



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly

143rd Sitting - Third Assembly: First Meeting – Fifth Session

Tuesday, 30 August 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 Fred Kidega, in the Chair)

(The Assembly was called to order)

COMMUNICATON FROM THE CHAIR

(I) VISITING DELEGATION OF
UNIVERSITY STUDENT LEADERS
FROM TANZANIA

The Speaker: Hon. Members, this afternoon we are once again blessed to have our good friends, student leaders from universities and colleges from the United Republic of Tanzania under the leadership of the Youth Ambassadors Platform led by our own ambassador, Mr. Raphael Kambabwene, Ambassador for EAC.

We recognise you and thank you for visiting us. *(Applause)*

Hon. Members, I had dinner with these young people. They raised pertinent issues concerning their participation in the integration agenda. I congratulate you. *(Applause)*

(II) NEW PUBLICATION OF EALA MAGAZINE

Hon. Members, we have taken ourselves a notch higher in terms of publication of our magazine called *Bunge la Afrika Mashariki*. With the new Board in place, the face has changed and the content has improved. It is now called *The Integrator*. *(Applause)*.

I think that has been circulated to you. We congratulate the Board for the new face of our publication. We thank you very much.

(III) VISIT BY HON. ABDUL KARIM FORMER MEMBER OF EALA FROM RWANDA

Hon. colleagues, I am being informed that our good friend and former Member of EALA, Hon. Abdul Karim, who retired from the service of the House and is now offering his good service to the Republic of Rwanda, is here present with us. Hon. Member, we recognise your presence. *(Applause)*

We thank you for the good service you are giving to the East Africans in Rwanda. We miss you here though. Thank you.

Finally, Hon. Members, last week, before I adjourned, the Minister in charge of EAC Affairs from the Republic of Burundi raised a matter pertaining to the resolution of this House which took place on 21st August, 2016 when we were paying tribute to our late friend and colleague, Hon. Hafsa Mossi, I promised that this afternoon I would get back to you on this matter. I have since then extracted the records of this House, that is, written, audio and visual. I have this afternoon, with the Commission, put in place a small Committee to attend to the concerns raised by the Minister. This Committee comprises of Hon. Chris Opoka, Hon. Pareno, Hon. Peter Mathuki, Mover of the Motion, Hon. Dora, Seconder of the Motion, and the Counsel to the Community.

These Members will look through the records of this House and advise the Speaker accordingly and then I will get back to you. *(Applause)*

Ms. Judith Pareno (Kenya): On a point of order, Mr. Speaker, Sir.

The Speaker: Hon. Pareno is rising on a point of order which is very unique. I hope you are not raising a point of order upon the Speaker. I will give you an opportunity.

Ms. Pareno: On a point of procedure, Mr. Speaker.

The Speaker: Yes, please.

Ms. Pareno: Mr. Speaker, following your Communication and considering the matter you have raised concerning that resolution, I would like to ask that any action on this resolution be suspended until the matter is cleared.

The Speaker: Those matters are left to the administration of the Speaker and the Committee. As you may know, the totality of that recommendation is to Council. So, all that will be handled concurrently. We will not allow the matter to come for debate now because my hands are tied by our Rules of Procedure. However, administratively, we are working behind the scene to deal with the issue as raised by the Hon. Minister.

ADMINISTRATION OF OATH

(The Speaker consulted with the Clerk-at-the-Table)

The Speaker: Hon. Members, as the Clerk puts a few things in order, I would like to skip Order No.2 and go to Order No.3. After we finish, we will come back to Order No.2. I beg to amend the Order Paper to go that way.

PAPERS

The following Paper was laid on the Table:-
(by *Ms. Kessy Nderakindo (Tanzania)*)

The Report of the Committee on Accounts on the Audited Accounts of the EAC for the year ended 30th June, 2015 prepared from 9th to 20th August, 2016 in Arusha, Tanzania.

MOTION FOR A RESOLUTION OF THE ASSEMBLY TO CELEBRATE THE INTERNATIONAL DAY OF DEMOCRACY ON 15TH SEPTEMBER 2016

Ms. Nusura Tiperu (Uganda): Hon. Speaker, I beg to move:-

“THAT, this Assembly do resolve to celebrate the International Day of Democracy on 15th September 2016.”

I beg to move.

(Several Members stood up to second the Motion)

The Speaker: Hon. Sarah, Hon. Rwigema, and Hon. Mumbi.

Hon. Tiperu, proceed to read the Motion and justify it.

Ms. Nusura: Hon. Speaker, I beg to move:-

That, this Assembly;

Cognisant of the 2007 UN Resolution A/62/7 (2007) which stipulates that each year 15th September should be celebrated as an international day of democracy and encourages governments to strengthen national programmes devoted to the promotion and consolidation of democracy;

Mindful of the provision of the Treaty for the establishment of the East African Community (EAC) in particular Article 6 and Article 7 on fundamental and operational principles, including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal

opportunities, gender equality as well as 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;

Recalling that on 23rd October, 2013, this Assembly passed a resolution on institutionalising 15th September as the International Day of Democracy in the EAC region where inter alia this Assembly committed itself to enhance its role in the awareness creation on democracy and the International Day of Democracy;

Recalling further that on 29th January 2015 this Assembly passed a resolution urging the EAC Partner States to adopt the African Charter on Democracy, Elections and Governance;

Noting that the Inter-Parliamentary Union (IPU) to which EALA and all other national assemblies of EAC Partner States belong has encouraged all its member Parliaments to annually mark 15th September as the International Day of Democracy; noting therefore that the IPU by its letter of 13th June, 2016 calls on member Parliaments to use the International Day of Democracy to celebrate the successes of democracy and face up to its challenges;

Noting further that IPU is proposing to all Parliaments to organise activities for this year’s International Day of Democracy on the theme: “Democracy 2030”;

Noting further that the IPU proposed the following three themes that could be adopted:

- (a) *Future-oriented: What would democracy look like in 2030? Will people vote online in elections? Will the role of Parliaments be the same as it is today?*
- (b) *Youth-oriented: What are the Parliaments doing to ensure the*

political participation of young people and prepare the future of democracy? What progress has been made? What needs to be done?

- (c) *Development-oriented: How can Parliaments connect the 2013 agenda for sustainable development with people's expectations of greater participation, inclusiveness and accountability? In what ways will more democracy help to achieve the development goals adopted by the world governments?*

Having decided that we focus on the youth oriented theme requiring parliaments to access themselves on what they are doing to ensure the political participation of young people and prepare the future of democracy and what progress has been made and what needs to be done;

Mindful that the youth in EAC constitute around 63 per cent of the population therefore constituting a large portion of active population;

Convinced that EAC greatest resource is its youthful population and that by their active and full participation EAC can surmount the difficulties that lie ahead;

Acknowledging that the African Youth Charter recognises the right of every young person to participate in all spheres of society and obliges state parties to facilitate the creation or strengthening of platforms for youth participation in decision making at local, national, regional and continental levels of governance;

Acknowledging further the call in Bamako in 2005 by youth organisations across Africa to empower youth by building their capacity, leadership responsibilities and provide access to information so that they can take up

their rightful place as active agents in decision-making and governance;

Recalling that on 23rd March, 2015 the EAC youth ambassadors presented a petition to this Assembly urging it to advocate for key issues concerning the youth, including their participation in national and regional politics;

Convinced that the theme for the 2016 International Day of Democracy is critical to our region, it is timely and a significant gear in addressing the challenges of the youth in our region specifically in facilitating their participation in national and regional politics and leadership for sustainable development of our region and continent;

Recognizing that Parliaments and other politicians are bound to lead debates and consultations on the future of democracy, the future of parliaments and the mechanisms to attract more youth participate and engage in the democratisation process for the benefits of the Community, including the marginalized;

Now Therefore, we do resolve as follows:

- (i) *To mark and celebrate the International Day of Democracy on 15th September, 2016 by setting an agenda for discussion on what parliaments are doing to ensure the political participation of young people and prepare the future for democracy.*
- (ii) *To urge all parliaments of the EAC Partner States to celebrate the International Day of Democracy on 15th September 2016 by having specific programmes to facilitate and promote the participation of young people in all affairs of their society*

- including decision-making and political affairs.*
- (iii) *We urge all political parties in the EAC Partner States to mark and celebrate the International Day of Democracy by having the programmes of engaging and facilitating participation of youth in the democratization process within and without political parties.*

I beg to move.

The Speaker: Hon. Members, I am going to request for special permission from you to allow me use my prerogative to disrupt this debate a bit on two grounds: the young people who are in the gallery; many of them will be leaving this afternoon. I wanted them to be witness this Motion being moved fully in this House. It has been moved and seconded and is, therefore, properly in the House.

Secondly, as you have seen in the Order Paper, there is a Minister, an ex-officio member of this House, who is supposed to come forth and take his oath. So, on that basis, allow me to use my prerogative to interrupt this debate and introduce the stranger to Members, allow him to take his oath, take his seat and then we proceed.

ADMINISTRATION OF OATH

The Speaker: Hon. Members, His Excellency Yoweri Kaguta Museveni, President of the Republic of Uganda on 21st June, 2016 appointed Hon. Maganda Julius Wandera as the Minister of State for East African Community Affairs of the Republic of Uganda. By virtue of that appointment he becomes an ex-officio Member of this House pursuant to the provision of Article 48(d) of the Treaty.

The Minister is present and has indicated his desire to participate in the proceedings of the

Assembly. However, in accordance with our 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 oath or 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 or affirmation of allegiance to him or her.*”

I therefore request any two Members who know Hon. Maganda Julius Wandera to bring him to the Table and to present him before me to enable me administer the Oath of Allegiance.

(Mr. Chris Opoka Okumu, Ms. Dora Byamukama and Ms. Nusura Tiperu presented Mr Julius Maganda Wandera to the Speaker)

The Oath was administered to the following Member:

Mr. Julius Maganda Wandera.

- (Applause) -

The Speaker: I now request the Members to escort our new Member to take his seat.

(Mr. Chris Opoka Okumu, Ms. Dora Byamukama and Ms. Nusura Tiperu escorted Mr Julius Maganda Wandera to his seat)

The Speaker: Hon. Members, I would like to take this opportunity to welcome Hon. Julius Maganda Wandera to this august House and to assure him of our highest co-operation. I wish to inform him that he has joined a team of men and women who have total devotion

to take our integration agenda to the best height. You are most welcome. The Clerk will supply you with the necessary tools for your operation. *(Applause)*

RETURN OF MS. SUSAN NAKAWUKI TO THE HOUSE

The Speaker: Honourable Members, allow me to recognise the return of Hon. Susan Nakawuki to this House. Hon. Susan was on leave... a productive leave - *(Laughter)*. I say productive in the sense that she was committing to what God has given us as human beings to do, that is, procreation. We congratulate you so dearly and we wish you well with your family and the new East African. *(Applause)*

RESUMPTION OF DEBATE ON A MOTION FOR A RESOLUTION OF THE ASSEMBLY TO CELEBRATE THE INTERNATIONAL DAY OF DEMOCRACY ON 15TH SEPTEMBER 2016

The Speaker: Hon. Nusura, you had read out the Motion. Do you have any more justification to attach to the Motion?

Ms. Tiperu: Hon. Speaker, before I give any justification, I want to use this opportunity to congratulate Hon. Maganda Julius for having been sworn-in today. As Parliament, we are very excited and happy to have one of our own here with us. From the time he was elected, we have been wondering when he would be sworn-in. The excitement in our faces is as a result of the anxiety.

Hon. Speaker, I had an opportunity, together with you, to serve with Hon. Maganda in the Seventh and Eighth parliaments in Uganda. I must say that his appointment was of great excitement to us because we know he is very passionate about issues of the EAC political integration. He is a businessman and born in Busia. So, when we talk about trade and

crossing between countries, he understands those issues extremely well. He is also critical because his constituency is the same constituency where Hon. Aggrey Awori comes from. We talk about people being the same. For instance, Aggrey being a brother of Moody Awori and now we have him, brother of Aggrey Awori in the House. I think he is a true East African.

This weekend we had a tournament as directed by you and we faced the Wazee Club. We are told that they defeated us but I think our team performed extremely well. The coming of the Minister should be a sign that EALA will win most of the coming games because Hon. Maganda is a great footballer. He used to play for the Ugandan side. I think this time he will be playing as part of the EALA parliamentary team - *(Applause)*.

Hon. Speaker, I wish to speak to the Motion and urge colleagues to support it because it is timely. We were treated to very good research information on issues of youth carried out by the Aga Khan Institute of Research. We were alarmed when we were told that 80 per cent of the 164 million East Africans are young people. A Motion like this one urging parliaments to celebrate the International Day of Democracy and giving more focus on the youth is very critical and timely. It will also help us to see how our governments reflect on issues of accountability, how our youth have been participating in elections and so on.

Since Members are going to debate this Motion, I would not wish to deliberate a lot on it. I will give an opportunity to my colleagues to also raise other issues on this Motion.

The Speaker: Thank you, Hon. Tiperu. Hon. Members, the Motion before the House is:-

THAT, this Assembly do resolve to celebrate the International Day of Democracy on 15th September, 2016.”

Honourable Members, on 15th September 2016 this House will not be meeting. That is why this Motion has come before the actual date.

(Question proposed)

The Speaker: Debate is open.

Ms. Dora Byamukama (Uganda): Mr. Speaker, Sir, I want to thank Hon. Nusura Tiperu for coming up with this Motion. I would like to add my voice in congratulating Hon. Julius Maganda whom we know quite well. We are very happy to have him with us. He has also voted for some of us, at least six of us, twice in a row to be in EALA. We would like to say, *karibu sana*. I would like to pledge our total support to you, Sir in case you need any information or support of any type. I would like to thank His Excellency President Yoweri Kaguta Museveni for making an excellent choice in appointing him as Minister.

This is not the first time this Motion on democracy has been brought out. Every year, EALA comes up with this particular Motion. The first point I want to state is that we need to follow up with our Partner States on what they do on this particular day. As you know, we have a unique function of liaising with national assemblies. I hope that when this particular Motion is transmitted to the national assemblies, they will take the issue of democracy very seriously.

I want to make a point on the understanding of democracy. I know it is an issue that has come up time and again. As people of Africa we need to have a definition of democracy

even though we have an international one. We need to consider the fact that a greater percentage of our population is not literate and some of our communication systems may not work perfectly. We, therefore, need to have more civic education. You will recall that Hon. Zein brought a Motion here on civic education. I humbly pray that this Motion will be signed onto as law so that civic education which goes hand-in-hand with democracy is taken very seriously in order for our citizens to exercise their democratic rights.

I would like to conclude on the meaning of democracy, generally. It is a system of government by the whole population or the eligible members of a state typically through elective representation. We also know that we cannot talk about democracy unless it goes in tandem with other aspects, like the right to education, the right to health and the right to understanding the issues.

Mr. Speaker, with those few comments, I would like to thank Hon. Nusura Tiperu for keeping the light burning on this issue. I hope our recommendation will be taken seriously as has been done before so that we follow up on this matter and ensure that it is celebrated.

The Speaker: Hon. Mukasa Mbidde.

Mr. Fred Mbidde Mukasa (Uganda): Thank you, Rt. Hon. Speaker. Permit me and the august House to equally congratulate Hon. Maganda our Minister. As the Acting Captain of the EALA team, I am extremely happy. I had exchanges with the Hon. Minister almost throughout last night and he said that he would play with the EALA football team. That is a cause for us to be jubilant.

The pedigree of the Minister has been spoken of by Members. We appreciate the kind of

works he has done even before becoming Minister. He has done this to unite the people of the EAC. We will continue to support you over the same now that you have the docket. You have the imprimaturs to give all orders necessary. The preparations are such that the Assembly will be at your disposal. We welcome you.

Thank you, Hon. Tiperu for this Motion. I have often said that even if I am not remembered for anything, at least, the fight and agitation for the rule of law and democracy will form part of the speeches of all those that will eulogise me on my deathbed. So, when you bring a Motion of this nature, it is incumbent upon me to also make sure that I support it and equally dissect what it would represent as much as I can.

It is so good that the Motion is anchored on Article 60(d), Article 7(2) and all the protocols that African States and particularly EAC Partner States are states thereto. What does democracy entail? This is indicated in Article 7(2) and all other attendant articles and charters that we have so far entered into and acceded to which includes the African Charter on Human and People's Rights as was put by the Mover of the Motion. Democracy entails: One, access to justice. It is on this day that we remember what to tell the Partner States. We need to make sure they consolidate, carry out, implement and accomplish the tasks ahead for purposes of achievement of access to justice by our citizens.

Under Article 6, part of the accepted provision thereunder is the African Charter on Human and People's Rights. What does it entail? Are our people having access to justice in terms of agitation for the achievement of respect for fundamental human rights? I think Partner States need to run farther and conclude all the necessary

deposits that are required so as to enable our citizens access the African Court on Human and People's Rights once a violation of their human rights has been encountered.

It is only Tanzania and Rwanda in the EAC that have acceded and deposited declarations that are required under Article 34(6) to the protocol that forms the Court. The remaining Partner States, as we recall and celebrate the day, we would like you to give answers as to why you have not yet acceded to this and failed to deposit declarations and probably when you are like to do so. This is because under Article 7, you actually signed this Treaty saying that you abide by leadership based on rules of law and, of course, accomplishment of the requirements of this Treaty.

Secondly, the extended jurisdiction of the East African Court of Justice (EACJ) has been put in ink. The Second Assembly passed an additional resolution that the EACJ be extended to cover crimes against humanity. In East Africa presently, crimes against humanity have only one court that can try them particularly if the perpetrators or the suspects are leaders of nations. I am talking about the International Criminal Court (ICC). When you talk of Partner States, of course all sitting Presidents are not available for prosecution. When you get to the African Court on Human and People's Right, jurisdiction does not obtain. The EACJ does not have that jurisdiction. Now, when you go to ICC, jurisdiction is apparent. We still have lingering proposals and motions by the African Union (AU) to the effect that Partner States leaders are not available for prosecution. They would not like to be available. The principle of *pacta sunt servanda* is the one they want to overtake – We are saying that we will not abide by the protocols to which we appended signatures to. However, the principle of *jus cogen* is

very clear that once the peremptory norms and respect for parliamentary rights are not respected then whether or not you are signatory to the Rome Statute you can visit the ICC. We want our own pedigree to be established here in East Africa. Until the same is done, we cannot leave ICC.

So, as we remember that democracy is to be celebrated, then we must also remember that all normative instruments that establish democratic tendencies and respect for rule of law should be occasioned. The Summit already passed an imprimatur for the extension of the jurisdiction of the EACJ to cover trade-related matters. Our traders are implementing the Common Market Protocol properly; they are trading amongst each other. They are trading amidst nations. But once there happens any grievances, this Court does not seem to have the jurisdiction to try the same. All the countries that were to deposit accession documents did not do so beyond the stipulated deadline. As we remember democracy, let us remember to implement even our own decisions. The decision is by the Summit which is the supreme organ of the EAC.

Mr. Speaker, this is a day that I can use to contemplate over what has not been done so that as others celebrate what has been done, I will look for what has not been done and I tell them. The same Article talks about equal opportunities. East Africans embrace, and I support them, the Economic Strategy of Foreign Direct Investment. This strategy is good and nations have grown while employing the same. Foreign Direct Investors (FDIs) are invited in our countries to do investment, but there are things that we are missing out as East Africans. One, such investments cannot be allowed and accorded a red carpet welcome and this includes the food sector.

Two, we have not compounded efforts into establishment of wage, labour and immigration policies. What do these two things do: One, without such compounded efforts to make sure that wage, labour and immigration curtails the incoming employees of the FDIs the resultant effect is that all the budget estimates of the EAC Partner States will indicate increment of jobs, but the FDI, say, a Chinese, will be the managing director of an investment. The cashier will be a relative, who is a Chinese too. What the East African will only be doing is to carry the bales of what has been produced for purposes of taking it to a lorry. But even the person counting the bales will be a Chinese. In our records, employment shall have been created, but the actualities of who has been employed will not be East Africans. So, we must now focus on who gets employed. We calculate our Gross National Income by way of Gross Domestic Product. What is the exact potential production by nationals of Partner States vis-a-vis what actually has been produced by the rest?

Still on investment in the food sector, we are now looking at mangoes and apples being sold in all EAC Partner States' shops, but they all come from South Africa and the rest. I think investment should be channelled in such a way that we take a lot of care with regard to the food sector. It happened in South Africa when Walmart wanted to buy Massmart. The nationals said no! Massmart sells food such as fruits and things produced by us. How can an FDI buy into the food sector of our country? How do you then create an indigenous based economy?

Mr. Speaker, as we look at democracy, one of the rights under the African Charter on Human and People's Rights includes the economic rights. These must be respected.

With regard to leadership, when we talk about democracy what is really happening in East Africa? Our role here as Members of Parliament is that we are the only legislative organ of the Community. We are the only politicians elected for integration purposes. All the rest are elected to run their own countries and country dockets. It is only that by way the way of the Treaty they are amalgamated into organs of the Community. It is only us who are elected to further co-operation, integration and the principles enshrined in this Treaty. Leadership change in East Africa has to be respected. I can see many countries have adopted some way of... Rt. Hon. Speaker, it is no longer clear how leadership changes in East Africa. We used to have term limits but, of course, now they are extinct - (*Laughter*).

The Speaker: Hon. Mbidde, you must be clear on that point. Change of leadership or stay of one leader does not mean absence of democracy. This is because the same people can elect the same leader more than once and that is still democracy. However, that is your debate. So, proceed.

Ms. Byamukama: On a point of information, Mr. Speaker. I was also wondering where my learned brother Hon. Mbidde was going. My understanding of democracy, which is a Greek word, is Demos (People) and Cratia (Power). In total it means "People Power". I would like to get clarification as to who does not have the "people power" that he is alluding to.

Mr. Leonce Ndarubagiye (Burundi): On a point of order, Mr. Speaker. Is it okay for the hon. Member to be so proud of repeating issues related to the ICC several times when he knows that those who go there and are condemned are only Africans? Is he part of the ICC spirit? (*Laughter*)

The Speaker: Would you like to get more information from Hon. Rwigema?

Mr. Mbidde: Yes, Mr. Speaker.

Mr. Pierre Celestin Rwigema (Rwanda): Mr. Speaker, Sir, I want to give information to Hon. Mbidde that it is not correct to associate term limits with democracy. It is about the power of the people. We know that some countries have good democracy without having term limits. The examples are Germany and the UK. These countries have no term limits and yet they have the best democracies.

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

Mr. Mbidde: Thank you, Hon. Speaker. Questions have been posed: Where is Hon. Mbidde going? This is where I am going: I appreciate all the interjections that have been made because they are all part of the submission I am making here. Questions are asked: Is it the absence of democracy when you have the same leader for, say, 30 years? Is it the presence of democracy when you have the same party leading the country for over 30 years? Is it democracy when you have the same family leading the country for over 30 years?

What I am saying is that in East Africa we need to be very clear on how democracy can come up and how we can evolve a pedigree of democracy that is acceptable to the people. What is apparent is one: where there is prolonged leadership the dissection is no longer between those who support the government and those who do not. Authoritarian establishes the difference between those who hate government and those who do not. It creates what we call the cabals of government; the apparatchik of government. The rest are relegated to ragtag

and bobtail. Those ones can also begin to amalgamate themselves into capacity to come back. When you look at what we are suffering from in Africa...for example, what is the meaning of Al Shabaab?

The Speaker: Hon. Mbidde, before you finish, you asked very fundamental questions, which of course I do not know who you expect to give answers. You are not going to usurp the powers of the East African with regard to who they elect, which family they elect, which party they elect, and how many times they elect them. That is the real power and choice of the people.

Mr. Mike Kennedy Sebalu (Uganda): On a point of information, Mr. Speaker.

The Speaker: Will you take information from Hon. Sebalu?

Mr. Mbidde: Yes, Mr. Speaker.

Mr. Mike Sebalu (Uganda): Thank you. I would like to give information that East Africans can be very interesting people. This is because in East Africa we have a party which is 50 years old. In the wisdom of the people they have not seen it fit yet to lead them. So, what do you say to those East Africans?

Mr. Mbidde: Hon. Speaker, I need to wind up.

The Speaker: Do not give so much of your time to others then.

Mr. Mbidde: Mr. Speaker, the question of quality of choice and answer in terms of who has been chosen as a leader must now be scrutinised. Before you count the amount of time you have stayed at the helm of leadership, first of all look at the quality of elections that have made sure you objectively

remain the head of that country. This Assembly now needs to get there; the quality of elections is our role. That is why we are coming up with protocols for good governance and on free and fair elections. We are coming up with judgements and court petitions. They are engineered to the extent that the result of an election is not established as a mere jabberwocky; rather it should be a result that is believable by both those who have been elected and those who have actually lost.

In East Africa, we now have a decision to take: we either create the beginning or the end of East Africa. I have not seen a country that has gone to war because it has changed leaders by election, but have seen several countries that have gone to war because leaders have not gone either by election or not. Others have actually been elected by over 99 per cent preference. When you look at the former Zaire, Mobutu had won by 99 per cent. In Iraq they had such a scenario too.

Finally, to the question posed by Hon. Leonce, I respect the sentiments by African leaders that ICC is only trying African leaders. I do not know about that but when you look at the Rome Statue that establishes the ICC it provides for three mechanisms under which a matter can go there. One, is Article 14 and Article 15 where either the State party sues or the prosecutor on his own motion commences the same and persons are apprehended. The third one is under Chapter Seven of the Charter of the United Nations (UN) – the infamous chapter. If under any of such areas a matter has not found its way--- For example in Uganda we have the case of *Uganda versus Joseph Kony and five others*. This case was taken to the ICC by the State party to the Rome Statute. So, we can sue there. If you think there are leaders who are liable to trial by ICC and they are not finding their way there we can take them there. I

know of ongoing investigations in terms of what took place in Afghanistan, Libya, and Syria. I do not know of any investigations ongoing in terms of what is happening in Africa except where it is calculated to go to the ICC. It was created when on two occasions we had no solution: One, the killings in Yugoslavia, and two, the killings in Rwanda. We did not have a substantive court to try the same. Of course, other substantive courts were established but there needed to be an international court in position to apprehend the same.

The Rome Statue of 2003 was established because of what took place in Rwanda and Yugoslavia and there was no international mechanism then. Neither the Court nor the Protocol was present. They had to establish a criminal tribunal for purposes of trying the same.

The Speaker: Hon. Mbidde, please, summarize and focus on the question of democracy, the young people, economic rights and rights of choice of leaders.

Mr. Mbidde: With regard to economic rights of young people, the UN Development Index, clearly stipulates that almost over 70 per cent of East Africans are young people. When you look at the most and heavily employing organ in East Africa, they are saying that we are feeding on agriculture. If you asked how many of the young people are digging, there are very few that would raise their hands up. Now that creates a problem - (*Applause*).

If the employing opportunity lies in agriculture and they are not digging and yet they are the majority, that means we have a problem. I told you that Al Shabaab means “the youth”. What they are trying to do is to provide a fertile recruitment ground for terrorism and war. We must now come up because that is injurious to democracy. We

must address it while remembering the day for democracy. We must create an East Africa that is good for us and for those unborn - (*Applause*).

The Speaker: Thank you, Hon. Mbidde for that debate. Hon. Sebalu.

Mr. Mike Kennedy Sebalu (Uganda): Thank you very much, Rt. Hon. Speaker. First of all allow me also to welcome and congratulate Hon. Maganda as a Minister of State, East African Community Affairs, Republic of Uganda who is a member of EALA in his own right. He is one of those few East Africans who belong to two parliaments and the people of Busia should be happy about that.

In the same spirit, allow me to give compliments to His Excellency President Yoweri Museveni for the focus on the East African sector in a manner that is enviable. First, you will appreciate that he has always made high level deployments to this sector. You remember the former Minister, the late Eriya Kategaya was the first Deputy Premier. The replacement, as we speak, Rt. Hon. Dr. Kirunda Kivejinja is the second premier. This has given the sector visibility in terms of deployment as per the rank, profile and seniority. I think that is something to write home about.

Secondly he has maintained focus on the EAC sector in a specific way. The Ministry remains: The Ministry of East African Community Affairs. That nomenclature alone has a lot to tell in terms of focus. That is another area that we need to appreciate and not to have it mixed with so many other things.

The Speaker: Hon. Sebalu, you risk sounding a little derogative to other sectors when you call them “things”.

Mr. Sebalu: No, I withdraw immediately and it should be expunged. I meant to say “not mixing it with other sectors and giving it specific focus.” We have been given a Minister of State to assist the Minister so that the matters of East African Affairs both in Arusha and at home are attended to. I believe the Hon. Prime Minister is managing the affairs at home and the Minister of State is here to ensure the representation. Those are best practices that we need to take note of as we welcome the Minister. We wish him well in his tour of duty as the Minister of State for East African Community Affairs.

Mr. Speaker, my interest in the Motion is driven by Article 3 of the Treaty, particularly Article 3(b) which clearly states that membership subject to paragraph 4 of this Article is put to certain considerations. One of them in part (b) is adherence to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice.

Being a member of the Community entails that you subscribe to the tenets of democracy. That is something that is very fundamental in terms of defining our collective good and the reason that we come together. One of them is to champion, promote and cherish democracy. So, we are best placed to give it the due attention that it deserves. This Motion, therefore, conforms to that Treaty requirement for any member of our Partner States to belong. Therefore, the prayers made with regard to our parliaments to go ahead and celebrate this year’s Day of Democracy through a number of activities, comes in handy. I believe and trust that the mechanisms we have in place after this resolution is passed will then be communicated to our Partner States. We should be able to see something happening in the different capitals on that day in

conformity with this requirement which is part of the Treaty but also reinforced by this resolution that has been moved by Hon. Nusura Tiperu. So, it is very important in that regard given that what brings us together among other things is that very important principle.

One thing that we need to appreciate is that democracy is always there and it is good at all times. It can be very exciting when you have won because democracy really fires you up. However, it can equally be demoralising when you have lost. On a number of occasions, people only believe in democracy when they have won. They condemn and ostracize it when they have lost. There is no way we are going to champion democracy without having democrats. This is because democrats are those people who still believe in democracy even when they have lost; they know that they need to go back and reorganize, package themselves better, make themselves more appealing and relevant and, therefore, a good choice as an alternative. When you put yourself in a position where you are not an attractive alternative, democracy will appear to be a bad thing. That is why you find many of the people who condemn democracy in all its forms because it is the democratic right of the nationals to choose which party to lead them. That is their right and you can never deny them that right. Likewise, it is their right to determine and decide which party they want to take charge of the affairs of their country.

Mr. Abubakar Ogle (Kenya): On a point of clarification.

The Speaker: Yes, Hon. Ogle.

Mr. Ogle: Rt. Hon. Speaker, I understand this is a Motion on democracy. It is about backing and celebrating democracy in its international context. However, we are so

much driven into a lot of Ugandan politics here - (*Laughter*). We are not discussing whether there should be a term limit in Uganda nor whether there should be an extended term by an individual. I think they should spare this House the talk about Ugandan politics.

Mr. Sebalu: You know it is his democratic right to misrepresent views and he has done it excellently. I do not have any qualms about his democratic right of misinterpretation, misunderstanding and misrepresentation - (*Laughter*).

Hon. Speaker, it is also a democratic right of individuals to choose the manner in which they will be governed by giving themselves the power to determine and not being curtailed. As Hon. Mbidde mentioned about elections, I think that is where we need to look. It is about the credibility of the electoral process and the electoral outcome once it passes the test. Therefore, this idea of curtailing the people's rights is not democracy in its own self. Actually that is very dictatorial. Why should you deny me my right of choice? Of late there is an emerging trend where people go to the electorate not to tell them about what they are going to do or what they intend to do in order to package themselves for possible leadership. They package reasons on how their votes are going to be stolen. We need to organize our parties. This cuts across. Parties need to organize themselves on the basis of programmes, projects and management of affairs of the State. Otherwise the idea of condemning elections is becoming fashionable – Condemn them and go through the backdoor under the government of national unity. It is also becoming a form of democracy which people are using. So, let us live up to the needs and demands of democracy. One of the main focuses is to concentrate on the people. Many of our people go to the urban areas and

excite a bit of the elites and they imagine that they will carry the day. You need the entire population.

In East Africa, it is good that we talk about people centred integration. Even in matters to do with our work here, it is the democratic right of East Africans to be told what we do and to be brought on board in terms of appreciating integration. This is because it is also an alternative that they need as East Africans. So, let us concentrate on the people in terms of informing, educating and mobilizing them. I pray and hope that the parliaments within our Community will undertake programmes and activities on 15th September where we can join them as EALA Members to ensure that we celebrate this very important day.

I beg to support the Motion and all the prayers therein.

The Speaker: Hon. Mumbi and then Hon. Ngoga.

Ms. Mumbi Ng'aru (Kenya): Thank you Rt. Hon. Speaker for giving me this opportunity to pronounce myself on this Motion. I support it. First and foremost allow me to congratulate our new member. I think it is in order to welcome him. I assure him of our co-operation on issues integration. His predecessor, Hon. Shem Bageine was truly one of us. We learnt a lot from his knowledge and wisdom and experience. He was one of those East Africans with homes not only in Uganda, but also in Kenya. He was very much at home in Kenya where he is an in-law. Welcome to the House.

Hon. Speaker, I rise to support the Motion. I do so because I am a democrat – I am a social democrat. When I read through the Motion, I was attracted by the word “youth” which appears so many times. I am out of the youth

bracket. Why would I be attracted to the word “youth?” Many times, as politicians, we lie to ourselves that we are still young and we claim to speak for them. I am excited that in her own right, the Mover of the Motion can squarely claim to have walked through and, indeed, carries the ideas of the youth movement.

It is true that in the East African region, maybe, 70 per cent are youth. I am not sure about the 63 per cent, but I know majority are the youth. I have thought about the issues of youth in this Assembly. I think this is the last Assembly that will have people who are over 50 years old, being the majority. I was thinking through it and looking at the young women in this Assembly. I was also thinking about their challenges of being Members of Parliament, say, you have to carry a pregnancy for nine months and give birth and go for maternity leave and come back to the Assembly thinking about a two-months old baby. We had Hon. Maryam go through that and now we have Hon. Nakawuki. Those are challenges that should be addressed. I am almost certain that by the time we come to the Fourth EALA, more of the Members will be within that age bracket.

I support this Motion with all the energy that I have. Elections of getting Members into this Assembly or any other should consider that those parliaments are not retirement homes for old people. Therefore, the need of young people, apart from the space they are given, should be taken care of. The young people should have the energy to speak about the challenges that they face. Young men also have their own challenges. How do they handle their freedom with responsibility? They probably have too many coins in their pockets and so how do they handle that situation? Those are the challenges that have made me want to support this Motion and urge this House to support not only the

celebration, but also have time to think deeply about the challenges and even celebrate them deeply. In celebration, you get answers to those challenges.

I beg to support the motion.

Mr. Martin Ngoga (Rwanda): Thank you very much, Mr. Speaker. I also want to add my voice in welcoming the Minister to this Assembly. I would like to congratulate him. Welcome back, Hon. Susan. You could not come at a better time than when we are debating matters pertaining to the youth because you are a very strong advocate of their affairs.

Hon. Speaker, I also want to congratulate Hon. Ogle. We have all seen this new version of our magazine that is very much improved in terms of quality. It took a lot of work to be done by Hon. Ogle and his editorial team. *(Applause)*

It is unfortunate that Hon. Mbidde has walked out, but he made very important points which I wanted to refer to very briefly. I have my own reservations – very strong ones - about the ICC. At the same time, I believe that for us to have a stronger case we must have our own judicial infrastructure to deal with crimes on our continent. We cannot have our cake and eat it. We have legitimate concerns about the operations of the ICC, but we have to show political willingness to have a mechanism to deal with matters of justice on our continent. So, there is a big gap that is even undermining our case against the existing mechanism. I wanted to add my voice on that. I think he was calling for the African solution to African problems in the area of international justice and I subscribe to that opinion.

Hon. Speaker, I want to congratulate Hon. Nusura for the Motion. I want to support it for

four main reasons. One, it is grounded on a very strong demographic case. The youth are the majority in our region. Last week, Hon. Speaker, you organised a very important briefing that we got from the Aga Khan University. The research they did was on the subject of the youth. They came up with important findings which were presented to us. We are discussing this subject when we are already enriched by that research. I would encourage the Mover of the Motion and the Members who were not present during the presentation of the findings to go through these figures. It is a case that is supported by empirical evidence. If they are the majority, they deserve their space in terms of planning, participation and whatever we do.

Hon. Speaker, there are lessons that we need to learn. One of the biggest critiques of BREXIT, the recent action by the UK to pull out of the European Union (EU), is that the findings largely reflect the views of the people who are old in age and yet they will mainly affect young people. This is because young people never meaningfully participated in the process. So, the vote was done. From the results, you could tell that the pattern was demographically divided with most of the old people supporting the exit. The young people who participated supported the stay. So, it is a lesson for our region in terms of the extent to which the youth are participating and part of the decisions that we make. This is important because most of the decision that we make are for them. They are the ones who will either be affected or be the beneficiaries of the decisions we take.

I also support this Motion because there are different imperatives associated with young people and what you get out of them depends on how you plan. They can be a very strong force to build strong nations, but they can also be a very destructive force if they are not

properly oriented. We have so many lessons that can prove this to be true. We do not want to be part of that side of the story where the youth are not properly oriented and they become a tool for manipulation. We want them to be part of the constructive agenda of our countries and in our planning processes.

I would like to urge the Mover to consider something. I want her to add something in her Motion. It is good that she identified the aspect of youth to be the main agenda that we need to push on this day of democracy. However, we need to include a provision for a permanent arrangement at the level of the Secretariat or Assembly to always observe this day by having intellectual discussions on the aspect of our democratic practices. On this day, we can invite academics, politicians and any other persons that we can identify to discuss with us how much progress we are making or what the shortcomings are in our democratic practices.

Lastly, I also want to thank the youth who have been visiting us and some of whom are here to participate in our discussion or to observe our discussion. It is always a pleasure to have them around. We thank them for their presence.

The Speaker: I will give an opportunity to Hon. Straton and then Hon. Mwinyi. I will also give the Minister an opportunity if he has something to say.

Mr. Straton Ndikuryayo (Rwanda): Thank you, Mr. Speaker. Let me join my colleagues in congratulating and welcoming Hon. Maganda. Welcome to this House. I also wish to welcome you to the EAC/ EALA football team. The captain is seated behind you. He will welcome you officially during our training session.

I would like to thank you for allowing us to discuss this matter in the presence of the East African youth ambassadors who are here on behalf of many other young people across the region. I also would like to congratulate the mover of this Motion. I totally support the Motion. However, I have some concerns to raise. Allow me to start by stating a very strong message given by the former UN Secretary-General, Mr. Koffi Annan on 15th September. He said as follows:

“Young people should be at the forefront of global innovations. Once empowered, they can be agents for development and peace. If, however, they are left on societies’ margins, all of us will be impoverished. Let us ensure that all young people have every opportunity to participate fully in the lives of their societies.”

This is a strong message, and just as Hon. Ngoga mentioned it in his speech, young people need to have a clear orientation and a clear message regarding our integration agenda. With regard to East Africa, I want to congratulate the Secretariat for putting in place this platform known as the East African Youth Ambassadors Forum.

This Assembly has tried to work with different youth organisations, and the EAC Council of Ministers in different sectoral councils to put in place the youth platform at the East African level. Even if there has been an East African youth policy for many years, the implementation is still a challenge.

The East African Youth Policy provides the establishment of the East African Youth Council. However, up to now, the information we have is that the Ministers responsible met in March, 2016 and adopted the mechanism for putting in place the East African Youth Council. I would like to request the Council of Ministers humbly to

fast track the process so that these young people have a clear platform and an institution at the East African level.

Hon. Speaker, in their petition they mentioned the issue of participation in parliaments. The Treaty for the EAC is very clear on how they elect members representing different Partner States in EALA. It is clear that if the national parliaments include the youth in their respective parliaments, then automatically during the elections, the process should be the same that is the simple way the full representation of young people in this Assembly can be achieved.

As I conclude, meaningful democracy requires the meaningful participation of the youth. Democracy needs young people just as young people need democracy. I thank you.

Mr. Abdullah Ali Hassan Mwinyi (Tanzania): Thank you, Mr. Speaker. On a day such as this one and with such a Motion, we are given an opportunity to take stock of where we are as far the democratic ideals are concerned. It is very important and I must congratulate my sister, Hon. Tiperu, for bringing this Motion before the House. It acts as a reference point and a day of reflection as far as democratic ideals are concerned.

We have our standards and indices on how we performed in terms of transparency, democracy, democratisation and the rule of law. A son of Africa, Mr. Mo Ibrahim, has come up with a comprehensive document, “The Mo Ibrahim Governance Index”. This document objectively measures how we have been performing. There is an underlying theme that is happening throughout Sub-Saharan Africa. Since the re-introduction of multi-party democracy in the 1990s, what has become apparent is a gradual erosion in our

performance. I think that has to be looked into.

This is a measure by Africans for Africans. We are very quick to say that this is an imperialist measurement that does not fit in our situation, but this is set up by an African for Africans. There is a steady decrease and erosion of the very idea that we espouse here in democracy.

Democracy is not out of context. Democracy, globally, cannot be like Coca Cola. A son of Africa, particularly a Tanzanian, always denounced the “cocacolarization” of democracy. What he meant was that democratic ideals may be universal but their manifestation may be different from one place to another.

He used the British system to put things into context whereby you have a hereditary Head of State - never changes - and the House of Commons - the people elect them. In one of his lectures he gave an anecdote of Prime Minister Margaret Thatcher. At the very peak of her popularity, she never garnered more than 45 per cent of the votes of the electorate. In that system, we also have the House of Lords. These are ladies and gentlemen who are not elected to that House. They are completely unelected.

He is not criticising that democracy, but that is British democracy. In Sub-Saharan Africa we have a different context. I want to touch on four things that are important in these ideals. We need to look at that in terms of assessing where we are.

One is the will of the people. Two, in whatever manifestation we choose to express our democratic ideals, a fundamental them of unity must be taken into cognisance. Three, we must not be afraid of coming up with

home-grown solutions. Four, we must have respect for human dignity - *(Applause)*.

There are many other things, but in my view those should be fundamental. There are many issues that may cause disunity. It could be tribalism, religionism, or any form of belief within a system that might cause disunity.

I would like to talk about a bad precedent, which gave us many lessons; the BREXIT referendum. As Hon. Ngoga said, it gave us the importance of demography in democracy. We must take cognisance of our demographic conditions in the context of democracy. The second very important lesson that we learnt from the BREXIT is the civility within which the political class in the UK dealt with the outcome of BREXIT.

For me it was an absolute breath of fresh air seeing the former Prime Minister...he put up a very strong case and campaigned for the UK to remain in the EU, but finally he had to respect the will of the people of the UK in their decision to get out of the EU. The decisiveness with which he announced his resignation and the good nature with which he handed over power is to be admired. You could hear him whistling beautiful after his presentation at 10 Downing Street. Now, characterise that with our issues in Sub-Saharan Africa - *(Laughter)*.

How I wish the youth and the political class had the same grace and integrity in dealing with elections the same way the UK leadership and the people of the UK dealt with the BREXIT referendum. I beg to support.

Ms. Perpetua Kessy Nderakindo (Tanzania): Thank you, Mr. Speaker. I would like to start by congratulating the new Minister. I welcome him to this House. I would also like to congratulate Hon. Tiperu

for this Motion. I would like to thank you, Hon. Speaker, for the activity which was held last Friday 26th August where you gave Aga Khan University a chance to report to us on the East African Youth Survey Report. This came at the right time to combine with our discussion today on what is democracy.

There was both good news and disturbing news in that survey. Let me start with the not too good news. We know that democracy is the way that we have decided to run our governments. According to the Report, East Africa has a population of 146 million people and 80 per cent of this forms the population of the youth. The Report defines youth to be between 14 and 35 years.

The survey also shows that when the youth were asked questions about integrity, 21 per cent to 58 per cent believed that it did not matter how one made money for as long as one did not end up in jail. That is quite disturbing. It also reports that between 30 per cent and 48 per cent admired those who made money by hook or crook; between 8 per cent and 45 per cent believed that corruption was profitable. How do we talk of democracy? The Report also states that 73 per cent to 75 per cent were afraid to stand up for what is right for fear of retribution. Between 10 per cent and 44 per cent of the youth would readily take or give a bribe. That was the disturbing news.

Mr. Speaker, in order to deal with this, we need to think seriously how we should celebrate this day and how we instil democracy to the young people. It is agreed that they constitute 80 per cent of our population and yet what I have mentioned is how they stand in terms of integrity.

The good news is that between 75 per cent and 80 per cent of the East African youth valued faith. Democracy is not too far away

from faith. It is one way of implementing our faith. We believe in equality. We believe in common good. We believe in peace. All those are found in faith and democracy. It is the right time now to capitalise on the above-mentioned finding. I can see how we can capture the faith of these young people into carrying out our democracy. The downside is that our youth do not trust politicians. It is a good time for us to chart the way forward on how we celebrate this democracy and at the same time involving the faith of our youth. I thought I should share the findings from the Aga Khan University because they were presented at the right time.

The Speaker: Thank you so much. I am intrigued by two Members who stood up, that is, Hon. Ogle and Hon. Susan. Hon. Members, it will be good to give the Speaker due notice by rising up early enough. Those are the last two I will give an opportunity.

Mr. Ogle: Rt. Hon. Speaker, right from the outset I would like to congratulate the Ugandan Minister for joining this House. I want to remind him that he is taking over from a very popular Member, that is, Hon. Bageine, who was an ally of this House in many ways. I expect him to perform no less than that - (*Applause*).

Coming to the Motion, in defining African Democracy, Mwalimu Nyerere used to say that African ancestors used to sit under a tree for days to discuss so many things. They would thrash out issues that were obtaining in the village then. They would do this on many days on end. He called that “our own democracy”. So, the West has nothing much to teach us about democracy. That was African democracy. However, let us be clear about something. The democracy we are talking about in this Motion is not African democracy. We are not sitting under that tree.

We are talking about democracy whose tenets are defined elsewhere.

We therefore have two ways of handling this issue. As Africans, either we choose to go back to those who sat under trees and discuss our matters out there in our own ways using our own African ingredients, or alternatively we apply the democracy and the standards that are set out there with their ingredients.

Now, the ingredients of the democracy being set out there are fundamental and critical. One of those important ingredients that we have accepted as Africans is the ingredient of term limit. There are no two ways about these things. We have got to accept their ways. One of those ways is having term limits in place. Secondly, you package your message according to certain ideals and philosophies. That is why we have left of the centre, right of the centre and so on. We cannot purport to be doing things their way up to a certain point. Either we do not do it at all or we do it the whole way. There are no two ways about it.

In Africa, we have a huge deficit of democracy as defined by those who have imposed it on us. They have imposed certain conditionalities of accountability, transparency, democracy – *(interruption)* -

The Speaker: Hon. Ogle, of course, you are contradicting a Member who rose earlier and quoted the Germany and the British democracy. So, maybe, you have to contradict it totally.

Mr. Ogle: I think when people refer to the UK and Germany no limit practice, I think they are getting it wrong. It is not in the African context. Honestly, given the two leading candidates in the USA presently, that is, Hillary Clinton and a demagogue called Donald J. Trump - *(Laughter)* -

The Speaker: Hon. Ogle, this being a rule-based institution, I would like us to use civil and parliamentary language when we are referring to senior citizens of the globe. I think the other adjective could be withdrawn.

Mr. Ogle: But that is what the whole world refers to him. Anyway, there is nothing uncivil about that language. However, the point is this: Given the ratings of those two candidates, the one person who would have beaten them easily would have been Barrack Obama. However, because of the principle of term limits, he cannot present himself as candidate for a third term. That is respectable and sensible. That is democratic. Do not tell us that we are democratic and that we want to be this and that because we are Africans! There is nothing called the African way. In fact, sometimes we start killing our citizens in the name of extending a term limit besides the other selfish interests we have in all these things. What Africans tell us out there is that, “Do not worry. You do not have anything to tell us. We are handling these things in an African way. There is going to be an African solution to this problem.” They would say that and yet that person is killing innocent people. Where are the so-called ideals of democracy?

In Germany and the UK leaders do not kill people. They are very civil. In fact, when somebody wants to extend their leadership, it is based on his or her programmes, ideals and philosophies. You do not have to kill! I do not understand how we can combine the idea of democracy in the midst of all these bloodshed and conflict. This region is well known and has notoriety for a deficit in terms of democratic tenets. I think we are teaching the youth some bad manners if we are going to pursue democracy in the sense we are doing now.

Thank you, Mr. Speaker.

The Speaker: Finally, Hon. Susan.

Ms. Susan Nakawuki (Uganda): Thank you, Mr. Speaker. I would like to thank you for the opportunity. I will be cheating myself if I do not talk about this important Motion. Let me also add my voice in congratulating Hon. Julius Maganda, my constituent, upon his appointment to this important docket of the East African Community Affairs. This is a very busy docket, but I am sure he will handle it ably because I know his capacity very well.

Allow me to appreciate the Mover of this important Motion for a job well done. I appreciate the fact that she has really pegged it on the youth. We all know that we cannot talk about democracy ably without talking about the youth because they constitute the biggest constituency all over the world. There is no political leader who can ever make it without the full support and backing of the young people.

Mr. Speaker, I want to appreciate Hon. Dora Byamukama. She gave a broad definition of the word “Democracy” as “People Power”. I would like to change it to “the youth’s power”. This is because the youth determine any elective position across the globe. It is important that as we talk about democracy it goes hand in hand with the youth. As we involve the youth in the democracy aspect in the world we need to look at their participation in decision-making. I would like to appreciate the Government of Uganda because there are specific positions allocated to the youth in the Parliament of Uganda. *(Applause)*

I feel that the voice of the youth is ably represented. I know you got your own training from that platform of the youth in

Parliament. I also know that Hon. Tiperu was among the youth MPs in the Parliament of Uganda. Hon. Sebalu is another beneficiary of that particular arrangement. I would also like to appreciate the Government of Rwanda. They have a specific position pegged to the youth when it comes to EALA elections. I feel that the EAC can do even better. When you look at the Treaty for the establishment of the EAC under Article 50 when it comes to elections of EALA Members, it considers all different special interest groups, which include the youth. However, the nine positions in EALA cannot cater for all the different special interest groups; it is not practical. So, for a youth to be considered for EALA, it is at the mercy of Parliament. I would like to request the Council of Ministers – *(Interruption)* -

Ms. Byamukama: On a point of information, Mr. Speaker.

Ms. Nakawuki: I will take the information, Mr. Speaker.

Ms. Byamukama: Thank you, Hon. Nakawuki, for giving way and hearty congratulations. The information I would like to give is that amongst the amendments to the Treaty which I alluded to the other day was an amendment that we increase the number of EALA Members from nine to 15. The only thing that I captured that day was on the issue of democracy where people are given a choice to choose without a limit. I am glad you have brought that point out. I look forward, Mr. Speaker, Sir, that you will give us a chance to bring substantive amendments to the Treaty so that the Council of Ministers can take it up.

Ms. Nakawuki: Thank you for that informative point. I pray that proposal carries the day. My prayer is that there is a specific position or two pegged to the youth in every

Partner State. This is so that as EALA Members are elected, at least two people come on that vote of the youth.

As I conclude, I would like to learn something from the Minister. We have had discussions with the Council of Ministers over the East African Youth Council and the youth councils in different Partner States. I know that the United Republic of Tanzania where the Chairperson of the Council of Ministers comes from does not have a youth council. We had requested for an East African Youth Council. Have those two been concluded upon? If so, are they actually operational? They could be just on paper! I just want that update.

The Speaker: Thank you, Hon. Susan. Members may want to know that when Susan was being elected to come to this august House she represented about three shades of interests. Of course she first qualified in her own right as a Ugandan citizen as per the definition of qualification by the Treaty. She was, however, considered as a youth, a woman and as a person of independent mind standing without any political alignment.

Hon. Tiperu.

Ms. Tiperu: Thank you, Mr. Speaker. Allow me to take this opportunity to thank all the Members who have contributed towards the Motion, and with special reference to Hon. Dora Byamukama, Hon. Mike Sebalu, Hon. Martin Ngoga, although the amendments he proposed are already embedded in the Motion, Hon. Ogle, Hon. Mwinyi, Hon. Kessy and Hon. Nakawuki.

I take this opportunity to congratulate Hon. Nakawuki upon being a new mother. This is a very delicate period for a woman. You have to balance being a Member of Parliament, managing the pregnancy among other issues.

From reliable information that we obtained as the Uganda Chapter, we were informed about your support towards her and we want to thank you for being a very gender sensitive Speaker. You offered Susan all the necessary help and guidance and that is why I can see her glowing today. We welcome her back. *(Applause)(Resumption of Debate)*

I am glad and believe that with that overwhelming support the Motion will carry the day. Today EALA joins the rest of the IPU Members in celebrating the International Day for Democracy. We will be celebrating this day on 15th September. I hope that Members will have an opportunity to interact and discuss more on the issue of democracy.

Looking at the manner in which the Members have debated, you can clearly see that we are looking for an opportunity to reflect. For instance, for the case of East Africa, we need to ask ourselves where we are coming from and how the region was before.

You cannot ignore the fact that EAC has countries, which are young in terms of democracy, and we have had cases of instability, but today we have relatively grown. Our leaders in the region have done their best to ensure that the region remains democratic.

We have regular elections and more participation of all segments of society, particularly the women, the youth and persons with disability. Generally, we are not doing badly. We could be having cases of instability here and there, but we pray that we are on the right path so that people participate and institutions of democracy are strengthened and built. I urge the Summit to ensure that the EAC becomes stable as before.

Members have already said that this Motion is timely. On a personal note, I am very proud today because with the facilitation you gave us when you sent the Aga Khan team here we all felt that this was the time for this Parliament to rethink the way EAC works. We now speak with information having learnt that the youth are the majority in the region.

We were able to dissect the parliaments in the region. We realized that their participation may not be as their population demands. We have been told that a few years to come this region will have a process called the double dividend. We will have the largest population of labour force in Africa.

I want to thank the EAC States because that labour force will be relatively skilled. This is because all the East African governments undertook the issue of Universal Primary Education (UPE). Our focus should be to see that this labour force is skilled. As East Africa now prepares to talk about democracy and seeing how to engage these young people in politics and decision-making in our economies how skilled will that labour force be by that time? With that big labour force this region will be a huge investment destination.

I want to thank you and the IPU Secretariat for proposing that the youth oriented theme be the focus of the celebrations. We have seen that there is a problem. There are tendencies of abuse of drugs emerging in Africa and East Africa in particular. Since we have been told that there are some governments where the youth are more nationalistic compared to others, it is time to draw and have a region identity. This is the time to talk about East Africanness. This is the time for us to see how our democratic institutions can be built. Parliament is the organ that champions democracy. The

people's views are spoken from Parliament. I believe that during the celebrations many of these topical matters will be discussed and the governments' eyes will be opened to focus on unemployment, entrepreneurship and performance.

We have information that most of the young people tend to forget those they vote in after elections. This is because most of us politicians do not go back to the population after receiving their votes. The manifestos of individuals or governments are not fulfilled. I think that such engagements and discussions show that this is the time that most of our people are going to ensure that whatever they pledge is fulfilled. As a region we should champion democracy and all its tenets. *Ahsanteni sana.*

The Speaker: I know the Chairperson of the Council of Ministers did not rise to contribute to do this. I do not know if there are issues the Council would like to address itself to. There are issues related to the establishment of the institution of the East African Youth Council and so on. It is fair that before I put the question I give her a chance to speak.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio): Hon. Speaker, I thank you for giving me this chance to respond to the issues, which were raised by Members of Parliament. Before I do that I would like to take this opportunity to congratulate Hon. Maganda for being appointed to be the Minister of State to deal with the EAC affairs. I welcome you on behalf of the Council.

I would also like to congratulate and appreciate the work done by Hon. Ogle and his team on the journal. I have gone through it and seen that the topics are current. I am

looking forward to reading it deeply. I know it will help us. I was thinking that if I had some copies I would take them to the United Republic of Tanzania Parliament.

I would also like to acknowledge the work and Motion raised by Hon. Nusura. This is a current Motion. I do not see anybody here who would go against the Motion because it is related to the principles of good governance of the EAC.

On behalf of the Council, I have taken note and will submit issues which were raised. The first one is to encourage Partner States which have not yet adopted the African Charter on democracy, elections and good governance. I will report that to the Council. I have also noted that Members of this august House wanted to fast-track the process of establishing the institution which will be dealing with the youth within our EAC States.

I have taken note of the call to encourage member States to champion democracy and celebrate the international day of democracy. This is an important issue which is also raised in the international charter. I have also taken note of the fact that member States have been encouraged to make sure that they make justice accessible. They should also make sure that fundamental rights are conferred within the member States.

I also noted Hon. Susan Nakawuki's remarks on the position of the youth who will be elected to this Assembly. Tanzania had set an example by ensuring that the youth are exposed and given opportunities and positions. If you look at the Ministers who were appointed in the fifth Government, we have the Ministry of Youth and it is headed by a youth. We will make sure that we encourage that. I thank you.

The Speaker: Thank you, Hon. Chairperson of the Council of Ministers.

Hon. Members, the Motion before this Assembly is that:

This Assembly do resolve to celebrate the International Day of Democracy on the 15th of September 2016.

(Question put and agreed to)

The Speaker: I congratulate Hon. Nusura Tiperu for her timely introduction of this Motion on behalf of the Members. EALA belongs to that realm of institutions or parliaments that constitute the IPU.

Hon. Chris Opoka Okumu – *(interjection)* -

Mr. Ogle: On a point of procedure, Mr. Speaker.

The Speaker: Yes, what is it?

Mr. Ogle: Mr. Speaker, I do not intend to interrupt my very good friend, Mr. Chris Opoka Okumu, who intends to move a matter on the administration of the East African Court of Justice (EACJ). Before he does that, I want to remind you that last week I stood and informed you that there was supposed to have been on the Order Paper a Motion, which was moved then.

The notice was given by Hon. Mwinyi regarding the administration of EALA, before we go to the EACJ. It was about our own Assembly's administration. You promised that you were going to look at that, Mr. Speaker, and we are almost going to the end of our sitting and yet that Motion is not there. Would you kindly give us some guidance on that one?

The Speaker: By good luck you are seated next to the mover of that Motion. I guided you that that Motion has been discussed with the mover and the Speaker. The Motion is alive and we have an agreed position. I kindly request that you share more deeply with the mover and there is nothing absolutely wrong with that.

Proceed, Hon. Chris.

MOTION TO SEEK LEAVE OF THE ASSEMBLY FOR THE INTRODUCTION OF A PRIVATE MEMBER'S BILL ENTITLED THE ADMINISTRATION OF THE EAST AFRICAN COURT OF JUSTICE BILL, 2016.

Mr. Chris Opoka-Okumu (Uganda): Hon. Speaker, before I move the Motion, permit me to first congratulate Hon. Maganda for his election to Uganda Parliament and for his appointment as Minister of State for EAC. Today, he is being sworn in as a Member of this House.

Allow me also to congratulate Hon. Ogle and his team for producing this very wonderful magazine, *the Integrator*. They have done a very good job. Lastly, permit me to congratulate my sister, Hon. Susan Nakawuki for a job well done in fulfilling God's order – "go and multiply and fill the earth". I welcome her back to the House. I understand that she fulfilled that job by giving birth to a *joogoo* – (Applause).

MOTION

Mr. Chris Opoka-Okumu (Uganda): Mr. Speaker, Sir, I beg to move -

"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. Chris Opoka-Okumu to

introduce a Private Members' Bill entitled: "*The Administration of the East African Court of Justice Bill, 2016*".

I beg to move.

(Several Members stood up to second the Motion)

The Speaker: Hon. Dora, Hon. Frederic, Hon. Kimbisa, Hon. Kessy, Hon. Bazivamo, Hon. Dr. Martin and all the Members who are standing.

Hon. Chris, pursue your Motion by way of presenting it and giving justification.

Mr. Chris Opoka Okumu (Uganda): Rt. Hon. Speaker,

Whereas Article 59 of the Treaty for the Establishment of the East African Community and Rule 26(1) of the Rules of Procedure of the Assembly provide for Members to introduce Private Members' Bills;

And Whereas Article 9 of the Treaty establishes organs and institutions of the Community, and among them being the East African Legislative Assembly (EALA) and the East African Court of Justice (EACJ);

Cognisant of the fact that their effective, efficient and structured operation, the Assembly and the EACJ require comprehensive legal frameworks;

Aware that the Assembly has already enacted the Administration of the East African Legislative Assembly Act, 2012 for its effective and efficient discharge of its function;

Now Therefore, this Assembly do resolve to grant leave to Hon. Chris Opoka Okumu to

introduce the Administration of the East African Court of Justice Bill.

Mr. Speaker, the third arm of government is the court of justice. For its efficient and effective administration of justice, it needs to have some independence in running the affairs of the Court.

This Bill seeks to give the EACJ a leeway in running its administration and to establish a commission just like the EALA Commission to manage and organize the business and programme of the court and to make recommendations to Council of Ministers on terms and conditions of services for judges of the court and other staff of the court.

This Bill seeks to enable the Commission to make recommendations to the Council of Ministers on the appointment and promotion and exercise disciplinary control over officers and other staff of the Court. They should also cause to be prepared financial year estimates of revenues and expenditures of Court for the next financial year. The Bill also addresses the issue of tenure of office of members of the Commission.

It is very important to ensure that we create conditions that are necessary for judicial independence and to promote the efficiency and effectiveness in the judicial system. Judicial independence and impartiality are essential pre-requisites for the operation of the justice system. With expanded jurisdiction of the Court, it is very important that we accord the Court some independence in running the system. In Uganda there is already a Bill to create the same sort of independence for the judiciary. In Tanzania, there is the Judicial Act of 2011 which does the same thing.

For the effectiveness of running the judicial system and the EACJ, it is important that they

have some leeway in training, recommendation for recruitment of staff of the Court and putting up their own programmes so that the system can run more effectively and efficiently so that they can serve the people of East Africa well.

I beg to move.

The Speaker: Thank you, Hon. Chris. Honourable colleagues, I do not know whether you wish us to debate this, but I think Hon. Chris has made a very good case. We are all aware that the Council of Ministers has granted both the Assembly and the Court administrative and financial autonomy and we can only enhance this process by doing what Hon. Chris is praying for. So, without being misconstrued as stifling debate, I beg that I put the Question.

(Question of the Motion proposed)

The Speaker: Hon. Members, the Motion before us is as follows:

“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. Chris Opoka-Okumu to introduce a Private Members’ Bill entitled: “*The Administration of the East African Court of Justice Bill, 2016*”.

(Question put and agreed to)

QUESTIONS FOR ORAL ANSWER

QUESTION REF: EALA/PQ/OA/3/03/2016

The Speaker: Hon. Bazivamo...I had to make sure that his Question comes on the floor because I am not so sure whether you

will enjoy his company in the next meeting -
(*Laughter*).

Mr. Christophe Bazivamo (Rwanda): Hon. Speaker, I beg to ask the Chairperson, Council of Ministers Question Ref: EALA/PQ/OA/3/03/2016.

“In the Malabo Declaration, African Countries committed to allocate at least 10 per cent of their respective budgets to agriculture, and to eliminate hunger by 2025.

The EAC region took agriculture as a priority and increasing agriculture production is of high importance.

Having in mind that increasing availability and access of inputs to farmers is one of the most important strategies to increase agriculture, livestock and fisheries production:

Could the Council of Ministers explain to this august House?

- (i) whether the region has fertilizer production plants in every Partner State;*
- (ii) the level of production of fertilisers in the region to fulfil the demand by our farmers; and,*
- (iii) what has been done to address the consistent problem of lack of sufficient quality and quantity of livestock and fish feeds?”*

The Speaker: Hon. Chairperson, Council of Ministers.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-officio): Hon. Speaker, whether the region has fertilizer production

plant in every Partner State, I would like to respond as follows:

The Kenya Government is currently in the process of constructing the US\$1.2 billion fertilizer plant in Eldoret and a public/private partnership involving Toyota Shusho East African Company. The project construction will be implemented in two phases where the first phase will see construction of Nitrogen, Potassium, and Calcium (N-P-K) production plant while the second phase will see Toyota construct a plant for production of Diammonium Phosphate (DAP), Urea and Calcium Ammonium Nitrogen (CAN) fertilizers.

The first production of the latter is expected to be commissioned later this year. It is expected that the plant will contribute towards significant reduction in the cost of fertilizers in Kenya and the EAC region.

Mr. Speaker, Sir, Minjingu Organic Hyper Phosphate Plus is produced in Tanzania. Minjingu is a high grade and reactive natural fertilizer. It is rich in minerals such as silica and calcium. The Minjingu Phosphate deposit is located 106 kilometres outside of Arusha, Tanzania along the Arusha-Dodoma Highway. It is part of the privatization programme by the Government of Tanzania. The Minjingu mines and fertilizer limited was established in 2001. The mines has the capacity of 100 tonnes per annum. The Minjingu has proven to be very beneficial to cash crops like coffee, tea, tobacco and sugar cane particularly in acidic soils found in large parts of Tanzania. Minjingu currently exports the beneficiate rock phosphate to South Africa, Zambia, Kenya, Uganda and Rwanda. The mine recently added a granulose plant that adds value by converting the beneficiate rock phosphate into a ready to use fertilizer. The plant will produce 30,000 tonnes of fertilizer annually.

With regard to the question on the level of production of fertilizer in the region to fulfilment of the demand of our farmers, I would say the following: Apart from the ongoing initiative in Kenya and Tanzania, the region still relies heavily on imported fertilizers. The Republics of Uganda, Rwanda, and Burundi currently do not have fertilizer production plants.

With regard to what has been done to address the consistent problem of lack of sufficient quality and quantity of livestock and fish feeds, I would like to answer as follows: In the EAC the issue of quality and quantity of livestock and fish feeds is critical in the enhanced performance of the livestock industry. The livestock sector contributes to food security and income generation leading to an overall economic growth of the region.

In the promotion of the safe trade, the EAC has developed a protocol for phytosanitary measures which is undergoing certification in the Partner States. This also addresses animal feeds and sanitary issues. The said SPS Protocol in Article 5(2) provides for harmonization for the inspection, certification and approval of establishments such as hatcheries, breeding centres, abattoirs, dairies, animal products and feed stuff.

Further, animal feeds standards are being developed under the EAC Standardization, quality assurance metrology, and the Testing Act of 2006. In this regard, standards have been developed. The animal feeds standards in the final stage of development include cattle feeds, poultry feeds, goats and sheep feeds, fish feeds and compound fish feeds. The draft standards on the animal, livestock and fish feeds have been developed by the EAC Standard Committee in liaison with the EAC Livestock Office. The standard will

enhance safe trade in livestock and fish feeds. Nevertheless, the livestock and fish feeds quantities produced in the EAC are determined by the amount of raw material produced and the demand of the feeds by the livestock and fish industries.

Currently, in the Republic of Uganda, there is a factory producing fish feeds. One other factory is under construction in Kenya. Nevertheless, the demand of animal feeds has increased substantially over time. This is linked to the increasing demand for food of animal origin in EAC.

In summary, the EAC is promoting safe trade across animal feeds as provided for in Article 45 of the EAC Common Market Protocol and the Malabo commitment with regard to boosting trade.

The Speaker: Thank you, Hon. Minister. Hon. Bazivamo, you may ask your supplementary questions.

Mr. Bazivamo: Thank you, Mr. Speaker. I have two supplementary questions. One is on fertilizers and the other on fish feeds. I appreciate the answers given by the Chairperson of the Council of Ministers. She cited fertilizer production going on in Kenya and Tanzania. She equally highlighted that we still rely heavily on imported fertilizers. Our region continues to suffer from food insecurity especially due to low production among other factors. Our region also requires raw material for fertilizer production. What is being done at the level of Council of Ministers and the Secretariat to ensure that this region stops to rely heavily on imported fertilizers?

Secondly, the Lake Victoria Fisheries Organization (LVFO) had its mandate extended to cater for the other Partner States. Ordinarily it was serving Uganda, Kenya and

Tanzania, but now it will include Rwanda and Burundi in future activities. The organization will also consider other water bodies in our region other than Lake Victoria. We have also realized that there is high demand for fish products. The consumption of fish per person is very low in our region compared to the international requirement. We are faced with a huge problem of lack of fish feeds. Could the Council of Ministers confirm if they will request LVFO to ensure that fish feeds are available in the region?

The Speaker: Hon. Members, mark the fact that the rules tie our hands not to debate, but ask supplementary questions meaning questions not outside what has been asked in terms of context.

Ms. Valerie Nyirahabineza (Rwanda): Hon. Speaker, I will limit myself to the spirit of the two questions raised by Hon. Bazivamo. This is actually in line with fertilizer problems. Considering that the EAC is faced with a problem of water hyacinth not only in the Lake Victoria, but also in other water bodies and considering that the plant has been harmful to the aquaculture industry and is also environmentally unfriendly, could the Council of Ministers inform this august House whether the region is aspiring to get a regional or an EAC fertilizer plant?

We have been told that experts did thorough studies on the importance of water hyacinth. It was discovered that the plant can be a source of energy and also be used as fertilizer. Based on the availability of the plant, which is causing problems, could the Council of Ministers tell us whether the EAC is intending to have a regional fertilizer plant?

Ms. Nakawuki: Mr. Speaker, Sir, I would like to find out from the Minister what percentage of the budget during the financial

year 2015/2016 has been allocated to the agriculture sector by our five Partner States and the EAC at large at the Secretariat level? We need to ensure that this particular declaration you are talking about is complied with considering that we only have nine years left to the 2025 target.

The Speaker: I now invite the Chairperson of the Council of Ministers to respond to those supplementary questions.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-officio): Hon. Speaker, I thank the Members for asking the supplementary questions. I would like to respond to the two questions that were raised by Hon. Bazivamo and also supported by the question by Hon. Dora. On the question about the extended mandate of the LVFO, this organisation was dealing in the production of fish feeds and there has been a thorough study on fish feeds production. The organisation had conducted thorough studies on fish feeds production. I confirm that the organisation can deal with the responsibility which was given to it.

With regard to the water hyacinth being harmful to the production of fish, there are scientists who are able to manage any harm that is occasioned to our fish. They are able to put the necessary mechanisms in place even as they perform the tasks they have been given.

With regard to what was raised by Hon. Susan on the budget set aside by Partner States, I cannot remember everything about the Partner States, but I can tell you the budget that was set by the Tanzanian Government for this financial year in the agriculture area. Actually it is 4.9 per cent.

This is an ongoing process and I think in the next financial year this percentage will be increased.

On the issue of low production of fertilizers and our dependency on the imported fertilizers, this is normal. Even developed countries do not depend much on everything they have. We have in place what I mentioned earlier. We will, however, encourage Partner States to establish fertilizer plants. We cannot force member States to have fertilizer plants. This will depend on the budgets and resources of the specific countries. The ones I mentioned are the ones that had planned for the construction of the plants in their budgets and depending on their resources. I have taken note the concerns of the Members that member States endeavour to establish fertilizer plants. I hope they will take the guidance.

The Speaker: Thank you, Chairperson of the Council of Ministers. You also need to take note and take to the Council the concern which has been raised by Hon. Nakawuki. The picture of the Partner States is more or less the same in terms of how much has been allocated to the sector of agriculture. None of the States has met the Malabo and Maputo declarations and yet all our Partner States are signatories and parties to these declarations. This concern should be taken to Council. Again, the water hyacinth is a menace that can be turned into a fortune.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-officio Member): Hon. Speaker, I have taken note of that observation and I know that we are supposed reach at least 10 per cent of our budget in terms of agriculture. I know the member States know that. We will encourage the Partner States to

adhere to the Malabo Declaration. I have taken note of the water hyacinth issue.

QUESTION: EALA/PQ/OA/3/04/2016

Mr. Abdullah Ally Hassan Mwinyi (Tanzania): Mr. Speaker, Sir, I beg to ask Chairperson of the Council of Ministers the following Question; Ref: EALA/PQ/OA/3/04/2016:-

As you are aware, Section 10 (g) of the East African Community Immunities and Privileges Act, 2004 read together with sections 13 to 16 of the Diplomatic and Consular Immunities and Privileges Act, No. 5 of 1986 of the United Republic of Tanzania are in line with sections 2 and 3 of Article VII of the Headquarters Agreement between the Government of United Republic of Tanzania and the Secretariat of the EAC.

You are further aware that the provisions provide the right to staff of EAC to purchase ex-bond or import free of duty their furniture, personal effects and other articles for personal use or for use of their members of family forming part of the household including articles intended for their establishment provided that, the articles so imported shall not be sold or otherwise disposed of except as agreed with Government.

Paragraph 7 of the Guide on Diplomatic Immunities further states that, Tanzanian citizens employed in international organisations are exempted from payment of customs duties. Furthermore, the EAC laws allow exemption as returning residents for EAC staff on termination/end of their contract where they were posted in another Partner State. *This facility should be extended to EAC staff who work for EAC within their home Partner State.*

Therefore, could the Chairperson of the Council appraise this august House -

- (i) As to why Tanzanian citizens (including EAC Staff and EALA MPs) who are in the service to the Community and therefore exempted from payment of duties under the Tanzanian and EAC laws, continue to pay duties for vehicles they purchased duty free at the end of their service to the Community?
- (ii) What is the Council doing about this discriminatory tendency towards Tanzanian citizens (including EAC Staff and EALA MPs) upon completion of their services despite EAC's legal position that they shall be entitled to equal treatment irrespective of political inclination, gender, colour of skin, religion, culture, education, social status, ethnic affiliation or nationality?
- (iii) Is the Government of the United Republic of Tanzania ready to refund the duties it collected from the staff and Members of EALA who were wrongly forced to pay those duties upon completion of their service with the Community?

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-officio Member): Hon. Speaker, as to why Tanzania citizens, including the EAC staff who are in the service of the Community and therefore exempted from the payment of duty under East African laws continue to pay duties for the vehicles they purchase duty free at the end of their services to the Community my response is as follows:

The exemption of tax on vehicles by EAC staff and EALA Members is premised on the

Headquarter Agreement which the EAC concluded with the Government of Tanzania. Under the Agreement, the staff of the EAC are entitled to motor vehicles tax free. This is because the EAC enjoys diplomatic status in Tanzania. Upon expiring of the contract, the staff are granted exemption of duty for only one vehicle under the East African Community Custom Management Act, 2005 as returning residents to their home countries. The exemption is accorded to any returning resident to his or her home country on the first arrival for as long as the person has owned the vehicle for more than one year outside the country. This is international practice in customs and proof of return and the ownership has to be provided. This includes stamped passport showing arrival in the country and certificates of ownership confirmation of the contract abroad.

In the case of the EAC staff and the EALA Members of Parliament from Tanzania, the Custom does not cover them because they are not returning residents since they have owned and driven the vehicles in Tanzania. They are therefore requested to pay taxes when they register the vehicles from the EAC numbers.

The other question is on what the Council is doing about the discriminatory tendency towards the Tanzania citizens, including EAC staff and EALA Members of Parliament upon completion of their services despite the EAC legal position that they shall be entitled to equal treatment irrespective of the political inclination, gender, colour of skin, religion, culture, education, social status, ethnic affiliation or nationality. This is a matter that needs to be brought to the attention of the Tanzania Government which can then give special dispensations to Tanzanian citizens upon completion of their tour at the EAC based on the fact that the other members of staff from other counties enjoy duty free

facilities on one vehicle upon returning to their homes.

The EAC Secretariat will bring the matter to the attention of the United Republic of Tanzania for redress. The United Republic of Tanzania has a voucher system which can be extended to EAC staff even though this is purely under the jurisdiction of the Tanzania Government. It is, however, important to note that the staff of the EAC working in the institutions hosted in the Partner States and are citizens of those host countries also do not enjoy the facilities when they finish their tour. Similarly, Kenya citizens returning to Kenya are not allowed to register vehicles they have owned if they are more than eight years old.

On issue No.3 whether the Government of the United Republic of Tanzania is ready to refund the duties it collected from the staff and Members of EALA who were wrongly forced to pay those duties upon the completion of their services within the Community, I would like to respond as follows: Given that the East African Customs law is specific on this matter and the Government of Tanzania is following the law, it may not be possible to get refunds for those who have been paying taxes. The Tanzania Government and other Partner States will be requested to consider giving a special facility to EAC staff at the end of their tour from EAC institutions and are citizens of those host Partner States. This is according to the law.

Mr. Mwinyi: I thank the Minister for her very good response. I must add that the essence of elevating the EAC to the status of an international institution should guarantee equal treatment of all staff as well as persons working within the EAC. I urge the Chairperson of the Council of Ministers to ensure that the Tanzanians and any other

national working within the geographical location of a given institution of the EAC are afforded the same privileges that all EALA Members and staff are guaranteed.

I understand the response in that this matter is in a sense legal. However, the Treaty is a legal instrument and it accords certain privileges to those who work for the EAC. I am requesting that the Chairperson liaises with the relevant Tanzania authorities so that special dispensations and beyond that, legalities are put in place. This matter should not be dealt with on a case by case basis. I thank you.

The Speaker: Hon. Minister, this matter does not only affect Tanzania citizens. EAC is defined in totality with all its other organs and institutions, which are all over the Partner States. I am sure they have host obligations everywhere. We need to synchronize. Please, take note of that.

Hon. Members, you are supposed to ask supplementary questions and not to debate. Just go to the questions!

Mr. Benard Mulengani (Uganda): Thank you, Mr. Speaker. I am well guided. Could the Chairperson of the Council of Ministers having referred to the Headquarters Agreement inform this House on their interest as Council in the effort of harmonising the Headquarters Agreements of the various institutions and organs of the Community and ensure that the East Africanness of the integration is replicated everywhere we have institutions of the Community?

Secondly, on the issue of Environmental Tax, when a Member or member of staff imports a car into Tanzania the requirement is such that the car should be in the range of years that do not collect environmental tax. However, by

virtue of the time some of us have stayed here, eventually the car goes beyond the period required back home. On return the car seemingly appears old. What is the effort of the Council in the area of harmonisation of the Environmental Tax in the region?

Mr. Ngoga: Thank you, Mr. Speaker for the opportunity. Could the Hon. Minister inform this House whether, without prejudice to the sovereign right of a Partner State in terms of the laws they make in domestic jurisdictions, this legal position in Tanzania is informed by similar and other practices in terms of how host countries treat international organizations located there beyond the EAC?

Mr. Sebalu: Thank you, Rt. Hon. Speaker. I want to get it from the Chairperson whether she appreciates that diplomatic practice in all jurisdictions demands that host nation obligations are standardised in order not to deny some members of staff privileges that are accorded to them from the Treaty. We have many organs and institutions in different Partner States which should accord their staff privileges that are accorded to them in the Treaty. Does the Minister appreciate that position of the diplomatic practice and etiquette in that regard?

Mr. Ogle: From the answer given by the Minister, my understanding is that Tanzania members of the EAC will not be compensated because they have no passports. That they have nothing to show in their passports that it has been stamped. Where does she expect the passports to be stamped when they are already in Arusha?

The Speaker: We appreciate the fact that you were comparing notes with some other members out there. However, the Minister stated that they are trying to correct those technical anomalies for the United Republic of Tanzania.

Hon. Minister.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania and Chairperson EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-officio Member): I want to thank all the Members who have asked supplementary questions. With regard to the Environment Tax, the Council will make a follow up on the issue of harmonizing the Environmental Tax Rules and when they are ready we will submit them and we will all have a chance to see how this is handled.

The issue of the protocol on privilege and immunity is under ratification. It will include all the concerns you have raised. For instance, the Tanzanians working under the EAC in Arusha and within the host State cannot be provided with the privileges which are given to those who are citizens of other countries and work here in Arusha. All these issues are going to be harmonised. We cannot say that we will pay back the taxes that were paid by the Tanzanians who were working under the EAC institutions while they were in Tanzania. We cannot do so because the law does not allow. Ratification and harmonization of this concern will be seen in the revised protocols.

Hon. Ogle talked about stamping of the passports. This is just an evidence to show that you were outside the country. We are supposed to consider that. It is not a requirement just for the Tanzanians. It applies even to those who are outside Tanzania. When you need to be exempted, you need to provide proof that you were outside the country which is hosting.

The Council has decided that ratification will be done and the concerns raised by Members in this august House will be considered. All of the issues raised were not considered in the

privileges that are provided in the current Agreement. Those who serve in the international organizations within the EAC States should be able to get the privileges given by other member States.

The Speaker: Thank you, Hon. Minister. This House has a number of Members from Tanzania who are retiring in not more than a year from now. We also have staff whose contract maybe ending and may not be renewing. This is not only discriminatory to the citizen of Tanzania but also a disincentive for Tanzanians to come and work in the EAC. As we stated earlier, it applies to other institutions of EAC in other Partner States. The harmonisation is crucial to us and time is of great importance in the process.

Hon. Members, before I conclude, I have a small announcement to make:

ANNOUNCEMENTS

The Report of the Committee on Accounts has been laid on the Table and circulated. Please, read it. Tomorrow we shall have the presentation and debate will ensue. If we do not conclude it tomorrow, we will push it to the next day.

Secondly, this Assembly received and has property in the name of the Whistle-blowers Bill, which was moved by Hon. Zziwa. I had earlier on referred it to the Committee on General Purpose. Technicalities and administrative prevailing situations are such that the Committee on General Purpose is overloaded. They do not only lack time, but they also lack the financial resource to deal with this Bill. We, therefore, have considered that we re-route it to the Committee on Accounts on the simple logic that when we are budgeting we give every Committee equal resources for legislation, oversight and otherwise. The Committee on Accounts has

not received any Bill. The Clerk should make necessary adjustments on that Bill.

ADJOURNMENT

The Speaker: Hon. Members, I thank you so much. The House now stands adjourned until tomorrow Wednesday, 31 August 2016 at 2.30 p.m.

The Assembly rose at 6.25 p.m. and adjourned until Wednesday, 31st August, 2016.