



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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123RD SITTING - THIRD ASSEMBLY: FOURTH MEETING – FOURTH SESSION

Tuesday, 2 February 2016

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

PRAYER

(The Speaker, Mr. Daniel .F. Kidega, in the Chair.)

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

DELEGATION FROM TUMAINI MAKUMIRA UNIVERSITY, ARUSHA

The Speaker: Honourable Members, good afternoon, this afternoon we are once again blessed by visitors, young East Africans from Tumaini, Makumira University, and these are student leaders, representatives of the students' council called Members of Parliament of the Students Parliament in that university. We would like to welcome them and we would like to thank you for taking interest in the East African Integration. The future belongs to you and today also. Thank you. You are most welcome - *(Applause)* .

ADMINISTRATION OF OATH

The Speaker: Honourable Members, in November 2015, His Excellency Yoweri Kaguta Museveni appointed the hon. Dr

A.M. Kirunda Kivejinja as the Third Deputy Prime Minister and Minister for East African Community Affairs of the Republic of Uganda - *(Applause)*. By virtue of that appointment, he becomes an ex-officio Member of this House pursuant to the provisions of Article 48 (b) of the Treaty.

The Deputy Prime Minister is present and has indicated his desire to participate in the proceedings of the Assembly. However, in accordance with Rule 5 (4) of the Rules of Procedure of this Assembly, he cannot sit or participate in the proceedings of the House until he takes the oath of affirmation of allegiance to the Treaty as a Member of the Assembly.

Rule 5(5) specifically states that "*When a Member first attends to take his or her seat other than at the first sitting of a new House, he or she shall be brought to the Table by two Members and presented by them to the Speaker who shall then*

administer the oath of affirmation of allegiance to him or her." I, therefore, request any two Members who know Hon. Dr A.M. Kirunda Kivejinja to bring him to the Table and present him before me to enable me administer the oath of allegiance.

The oath was administered to:

Dr A.M. Kirunda Kivejinja

The Speaker: I also take this opportunity to congratulate the Rt. Hon. Kivejinja who is also the Third Deputy Prime Minister in the Republic of Uganda for joining this Assembly. *(Applause)* We shall give a special congratulation to you because it is not very often that we receive a Deputy Prime Minister to be a Member of this Assembly. *(Applause)*

We extend special appreciation to the President and the Government of Uganda for giving high profile attention to the integration process and appointing a person at the level of a Deputy Prime Minister to take care of this docket. *(Applause)*

I also congratulate this House. It is not so often that you swear in a Prime Minister. *(Applause)* Actually what happens normally is that the Speaker swears in Members and then the Prime Minister is sworn somewhere else. However, for us we have the privilege to have sworn in a Prime Minister. Congratulations, *(Applause)*

PAPERS

The Following Paper was laid on the Table:-

(by the Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Abdullah Mwinyi) (Tanzania) :

The Report of the Committee on Regional Affairs and Conflict Resolution on the Security Issues in the Implementation of the Common Market

BILLS

FIRST READING

The East African Community Gender Equality and Development Bill, 2016

MOTION

Ms Nancy Abisai (Kenya): Thank you very much, Rt. Hon. Speaker, I beg to move that the *East African Community Gender Equality and Development Bill, 2016* be read for the First Time. I beg to move.

(Several Members stood in their places to second the Motion)

The Speaker: Thank you, Hon. Nancy, the Motion is seconded by Hon. Mumbi, Hon. Kizigha, Hon. Dr Odette, Hon. Isabella, Hon. Shy-Rose, Hon. Bazivamo - *(Laughter)* - and all the Members standing.

I now refer the Bill to the Committee on General Purpose for processing. *(Applause)*

MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE SECURITY RELATED CHALLENGES OF IMPLEMENTING THE COMMON MARKET PROTOCOL ALONG THE CENTRAL CORRIDOR

The Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Abdullah Mwinyi) (Tanzania): Rt. Hon. Speaker, Sir, I beg to move that the report of the Committee on Regional Affairs and Conflict Resolution on the Oversight Activity on the Security Related Challenges of Implementing the Common Market Protocol along the Central Corridor be tabled.

The Speaker: Seconded by Hon. Taslima, Hon. Ngoga, Hon. Peter Mathuki, Hon. Nengo, Hon. Rwigema and all the Members standing. Hon. Chair, proceed and present the report.

Mr Mwinyi: Hon. Speaker, Sir.

1.0 INTRODUCTION

The East African Legislative Assembly's (EALA's) Committee on Regional Affairs and Conflict Resolution (RACR) conducted an oversight activity on the security related operational challenges for implementing the Common Market Protocol along the Central Corridor from November 8th – 12th, 2015 (both dates inclusive). The exercise aimed at appreciating, first-hand, the existing security related operational challenges of implementing the Common Market Protocol along the central corridor, the non-tariff barriers (NTB) constrains - i.e. the numerous police road blocks and check points - and the ongoing reforms and projects being undertaken related to ease cargo transportation to the EAC neighbouring landlocked Partner States of Burundi, Rwanda and Uganda.

The RACR Committee is mandated according to Rule 81 and Annex 5 (E) of the EALA Rules of Procedure (2015) among others, to advise and assist in the exercise of the legislative, oversight and representative roles of the EALA as provided under Chapter 17, 23, 26 and 27 of the Treaty for the Establishment of the East African Community (EAC).

2.0 JUSTIFICATION

A report compiled during the ministerial assessment tour of the ports of Mombasa and Dar es Salaam entitled "*Status of Elimination of Non-Tariff Barriers in the East African Community, Volume 2 – March 2012*", indicates that though some Partner States have tried to eliminate trade barriers, more hurdles were still obstructing the effective running of businesses in the region.

During the tour, the ministers discovered bureaucratic tendencies at the two ports, unnecessary roadblocks and other administrative issues, as among the bottlenecks. The many weighbridges along the northern and central corridor result in

goods not reaching their destinations on time. Affected destinations are the three landlocked EAC member states of Rwanda, Uganda and Burundi. There were 36 roadblocks between Mombasa and Kigali and 58 between Dar -Es Salaam and Rusumo border, Uganda has nine (9) between Malaba and Gatuna.

The findings show that Tanzania has reduced Dar-es-Salaam-Rusumo roadblocks in a distance of 1,200 kilometres to 15. Rwanda and Burundi were identified as doing all they can to remove all roadblocks compared to other Partner States. The numerous roadblocks and checkpoints on highways delay the delivery of goods, raise transportation costs and limit free movement of commodities, persons and investments. It is estimated that the country loses an average of USD \$60,000 monthly, being paid to few corrupt police officers as bribes in the roadblocks.

It is against the above background that the Committee on RACR proposed to conduct an oversight activity on the central corridor to appreciate the operational challenges of the Common Market Protocol and recommend on measures to redress the maladministration.

3.0 OBJECTIVES

The Committee focused on the subsequent objectives:

- (i) To comprehend and appreciate the implementation of the Common Market Protocol along the central corridor;
- (ii) To understand the functioning of the security related EAC Projects in the context of free movement of labour, persons and services; rights of establishment and permanent residence; and
- (iii) To ascertain on the challenges faced in the implementation of the Projects.

4.0 EXPECTED OUTPUTS

The expected outputs of this exercise were as following:

- (i) the implementation of the Common Market Protocol along the central corridor comprehended and appreciated;
- (ii) the functioning of the security related EAC Projects in the context of free movement of labour, persons and services; rights of establishment and permanent residence understood; and
- (iii) The challenges faced in the implementation of the Projects ascertained.

5.0 METHODOLOGY

The Committee employed various methods, which included the following:

- (i.) Review of literature and media reports including radio, print and electronic;
- (ii.) meetings and interactions with various stakeholders in Dar-Es-Salaam i.e. ministry of East African Cooperation, ministry of labour youth and employment, Tanzania Revenue Authority (TRA), Tanzania Bureau of Standard (TBS), Immigration Authority, Tanzania Ports Authority (TPA), Business Community, Association of Transporters, the Tanzania Police Force, Tanzania Roads Agency (TANROAD), Truck Drivers and local communities;
- (iii.) Administration of a checklist to guide the Committee in its interaction with various stakeholders attached to this Report as Annex 1; and

- (iv.) Field visit along Dar-Es-Salaam to Vigwaza weighbridge and/or roadblocks.

6.0 COMMITTEE FINDINGS DURING THE INTERACTION WITH STAKEHOLDERS VISITED:

The Committee interacted with various stakeholders and observed/witnessed the following challenges, concerns, fears and or emerging issues with regard to provisions on free movements of labour, persons, goods and services as well as on the provisions on the right of establishment and residence.

- 6.1 Interaction with stakeholders at the Ministry of East African Cooperation Dar-Es-Salaam, Tanzania on Thursday October 8th, 2015:

6.1.1 Tanzania's Progress towards the elimination of NTBs

The Committee paid courtesy call on the ministry of EAC Cooperation and held an interactive discussion with her technical team. In the course of interaction with the Permanent Secretary with her Team, the Committee was informed that the Protocol for the establishment of the EAC Customs Union, specifically, Article 13 requires each Partner State to remove, with immediate effect, all the existing non-tariff barriers to the importation into their respective territories of goods originating in the other Partner States. In light of this article, Partner States agreed to formulate a mechanism for identifying and monitoring the removal of non-tariff barriers.

The referred mechanism is the Time Bound Program (TBP) for elimination of NTBs, which is constantly being updated through the regional fora on elimination of NTBs kept to sit after every three months. Partner States further established national monitoring committees comprising

members from both private and government entities working collaboratively to eliminate NTBs in the region.

The Committee was further informed that since the establishment of the TBP and the committee, Tanzania has made tremendous progress towards the elimination of NTBs reported by other Partner States as follows:-

- (i) Establishment of National Monitoring Committee (NMC) on the elimination of NTBs comprising members from both government and private entities; the NMC conduct monthly meetings and other field works aimed at eliminating NTBs;
- (ii) Eighty seven (87) NTBs were resolved cumulatively while 18 remain unresolved as of September 2015. This, largely resulted from the efforts taken by the NMC of NTBs;
- (iii) Reduced road blocks from about 56 to 6 along the central corridor. The roadblocks/inspection centres still existing are Vigwaza weighbridge (Coast Region), Mikese Weighbridge (Morogoro), Nala weighbridge (Dodoma), Njuki weighbridge (Singida), Mwendakulima weighbridge (Shinyanga), and Nyakahura weighbridge (Kagera);
- (iv) Conducted a number of NTBs market surveillance along the Central and Northern routes. The purpose of the market surveillance is to provide oversight activities to agencies working along the routes and at the borders on their readiness to make goods move freely within the region;
- (v) Has embarked on the process of developing national strategy to enhance coordination efforts to address NTBs issues at national level;
- (vi) The United Republic of Tanzania through the Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA); are implementing electronic certificate of Origin under the spirit of reducing the cost of doing business. The system cuts down the time used to process the certificate of origin by 50 percent
- (vii) Has begun operationalizing Vigwaza One Stop Inspection Stations (OSISs) which is equipped with modern facilities including weigh-in-motion system. Through OSISs, the time taken for weighing trucks has been significantly reduced. The plan is to have such stations at Manyoni (Singida) and Nyakanazi (Kagera) to make a total of only three Weighbridges throughout the central corridor in the Tanzanian part;
- (viii) The United Republic of Tanzania has conducted Private Sectors Stakeholder dialogue aimed at positioning the private sectors to take an active role in eliminating NTBs and strengthening advocacy or reducing the cost of doing business;
- (ix) United Republic of Tanzania has published numerous publicity materials on removing NTBs and other regional initiatives;
- (x) The Tanzania Food Drugs Agency (TFDA) has carried out sensitization seminars in the EAC Partner States on TFDA activities on the interplay between standards

and technical regulations. The sensitization was carried out following the allegations from other partner states that TFDA activities are duplicate of TBS activities, which is not true;

- (xi) The United Republic of Tanzania, through Police Force has developed and introduced a special card to report barriers arising out from police stoppage along the central corridor. The card which is distributed freely to truck drivers and other related users contains names of check points allowed and mobile numbers of all regional police commanders and from traffic headquarters, where a victim can call/report directly in the event that he/she has stopped outside of the designed checkpoints;
- (xii) Has conducted several stakeholders' awareness programs on EAC matters, in particular, Common Market and NTBs to enhance collaboration of various stakeholders in the private and public sectors to facilitate cross-border trade. The awareness programs which conducted jointly with Small Industries Development Organization (SIDO) and TCCIA were carried out in Arusha, Kilimanjaro and Tanga regions targeting Namanga, Tarakea, Holili and Horohoro Borders, just as a first phase; and
- (xiii) Has conducted training on NTBs reporting mechanism where business people can report NTBs through mobile phones and internet.

6.1.2 Tanzania's Progress towards the Implementation of EAC Common Market

The United Republic of Tanzania framework is intended to assess the implementation status and take appropriate measures to remedy challenges envisaged during the implementation. In line of the above-mentioned Article and the need to track the progress towards implementation of the EAC Common Market, the 13th Meeting of the Sectoral Council of Ministers Responsible for EAC Affairs and Planning directed the Secretariat to develop a monitoring and evaluation framework for the implementation of the Common Market Protocol.

The Framework has since been developed and adopted by the relevant organs and was now in use by the Partner States. Since then, Tanzania has actively submitted semi-annual progress reports it made in the last six months. Below is a summary of the progress made by the United Republic of Tanzania towards the implementation of the EAC Common Market Protocol:-

- (i) Developed a National EAC CMP implementation Strategy, and adopted mechanisms to undertake the M&E of the implementation of EAC CMP;
- (ii) Established a National Common Market Implementation Committee, which is in line of the background above;
- (iii) Strengthened the National Monitoring Committee for elimination of NTBs;
- (iv) Has issued a total of 47,233 Certificates of Origin from July 2010 up to June, 2015; this is significant achievement compared to 12,463 certificates issued before July 2010;
- (v) Has Introduced and promotes the use of local raw materials through issuance of BARCODEs for locally produced goods;

- (vi) Has abolished fees for permits issued to students who are citizens of other Partner States admitted in the approved training establishment;
- (vii) Has issued and continues to issue National machine readable Identifications (ID's);
- (viii) Has identified and is in the process of reviewing national laws with a view to facilitate the implementation of the EAC CMP;
- (ix) Has continued to grant right of residence to citizens from other Partner States;
- (x) Has enacted a Non-citizen (Employment Regulation) Act 2015 which caters for EAC CMP;
- (xi) Amended the Immigration Regulations of 1997 to reflect the provisions of EAC CMP. The amended Regulations will come into effect by July 2015 upon being signed by the Minister responsible for Immigration;
- (xii) Has amended the Capital Markets and Securities (Foreign Investors) Regulations 2003 through G.N. No. 338 published on 19/9/2014 of which in section 3, foreign investors are allowed to purchase securities of listed companies;
- (xiii) Has removed restrictions in the capital markets on secondary trading of Bonds by virtue of G.N. 338 of 19/9/2014; and
- (xiv) In the process of enacting a new Capital Markets and Commodity Exchanges Act which is expected to be passed by the ongoing
- parliamentary session. The New CM &CE Act will allow foreign issuance of securities subject to insurers complying with the laws in Tanzania.
- 6.1.3 Challenges*
- The Committee was nonetheless informed that the implementation of the CMP is still lagging behind due to a number of factors, among others include:
- (i) Inadequate awareness among private sector, implementing agencies and the general public on the provisions and implementation of EAC CMP;
- (ii) Delays by the sector ministries, departments and agencies (MDA's) to amend national laws relevant to EAC CMP;
- (iii) Funding requirements for smooth implementation of the EAC CMP;
- (iv) Absence of Council directives regarding the implementation of some provisions as required by the EAC CMP; and
- (v) The long-taken debate on linking and de-linking the schedule of free movement of services with that of free movement of workers impacted implementation of the commitments made by the Partner States in the free movement of services;
- 6.2 Interaction with various stakeholders in Dar-Es-Salaam, Tanzania on Friday October 9th, 2015:
- The Committee had a very fruitful interaction on an oversight activity on the security related operational challenges for implementing the CMP along the Central Corridor with stakeholders from ministry of

East African Cooperation, ministry of labour youth and employment, Tanzania Revenue Authority (TRA), Tanzania Bureau of Standard (TBS), Immigration Department, Tanzania Ports Authority (TPA), Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA), Association of Transporters, the Tanzania Police Force, Tanzania Roads Agency (TANROAD), and Truck Drivers. The stakeholders reported and or clarified a number of issues as follows:-

- (i) That increased export of goods and services made in the United Republic of Tanzania is what the economy needs to move to the next level in the wake of the weakening shilling;
- (ii) That is exactly what the Tanzania stakeholders have been advocating for, for many years culminating in the introduction of a project to tackle Non-Tariff Barriers (NTBs) in 2012;
- (iii) The project has been advocating for removal of NTBs that have been impeding transit trade and exportation of products originating from Tanzania to the East African Community Region and the Southern African Development Community (SADC) since 2012;
- (iv) The project aims at enhancing the mechanism through which the NTBs are identified, reported, monitored with an ultimate goal of elimination in order to create a conducive environment for the smooth flow of trade within Tanzania and in the East African region as a whole. As Tanzania's Private Sector focal point for (NTBs), TCCIA through the financial support of Trade Mark East Africa (TMEA) amounting to \$1.2 million have received technical support, supply of important equipment including computers, servers, scanners and facilitation of various project related trainings, seminars, meetings and promotional campaigns;
- (v) Through this project, TCCIA has managed to develop two systems that have been helpful in creating a conducive business environment by lowering the cost of doing business in Tanzania and in the EAC region as a whole. The first system; NTBs, SMS and Online Reporting and Monitoring System is an IT based tool that enables exporters and importers to report NTBs encountered along the trade corridors, at borders or at government institutions' offices;
- (vi) Since its establishment in 2012 the system has captured 85 NTBs, 54 per cent of them have been eliminated, and the remainder are at different levels of resolution. To report an NTB through the system, system users/exporters write NTBs then leave a space and state the barrier they face and the message sent to 15539;
- (vii) The most common institutions in the imposition of NTBs in cited in Tanzania include Tanzania Revenue Authority (TRA), Tanroads, Tanzania Port Authority (TPA), Tanzania Foods and Drugs Authority (TFDA), Tanzania Bureau of Standards (TBS), Immigration Department, Tanzania Police Force Department, among others. Through the establishment of the National Monitoring Committee (NMC) composed of about 38 different public and private sector organisations, a notable achievement in dealing with NTBs has since been realised. The

- committee is a live example of how Private Public Partnership (PPP) can revolutionise the trade sector;
- (viii) Electronic Certificate of Origin is the second system of its kind in the East African Community (EAC) region developed by the Tanzania Chamber of Commerce, Industry and Agriculture (TCCIA) under the support of Trademark East Africa (TMEA). This system enables exporters to apply for Certificates of Origin electronically and get them approved on line by the competent authority. This system cuts down the transporter's costs of processing the document by 50 per cent. Since it started its operation in July 2014, it has facilitated issuance of about 300 certificates. More than 300 exporters are trained throughout the country on the usage of the system;
- (ix) Electronic Certificate of Origin is accessible online via www.tccia/eco. Exporters can log in to register their company details and there after use the same to apply for the certificate of Origin Electronically. Non-Tariff Barriers (NTB's) pose a challenge to the trade outlook of the region as their existence still severely bar the trade growth. Despite the ongoing efforts to fight NTBs through introduction of electronic systems and dialogues at the national level i.e. National Monitoring Committees (NMC) and the regional initiatives i.e. NTBs Regional Forums, the barriers still exist;
- (x) The key role of the Private Sector led by TCCIA is to develop and implement a vibrant advocacy strategy to ensure government's accountability in its role as regards the issue of trade and the business environment as a whole. According to TCCIA, the government is evidently recognising the contribution of the private sector in the business environment in Tanzania. In 2014, the government prioritized reforms to improve the business environment and ease of doing business in the country through the Big Results Now (BRN) initiative in order to facilitate better trading environment across borders;
- (xi) TCCIA has so far conducted a number of advocacy campaigns, which includes lobbying the government to develop and implement policies that are friendly to the business community. Good progress has thus far been made for instance, the reduction of Police Road Blocks along the central corridor from 58 in 2012 to 6 in 2015. Other developments include the construction of One Stop Border Posts at several borders including Holili/Taveta, Mutukula and Kabanga/Kobero, which are supported by TradeMark East Africa (TMEA). Other OSBPs include Namanga, Sirari, Horohoro and Rusumo, which are supported by other development partners. OSBPs are expected to reduce the time of clearance at the borders;
- 6.3 Field visit and Interaction with various stakeholders at the Tanzania Ports Authority - Dar-Es-Salaam, Tanzania on Friday October 9th, 2015:
- The Committee visited the Dar-Es-Salaam Port and interacted with both the Tanzania Ports Authority (TPA) and Tanzania International Container Terminal Services Ltd (TICTS) officials on the status of the port's operation at the moment.
- During the interaction, the TPA Acting Executive Director informed the

Committee that the Ports Act No. 17 of 2004 as landlord port authority established the Authority. He further informed the Committee that the TPA operates a system of ports serving the Tanzania hinterland and the landlocked countries of Malawi, Zambia, Democratic Republic of Congo (DRC), Burundi, Rwanda and Uganda.

The Acting Executive Director informed the Committee that currently TPA performs the role of both a Landlord and Operator with the main functions of promoting the use, development and management of ports and their hinterlands, entering into contracts for the purpose of delegating the powers of the Authority (through licensing and concessioning ports services).

The Acting Executive Director noted that TPA administers a diverse system of Tanzania's Mainland sea and inland waterways (Lake Ports). The major seaports are Dar es Salaam, Tanga and Mtwara while smaller seaports are Kilwa, Lindi, Mafia, Pangani and Bagamoyo. The lake ports under TPA mandate are: on Lake Victoria include Mwanza North and South Ports, Nansio, Kemono Bay, Bukoba and Musoma: on Lake Tanganyika, are Kigoma and Kasanga: and on Lake Nyasa are Itungi Port, Kiwira, Manda Liuli and Mbamba Bay.

The Acting Executive Director highlighted to the Committee the principal objectives of the Authority as -

- (i) To establish and coordinate system of Harbours;
- (ii) To provide facilities relating to Harbours and provide harbour services;
- (iii) With the approval of the Minister, to construct and operate new Harbours;
- (iv) To construct, operate and maintain beacons and other navigational aids;

- (v) To carry on the business of stevedore, wharf age or lighter man;
- (vi) To act as a warehouseman to store goods, whether or not the goods have been or are to be, handled as cargo or carried by the Authority;
- (vii) To consign goods on behalf of the other persons to any place either within or outside the United Republic;
- (viii) With the approval of the Minister, to act as carriers of goods or passengers by land or sea; and
- (ix) To provide amenities or facilities that the Authority considers necessary or desirable for persons making use of the facilities or services.

The Executive Director Tanzania International Container Terminal Services Ltd (TICTS) informed the Committee that his company is the largest container terminal in Tanzania. He noted that the Company is located in the Port of Dar es Salaam, which handles more than 75 per cent of Tanzania's trade and serves as a vital part of the supply chain to and from Tanzania and the neighbouring countries in Eastern, Central and Southern Africa.

The Executive Director further noted that his Company is committed to strengthening its role as the country's maritime gateway, investing in modern IT systems and mobile equipment while constantly improving its productivity levels, efficiency and customer service.

The Executive Director informed the Committee that the company has invested around Sh50 billion during the last few years and has plans to invest a further Sh80 billion in the next 12 months. The money will go towards purchasing of new cranes and equipment, which will enable TICTS to handle the larger vessels that will dock at Tanzania's major seaport upon completion of the ongoing berth dredging exercise.

The Executive Director further informed the Committee that in April this year, the government announced that the Port of Dar es Salaam would undergo a massive upgrade during the next few years to put it abreast with the increasing traffic passing through the country's major gateway. He noted that the World Bank (WB), the UK's Department for International Development and Trademark East Africa (TMEA) would inject a total of \$596 million (about Sh1.25 trillion on the prevailing exchange rate) in the project that seeks to upgrade the Port of Dar es Salaam during the next few years. The money will go towards the deepening and strengthening of berths 1-7, the dredging of the entrance channel and turning basin in the port.

The Executive Director noted that because the port is of key national and importance and also serves as a window to global trade for the neighbouring land-locked countries, TICTS believes that as larger vessels come the country need to construct deep-water capacity with longer berth lengths and then buy bigger new cranes which can effectively service this larger tonnage. *"We are seeing a lot of consolidation of services within container shipping lines who wants to achieve economies of scale, they are now operating larger tonnage and several partners then sharing vessels so building lots of new, smaller terminals all at the same time does not add value,"* the Executive Director TICTS said.

6.4 Field visit and Interaction with various stakeholders at the Vigwaza Weighbridge - Vigwaza, Coastal Region in Tanzania on Saturday October 10th, 2015:

The Committee also made a field visit to Vigwaza weighbridge to appraise itself with the implementation of the CMP security related challenges. The newly constructed Vigwaza weighbridge in Coast Region which was launched by President Jakaya Kikwete in June 2015 with a

purpose to enable more vehicles to be checked out within a shorter time, bringing an end to the dreadful queues that had been the nuisance of transporters.

The Coast Regional Manager, Eng. Tumaini Sarakikya who accompanied the Committee on the visit reported that sensitization and awareness on vehicle's axle load control, together with strict use of electronic scales is projected to boost the economy of Tanzania with a lower budget on road maintenance.

Clarifying to the Committee on the functions of the newly installed computerized Weigh-in-Motion Bridge at Vigwaza area, Kibaha district in Coast region, Tanroad's Coast Regional Manager, said overload caused a chain of events and the best approach was to stop it.

He noted that a damaged road for example requires extra budget for repair work. He further noted that if the road is not duly fixed it leads to increased costs of transport and other related haulage complications.

He informed the Committee that Tanzania has the modern computerized weigh-in-motion bridge to ease traffic congestion and advance economic activities, while pointing at vehicles moving slowly while passing over the digital scale with immediate readings taken.

The Committee was further informed that the facility has lessened traffic jam at Kibaha Maili Moja, the previous major scale along the Morogoro Highway. It was also reported to the Committee that the location of the new facility worth Tshs. 1.6bn/- serves as one-stop check point such that revenue authorities, the police and other related offices housed for swift vehicle inspection including those destined for neighbouring countries.

While at the weighbridge, the Committee was informed that overload trends record

from Tanroad, for example, indicated that in 2000/01 a total of 357,413 vehicles weighed and out of the number 63,845 overloaded and 11,356 (17.86 per cent) exceeded the allowable 5 per cent limit. As for the year 2009/10 a 2,672,304 vehicles were weighed and 665,533 were discovered overloading and out of the number 43,572 (24.9 per cent) exceeded the 5 per cent limit.

The Head of Vigwaza Weigh Bridge Station, Eng Sylvester Simfukwe told the Committee that the new facility has reverted the trend (overloading) as compliance especially among heavy-duty transporters has become obligatory.

Explaining to the Committee on the the applicability of the installed new system, Senior ICT Technician in the area, Mr Juma Kipande said there is a sensitive high-speed vehicle measuring gadget about 300 metres away from the office that vehicles above 3.5 tonnes must step on while at a speed below 50 kilometres per hour. He noted that the installed lights automatically indicate whether the truck should pass through the multi-deck weigh panels or proceed with the journey. He further noted that vehicles should be 15 metres apart to enhance proper recording of every passing vehicle.

7.0 COMMITTEE RECOMMENDATIONS

The Committee recommends:

- a) Partner States should continue to sensitize and encouraging sectoral ministries, departments and agencies to mainstream their budget allocations into activities related to implementation of the EAC CMP;
- b) Partner States should adopt a phased implementation of EAC Common Market, to start with prioritizing aspects with quick win or with multiplier effects;
- c) Partner States should reconsider EAC budget allocations so that

priorities to be given to activities related to the pillars of integration, the implementation of Customs Union, Common Market and Monetary Union;

- d) EAC should provide sufficient resources for publicity and promotion of EAC's Common Market Protocol and the Treaty for the establishment of the Community for raising the people's awareness and showcase its benefits;
- e) TPA should share ongoing planned initiatives to address capacity bottlenecks and increase port efficiency with the business community, including the actions plans and timelines for implementation;
- f) The United Republic of Tanzania should increase funding for the police operations along the central corridor;
- g) The United Republic of Tanzania should involve desk officers responsible for coordinating EAC issues in some of the police operations to enable strengthening of networks and speedy communication flows to responsible police authorities;
- h) Partner States should reduce bureaucracy in communication between EAC Partner States on security issues by allowing border administrative authorities to communicate directly without necessarily going through their headquarters in order to reduce time losses in clearing and imports originating from the region;
- i) The United Republic of Tanzania should work with other Partner States to re-look on the validity through research the issue of yellow fever cards within the EAC region as an impediment to free movement of persons;
- j) Partner States should emulate the United Republic of Tanzania to

modernize the weighbridge technology and scales to ensure enhanced speed and accuracy in weighing process targeting reduction of bribery incidences, fines for overloading and time taken in the weighing process; and

- k) Partner States should invest and or renovate the railway lines to meet the demands of the business community and to reduce stress on the road network.

8.0 CONCLUSION

This report has focused on the oversight of the security related challenges of implementing the Common Market Protocol along the Central Corridor. The objectives of the activity were to comprehend and appreciate the implementation of the Common Market Protocol along the central corridor; to understand the functioning of the security related EAC Projects in the context of free movement of labour, persons and services; rights of establishment and permanent residence; and to ascertain on the challenges faced in the implementation of the Projects.

From the findings, it is evident that all the stakeholders that interacted with the Committee expressed strong support for the EAC Common Market Protocol (CMP) and were generally impressed by the work so far done. A number of stakeholders however expressed concern about the slow implementation of Common Market Protocol (CMP) in terms of harmonization of the national laws and regulations. Many participants felt that it was important that the Assembly enact a regional law and or Act for implementation of the Common Market like the way the Customs Union Protocol was enacted into the EAC Customs Management Act, 2004. Similarly, the issue of public awareness about EAC Common Market Protocol (CMP) featured prominently in a number of interactions with stakeholders in Dar-Es-

Salaam. As the Partner States, embark on the review of the implementation for the EAC Common Market Protocol, it will be important for EALA (as elected representatives of the peoples of East Africa) to be fully involved in the process, especially the enactment of a regional law and or Act for implementation of the Common Market.

Mr Speaker, Sir, I beg to submit.

The Speaker: Thank you so much, Hon. Mwinyi, the Chairperson of the Committee on Regional Affairs and Conflict Resolution. Hon. Members, the motion before this House is that the report of the Committee on Regional Affairs and Conflict Resolution on Oversight Activities on the Security Related Challenges of Implementing the Common Market Protocol along the Central Corridor be adopted. Debate is open.

Honourable Members, before we begin with the debate, I would like to recognise the presence of the Hon. Members of Parliament from the Parliament of Uganda who have been following our proceedings since last week. *(Applause)* We thank you for taking keen interest in the Assembly activities.

Honourable Members, I have now been well informed that the Students of Tumaini University who are here are not just student leaders but also the whole Parliament of the Students Guild led by their Speaker the Rt. Hon. Daudi Maneno is here - *(Applause)*. I had to make it very clear because the Parliamentary Session the other side may sit and express displeasure for us not recognising their protocol very well. *(Applause)* So, Hon. Members and your Speaker, you are welcome to our gallery. *(Applause)*

Mr Martin Ngoga (Rwanda): Thank you very much, Rt. Hon. Speaker. Let me first disclose that I am a member of this Committee and I participated in this

activity. I want to thank the Committee and the Chairperson for the able leadership he provided throughout our activity.

Mr Speaker, Sir, when we compiled our report and were preparing to report back here, we knew we were coming with good news because of what the Chair has presented before the House. However, there is even more good news now because we do not know how many of these people we met at the port actually survived the *Hapa Kazi tuu* campaign that is going on. *(Laughter)* We wish they survived it but I am not sure.

This morning I was watching a programme where the Minister of Finance and Planning of the United Republic of Tanzania was speaking about this very subject. While we are talking in our report about the reduction of weighbridges or roadblocks from 56 to six, the Minister made it clear that he wants only three roadblocks from the port to any border point of the neighbouring country. *(Applause)* In addition, given the spirit that is going on now, we cannot doubt the speed with which this is going to be implemented.

Mr Speaker, when we visited the weighbridge, what was most impressive was actually the technology because it is not only about efficiency in terms of the speed with which the trucks are processed but also issues like corruption. There is no room for corruption when there is technology like we saw when we visited the Bwaza Weighing Bridge. So, as it has been suggested in the report, when we embrace technology in our processes, we deal with many vices at the same time. We improve efficiency; we reduce interactions that can encourage other malpractices like corruption and many other things. So, we need to emphasise the need for technology in our processes.

Lastly, Mr Speaker, I want to remind the House that after this visit, after this activity, the House convened in Kigali. You will remember very well the meeting we had with the business community there, and the

issues they raised while acknowledging the improvement in terms of the speedy movement of goods, they brought to our attention the new set of NTBs that are emerging.

They were calling for harmonisation of standards where they were calling for several issues. So, I would like to make a recommendation – I don't know whether it has to be by way of amendment or something we can consider in our future planning – that while we acknowledge the development and progress in terms of speedy movement of goods, we have to immediately tackle these emerging NTBs at the earliest convenience possible. Otherwise, the longer we take before we identify and deal with them, the more complicated they become in terms of how we can resolve them.

Lastly, I recommend that we should expand the scope of our interactions. When we meet stakeholders, we have to be very careful when we identify stakeholders. In this particular activity, we met truck owners but there was very minimum interaction with truck drivers. In addition, I believe that truck drivers could possibly have more practical information than truck owners could. So, the way we identify the stakeholders and the way we define them is something we need to be more careful about in our future planning. Thank you very much, Mr Speaker, Sir. *(Applause)*

The Speaker: Thank you so much, Hon. Ngoga. Before I pick Hon. Ussi, Hon. Members, you remember we interacted with the Private Sector Foundation of Kenya and the Private Sector Foundation of Rwanda. They raised issues, and we agreed that the various Committees should pick the issues and process them. We will have to give a feedback to our people who raised those issues and what this Assembly has so far done. This is part of it but they should keep track of the issues such that the reporting mechanism back to the stakeholders is clear and known that the

Assembly is addressing the issues. Thank you.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much, Rt. Hon. Speaker. First, I would like to congratulate the Chair of the Regional Affairs Committee for their very extensive work they have done and for us as Members, this report really gives an insight into one of the Partner States, which I happen to represent and be a citizen of, makes me proud to hear this information.

Rt. Hon. Speaker, let me also take this opportunity to congratulate the outgoing administration because all this achievement happened during the tenure of the outgoing administration.

The Speaker: Hon. Maryam, is it outgoing or out gone? (*Laughter*)

Ms Yahya: Former, Rt. Hon. Speaker, let me correct myself. Former President, H.E. Jakaaya Mrisho Kikwete. (*Applause*)

Rt. Hon. Speaker, I will just talk on one point, which is to directly urge the Chair, Council based on comments of the Committee where they say that Partner States should consider EAC Budget allocation so that priorities are given to the activities related to the pillars of Integration; implementation of Customs Union, Common Market and Monetary Union.

Mr Speaker, as you know, the Common Market Protocol came into force on 1st July 2010, which is almost five years. We should not be talking the same way that people are not aware of the integration process so that they can fully take advantage of it.

I would like to urge the current Chair, Council, especially for the United Republic of Tanzania, to make sure that she asks for enough budget for the EAC docket because I believe now she has a wider docket in her ministry with foreign and regional affairs but should not forget the EAC when she is

asking for the budget. EAC especially, I will say this loud and clear, in Tanzania the Ministry of EAC is the least budgeted for ministry as compared to all ministries. We need to show that we really want to progress; we really want our people to have knowledge on the integration process.

We have been asking for a budget for sensitisation in the EAC, but when we go to the Ministry of EAC to ask for money, we are told that no sensitisation needed. When we come to the budgeting session to ask EAC to give us more money for sensitisation, they say, no your own Partner States need to fund. Therefore, I am urging the Chair because now you are the Chair, Council. Please, when the budgeting session comes, we shall be watching you and your Minister as to how much you ask for EAC, especially for sensitisation.

We are saying that EAC is people centred and yet the people themselves are not aware. How can they benefit when they are not aware? I thank you, Rt. Hon. Speaker.

The Speaker: Thank you, Hon. Ussi, I will pick Hon. Nancy, Hon. Bazivamo and Hon. Mulengani, and then come back to the rest.

Ms Nancy Abisai (Kenya): Thank you, Rt. Hon. Speaker for giving me this chance. First, I would like to take this opportunity to congratulate the new Minister who has joined us; congratulations and welcome to this House. It is a privilege for us to serve with a Prime Minister. So, we are very privileged as EALA to have you here. We look forward to working with you and having very good deliberations with you in this House. (*Applause*)

I also want to congratulate the Chair and members of this Committee for a job well done. This report is a very good report; it gives very good background of what took place and even the recommendations are very clear.

I would like to raise one issue. I know the Chair did talk about it but this issue of

Yellow Fever is a very serious one. I know we have talked about it in this House; I do not want to belabour the point. Rt. Hon. Speaker, people have suffered because of this Yellow Fever aspect. If you go to a border like Namanga, because we cross there all the time and I am sure all of us do, you find from both sides - before it used to be common on the Tanzanian side. There was somebody constantly harassing passengers and now when the Kenyan side also saw this harassment, they decided to do the same. So, people are being harassed all the time and they are being forced to be immunised at that particular station.

Now, to what extent have we assessed the health aspects of just taking a passenger who is travelling because they do not have a Yellow Card and you just immunise them? (*Interjection*) Okay I will take the information.

Ms Shy-Rose Sadrudin Bhanji (Tanzania): I thank you, hon. Nancy, for giving me the opportunity to give you information. Rt. Hon. Speaker, I would like the Hon. Member to give evidence of what she is talking about because so far I think it is allegations.

Ms Abisai: Rt. Hon. Speaker, I believe that we are dignified Members in this House and we do not just talk for the sake of being heard or for the sake of speaking. (*Applause*) I, my dear Hon. Sister, Shy-Rose, I will not stand here and speak lies. I tell you, please when you have time, go to the border of Namanga, and see for yourself. This happened even when we were coming for this session. I can tell you that I have seen not once, not twice, but several times, passengers being asked to go into a small room and be immunised at a point when they are travelling. This is a health hazard; it is not right because you do not know somebody's health condition.

We have doctors in this House, they can tell us. However, you cannot tell somebody just to go and step aside in a room, be

immunised and then continue travelling. I do not know whether this can have some impact on the body.

Mr Rwigema: Thank you, Rt. Hon. Speaker, I want to give information contradicting what Hon. Shy-Rose rose up to say because when we were in Dar-es-Salaam discussing this with stakeholders, we got a serious problem on this matter. No one was able to give information on this issue and the conclusion was to see someone from the Ministry of Health but still there was no one from the Ministry of Health. This is a serious matter and the Minister should see how to resolve this kind of problem. Thank you.

Ms Abisai: Rt. Hon. Speaker, I will not belabour because I think we have talked around this issue for a long time. But one Member asked, and I think it is important for us to see or to find out when was the last time that the World Health Organisation gave a directive, especially in relation to Yellow Fever. That is all. If it still stands until today, then we have no excuse but to respect it. But if it is something that was done a long time ago and we are still looking at bringing it back and back again, then I think it is unacceptable; it is an orthodox and I do not think we should have it. People need to be informed in time.

It is also a security risk because we do not know whom we are dealing with and who is going to be injecting you.

Secondly, Rt. Hon. Speaker in relation to the weighbridges, I want to say that I am a member of the CTI Committee, maybe in future, we can look at how we create synergies between this and CTI because most of the things that have been talked about, I believe that the Committee on CTI also did do a similar activity. Maybe the only difference is that some of the places that they visited that CTI did not. But, in relation to the implementation of the Common Market Protocol, I know that the CTI Committee has also done quite a bit on

this and I would like to suggest that maybe in future we could look at some joint initiative between the CTI and Regional Affairs Committees so that they complement each other.

Finally, the National Monitoring Committee for the elimination of Non-Tariff Barriers, I think has done a good job towards ensuring that the protocol is implemented. I think that in future we would like to see how the other National Committees on the elimination of NTBs have performed in their respective Partner States so that they are moving in tandem. We would not like to see one Partner State making so much progress while another is lagging behind.

As far as Tanzania is concerned, this is a step in the right direction and I would like to congratulate the Republic of Tanzania for such tremendous efforts. *(Applause)* Thank you very much.

The Speaker: Thank you very much, Hon. Nancy.

Mr Christophe Bazivamo (Rwanda): Thank you very much Rt. Hon. Speaker for giving me the floor. Let me also begin by congratulating the new Member, the Deputy Prime Minister, Uganda and Minister for East African Community Affairs. You are welcome.

Rt. Hon. Speaker I rise to support the report and to thank the Committee in charge for having undertaken this activity and especially let me congratulate the Chairperson for his good presentation.

Rt Hon. Speaker and Hon. Members, as it has been said by Hon. Ngoga and yourself, Rt. Hon. Speaker, this issue of Non-Tariff Barriers or the concerns around them has been clearly highlighted by the business community in Nairobi, Kenya and also in Kigali, Rwanda. You will rightly remember that the business community in Kigali even requested to review the Non-Tariff Barriers Bill, 2016 so that it could

take into consideration the extended jurisdiction of East African Court of Justice on trade matters and make sure grieved parties could report their cases in that court.

Honourable Members, one has to understand that by now implementation of NTBs depend on the political will of the concerned parties with no consequences for non-implementation and no consequences for restriction is done for aggrieved parties, which is really a big issue in doing business.

Rt. Hon. Speaker, I wanted to strongly request the Council of Ministers to look deeply into this matter and then try to put in place, at the right time, practical measures or mechanisms to implement or to punish non-implementers of matters about the Common Market Protocol. Otherwise, we shall speak and speak without implementation, which we all know that the results will not be as we wish. Rt. Hon. Speaker, I support the report. Thank you.

The Speaker: Thank you, Hon. Bazivamo.

Mr Bernard Mulengani (Uganda): Thank you very much, Rt. Hon. Speaker. I want to join my colleagues in welcoming the Third Deputy Prime Minister and Minister of East African Community Affairs from Uganda.

Mr Speaker, I want to support the report but in supporting it, I want to highlight a few issues and maybe pick it from Hon. Nancy Abisai. Mr Speaker, whenever we are discussing issues of the Common Market Protocol and other pillars of the integration, it is very important that we also take stock of what is being done at the East African Community.

Recently we were debating in this very House...actually we have debated several times and seen that within the structures of the Community, other than the Customs Union, the rest of the pillars that have been assented to, the Common Market Protocol and the Monetary Union don't seem to be having a structure at the Secretariat that

take charge of the implementation regionally. This has created a problem.

Therefore, I wonder that we go out to do oversight in the Partner States when our house is not in order, and the Council thinks that the institutional review should address this. I think we are also not on the right path in that direction.

I would actually urge the Council that in the same vein they considered forming the structure for the Directorate of Customs and Trade - and this is actually why it is succeeding; the Common Market has not yet succeeded fully like it would have because of that structure lacking at the regional level to ensure that it monitors what is being done in the Partner States.

Mr Speaker, the report mentions about the formation of national policies that are implementing the Common Market. Now this one, again, the regional body has left it to the Partner States. It is a challenge. Each country is coming out with some implementing policies based on what they want to implement at what time. There is nothing seen to be harmonised as far the implementation of the Common Market Protocol is concerned. This brings a problem in the region.

I want to urge the Council to collect all these national implementing policies, see whether there is a divergence, and try to create a convergence in implementation of the Common Market Protocol. It will really guide the implementation process.

Mr Speaker, this report, as Hon. Abisai said, is a good report but as you see, it crosscuts between CTI and Regional Affairs plus Legal. Now, to me, I thought that this report –but mainly CTI and Regional Affairs- I would have expected this report to give us more light in the area of security. For example, in the gaps that are highlighted, while the Common Market Protocol was being created and during its implementation, where are the security

concerns? For example, Mr Speaker, they talked of the roadblocks that are being created which are not identified. How is it a security risk? During their tour, did they find any risky matter in that area?

Mr Speaker, the illegal roadblocks; strikes arising from a Common Market issue, for example, illegal border trade around the borders, armed smugglers. This would have given more information to the Committee on CTI that next time when we also go out to carry out such an activity, we would be able to know that these areas have such activities. But it would also inform the Parliament that there are gaps in the Common Market Protocol implementation that may need proper address.

Mr Speaker, there are illegal arrests in the business community. They keep on complaining. Some of these people find Members in different places and they keep on complaining, you see my things were confiscated because I did not have this and that. How is it a risk in terms of security?

I think that they would also go further to mention about the joint terrorism border activities that may be happening as a joint activity of the Committees of CTI and Regional Affairs would give us proper information.

Mr Speaker, in the Common Market, pastoralists keep on crossing borders and other types of people. Others rustle other people's cattle. This is not the first time people have hear about it. Now, how is this becoming insecurity in the Common Market dispensation? The porous borders leading to illegal immigrants; the *Al Shabaab* we hear of in Kenya - the bombing of the University in Northern Kenya. These are all challenges in Common Market Protocol and I would have expected the Committee on Rules while they are looking at activities that are related to Communication, Trade and Investment, to come out and bring that perspective of the insecurity matter.

That said, Mr Speaker, they can look at it as an activity so that they can give the real insecurity matter within the Common Market dispensation that we are likely to face if our borders are totally opened and eventually things are not put in the right way. How shall we be managing these things because we do not have yet a regional police that crosses? We need legal frameworks that shall handle challenges across borders.

Lastly, Mr Speaker, the permit of the students they mentioned. We have talked about permits and I think it is something I would like to reiterate to the Council once again. They should help us define who is called a foreigner in the East African Community whenever they refer to issues of foreigners. I want to thank you and I support the report.

The Speaker: Thank you so much. I will give Hon. Valerie, Hon. Kalinda; I will come to Hon. Shy-Rose, and then continue.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Rt. Hon. Speaker for giving me the opportunity. First of all, let me add my voice to those that have spoken before me in congratulating and welcoming the new Ex-Officio Member, the Hon. Third Deputy Prime Minister and Minister of East African Community Affairs from Uganda. You are welcome, Sir.

Secondly, I rise to support this report with of course one small reservation, which was ably expressed by Hon. Mulengani. I was actually asking one of my colleagues here why this activity is entitled "*The Oversight Activity on the Security Related Challenges of Implementing the Common Market Protocol?*" I think it is something like Hon. Mulengani said that the Committee should look into so that the security related matters could be highlighted.

Otherwise, the report in as far as it is, is highlighting the many aspects of the implementation of the Common Market

Protocol with regard to what the United Republic of Tanzania is doing. The report is very good and I fully support it.

Rt. Hon. Speaker, this activity is more or less similar to the one that was undertaken by the Committee on Legal, Rules and Privileges and I happen to be a member of that Committee. We went to various Partner States to assess the implementation of the Common Market Protocol. While we agree and we are happy that there is a remarkable progress in terms of implementation of the Common Market Protocol, there are still many challenges that have been highlighted wherever we went and the same challenges seem to be highlighted in this report.

Rt. Hon. Speaker, I would like to pick on a few aspects of this report.

Mr Ogle: On a point of clarification, thank you Mr Speaker and thank you Hon. Valerie for giving way. I am just concerned that there are so many Committees, which are apparently claiming the mandate of the Committee on Regional Affairs. Therefore, when an honourable Member stands up and claims that this is business should have been for CTI or Legal, I think they should make due references to the Rules so that we can get some bit of clarity on that thing. Otherwise, I am getting in a state of confusion when every member from every other Committee stands up and claims the activity of this Committee. Thank you.

The Speaker: Hon. Members, the Chair will have a comprehensive response at the end of the debate. But, Hon. Colleagues, you may wish to appreciate that the Common Market Protocol entails a number of issues. Some of them may fall within the Committee on Communication, Trade and Investments; others may fall within the Committee on Regional Affairs and Conflict Resolution. For example, issues of residence and several others; and then others, which are, rights based may fall within the Committee of Legal, and these

Committees are not sharply bordered away from each other. There is only need for cooperation when you do the work so that there is no duplication. Thank you.

Ms Nyirahabineza: Thank you very much, Rt. Hon. Speaker for that clear answer you have just given. In fact I was saying that we also undertook, as members of the Legal, Rules and Privileges Committee, a similar activity in all the Partner States. And like the Rt. Hon. Speaker is rightly saying, we were just examining the legal aspects or legal framework that have been put in place so as for the Common Market Protocol to be fully implemented.

I am going to dwell much on the legal aspects. I am happy that this report highlights clearly that in order to track the progress towards implementation of the EAC Common Market Protocol, the 14th Meeting of the Council of Ministers responsible for East African Community Affairs directed the Secretariat to develop a monitoring and evaluation framework for the implementation of the Common Market Protocol. It is in line with that that there is so much progress being reported about in this report. But, as I said, I am going to talk about the challenges. One of the challenges of the implementation of the Common Market Protocol is the delay by the sector ministries, departments and agencies to amend national laws relevant to the EAC Common Market Protocol. *(Applause)*

Rt. Hon. Speaker, last week we debated a very important report here; a report brought by the General Purpose Committee on free movement. It was actually a petition brought by an association of workers. We remember to have alluded to the Common Market Protocol not being fully implemented, and we said that when the Common Market Protocol became operational in 2010, it had the overarching objective to widen and deepen cooperation amongst the EAC Partner States in the economic and social fields for the benefit of Partner States.

We also saw that for the proper enjoyment of the rights and freedoms granted under the Common Market Protocol, Partner States are still required to review their laws to align them with the provisions of the Common Market Protocol. In addition, the alignment or that exercise for Partner States to make laws compliant with the EAC Common Market Protocol has to be done in order to align them with the EAC Treaty. That is very critical for the full realisation of the benefits of EAC integration.

With regard to the same harmonisation of laws, we know that harmonisation of laws is a requirement which is provided for under Article 47 of the EAC Common Market Protocol. I think we were availed with copies of the Common Market Protocol. Partner States are required to align their legislation with the common agreed principles.

We know that the Sectoral Council on Legal and Judicial Affairs has established a sub-committee, which specifically deals with that issue.

We know that the Secretariat came up with a roadmap, which was submitted, to different Partner States for them to align their national laws (legislation) to those laws identified in the roadmap. But, Rt. Hon. Speaker, up to now, we have been asking- this House has been requesting – for a report emanating from the Council of Ministers in as far as alignment or harmonisation of laws to align them with the Common Market Protocol, to no avail. We have been requesting for that report and unless I am mistaken – I remember that I was not absent from any of the sittings here – I have not seen such a report. I hope that we get that report very soon so that we can see what is being done in our Partner States.

Rt. Hon. Speaker, there is again something I came back to whenever I was given an opportunity to speak and whenever it comes to discussing the implementation of the Common Market Protocol. Now that a

roadmap has been developed by the Secretariat and disseminated to all the Partner States, and now that some Partner States are in advanced stages as compared to others, I do not what is going to happen if these laws are not aligned. What is going to happen? Are our East Africans going to benefit from the Common Market Protocol? Actually, the expectations of all citizens from the Common Market Protocol are not going to be met. We have to do something.

My third point regarding the same Common Market Protocol is in terms of the structure at the EAC level. Like my colleague and brother, Hon. Mulengani, said, we have seen that for the Customs Union Protocol to succeed there is a legal framework that was developed. I was told that the East African Community Customs Management Act emanated from a Private Member's Bill. This alone helped the people to understand fully what the Customs Union Protocol was all about and it eased the implementation of it.

It is high time that the Council of Ministers – now that the institutional review is not complete – thinks of a structure, which will eventually allow the Common Market Protocol to be fully implemented. You rightly said so, Mr Speaker, the Common Market Protocol apart from falling under different dockets- Committees here - various Organs and Institutions – various departments at the Secretariat level, implement it. It is high time to think of a coordinating structure, which should be responsible for all that.

Lastly, I said that being a member of the Legal Committee, we went to assess status of implementation of the Common Market Protocol and I remember that we even suggested in our report that the Legal Committee or any other Committee comes up with a Private Member's Bill related to the implementation of the Common Market Protocol.

Rt. Hon. Speaker, this is a humble plea again so that this House comes up with a clear legal framework, which should facilitate the implementation of the Common Market Protocol. I know that the Legal Committee has already taken a step. What is remaining may be to put more effort so that the legal framework may see the light of day.

I fully support the report. Maybe they can look into it to see how best they can come up with a recommendation regarding these security issues highlighted by colleague who spoke before me. Otherwise, whatever is highlighted here is good. It is encouraging, and I really urge other Partner States to do the way Tanzania is doing and we should be given an opportunity to visit other Partner States for us to see what is happening there. I thank you, Rt. Hon. Speaker and I support the report.

The Speaker: Thank you.

Mr Francois Xavier Kalinda (Rwanda): Thank you Rt. Hon. Speaker for giving me the floor. Rt. Hon. Speaker, let me also congratulate the Hon. Deputy Prime Minister from Uganda upon his swearing in to become an Ex-Officio Member of this House. He is most welcome. (*Applause*)

Rt. Hon. Speaker, I also wish to congratulate the Chair of the Committee on Regional Affairs and Conflict Resolution upon his good leadership and brilliant presentation of the report. (*Applause*)

I am a member of this Committee and I participated in the oversight activity. I also fully support this report. I have a recommendation to propose to this House. It is a recommendation directed to the Council of Ministers. It reads as follows: The committee recommends that the Assembly urges the Council of Ministers to make sure that the monitoring and evaluation report on the implementation of the Common Market Protocol is tabled

before the Assembly for consideration as per Article 49 (2) (c) of the Treaty.

Rt. Hon. Speaker, I thank you and I support the report. *(Applause)*

The Speaker: Thank you so much.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Rt. Hon. Speaker for giving me the opportunity to say a few words on this report on Regional Affairs Committee.

I wish to begin by congratulating the new Member of EALA – the new Minister of EAC and the Third Deputy Prime Minister from Uganda, Dr Kirunda Kivejinja. *(Applause)* Congratulations, Hon. Member for taking the oath. We welcome you to EALA.

Maybe we are not going to get another chance to sit before Uganda is going to hold its general elections. So, let me take the opportunity to wish Uganda a peaceful election. *(Applause)*

Mr Speaker, Sir, I wish to commend the Chair of Regional Affairs and Conflict Resolution, Hon Abdullah Mwinyi and his Committee for a very good report. *(Applause)* The report is very thorough, informative and educative. I fully support this report.

Mr Speaker, Sir, I also wish to say that Tanzania has done very well. We have seen in this report the progress that has been made so far on the NTBs. Out of 13 points on the Tanzanian progress on NTBs and 14 points on the progress of the Common Market Protocol implementation, Tanzania has indeed shown the way and this should be emulated. *(Applause)*

However, Mr Speaker, there are five points on the *challenges identified on page 7 in this report and the major challenge is on lack of sensitisation. Mr Speaker, Sir, the lack of effective sensitisation strategy and maybe, insufficient funds to carry out*

sensitisation to the public is now not only a recurring problem, but also now, in my view, is a chronic problem.

Mr Speaker, Sir, in this EAC integration, we are doing so many good things, however, the beneficiaries who are the citizens of East Africa – if I go about this report, let me speak about Tanzanians- Mr Speaker, Sir, every strategy has to be put in place but also has to be reviewed annually. In this report, there are very many good things on the progress, which has been made in Tanzania. There are almost 14 points – all these look very good on paper but if there is no sensitisation to Tanzanians who are the beneficiaries of integration, and then what is the use?

I am saying this because even EALA Members from Tanzania have never been invited or been involved in any of these meetings by PTCIA and the other stakeholders, not even in the government. EALA Members have never been involved at all. That is the past; we have the new Minister and the Deputy Minister, we request that EALA Members from Tanzania be fully involved in all the activities so that we are also aware of what is going on in our own country but at same time, we can also get an opportunity to brief other Tanzanians.

If I can speak on a wider scale, at the moment, we are almost more than 140 million East Africans. Therefore, it is very important that we create good awareness so that all East Africans can benefit from the fruits of integration. Let us all exhaust all the avenues to educate and sensitise our people so that at the end of the day, they can enjoy the benefits of integration.

Mr Speaker, Sir, my sister, Hon. Valerie has spoken very well regarding the harmonisation of the national laws in line with the Common Market Protocol. In my view, Mr Speaker, I think – maybe- we in EALA we probably need to review the current strategy we are using to involve our

National Assemblies regarding the laws that EALA passes. *(Applause)* Maybe the strategy that we are using now is inadequate. So, let us revisit the strategy we are using now so that our National Assemblies are fully aware of what laws have been passed.

Here I also wish to know how many laws passed by EALA are being fully implemented by our Partner States. It would be good if we got a list of all laws so that we know how many laws are being implemented and should be told the reasons for not implementing those that are not being implemented. Otherwise, EALA will be passing laws, which will be assented to by the Presidents and later only be put on shelves to gather dust. I think that will be all for me, Mr Speaker. I thank you and I fully support the motion.

The Speaker: Thank you so much.

Ms Agnes Mumbi Ng'aru (Kenya): Thank you, Rt. Hon. Speaker for giving me this opportunity to contribute to this report and motion. From the onset, I want to declare that I support the motion. However, before I give the reasons for supporting the motion, I would like to join my colleagues in congratulating and welcoming our new Member, the Third Deputy Prime Minister and Minister for EAC Affairs.

You are welcome to join the club of powerful women leaders from East Africa in the Council. Your predecessor, Hon. Shem Bageine was very comfortable. Please, do not get intimidated – he said that he was not intimidated- so I am sure you are going to do a good job. Thank you

Mr Mwinyi: On a point of clarification, Mr Speaker, my friend, Hon. Mumbi referred to Hon. Bageine as the “predecessor” of Dr Kivejinja; I would like to know whether Hon. Bageine is no longer a Member of EALA. Thank you, Mr Speaker.

The Speaker: I think the Hon. Member meant in terms of that seat. He was seated

there and when the Minister came, he took the same seat.

Ms Mumbi: Thank you, Rt. Hon. Speaker, I will not add more; you have done it all for me - *(Laughter)*. Before Hon. Mwinyi sought clarification, I actually wanted to congratulate him – *(Laughter)* - because he did a good presentation as the Chair of that Committee. The report was clear, with no ambiguity and even when some confusion almost came up about Yellow Fever, he stood his ground because the report is as clear as any Member would want to believe.

When most of us Kenyans travel to Arusha, I am forced to respond to authorities at the border about yellow fever, I do not produce it, and they say, “You have to.” I say, “I am a member and my knowledge tells me that yellow fever takes ten years.”

If you have seen my passport with very many stamps that I have crossed the Namanga border, why would you need to see it physically? Those are the NTBs that are created by officers at the border and they probably need to be sensitized about such issues.

To come back to the report - *(Interruption)*

Mr Ngenzebuhoro: Thank you, hon. Mumbi, for giving me way, I just want to give information because I see that that issue of yellow fever seems to be very focused on.

The information I would like to give is this. At Namanga, for example, where I was two weeks ago, if you do not have that yellow fever card, you will not be injected. You will just pay and if you pay, you are given that card which is there for ten years.

So do not worry about this. You only need to have that money and then you will go through. Thank you.

Mr Ogle: On further information, while the United Republic of Tanzania is still

beholden to something called “yellow fever”, which was last found in this region in 1969, there have been so many other epidemics that have occurred in the world, like the Ebola, and lately the Zika virus, and they are not even asking for any certificate for these latest epidemics. Thank you.

The Speaker: I think that is the last one before- By the way, hon. Mumbi has to heed whether she gives way for the information. You see to be accepting. Hon. Frederic-

Mr Ngenzebuhoro: Mr Speaker, the issue of yellow fever cards is required even in Kenya now and we must consider this. At the airport, you will be asked for this. I am saying this because it is indicated there. Now it is a requirement in Kenya. Thank you.

The Speaker: Thank you. Hon. Mumbi, the floor is yours.

Ms Mumbi: Mr Speaker, the reason why I just keep quiet is because sometimes the information that is given is not relevant at all to the contribution that a member is making. The reason I am saying this is that the issue of yellow fever is a concern and the committee actually was very clear about it.

We complained about it and I do not need to show a card every time I pass through the border. It has a stamp that I was here in 2012, 2013, 2014, 2015 and I am now in 2016. Yellow fever is ten years and that was my statement. So thank you for the information but please let me finish.

As I was going back to the report, I said it has no ambiguity and I thank the committee because those information that are brought confuse even the report itself but they came out very clearly and listed it as a concern that was brought out by the stakeholders. That was important.

I also want to talk about sensitization. The report is very clear about sensitization and I agree with my colleagues who were saying that there seems to be a disjointed sensitization because from Tanzania, members say, we are not involved. In Kenya, we have a program that is going on and funded by the government of Kenya through the Ministry of EAC and we go for sensitisations.

Even through radio programmes where I can speak about East African Legislative Assembly in my mother tongue, speaking to the region that I cover but it would be good if the Chair, Council formulated a policy on sensitization.

Sometimes I feel that the council itself sits on the fence on issues that we bring to their attention. Sometimes they are members of the Secretariat who want their activities to go there, we are talking about the same issues here in the House then they have to please their national governments back home and this is an issue.

Sensitization is an activity that should really be spearheaded by members of this Assembly, and the reason being that we are the spokespersons. We are members of Parliament from different Partner States and we are paid to talk. When we go out in the field, we meet various stakeholders and that is sensitization. Therefore, that issue of that disconnect should be addressed probably from a policy level. I do not know whether it is in our interaction with the Council, I do not know whether it is the General Purpose Committee, but that window that makes the Council just listen and there is nothing that happens, is an issue of concern.

I want to congratulate the United Republic of Tanzania for one of their best practices. I have not heard in my three years a best practice about tackling NTBs on the northern Corridor like it has come out clearly in this report. I wish that this report

could be shared with the other Partner States for them to see that when the good will of the government is there, things open up.

I am sure we also know from that other Northern Corridor in Kenya that things are happening but the public does not know about it. Even in Kenya, they do not know about it because sensitization is lacking. In our last year's budget, if I remember, there was a percentage of sensitization. I do not know what happened because I have never been called to go for sensitization. What we accord is a committee going to play oversight and that could be a way of sensitization but it lacks us talking to the stakeholders about the achievements we have made.

When we go for sensitization, it is good but in those activities, we tend to listen more to the stakeholders that are put together for us to pick concerns and kinds of feedback of what we have done in the House.

Through the Office of the Speaker, let us have a programme of sensitization where we can even go to those borders. If language is a problem, then a member can always do it in their mother tongue there. We can do it. I believe it can be done.

I want to say and this is a plea to the Council. Now that you are reconstituting yourselves in some way, we have two new members and three old members. Through the Office of the Clerk, can you sit to identify areas that will make our last year more effective, more interactive with stakeholders without just waiting for reports to come into the office, we discuss them and then think about what to do with them.

Then this issue of the structural report that has been waiting, we are in our fourth year. We heard about it in our second year. I hope the Chair, Council is not now going to tell us about things that she cannot do because

this cannot be allowed by the internal arrangements that are there.

As I sit, I want to say again that I support the report. I thank you, Chair and your committee and I hope that every one of us can pick the best practices from every Partner State. Even without the funding, go and talk to our national parliaments and governments to do a thing like that one we are doing in Kenya and drum up support of integration because that is why we are here. Thank you.

The Speaker: Thank you so much, hon. Mumbi. Before hon. Nyerere takes the floor, two clarifications are very important.

In the last budget that we passed, we passed a provision for funds for sensitization and Chair, Council of Ministers must be interested to note that this fund was supposed to come from Partnership Funds and up to now, that budget line has not been funded.

We urge the Council of Ministers to work with the Office of the Secretary General, which is the mobiliser of funds for this Community, to avail resources in that fund urgently such that our budget line is funded and this Assembly takes the activity.

The second clarification, based on the hope that that fund is coming; you must have seen on your revised program for the next half of the financial year in the months of April and June that EALA will be outside office. They will be in the population for sensitization so we are taking the matter very seriously. Thank you. Hon. Nyerere, proceed.

Mr Charles Makongoro Nyerere (Tanzania): Thank you, Mr Speaker. Since today is my first day since this calendar year started for me to do any contributions, I first say to you, Mr Speaker and to all my colleagues, happy New Year. It is no nice

to see you again in a very healthy condition. I missed you all so much.

Again quickly and briefly, may I congratulate and welcome our new colleagues in order of appearance, hon. Dr Susan Kolimba of Tanzania, hon. Deputy Prime Minister Kivejinja. I wish hon. Shy-Rose was here so that she gets the pronouncement of the name of this new member properly. Welcome, it is an honour to be with you.

Mr Speaker, on a lighter note, I am a very honest man; maybe not 100 percent honest because sometimes honesty does not pay, but you have to judge when to be honest and when not to.

A very short example if you are married and your wife expected you early, you came in late, if you do not have a good reason, it is quite important that you think so hard of the importance of not being honest at that particular time. Thank you for understanding me.

In the meantime, according to the Treaty, our Council is composed of five ministers from five member states. If gender was a species, right now hon. Kivejinja is an endangered species. He is alone. I do not intend to go against the Treaty of the East African Community - *(Interruption)*

Dr Nyiramilimo: On a point of Order, Mr Speaker, is the member in order to insinuate that the Deputy Prime Minister is in danger because his colleagues are women?

The Speaker: Just to rule on the order, as you may have realised, the Rt. hon. Deputy Prime Minister is quite an experienced politician. He has to work with so many women in his path of political life and I do not see him in any danger.

Mr Kivejinja: Can I clarify? Thank you, Mr Speaker. I do not know but I took it in a good spirit that I am not in danger because

of gender balance but I am the only rare bird around you. So definitely, I should be around to be with you and I think that is a jewel from God because I worked with your father when we were struggling for independence and I am still strong at my age and able to participate with you. So, I thought it was in that aspect that you were trying to say that you are going to speak to me as a jewel. Thank you very much.

The Speaker: Thank you for the clarification, honourable Minister, hon. Makongoro, the floor is yours.

Mr Nyerere: Thank you, Mr Speaker, since I am well understood and since I am very well assured that my big brother is not in danger, I rest my case.

My very short contribution on this very good report, read very well by a very able chairperson of a committee, my colleague hon. Abdullah Mwinyi, a very good report, very educative, very well composed, very important statistics to work with, I would like to give some advice.

It may have been there but it may have passed me by but I heard the presenter saying that there is an intention that in this Central Corridor, we have no more than three weighbridges between Dar-es-Salaam and either crossing the border into Rwanda or crossing the border into Burundi.

The weighbridges are a menace, a total non-tariff barrier. They are a menace even to travellers travelling on a bus say from Dar-es-Salaam to Musoma because Tanzania has 30 regions. Six are in the aisles and 24 in the mainland. This Central Corridor road passes in eight regions. That is a third of all the regions in the mainland.

Almost all of these regions have at least one, two or three weighbridges depending on the direction you are going. Just allow me to remind my colleagues that you start from Dar es Salaam, which is a region and

there is a weighbridge somewhere. You go to the coast region and you have two weighbridges if you are going towards Morogoro.

Either way, if you decide to quit from Chalingye, before you go 10 kilometres, there is a weighbridge. Let us say I am now going to Nairobi, there is a weighbridge. Then you go to Morogoro, almost three. Before you come to Morogoro, there is a weighbridge and at Nsanvu, if you say you want to go to Zambia, you will get a weighbridge.

If you decide to go through Dodoma, not even 10 kilometres, there is another weighbridge; in Dodoma, weighbridges; in Singida, more than two; in Tabora, there is a weighbridge and then you go to Shinyanga, more than two; when you go to Kagera region, a weighbridge; one or two.

What I am saying is, it is possible in this corridor for Tanzania- Tanzania is one country I have travelled through many times. Tanzania has an abundance of two things on its roads, weighbridges and speed bumps; plenty of both.

I think the speed bumps are for safety but these non-tariff barriers are so many. What they could do and this is my suggestion to the committee is that they could pick an area, either in Kagera region or Shinyanga-pick a big area, get all these weighbridges because they are on both sides of the road. Those on this side, do not ... uplift them half to that side of the road and half to somewhere in the coastal region. Build them all on one side, even if they are eight. Put it nicely, tarmac in a big area where these lorries could go in at once with eight to ten weighbridges taking them out of Dar es Salaam upcountry and the big area, if some of the lorries have problems, they haven't paid something, to park. A big area until they come to get rescued by whatever company they are working for and the other half for those that are now coming in from upcountry.

If you do it this way, put even 20 in the beginning and 20 at the end before they cross the border to either Burundi or elsewhere. You need two, and once they do it, they will travel faster because there will not be as many weighbridges along the road, and even the buses carrying passengers will travel faster and will make this Common Market free movement of people easier.

You tell people to move freely but they go through many weighbridges and many traffic police points. This kind of free movement is fine but it is a joke. Thank you for your time, God bless you.

The Speaker: Thank you, hon. Makongoro Nyerere.

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. I rise to support this motion but for supporting the motion, I would like to ask some questions that I would have wished to see in the report or better clarified so that I can fully support the report.

First, the Central Corridor intersects more than one country but the whole report is concentrated on Tanzania. I would like to ask the Chair of the Committee on regional Affairs and Conflict Resolution for the reason. Are they planning to also have another activity in other countries and report to this House or have they finished the oversight activity?

My second question is the report is on oversight activity on the security related challenges. I thought when I started reading the report that I would find any reporting on what we heard from the business community of the theft of their goods superficially on the ports of Dar es Salaam and I think since the committee went there, they might have asked the same question.

The business people have reported disappearance of their goods, many containers that they could not trace and I would like to know about it.

Thirdly, on page six the report talks of the United Republic of Tanzania in a very good progress on granting right of residence to citizens of East African Partner States but in these past years, we have observed many East Africans who were thrown out of Tanzania and we even visited refugee camps in Partner States where we could listen to East Africans talk of the way they were thrown out leaving their belongings behind.

I would like to ask what the committee found. Are they being given back their rights if they want to be established in Tanzania? How many people from the East African countries have benefitted from that right of establishment so far? Thank you, Mr Speaker.

The Speaker: Thank you, hon. Dr Odette.

Mr Issa Twaha Taslima (Tanzania): Thank you very much, Mr Speaker. I would like to join my colleagues by congratulating the newcomer from Uganda. We invite the Deputy Prime Minister from Uganda and we wish him all the best during his stay in the EALA.

Mr Speaker, several people have talked about the thing that I want to talk about but because it has been a very important thing, there is no way I can escape talking about it. The references that I am going to suggest a practical solution on how to go about this thing called sensitization.

We have been talking since we joined and even in the Second EALA, we heard that they talked about it. So far, it is more than 15 years of there-introduction of the EAC and still we are talking about people not being well informed about their activities.

It is really something which is very bad, to say the least.

My practical suggestion is for the EAC, through the Council of Ministers, to introduce a media facility like TV, radio, or a newspapers, which will come directly from the EAC headquarters so that when someone picks up the paper, they will know that because that paper is owned by the EAC, somebody can learn from it about the development of activities at the EAC level.

Alternatively, the national media – There can be sensitization programs may be prepared by the central but then disbursed to the national radios and TV stations so that the sensitization should be progressive and not a one-time affair.

For example if we say we go somewhere just once in six months, I think that is not enough. That is my suggestion that we have something operated from the central or if that is heavy, in the meantime we can start with the national media so that they can dispense the information. Thank you, Mr Speaker.

The Speaker: Hon. Isabelle, you have only one minute because I had already appointed the order of speech. Honourable members, please rise in time to let the Speaker be organized.

Ms Isabelle Ndahayo (Burundi): Thank you, Mr Speaker. First of all, let me thank the Committee on Regional Affairs for the good report they have provided.

Mr Speaker, when we look at the stakeholders that this committee met during this activity, it seems that one-man stakeholders were denied. I want to talk about truck drivers who are the ones who face the security challenges in the implementation of the Common Market.

How is the security around the roads where they pass? This information is missing in

this report and I think we need to know about it.

Also along the road, there is another kind of insecurity facing the communities called HIV and other diseases because women are insecure where they are. Therefore, I think this issue should be raised in this report. If not, I think it is another activity to do for this committee. They should go back, look at the rea; security challenges in the whole road to know how the spread of HIV and the overall security issues are in this corridor. Thank you.

The Speaker: Thank you so much, hon. Isabelle. May I request the honourable minister, if she has responses to the many issues raised in relation to the Council?

The Deputy Minister for Foreign, East African, Regional and International Cooperation, Tanzania (Dr Susan Agnes Kolimba) (Ex-Officio): Mr Speaker, may I take this opportunity to thank the Chairperson and to appreciate the report submitted by the committee. What I would like to comment on are about three to four issues.

The first issue is just to note the concern, which was raised by the member on the budget for sensitization. I will just note it and I know the importance of the item and the activity for the growth of the East African Community.

On the concern raised on the use of the yellow fever cards of vaccination, I would say that it is still there. Our country is supposed to use the vaccination basing on the WHO report but I would also like to inform you that the sectoral council, which deals with health issues, are considering this concern and they will guide us in the future. I am taking this also for Tanzania; we will see what we can do.

Regarding the issue of the harmonisation of the laws and regulations to ensure that the

Common Market Protocol goes on properly, we are just reporting that for the experience of Tanzania, they have gone through their regulations and acts, which are going against the Common Market Protocol. There are about 36 acts and regulations, and we are taking care to revise them to harmonise them with the Common Market Protocol regulations.

On the last item, it is also the request, which was made by hon. Mumbi on the issue of funds for sensitization for the Partner States to ensure that they allocate the budget. We are taking it and we note it. I thank you.

The Speaker: Honourable Minister, something that came out very strongly, and which may require your response, is the report on the status of implementation of the Common Market to this Assembly. We expect that such a report should be introduced to this House. A member raised it.

Dr. Kolimba: Mr Speaker, I am noting this, I will make a follow up with the Secretariat, and we produce the report.

The Speaker: Thank you so much. Also the status of harmonization of the national laws to conform to the protocol in different countries. We would like to get those status reports.

I now invite the honourable Chair to respond to the issues raised.

Mr Mwinyi: Thank you very much, Mr Speaker. First and foremost, I would like to take this opportunity to thank all those who contributed before I can deal with some of the emerging issues that would require my response.

Mr Speaker, I would like to thank hon. Ngoga, hon. Maryam Ussi, hon. Nancy Abisai, hon. Christophe Bazivamo, hon. Bernard Mulengani, hon. Valerie, hon. Kalinda, hon. Shy-Rose Bhanji, hon.

Mumbi, hon. Makongoro Nyerere, hon. Chairperson Odette Nyiramilimo, hon. Taslima, hon. Isabelle, honourable Chair, Council of Ministers, hon. Kolimba.

There were a number of issues raised, and I think there are three important ones as well as some questions from my Chairperson of General Purpose Committee that are especially important that I will respond to.

Mr Speaker, on the matter of mandate, as you very well elaborated, in large themes like Common Market Protocol, it is inevitable that you have an overlap between committees in terms of activities. That is completely unavoidable.

That being said, there are clear frameworks in which any standing committee can work around. The framework is clear and within our Treaty. On this particular work, there is some overlap with the Trade Committee, but there is absolutely no overlap with the Legal Committee. It is actually the Trade Committee and just to amplify that further, I would like to read the relevant chapters of the Trade Committee in terms of mandate and the Regional Affairs and Conflict Resolution Committee- It is important that I beg your indulgence to clarify this matter.

The Committee of Communication, Trade and Industry of which I am a member, the mandate sits on the following matters: Chapter 11 of the Treaty, which deals with cooperation in trade, liberation and development; Chapter 12 cooperation in investment and industrial development; Chapter 13 on cooperation in standardisation, quality assurance, meteorology and testing, chapter 14, monetary and financial cooperation; Chapter 15 on cooperation in infrastructure and services; Chapter 25 on the private sector and civil society; and, chapter 26, relations with other regional international organisations and development partners. That is the framework for Communication and Investment Committee.

The framework for the Committee of Regional Affairs and Conflict Resolution has fewer chapters: Chapter 17, which is on free movement of persons, labour, services, right of establishment and residence; Chapter 23, cooperation in political matters; Chapter 27, cooperation in other fields - any other field that has not been specifically mentioned in any other standing committee – and, Chapter 26, international organisation and development partners.

So, we worked on this based on chapter 17, which deals with free movement of persons, labour, services, right of establishment and residence.

That said, Mr Speaker and honourable members, most of the non-tariff barriers to trade are actually security related. If you fly everything that is involved at the airport, it is security related. Most things you do at a port are security related. Issues on the road- You are talking about drug trafficking, illicit transportation of goods, trafficking in persons. All of these happen in borders and all the elaborate plans and programs and all the processes are actually meant to deal with the security aspects to ensure that other matter continue.

So it is not a surprise, Mr Speaker and honourable members that there is some overlap with the trade committee but this activity falls squarely within the ambit of free movement of persons, labour and services which is chapter 17 which falls under the Committee of regional Affairs and Conflict Resolution.

Another very important point that was raised by my right honourable friend, hon. Bernard Mulengani is in relation to lack of institutions at the EAC level to monitor the Common Market Protocol in a similar vein to what has happened with the Customs Union.

I think it is important that we bring this matter and discuss it because there has been a fundamental difference between how the Common Market Protocol was brought into force and the Customs Union. If we go to the Common Market Protocol, if you examine the documents and the environment within which it was enacted and brought before the Community, the implementing agencies were actually the Partner States. That is actually out in black and white.

When this was coming through, we were within the august Assembly and including myself personally, we spoke out against the very same issue that we were bringing in a protocol that is subservient to a Treaty yet Partner States are the implementing agencies diverting the institutions that have been created under that Treaty.

Even if you go through the Common Market Protocol for conflicts related to the implementation of the Common Market Protocol, the judicial bodies responsible for interpretation are the Partner State judiciaries. So, the Counsel to the Community to confirm whether in jurisprudence it is feasible to have a Treaty stipulate that all matters related to interpretation of the Treaty fall under the East African Court of Justice, and yet in the protocol - which is subservient to the Treaty - matters related to conflict go to the Partner State judiciary.

There is a case - I am not sure how far it has gone; maybe the Counsel will assist, but there is a clear disconnect in relation to the manner in which the Common Market Protocol came into force. I think it is very important that members appreciate this and that important point raised by hon. Mulengani is a consequence of this enactment of the Common Market Protocol.

That said, again that is a very important point. There were critical questions raised

by my sister hon. Odette and I think it is important that I deal with them. One, this report was in relation to the Central Corridor as a whole but if we go in terms of percentage, the Central Corridor- The inland port is Dar-es-Salaam and the main road is 1200 km and sits in Tanzania. As a percentage, we are talking about over 90 per cent of the Central Corridor being United Republic of Tanzania.

That said, I tried during my reading to denote every mention of United Republic of Tanzania being the Central Corridor but granted, most of the Central Corridor is actually sitting in the United Republic of Tanzania. This was definitely a Central Corridor report and there will be an occasion that we will go to Rwanda and Burundi and Uganda to do a similar exercise but the bulk of the challenge of the Central Corridor work actually will sit in Tanzania because that is the bulk in terms of geographical area.

Second, about security relation, I think I touched upon that. Most NTBs are security related if we think clearly and I think that is the reason why the Treaty and the rules put this matter within our committee simply because of that particular issue.

Therefore, though the biggest theme in the Community is trade, what is hampering trade nearly always is a security related aspect and that is why it was relevant and that is why we went through it.

Finally, granting resident permits. I thought that would be a popular one. There have been incidences and I think I am not probably the best person to speak because that should be spoken by the spokesman of the government in relation to persons being evicted out of the country.

My understanding of the situation is that there has been an operation to deal with persons working without proper work permits. Every country in the world...you

cannot go to any country in the world and engage in meaningful employment or otherwise without proper documentation.

Other countries have these problems more than others do, it is completely legitimate by any governing authority to look at that situation and say those who do not have proper work permits and are engaged in employment should vacate the country. That is normal everywhere.

There have been incidences and accusations of abuse of that process by those who are implementing it. That can be correct. Almost everywhere you go, government machinery is huge. There would be incidences and unscrupulous persons implementing so if we can be fair and I am sure it has happened, but that is not government policy. Again, it is not for me to defend any Partner State policy. Those who are responsible would be in better position to do so.

There have been a number of unprecedented moves by the government of Tanzania to grant citizenship by naturalisation. Those from Burundi would remember the 162,000 former Burundi refugees who were naturalised. I do not think that has happened anywhere in the world. That is on record and it is correct.

Therefore, many actions of that nature need to be commended. To say that the granting of rights of residents is not present is not correct. It would be unfair.

Finally, we did mention about thefts of goods at the ports. That was one of the engagements and unfortunately, it did not come out clearly enough in this report. We were assured at the time that there was zero theft in the previous ten years. That said, the new administration came in and it was found that there have been numerous thefts and this new administration has dealt with this matter decisively. All those who engaged us and claimed to be zero thefts are

no longer in their jobs. That action has been taken, and I am sure thefts, fidelity in dealing with goods is of outmost importance to all the Partner States and action has been taken.

Mr Speaker, with those few words, I would like to thank my colleagues and to urge them to accept our report with amendments as proposed. Mr Speaker, I beg to move.

The Speaker: Thank you so much, hon. Chairperson of the Committee on Regional Affairs and Conflict Resolution.

Honourable members, the motion before the House is that “*The report of the Committee of Regional Affairs and Conflict Resolution on the oversight activity on the security related challenges of implementing the Common Market Protocol along the Central Corridor*”, as amended, be adopted. I put the question.

(Question put and agreed to.)

The Speaker: I would like to congratulate the Chair, the committee, and this Assembly for the good work and the insights that they have done on this committee report.

Honourable members, it will only be fair for this House, through the Speaker, to extend its appreciation to the government of the United Republic of Tanzania under the leadership of His Excellency Dr John Pombe Magufuli for the very exciting reforms that are happening in this region.

This has been clearly shown in the report of the committee. We congratulate the President and his government and we are firmly behind him. I thank you so much.

MOTION FOR SEEKING LEAVE OF THE ASSEMBLY FOR THE INTRODUCTION OF A PRIVATE MEMBER’S BILL

THE EAST AFRICAN
COMMUNITY INTEGRITY AND
ANTI-CORRUPTION BILL, 2016.

Mr Abubakar Zein (Kenya): Thank you, Mr Speaker. I stand to move a motion -

That This Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64(1) of the Rules of Procedure of the Assembly do grant leave to me to introduce a private members' bill entitled, "*The East African Community Integrity and Anti-Corruption Bill, 2016.*"

The Speaker: Secunder? Hon. Mwinyi, hon. Ngoga, hon. Nancy, hon. Dr Martin, hon. Valerie, hon. Dr Odette, hon. Patricia, hon. Bazivamo, hon. Dora, hon. Rwigema and hon. Leonce. Hon. Zein, may you move and read your motion and justify it?

Mr Zein: Mr Speaker, allow me to say humbly that it is an honour for me to stand to seek leave of this august House on the same day that an honourable minister from Uganda was sworn in. Looking at his illustrious career and service to the Community and to the people of Uganda, I am completely convinced that he will bring good fortunes to this Assembly and to the Community. I would like to assure him that the same honour and cooperation that we extended to the minister who worked with him will be accorded to him, knowing very well that his fellow minister has earned, through hard work in this Assembly, a lot of honour, a lot of respect, and he has served this Assembly very well. The esteem extended to him will be extended to you, knowing that you will carry on the good work with him. (*Applause*)

Having said that, Mr Speaker, allow me to move this motion. I humbly ask this Assembly to accord me an opportunity to introduce the *East African Community Integrity and Anti-Corruption Bill*, which is designed to promote integrity and ethical values in the integration process in part, and

in part, it is designed to counter and prevent corruption and the culture of corruption in the Community.

It seeks to promote values in the named Organs and Institutions of the Community, develop a framework for imparting those values, and to establish acceptable standards of ethical dealings in the integration process. It also seeks to outlaw corruption, bribery and other corrupt practices in the Community.

The Bill is grounded on the provisions of the Treaty for the establishment of the East African Community, Community law and other internal operational polices and instruments but we are lacking a legal framework of our own.

These principles include the fundamental principles of the Community articulated in Article 6 of the Treaty, and particularly the clause, which includes good governance, adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and people's rights in accordance with the provisions of the African Charter on human and people's rights.

Further, if you look at the operational principles of the Community as defined in Article 7, and particularly in Clause 2, which provides that the Partner States undertake to abide by the principles of good governance, including adherence to the principles of democracy, rule of law, social justice, and maintenance of universally accepted standards of human rights, Mr Speaker and honourable members, integrity enhances human rights. Corruption takes away from human rights.

Further, the Bill is informed and seeks to implement proposals in the draft East African Community draft protocol on preventing and combating corruption.

The Bill builds on the confidence and consensus already made in the long process of developing the draft protocol save to say it has been 10 years since the last meeting of the relevant sectoral council to deliberate on the draft protocol.

The Bill is also informed by the provisions of the African Union Convention on preventing and combating corruption as well as the United Nations Convention against corruption.

The Bill is supported by the legislative, administrative and other measures taken by all Partner States. It is important to say that our governments in all five Partner States have made public commitments to promote integrity and to fight corruption.

The question is how successful this agenda has been and we continue to work on them. The Bill is intended to supplement those efforts at the regional level and plug any loopholes that may exist at that level. It seeks to harmonise approaches, methods and frameworks.

The Bill will establish principles and values of integrity required at the Community level, and it will seek to outlaw corrupt practices at the regional level. It will seek to establish a framework for cooperation and coordination between the Community and the partner States and between and among Partner States.

It is important to acknowledge and to note that the Bill has been informed, and has borrowed ideas, provisions and best practices from various jurisdictions in the quest of developing a sound, progressive and comprehensive law for the Community on integrity and anti-corruption, including the laws and policies from the five Partner States, the Republics of South Africa, Ghana, Singapore and so on.

In addition, it is important to mention that the draft East African Protocol is completely accommodated by the proposals in the Ill. I so beg to move and to seek the support of this House.

The Speaker: Thank you so much, hon. Zein. Honourable members, the motion before this Assembly is that this Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64(1) of our Rules of Procedure of the Assembly do grant leave to hon. Abubakar Zein to introduce a private member's Bill entitled, "The East African Community Integrity and Anti-Corruption Bill, 2016." Debate is open.

Honourable members, as you may know, this is just granting the honourable member leave to start the process of working on the Bill and then we shall have substantive debate on the Bill. This is debating whether the motion should pass through to grant him the leave or not, but not the substance of the intended Bill.

Mr Abdullah Mwinyi (Tanzania): Thank you very much, Mr Speaker. I stand in support of the motion to grant leave to bring this timely piece of legislation before this august Assembly.

I stand to do so because this is long overdue. Usually such Bills are enacted in the very first Assembly. I would have expected this particular bill to come before this House in 2001 when the First EALA was promulgated.

Why I am saying so is that all the Partner States adhere to the very principle and basis within which this particular legislation seeks to provide a legislative framework.

Our very own Treaty, in Article 6(d) provides the fundamental principles of the Community, the principles without which a member cannot even be a member of the Community. There are only three aspects, Mr Speaker to enable any Partner State to

become a member of the East African Community.

One, any potential state needs to border one Partner State. Two, they must adhere to the principles of free market economy and three, actually ably put in Article 6(d), matters of good governance, including adherence to democracy, rule of law, accountability, transparency, social justice, equal opportunities and gender equality. This particular Bill sits squarely within Article 6 and makes it extremely important that we as a Community must have a Bill that touches upon the integrity and policies on corruption within the Community.

With these words to justify, I beg my colleagues to support this Bill to be brought before the House. Mr Speaker, I beg to support.

The Speaker: Thank you.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for this opportunity. I would like to also support and thank hon. Zein for tabling this very important Bill entitled, “The East African Integrity and Anti-Corruption Bill.”

Mr Speaker, before I speak any further, I would also like to add my voice to those who have welcomed the Rt. hon. Third Deputy Prime Minister Kirunda Kivejinja, also fondly known as KK in Uganda. We are indeed very honoured and privileged because in him we have an encyclopaedia of what not only happened in Uganda but also what happened in the East African Community. I trust and believe that his presence here will enable us to achieve much more and do much more than ever before.

I also want to extend my sincere appreciation and I believe of this House to His Excellency the President of Uganda for such an excellent choice. I thank you.

Turning to the Bill, I have some few comments to make. Mr Speaker, the first comment is that having this particular Bill come in on the heels of the protection of the whistle blowers bill is a very important point. As you will remember, in Kigali, the hon. Margaret Nantongo Zziwa introduced the protection of the whistle blowers Bill and today we are going to consider the EAC Integrity and anti-Corruption Bill.

I believe that this particular Bill on whistle blowing will now be able to be more functional especially since it is going to be hinged on this particular Bill on integrity and anti-corruption.

Therefore, I want to thank your office, Mr Speaker, for finding space for this because with this we will be able to have a complete set of laws to an extent, which will help us fight the vice of corruption and its evil results.

I would like to say very quickly on another quickly that the mover, hon. Zein has talked about the draft EAC protocol on preventing and combating corruption. This is a very important piece of a document. It may not have been concluded but I trust, as he has said, that in considering this particular Bill, we shall be resurrecting this very important law because it is imperative that we do so.

As was noted by my brother, hon. Mwinyi, there is also the good governance protocol, which we have to take into account. This is another protocol, which is lying in our shelves. A lot of work was done on both of these by hon. Beatrice Kiraso. Therefore, I hope that this House will be able to take up these two documents because I know that four out of five Partner States signed the Good Governance Protocol. Therefore, I hope that this time around all the Partner States will be in a position to support this particular law, which is intended to fight corruption in our midst.

Mr Speaker, I do not envisage any opposition to this particular Bill. I would be very surprised but many things happen in the EAC, which are surprising. I hope that in this context we shall have the full support of the Council of Ministers because this Bill promotes integrity and ethical values. Without these, there is no way we can develop, there is no way we can meaningfully serve East Africans and therefore I hope that the Council of Ministers will give it its full blessing.

On a final note, I would like to say very quickly that we have heard reports of Transparency International, and we have heard of different rankings of the East African Partner States, in particular, the ranking of the Republic of Rwanda. Therefore, I believe and hope that having this law at the East African Community level will enable us to harmonise all the laws that touch on the issue of corruption, as well as the issue of integrity, and that we will be amongst the top ten or the very best in the world as regards this particular issue.

I will not go into the vices of corruption because we know this very well, but suffice it to say that we have limited resources in the East African Community. Therefore, for us to utilise these limited resources, it is paramount to stop the haemorrhage of resources by having in place a law that promotes and fortifies the principles of integrity and the values that have been expounded upon by hon. Zein.

With these few comments, I would like to state my support for this Bill and urge my colleagues, honourable members to do likewise. I thank you.

Mr Abubakar Ogle (Kenya): Thank you, Mr Speaker, in moving this motion seeking leave to move a private member's Bill entitled the East African Community Integrity and Anti-Corruption Bill, the mover, hon. Zein referred to a very historic moment when he was doing so before the

new minister of Uganda, whom I also want to congratulate and welcome to this Assembly – But it is also happening at a very historic moment in Kenya for instance when our Supreme Court is engulfed in the most ridiculous and very shameful incident of corruption. I think it is timely, necessary, and very important that we grant this leave.

Besides Mr Speaker, I sit on the Budget Committee of this Assembly and many a time when we are considering the budget lines of the various institutions and organs of the Community, we have had very glaring cases of corruption.

I will refer you to one particular incident. This Community one time employed a citizen of this region who had fake documents and he was able to stay through this period for about four or five years. By the time, that it was realised or discovered that he had used fake documents, his time was up and he just walked across the border and that was it. There could be no follow up because there was certainly no particular frameworks available at least to guide the Community on how to pursue that criminal.

It is very critical that we have these frameworks and laws on integrity and anti-corruption. If that is not corruption, what else could there be? I will point to another instance when in our budget consideration we came to a point where our three-year old Mercedes was being disposed of in this Community for something like \$ 4000. That happened but the bureaucracy was so thick because when you pursue a person in the Community doing some criminal things, something related to integrity, you could not do that because he could easily run to his national cocoon and you could not pursue him.

So there was a bit of that difficulty and that is why I am suggesting that it is very critical and imperative that these laws be enacted and I will not hesitate to grant leave to my very good brother and colleague, hon. Zein. Thank you, Mr Speaker.

Mr Peter Mathuki (Kenya): Thank you, Mr Speaker for the opportunity and from the onset, I join others in congratulating the Right honourable minister from Uganda, Rt. hon. KK. I wish you welcome and welcome to this family because I think that is the way to go. I am sure we will benefit a lot from your wisdom and experience and expertise. Your joining will enrich this Community so feel welcome.

Coming to this, I stand to surprise hon. Dora. She said there are many surprises in the Community and I want to surprise her by admitting that this Bill falls within the framework of the Committee of Legal and Rules and therefore I support hon. Zein by ...this. I therefore support it from the onset that this is the way to go. I say we are together in this.

I did not know that hon. Zein was following the remarks by the Pope, because when the Pope came to East Africa a few months ago, and the President of the United States of America said corruption is a way of life in East Africa, corruption is the way we have taken life to be. In fact, without corruption it is like there is no life.

I thank you, hon. Zein for ably following those remarks by the Pope and by the President of the United States of America and trying to say indeed we need as an Assembly to go that way. We must lead from the front n trying to say we fight corruption because we cannot go anywhere as a Community and as Partner States when we embrace corruption.

Corruption is happening everywhere, in our offices as ably stated in the Community. Therefore, I think we need to come out and really put frameworks that would support anything that would fight corruption.

I would like to remind my brother hon. Zein that in the Partner States, we have frameworks that exist to fight corruption

and it is important that we take them on board and we consult widely when that time comes so that again we enrich this particular legislation and ensure that all accept it.

We should also look at what is happening in the United Republic of Tanzania by the President, Dr John Pombe Magufuli fighting corruption right from the front. It is not easy and therefore, I am sure that as we sit here, he is also watching who is sleeping so let us be careful.

I thank you and I stand to support. Thank you very much.

The Speaker: Thank you.

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker. I would like to thank the mover of this motion seeking leave to introduce the East African Community Integrity and Anti-Corruption Bill, 2016.

Mr Speaker, the time has come for us to move from just rhetoric to positive action and change and this is the way to go when we are talking about positive action and change. There is no way we can say that we are embracing integrity and ethical values without a framework upon which we can be able to deal with such aspects that are quite clearly stipulated under article 6.

I would like to thank hon. Zein because it has come at a time when we also have the gender equality Bill, and this is part of the principles that are articulated in Chapter 6 of the Treaty. Therefore, I think it goes in tandem with that.

I just want to say that there is no way that we can achieve all these ethical values as listed in Chapter 6 if we do not have a framework that allows us to deal with corruption, bribery and corrupt practices within the Community.

Therefore, Mr Speaker, I think my colleagues have spoken a lot, I do not want to belabour so much on so many points but I just thought that it is important for us to also know that gender equality is amongst those principles as stipulated in Article 6 and that this Bill is founded on those principles and I think that it is coming at a very good time, especially when we are looking at institutional review and maybe next year also election of members. Let us also have some of these values looked into in terms of background of everybody who deals in this Community.

Therefore, I strongly support the member seeking leave to introduce this Bill. Thank you, Mr Speaker.

The Speaker: Thank you, hon. Nancy. I will give a few minutes to hon. Rwigema before I put the question.

Mr Celestin Rwigema (Rwanda): Thank you, Mr Speaker for giving me the floor. I want to join my voice and congratulate the Rt. hon. Third Deputy Prime Minister Kirunda Kivejinja. Welcome.

Mr Speaker, this Bill is an important one. It is very important when you see how people out of Africa, considering African leaders and Africa in general.

I have been following debates in the West for presidential candidates, and one of the Republican presidential candidates, Mr Trump, was clarifying African leaders and African citizens in general as people who are known for misusing resources. People who go to heaven have integrity. This is very bad for our continent and it is a very bad image for us and for Africa in general.

When I read what Transparency International tried to clarify when ranking countries in Africa, I was very impressed and grateful to the leader for Rwanda, our President Paul Kagame as to how Rwanda is classified.

I do think that it is really an example and for me, an opportunity to congratulate the President of Tanzania, Dr John Pombe Magufuli on what he is doing now. When the leadership is trying to change, I know not everybody accepts change, especially when it is a change for good things. We really have to give support to the new president of the United Republic of Tanzania.

I think that hon. Zein has a very big merit for this Bill and we have to support him. I thank you.

The Speaker: Thank you so much, honourable members. The motion before this Assembly is that this Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64(1) of the Rules of Procedure of the Assembly do grant leave to hon. Abubakar Zein to introduce a private member's Bill entitled, "The East African Community Integrity and Anti-Corruption Bill, 2016."

I now put the question.

(Question put and agreed to.)

The Speaker: I would like to congratulate hon. Zein for this good initiative. You know the association of the ombudsman of East African countries, I mean the Inspectors General of Government have been looking unto this House to make sure that laws of this nature; the two Bills, which are now in this House, are passed.

So, I now direct the office of the Clerk and the Counsel to the Community to work with you to make sure that this Bill is introduced in the House. I congratulate you.

QUESTIONS FOR ORAL ANSWER

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker. I rise to ask question reference

number EALA/PQ/OA which was raised on 3/7/2015 – (*Interjection*) -

The Speaker: Procedure!

Mr Ogle: Thank you, Mr Speaker, I realise that this is a very important question. It is worded well and I know that it is significant to this Community, but before the Minister can answer and respond to this question, I was wondering... when I read through the question referring to...can the Chairperson, Council of Ministers explain to this august House why the Committee of Customs decided to postpone the implementation of the EAC rules of origin to January 2016? We are in February. Has this been overtaken by events? (*Interruption*)

Mr Mathuki: Mr Speaker, is it in order for hon. Ogle to mislead and confuse the Right honourable member who was about to ask a question by telling us or guiding us on whether this – What procedure was this? Where is the procedure in this because I want to understand so that we do not again use this to confuse and abuse terminologies in this Assembly? Is it in order, Mr Speaker?

The Speaker: Let me first start by helping – Because we must be orderly. I will start with the order then the procedural question.

I think if a member is finding that procedurally he is not in line with what is obtaining, it is first of all incumbent upon the Speaker to help make sure that he brings the member in line with what is happening.

I hope the member rose on a procedural matter because the way he looked at the dates, he thinks this question was brought or the date was misplaced. Therefore, I want to respond to the point of order by saying that he is in order to seek for that clarification. He should have risen on a point of clarification, but let us put it to rest. I will give the clarification that the date given in the question does not matter

because the time to put the question on the Order Paper may vary depending on the business available to the House. However, the date when the question is submitted and the serialisation must be maintained.

Please, honourable minister.

Deputy Minister for Foreign Affairs, East African Community, Regional and International Co-operation, Tanzania (Dr Susan Agnes Kolimba): Mr Speaker, the East African Community rules of origin were revised and subsequently adopted by the Council in November 2014. The revision of the rules of origin were informed by the growing need to further facilitate and enhance intra East African Community trade and align them to the dynamic global and regional trade environment to ensure that East Africans do not offer better trade terms to third parties than it does to its Partner States.

Mr Speaker, the revised rules of origin was gazetted and it came into effect on the date of the legal notice of East African Community/3/2015 published on 23 January 2015.

The effective date is in accordance with section 14 of the laws of the Community interpretation 2004, which states that, “An Act shall come into force on the date of its publication in the gazette or as it is provided in that Act and some or all of its provisions shall come into force on some other date.”

Mr Speaker, the committee of customs, a technical sector arm of the Council, in their meeting held on 28 March 2015, noted among others that:

- (a) The Secretariat was developing the manual on the revised East African Community Rules of Origin for the smooth implementation of rules by stakeholders.
- (b) The Secretariat had developed a regional capacity-building program on the revised East African

Capacity Building Program on the revised East African Community Customs Union rules of origin rules, 2014.

- (c) The revised East African rules of origin has been subsequently changed and therefore require extensive training and sensitisation to all stakeholders involved in the implementation of the rules.

Basing on the above, the committee on customs recommended to the Council that the implementation of the revised East African Community rules of origin rules, 2015 be operationalised from the 1 October 2015.

The committee had thought that the Council would administratively defer implementation to 1 October 2015. On further analysis, the recommendation to defer the implementation was dropped before it was considered by the Council since it would contravene the laws of the Community relating to the effective date of such legal instruments as legal notice has already been published.

Mr Speaker,

- (a) The committee of customs, which is established by section 4 of the East African Customs Management in 2004, is a subordinate board to the Council and cannot overrule its decisions. It can only make recommendations to the Council, which is first considered, by the Sectoral Council on Trade, Industry, Finance and Investment through the permanent secretaries. The permanent secretaries and the council are not obliged to adopt fully all recommendations from the committee wherever they deem so.
- (b) The committee of customs did not request the whole year to train its staff and officers on the rules of origin. As earlier explained, the committee had thought of an

extension up to October 2015, which did not materialise. It is worth noting that the training is an on-going exercise and it is on this basis that the Secretariat developed a regional capacity-building program.

- (c) The Council of Ministers had never issued any directive suspending the implementation of the rules of origin for one year pursuant to Rule 28 of the rules of origin.

I beg to submit.

The Speaker: Thank you, honourable minister. Hon. Nancy, do you have any supplementary questions?

Ms Abisai: I have one, Mr Speaker. Is the minister aware that what is written on paper is not what is practically being practiced because key stakeholders have raised key fundamental issues as to the operationalization of this and what is happening and the Customs Management Unit is doing exactly what you say it is not doing. It has overruled the decision and it is doing what it deems right in terms of what the Council has said.

So, I do not know whether the minister is aware of this. Is the minister aware and I feel that in as much as in the response she talks about the body to the Council and cannot overrule its decision, but these decisions are being overruled on the ground and the key stakeholders have actually complained about this. I have met several of them who have raised fundamental questions and concerns.

The Deputy Minister for Foreign Affairs, East African, Regional and International Co-operation, Tanzania (Dr Susan Kolimba) (Ex-Officio): So far I am not aware of the complaint that the honourable MP is making but I will make the follow up. I will ask her to contact me and I will get the information.

The Speaker: Okay, the honourable minister has requested you to get in touch with her and follow up on the matter.

Ms Byamukama: Mr Speaker, I am concerned. This particular question is very important. I served in the Trade Committee and all members of this House need an answer to this. Therefore, I think it is not a bilateral thing between the honourable member and the Chair, Council of Ministers. Maybe the Chair, Council of Ministers should go back and maybe do some more research because it is not an academic exercise. The question here is, the EAC rules of origin ensure that EAC does not offer better trade terms to third parties than it does to the Partner States. Is this happening or not?

If it is happening, what has the Council of Ministers done to ensure that it does not happen? Mr. Speaker, I would like to beg that the Chair, Council of Ministers takes off some time and we get some practical answer to this because I know that in the Republic of Kenya when it came to importation of cars, there were issues. When it comes to *mabaati*, there are issues. We need to be very clear, even as members of Parliament when we go out to sensitise to be able to explain to the East Africans what this means.

I would like us maybe to defer this to another time when the Chair, Council of Ministers is in a better position to answer. I thank you.

The Speaker: Honourable, just a second. Honourable minister, the concern of the member is that your response is not in tandem with the actions on the ground. Since you say you are not aware and your requested that you will look into it, I think it is within the wisdom of this House that you be granted time between now and March when we meet again in the next plenary to give us further clarification on

the matter and the actual practice on the ground.

Hon. Nancy, please make sure you take note of the positioning to follow up on the matter.

Hon. Mathuki, you are the one in charge of these rules. The House has already agreed that the matter be pushed to March to give the minister time to allow her to check the practice on the ground with her position.

Mr Mathuki: I stand guided, Mr Speaker only that my question would have enriched – (*Interruption*) -

The Speaker: Yes, you can enrich by other supplementary questions.

Mr Mathuki: Thank you very much, Mr Speaker. I just wanted to ask a brief question.

Based on what she has submitted, is the Minister aware, at this is emanating from the issue of unawareness and can she commit to this House that she will, in her own ministry, commit resources to ensure that awareness is undertaken particularly at the country level?

I know she is now the minister in charge of the East African Affairs in Tanzania. Can she commit to the House that she is going to allocate resources? Thank you.

The Speaker: Let the minister first respond then I will give you a chance to ask further supplementary questions. Honourable member, as you may want to know, supplementary questions should stick to the main subject matter. We should not ambush the minister. If you want to ask substantive questions, the rule is clear for you to ask those questions. Honourable minister, proceed.

The Deputy Minister for Foreign Affairs, East African, Regional and International

Co-operation, Tanzania (Dr Susan Kolimba: Mr Speaker, I will just stick to the advice that we have agreed on that we will bring the answer which has full details on what was raised on the matter. This is because I cannot give details now. So far, I have just heard the concern and that is why I said I would bring the report back to the House.

The Speaker: Thank you. Hon. Ogle, do you still want to pursue the matter?

Mr Ogle: It is just another supplementary question. While it is agreeable to me and to all the members of the House that the Minister can bring a substantive answer to the questions and supplementary questions raised in due course, when she is bringing an answer, I just want her to consider the fact that this question may look like it is limited to the Partner States but we will also be interested to have a comparative analysis of this. We will also be interested in rules of origin between the East African region versus other regions, like for instance between Tanzania and SADC and Tanzania and another member state.

So could her answer incorporate that answer? Thank you.

The Speaker: Thank you so much. The honourable minister has taken note and as I have guided, the Chair, Council of Ministers will come back to this House in the next plenary meeting with a more detailed response to this question and the supplementary questions.

Honourable members, before I adjourn, I just have one or two announcements. Hon. Nancy Abisai who is the coordinator of the EALA Fellowship group has announced that there will be another fellowship tomorrow Wednesday, 3 February at 8.30 a.m. in Committee Room (b).

Honourable members, as you may be aware, for our physical fitness we go to

games and for our spiritual health, we fellowship. The House stands adjourned.

(The House rose and adjourned until Wednesday, 3 February 2016 at 2.30 p.m.)