Madam Speaker.

The Chairperson of the Council has stated that this protocol will promote sustainable development through prevention of activities that are harmful to the environment. But seven years later after the protocol has been signed, one partner state has not been able to ratify this protocol. May we be briefed on why it has taken this long to ratify this protocol?

Also, if I may, Madam Speaker, I wish to ask the United Republic of Tanzania -

**The Speaker:** If it is a substantive question, you would formally go through the Rules of Procedure as they provide for substantive question.

**Ms Mossi:** I thank you very much, Madam Speaker.

**The Speaker:** The Chairperson of Council.

**Mr Bageine:** Madam Chairperson, I appreciate the question by the honourable Mossi and it is indeed a matter of concern that a protocol which was agreed some seven years back is yet to be ratified.

But Madam Speaker, let me use this occasion also to say that whereas the Republic of Tanzania has not ratified its protocol, there are a number of protocols which were signed way back about the same time or even before that a number of partners states have not ratified.

Madam Speaker, I have been discussing with my colleagues and the secretariat and we are in the process of having a meeting to discuss ways and means of getting the partner states to ratify protocols that they have negotiated, agreed upon and signed so that we can move on with implementation and building our community. I thank you.

**The Speaker:** I thank you very much, the Chairperson of the Council. We have come to the end of today's sitting. Before I adjourn, I have maybe one or two small announcements; hon. Dora Byamukama has lost her mother in law and burial is on Friday.

Secondly, hon. Members, you remember that there was a little paper that was supposed to pass around in lieu of our condolence contribution to the Rt. Hon. Kategaya's family. So it is still around and please append your signature so that the accounts department can effect what we have committed ourselves to.



With those announcements, I want to thank you for today and adjourn the House to tomorrow 2.30 p.m. The House stands adjourned.

*(The House rose at 6.24p.m. and was adjourned until*

*Thursday, 30 May 2013 at 2.30 p.m.)*