



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

3RD SITTING - THIRD ASSEMBLY: SECOND MEETING – FIRST SESSION

Tuesday, 4 September 2012

The East African Legislative Assembly met at 2.40 p.m. in the Old Chamber, Kenya National Assembly, and Nairobi.

SPECIAL SITTING OF EALA

The Kenya National Anthem

The EAC Anthem

(Played by the Kenya Police Brass Band)

PRAYER

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

(The Assembly was called to order)

PROCEDURAL MOTION

The Chairperson of the Committee on Legal, Rules, and Privileges (Ms Dora Kanabahita Byamukama) (Uganda): Your Excellency, President Mwai Kibaki, Chairperson of the Summit of the East African Community Heads of State, Madam Speaker, I would like to move a motion_

THAT This House, pursuant to the provisions of Article 55(1) of the Treaty and Rule 11 of the Rules of Procedure does resolve to hold sittings in Nairobi in the Republic of Kenya.

Madam Speaker, I beg to move.

Mr. Abdullah Mwinyi: Seconded.

Ms. Byamukama: Madam Speaker,

WHEREAS Clause 1 of Article 55 of the Treaty provides that the meetings of the Assembly shall be held at such times and places as the Assembly may appoint;

WHEREAS Rule 2 of the Rules of Procedure provides that the seat of the Assembly shall be at Arusha in the United Republic of Tanzania;

AND WHEREAS Sub-Rule 7 of Rule 11 provides that the Assembly may, on a resolution by the majority of its members, decide to hold one or more sittings elsewhere within the Partner States other than its seat;

NOW THEREFORE, this Assembly do resolve as follows:

THAT pursuant to the provisions of Sub-Rule 7 of Rule 11 cited above, the Assembly shall hold sittings in the Chamber of the Kenya National Assembly from today Tuesday, 4 September 2012 up to Thursday, 13 September 2012.

Madam Speaker, I beg to move. (Applause)

(Question put and agreed to)

PROCLAMATION

The Speaker: Honourable Members, amidst us today is His Excellency Mwai Kibaki, President of the Republic of Kenya. (Applause) I have in accordance with the provisions of Article 54 of the Treaty invited him to address this Assembly.

I would now like to make the following proclamation to welcome the presence, in the Assembly, of the President of the Republic of Kenya.

WHEREAS Clause (1) of Article 54 of the Treaty provides that the Speaker of the Assembly can invite any person to attend the Assembly notwithstanding that he or she is not a Member of the Assembly; if in his or her opinion the Business of the Assembly renders his or her presence desirable.

AND WHEREAS in the opinion of the Speaker, the attendance and presence in the Assembly of His Excellency the President of the Republic of Kenya and current Chairperson of EAC Summit of Heads of State is desirable in accordance with the Business now before the Assembly.

NOW THEREFORE, It is with great pleasure and honour, on your behalf Hon. Members to welcome in this Assembly, the presence of the President of the Republic of Kenya. (Applause)

WELCOMING REMARKS BY THE SPEAKER OF EALA AT THE ADDRESS BY HON. KENNETH MARENDE, SPEAKER OF THE KENYA NATIONAL ASSEMBLY

The Speaker: Your Excellency Mwai Kibaki, the President of the Republic of Kenya; Rt. hon. Kenneth Marende, Speaker, Kenya National Assembly; hon. Musa Sirma, Chairperson, EAC Council of Ministers; hon. Ministers; The Secretary General of the EAC; hon. Members of EALA and Kenya National Assembly; Your Excellencies, Ambassadors and High Commissioners; distinguished guests, ladies and gentlemen.

I wish to first of all thank the Rt. hon. Kenneth Marende, Speaker of the Kenya National Assembly and, indeed, the entire Government of the Republic of Kenya for accepting to host EALA at the occasion of the Second Meeting of its First Session. EALA appreciates the fact that the Rt. hon. Marende has judiciously, yet graciously, offered us, once again, the use of the facilities of the Kenya National Assembly for our Meeting. We are truly grateful. (*Applause*)

The relations between the Kenya National Assembly and EALA continue to be very warm and cordial. I wish to acknowledge that the Rt. Hon. Marende has rendered to me firm support since I ascended to Speakership, and he has accorded the same to the Members of the Third Assembly. (*Applause*) I wish to re-affirm that both Assemblies continue to harness on the strategic roles in legislation, governance and democracy, and together we shall continue to collectively learn from each other and build synergies across the Community. We consider the Parliamentary precincts here to be our second home, and we always have a sense of belonging whenever we sit in Nairobi.

Again, on behalf of the Assembly and on my own behalf, I congratulate the Rt. Hon. Marende over the recent completion of the refurbishment of the Chamber. I was honoured to attend the official opening on August 2012, and I witness the event occasion, it was colourful. I am optimistic that the refurbished chamber will greatly aid the legislative and representative roles of Members of Parliament.

In addition, as the presiding Officer of the House, Rt. Hon Marende has spearheaded various reforms including the revision of standing orders and the introduction of live broadcasts of parliamentary proceedings. Regionally, Rt. Hon. Marende continues to contribute to the integration process and is an active Member of the Bureau of the EAC Speakers, the umbrella body the National Assemblies which they are using to spearhead the set up of a mechanism of institutional arrangements at the EAC.

With these few remarks, I now take this opportunity to invite the Rt. Hon. Kenneth Marende to make his remarks. (*Applause*)

WELCOME REMARKS BY THE SPEAKER OF THE NATIONAL ASSEMBLY OF KENYA HON. KENNETH MARENDE

Mr. Kenneth Marende: Your Excellency the President of the Republic of Kenya, Commander in Chief of the Defence Forces and Chairperson of the Summit of the Heads of State for the East African Community Hon. Mwai Kibaki, CGH, MP

The Vice President of the Republic of Kenya, Hon. Kolonzo Musyoka

The Speaker of the EALA, my good sister, Rt. Hon. Margaret Nantongo Zziwa, M.P.

The Chairperson of East African Community Council of Ministers, Hon. Musa Sirma and your colleague ministers.

Hon. Members of the EALA

Hon. Members of Partner States present

Ladies and Gentlemen

It is my pleasure, honour and singular privilege to welcome you to Kenya, and more so to the Kenya National Assembly and to address you on this auspicious occasion of the 2nd meeting of the 1st Session of the 3rd Assembly of East African Legislative Assembly (EALA)

Allow me Your Excellency, to appreciate your presence this morning, by which, you continue to actively demonstrate your commitment to the integration of the East African Community and to its ultimate goal. *(Applause)*

Hon. Members, I urge that we all feel completely welcome and ready to discharge the business before the Assembly at this sitting. As the Speaker of the Kenya National Assembly, I will endeavour to put in place all necessary measures to ensure your comfort and to provide the requisite facilities to offer an enabling environment that will actualise your effective delivery. *(Applause)*

Permit me to ride on this opportunity to congratulate my sister, Rt. Hon. Margaret Zziwa, M.P for being elected the Speaker of EALA and further to congratulate all Members of the Assembly- *(Applause)*- and perhaps most significant for being the first Lady Speaker of EALA. *(Applause)* And further to congratulate all members of the Assembly on their election. *(Applause)*

Your Excellency Sir, perhaps one would say that the last election out of which these members were elected were elected will stand going to the annals of our history as the most democratic election ever held in the region. *(Applause)*

I am aware that you are all women and men of substance that your tenure will be productively eventful. Commence your rightful mandate with clear focus on your Pan-East African obligation, dedication, assurance and commitment without fear or favour for the benefit of the people of the region. Remember always, it is the bigger vision that really counts with immediate tangible desires and expectations from each Partner State to have a process, system and

coordination to realize the benefit of co-operation including, inter alia, symbiotically beneficial enhanced economies of scale, multiplier accruals that grow greater per capita GDP and much more.

Your Excellency, Hon. Members, The dream of a solid East African Community (EAC) as conjured by our founding fathers is looking ever so real following the unified sense of direction and shot of fresh breath by our five (5) heads of State in office who have progressed the dream ever close to accomplishment. For this your, Excellency, kindly accept our commendation and convey the same to your colleagues the Presidents of Uganda, Tanzania, Rwanda and Burundi in ordering as you will find convenient. *(Applause)*

In any case, without necessarily assuming; history is reputed to repeat itself, the Pan-African movement that was initiated by the late Kwame Nkrumah, Mzee Jomo Kenyatta, Mwalimu Julius Nyerere and their brothers across Africa was not an initiative of a crowd, comparing very favourably with other major initiatives in the history of mankind. I want to encourage all of us to keep our eyes on the ball and consistently work on the core goal of the East African Community which is, as paraphrased by me, to improve the well being of the people of East Africa. I have no doubt that a political union will eventually take us there.

Your Excellency, Hon. Members, the foregoing said quite a bit of work still remains to be done. I urge all Members of EALA to roll up their sleeves and do all that it takes to leave for your respective legacies, inter alia, an enduring and enabling environment that will see the culmination of the aspirations and expectations of our constituents, the people of East Africa. We must fast track certain things that to me appear quick fixes such as issuance of the EA passport, removal of non-tariff barriers, establishment of an East African Parliamentary Training Centre which Kenya continues to bid to host, having set up her own Centre including the enabling by-laws in 2008, assent to domestication and enforcement of legislation that will see to and sustain a progressive East Africa.

Finally, Hon. Members, I reiterate that the Kenya National Assembly will remain steadfast in its support for EALA as need be to enable it realize the dream and mandate of bringing East Africans together as one people with one destiny, the East African Federation in the fullness of time, and ideally in our time. Welcome to the Parliament of Kenya and to our Country. On behalf of all Honourable Members of the Kenya National Assembly and staff, I wish you most fruitful deliberations. *(Applause)*

Nakama kawaida mujiyenjoy mwendeleye kukimba na kupanuwa usiano. (Applause)

WELCOMING REMARKS BY THE SPEAKER, EALA

The Speaker: Your Excellency Mwai Kibaki, the President of the Republic of Kenya;

Rt. Hon. Kenneth Marende, Speaker, Kenya National Assembly,

Hon Musa Sirma, Chairperson, EAC Council of Ministers;

Hon. Ministers;

The Secretary General of the EAC;

Hon. Members of EALA and Parliament of Kenya;

Your Excellencies Ambassadors and High Commissioners;

Distinguished Guests; Ladies and Gentlemen.

Permit me to welcome you to today's Special Sitting of the House at which you will be the first Head of State to address the Third Assembly; and an opportunity for the Assembly to bid you farewell.

This is the Second Meeting of the First Session of the 3rd Assembly which was inaugurated on June 5, 2012. Your Excellency, we are grateful to you for accepting to host this meeting in the beautiful city of Nairobi. Permit me also on behalf of EALA and on my own behalf to extend our deepest appreciation to you, the Kenya National Assembly and the people of this great Republic for the staunch and resolute support rendered to our predecessors – the 1st and 2nd Assembly. We look forward to the same collaboration in the coming future.

The Assembly pledges its support to Your Excellency during your tenure as Chairperson of the Summit as I assured you during our brief Meeting on the sidelines of the RIO+20 Summit in Rio de Janeiro, Brazil recently that we shall continue to support you whole heartedly. (*Applause*) We are also confident that you will equally provide us with the necessary support that we shall require in our legislative role.

I note with gratitude that the EAC region has realized a number of successes during the period of your Chairmanship exemplifying your dedication and desire to be a strong advocate for the integration process in all actions and deed. Some of these successes include the fact that EAC has commenced deliberations on the Monetary Union while putting in place far reaching measures to consolidate on the Customs Union and the Common Market pillars respectively. Economic growth has being sustained with notable increase in the GDPs across board and corresponding decrease in the challenges that hinder the free-flow of goods and make the costs of doing business rise-up.

It is during the same period that we also received applications from the Republics of Sudan, South Sudan and Somalia to join the economic bloc. The Assembly on its part is credited with the passage of 13 Bills and it has been a strengthened role in the integration process. It is also during your tenure as Chair that we witnessed a smooth transition to the 3rd Assembly.

Your Excellency, having said that I wish to reiterate our commitment to work closely with the Summit, the Council of Ministers and other Organs and Institutions of the Community for the

faster realization of the objectives and goals of our region. The 3rd Assembly shall be charged with consolidating the gains made by the 1st and 2nd Assembly and taking the integration process to the next level. We shall in no doubt need to transact more business in terms of legislation, oversight and representation as the region moves to effect the Monetary Union and sets the basis for the Political Federation.

Since our swearing-in, the Assembly has participated and benefitted from two induction programmes aimed at equipping Members with the information about the EAC and building their capacities to be able to judiciously, effectively and efficiently serve the region.

In this regard, we shall continue to play our part in the search for solutions to the challenges demanding our collective approach as a region to ensure all ranks and file of the people of East Africa enjoy the benefits of integration.

Top on this agenda are the NTBs barring the free flow of business in the region, lack of awareness among the citizens of the EAC and the need to speed-up implementation of the decisions of the Council of Ministers. EALA as the representatives of the people shall enhance its meetings with the wananchi through public hearings and sensitization efforts and take into account their feedback while legislating.

Your Excellency, May I take this opportunity to congratulate you for progressively steering the Republic of Kenya. *(Applause)*

We take cognizance of the fact that notable development has been realized in all areas of the country particularly in the area of infrastructure -*(Applause)*- and mainly on the roads and airport facilities. We recognize the impetus with which you have transformed the road network in the country. *(Applause)*

One can only marvel at the super-highways that are being built in Nairobi and beyond and that are bound to open up enormous opportunities for the region and spur economic development.

In the same breath, we wish to call on you to throw your weight on the realization of an EAC Railway Authority as a supra-national agency as a pre-requisite for development of the region, acknowledging the Railway's capacity to transport efficiently and cheaply. In comparison to the road network which can be developed exclusively, the rail network needs ideally to be developed basing on its inter-connectivity in order to enable all Partner States to immensely benefit. We note with concern that since the 1920s limited improvements in terms of rail-lines have been added on to the existing network. So we are banking on Your Excellency for support in the area.

Your Excellency, the discovery of oil in the Turkana region and the institutionalization of an Arid Lands Development Policy in Kenya's hitherto underdeveloped semi-arid north, deserve acclaim. They will go a long way to realize Article 105 of the Treaty in ensuring food sufficiency

within the Community: and indeed the move shall spur further development and create an impetus in the country and the EAC region.

Again, it shall be written firmly in the history books. Your Excellency, two years ago under your stewardship, Kenya delivered a new Constitution- (*Applause*) - that has been termed as revolutionary, strong on pillars of democracy of powers and it is also where we know that powers of devolution have been entrenched and this gives the citizenry a say in ownership and decision making. I salute you Sir! (*Applause*)

We as EALA shall constantly remember you for the free education programme -(*Applause*) - increased space and freedom of expression particularly in the media; better economy and infrastructural development that has come in with your tenure as the President. Even as you begin to wind down the clock on your constitutional mandate, EALA is happy to be associated with you following the profound transformation path upon which you have set this great nation.

Finally, I take this opportunity to pray that the upcoming elections shall be free, fair, peaceful and a landmark in the electoral history of Kenya. (*Applause*)

People all over the world are looking to East Africa as an entity to reckon with in the near future. It is our duty to ensure that the region is stable and peaceful and a lot of this is hinged on how we conduct our elections.

At the same time, it is important for the country to maintain peace and stability at all times. In this regard, we take the opportunity to commiserate with Your Excellency, the Government and the citizens of Kenya following the loss of lives and casualties arising from the recent clashes in Wajir, Tana-River and Mombasa. We note with appreciation the vital steps taken by the Government to investigate and to contain the regrettable incidents and once again appeal to the citizens to be calm.

Your Excellency, it is now with great pleasure and honour that I execute my humble duty of welcoming you to address this august Assembly, today, Tuesday, the 4th of September 2012.

I thank you all for listening. (*Applause*)

The President of the Republic of Kenya and Chairperson of the Summit of EAC Heads of State (H.E. Mwai Kibaki): Thank you.

The Speaker of the Kenya National Assembly,

The Speaker of the East African Assembly,

Honourable Members of the East African Legislative Assembly,

Ladies and Gentlemen,

I am pleased to welcome you all to Nairobi for the 2nd meeting of the 1st Session of the East African Legislative Assembly.

May I take this early opportunity to congratulate you, honourable members, for electing the Right Honourable Margaret Nantongo Zziwa-(*Applause*) - the first Lady ever to be elected as Speaker of the Assembly. (*Applause*) I wish madam speaker and all of you members much success in the years ahead. (*Applause*) I also welcome you all to Kenya.

Holding Meetings in Partner States is a good idea because it gives the people of East Africa the opportunity to witness at close quarters and understand the workings of the organs of the Community. More importantly, it gives them the opportunity to input into your deliberations. This meeting is, therefore, an integral part of our efforts towards deepening the integration of our region.

Madam Speaker, Honourable members, over the last ten years, the people of East Africa have made significant strides in the integration process. The different organs of the East African Community, including the assembly, have made important contributions to this process. However, more needs to be done. Indeed, I wish on this occasion to draw your attention to several ways in which the various organs of our community can perform better, and enhance cooperation and collaboration with national institutions.

In this connection, greater collaboration and more linkages between the East Africa Legislative assembly and National Assemblies can go a long way towards improving the performance of our Community. For instance, it may be useful to hold special joint sessions to debate Community agenda. (*Applause*)

This way, the community will be brought closer to the people for whom it is intended.

The necessity for the different legislatures to work together becomes more urgent when we recognize that laws enacted by this assembly are expected to enhance and compliment National Laws. Similarly, we should see greater cooperation between organs of the community for more efficient implementation of Laws, Protocols and programmes of the EAC. (*Applause*)

Since the establishment of the EAC, we have passed and signed important protocols and Partner States have made various commitments with regard to integration. However, in their implementation, we have not moved at the pace our citizens desire. (*Applause*) I believe this Assembly has the right and duty to hold us more accountable in implementing these commitments, so that we deliver in a meaningful way to our citizens. (*Applause*)

It is imperative, therefore, that this Assembly and the Council of Ministers collaborate more on mechanisms to initiate laws to enforce the expeditious implementation of the Customs Union and the Common Market Protocols. This will enable our people to reap benefits accruing from them.

In addition, the East African Business people, investors and ordinary citizens still find non-tariff barriers and obstacles to free movement of persons, labour, goods and services across the region an unnecessary impediment to the operation of the two protocols.

The EAC organs and relevant institutions, including the assembly, must start to seek solutions to these impediments to our integration. Working together to remove fear of loss of sovereignty should be central to all our deliberations. *(Applause)*

Here in Kenya, we have reduced the number of police stops for transit cargo to ensure speedy movement of goods and services to East African Community member countries. We are also ensuring smoother operations at the weighbridges. Let us also work towards the smooth operation of a single entry. *(Applause)*

Madam Speaker, Honourable Members, as you are aware, our region continues to experience periodic droughts, floods, other natural disasters and food shortages. In part, this is due to effects of climate change and poor management of the environment. The need to sustainably manage our natural resources, many of them shared, could not be made more forcefully than by these periodic challenges. Equally, the need to develop agricultural policies and practices, and land management systems that ensure food security in this region is most urgent.

We have a duty, therefore, to ensure there are mechanisms for better environmental management so as to mitigate effects of climate change. As legislators, you have a critical role to play in this respect. This is especially critical as more of our countries discover mineral resources. Let us put them to good use for present and future generations.

In conclusion, I wish to reiterate that our region's process of integration should be citizen-centered and should also seek to foster the active participation of the people of East Africa. *(Applause)*

East African Community issues should not be confined to Legislative chambers but must extend to the public through the media, public discussions and other forums of consultation. *(Applause)* That way, ordinary East Africans will have a voice in matters that affect them. Personally, I would like to see you encourage the use of the Kiswahili language among citizens of East Africa. *(Applause)* I am also looking forward to the future expansion of the EAC. We welcome the interest of Sudan, South Sudan, the Democratic Republic of Congo, Ethiopia and Somalia in joining the EAC. *(Applause)*

We should facilitate their membership. A strong and prosperous EAC is the pillar to the stability of our region. Let us all play our roles in strengthening and expanding the EAC. We should also work together to fight agents of terror and those who threaten our security. *(Applause)*

Peace and security are paramount to our development agenda. In this connection, we wish our brothers and sisters in Somalia all the best as they prepare to embrace a period of re-construction.

With these remarks, I wish you fruitful deliberations during this session and please be at home in Kenya. *(Applause)* Visit other parts of Kenya; don't just be satisfied in Nairobi. Welcome to Kenya and thank you very much.

VOTE OF THANKS

The Speaker: Your Excellency; we are honoured by those very words of wisdom from President Kibaki. Allow me to invite hon. Mulunya to say those very words in his words. *(Applause)*

Mr. Bernard Musomi Murunya (Tanzania): Your Excellency, Mwai Kibaki, Chairperson of the East African Community Heads of State Summit and the President of Kenya,

Your Excellency, the Vice President of Kenya, Mr. Kalonzo Musyoka

Rt. Hon. Speaker of the Kenya National Assembly

Rt Hon. Speaker of EALA

The Chairperson of the Council of Ministers, Hon. Musa Sirma

Hon. Ministers

Honourable members of the Kenya National Parliament

Honourable Members of EALA

The Secretary General of the EAC

Ambassadors and High Commissioners

Ladies and Gentlemen,

It is indeed a great honour and privilege for me and on behalf of the EALA to propose a vote of thanks to you Your Excellency for gracing us with your presence in the second meeting of the First Session of the Third Assembly. *(Applause)*

We always look forward to listening to words of wisdom from our leaders and we get a sense of enrichment after hearing them and this is what you have to us Your Excellency. *(Applause)*

I thank you Your Excellency for presiding over this function and for the important address. You will now agree that under the stewardship of President Mwai Kibaki, the EAC has been a vibrant and a very strong regional integration organization. *(Applause)*

And it is ever growing from strength to strength with each passing year.

We thank Your Excellency and your colleagues from other Partner States for the wonderful job you are doing in our community. We have confidence that under your Chairmanship the EAC and all its Organs will work tirelessly to realize the community objectives.

May I also take this opportunity to congratulate you for the tremendous job you have done in steering this country to become an economic for this region. We salute you very much. *(Applause)*

Like the Speaker said we all know Kenya will be in elections next year under the new Constitution and I wish to take the opportunity to wish our brothers and sisters in Kenya a free, fair and successful election because the stability of Kenya is the stability of the EAC. *(Applause)*

With these few remarks I thank you Mr. President and honourable members.

I thank you once again. *(Applause)*

The Speaker: I thank you Hon.Mulunya for passing a word of thanks to His Excellency.

Hon. Members we have come to the end of business today and before I adjourn I wish to remind you that we shall get a photograph with His Excellency outside and then you are invited for refreshment after the group photograph. I now adjourn the House until tomorrow Wednesday, 5th September 2012 at 2.30 p.m.

(House rose at 3.30 p.m.)