



**EAST AFRICAN COMMUNITY**

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**EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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

**SECOND MEETING – 1<sup>ST</sup> SESSION – THIRD ASSEMBLY**

**6<sup>th</sup> Thursday, September, 2012**

*The East African Legislative Assembly met at 2.30 p.m. in the Old Chamber of the National Parliament of Kenya, Nairobi, Kenya.*

**PRAYER**

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

*(The Assembly was called to order)*

## COMMUNICATION FROM THE CHAIR

**The Speaker:** Hon. Members, I wish to again welcome you to this day's sitting. I have about three or four small communication to you. The first one is I want to inform you that the speech by His Excellency Mwai Kibaki which he delivered to us on Tuesday is ready and I have requested our Secretariat to circulate it to you. You are free to refer to it or comment on it as and when it is necessary.

In the same breath, the speech by the Rt hon. Speaker Marende has also been circulated, you will get a copy.

Second, I want to also inform you that our official newsletter Bungela Afrika Mashariki for this August season is out. Please receive a copy and utilise it. It is your reference and has a lot of information. I want to say that those of us who did not take an opportunity to submit some contributions, kindly take the opportunity so that in the next issue, at least there is something which comes from you as an individual member. At time sit is information regarding your locale or area of interest. It is very important for us.

In the same breath, the life and times of the Second Assembly, in consolidating gains and transforming the EAC region is also out. You can take off time to refer to it and see how far the Second Assembly went in making the very important deliberations which we are building on as the Third Assembly.

On a personal note, I request that in your diaries you indicate the date of 22<sup>nd</sup> of September. At an appropriate time you will know why.

With those few remarks, I want to end my communication.

## LAYING OF PAPERS

**The Chairperson, Committee on Communication, Trade and Investment (Ms Angela Kizigha):** Madam Speaker, I beg to lay on table the capacity building workshop report on the Committee on Communication, Trade and Investment on the role and mandate of the committee. Madam Speaker, I beg to lay.

**The Speaker:** Thank you.

**The Chairperson, Committee on General Purpose (Dr. Martin Nduwimana):** Madam Speaker, I beg to lay on table the capacity building workshop report on the Committee on General Purpose on the role and mandate of the committee. Madam Speaker, I beg to lay.

**The Speaker:** Thank you very much.

## MOTION

### CONSIDERATION OF THE REPORT OF THE COMMITTEE ON COMMUNICATION, TRADE AND INVESTMENT ON THE ROLE AND MANDATE OF THE COMMITTEE

**The Chairperson, Committee on Communication, Trade and Investment (Ms Angela Kizigha):** Madam Speaker, I beg to move that the Capacity Building Workshop report of the Committee on Communication, Trade and Investment on the role and mandate of the committee be adopted. I beg to move.

**The Speaker:** Seconder? Hon. Ngenzebuhoro and hon. Mathuki. Proceed, chairperson.

**Ms Kizigha:** Madam Speaker, before I present the report, allow me to extend the following commendations. First, let me take this opportunity to formally congratulate you upon your election as Speaker of this august House. We look forward to your wise leadership during your tenure.

In the same vein, I congratulate you and all the members of the Third Assembly on the success registered in the EALA election. It reflects the confidence and respect national parliaments and East Africans have in us. We should work to uphold that confidence.

I extend my gratitude to the government and people of Kenya for accepting to host us here in Nairobi, Kenya. I especially wish to extend my thanks and that of my committee to the Speaker and Members of the Kenya National Assembly for providing us with excellent facilities to conduct our business. We have felt at home right from 2<sup>nd</sup> September 2012 when we convened.

Special thanks also go to the members of the committee for the dedication so far exhibited in performing the work of the committee. I also wish to extend special thanks to the staff of the committee and the Assembly for working round the clock to ensure our work is performed well.

Madam Speaker for the sake of time, I will read the summary of the main report which has already been circulated to the Members. I hope you have also received a copy of the summarised version for your easy reference.

Hon. Speaker, the Committee on Communications, Trade and Investment (CTI) held a two day Capacity Building Workshop from 23rd to 24th July 2012 at Laico Regency Hotel in Nairobi. The objectives of the workshop were to orient New Members of the Committee on;

1. The functions of this committee in the execution of the EAC integration;
2. The areas of intervention in the integration process of the EAC;
3. The role of EALA in the implementation of the EAC integration process;

4. The Nature and Flow of Parliamentary Business, among others.

### **Methodology and the Structure of the Workshop**

As a capacity building workshop for new members of the Committee on Communications, Trade and Investments, it was attended by the Members of the Committee including the Resource persons. At this workshop, various papers were presented on different topics that fall within the mandate of the Committee. Plenary sessions were held to discuss the presentations made, Salient issues emerged and recommendations were made.

### **Opening Remarks**

In her opening remarks, the Chairperson of the Committee welcomed Members to Nairobi and thanked them for turning up to attend the workshop, aimed at enhancing the capacity of New Members on the Committee's mandate. She further extended sincere appreciation and thanks to the Rt. Hon. Speaker and the entire Management of EALA for having thought it wise that new Members of CTI Committee need to know what is expected of them from their respective Committees, and organized this workshop.

She further noted that the East African Community has reached a critical stage of integration; which is the establishment of single currency (East African Monetary Union). Therefore the committee has a very important role to play in terms of legislation, oversight, representation and otherwise in order for East Africa to achieve its ultimate goal of Political Federation.

### **PRESENTATIONS AT THE WORKSHOP**

A number of presentations were made aimed at acquainting members of the committee on their mandate. These included the following:-

**General Overview: The East African Legislative Assembly and the East African Community Integration Process: *Presented by Gervase B. K. Akhaabi***

### **The Establishment and Objectives of the East African Community**

In his presentation, Hon. Gervase Akhaabi stated that the East African Community (EAC) was established under the Treaty for the Establishment of the East African Community signed on 30<sup>th</sup>

November 1999 by the Republic of Kenya, the Republic of Uganda and the united Republic of Tanzania. The Treaty came into force on 7<sup>th</sup> July 2000 and was later acceded to by the Republic of Burundi and the Republic of Rwanda in 2007.

He further stated that the objectives of the Community are set out in Article 5 of the Treaty as developing policies and programs aimed at widening and deepening cooperation among the Partner States in political, economic, social and cultural fields, research and technology, defense, security, legal and judicial affairs. For these purposes, the Partner States undertook to establish among themselves a Customs Union, a Common Market and subsequently, a Monetary Union and ultimately, a Political Federation.

### **Mandate and Responsibility of the Community**

The presenter alluded that the Treaty charges the Community (EAC) with the responsibility of ensuring that its objectives are realized by strengthening and consolidating co-operation in the fields in which the Partner States have agreed to cooperate. EAC ensures the discharge of this mandate through its various organs and institutions.

### **The East African Legislative Assembly**

The East African Legislative Assembly (EALA) is one of the organs and institutions of the Community established under Article 9 of the Treaty. EALA is an independent legislative organ and is not under the control of any other organ of the community, and its functions are set out in Article 49 of the Treaty. These include: - Legislation; Representation; Oversight; and Budget Approval.

### **The role of EALA in the Integration of EAC**

The presenter affirmed that EALA has a critical role to play in introducing and enacting laws that could greatly influence the integration process which take precedent over similar national laws on matters pertaining to the implementation of the Treaty. It could also substantially determine the speed with which the Partner States and the people integrate. EALA may do this by:-

- (a) Acquainting itself with the Treaty objectives and influence policy formulation geared towards enactment of laws and regulations to ensure deeper integration.

- (b) Helping in the formulation of policy and enactment of laws to establish appropriate and robust EAC institutions to ensure that the objectives of the Community are achieved.
- (c) Enacting appropriate legislation to establish and strengthen both legal and institutional frameworks to deepen and widen the EAC legislation.
- (d) Establishing an effective and consultative mechanism with the Council of Ministers and the Summit.
- (e) Establishing effective liaison and other collaborative consultative mechanisms with the National Assemblies to synchronize the EAC integration agenda into the national development processes.
- (f) Together with the National Assemblies, undertaking outreach and awareness creation and sensitization activities in the Partner States to inform and involve the public on the integration agenda as required by Articles 6, 7 and 8 of the Treaty.
- (g) Scrutinizing proposed EAC activities and, during budget approval, determine for funding such activities that will further the integration process.
- (h) In the exercise of its oversight function, ensuring that the EAC policies and programmes are carried through by the EAC organs and institutions.
  - (i) Ensuring that such activities that EALA has determined for financing out of the resources of the Community are executed effectively and on time.

**Functions of the Committee on Communications, Trade and Investment; and its Specific Areas of Attention in the EAC Integration Process by *Hon. Kanyomozi Yonasani*.**

Functions of the Committee on Communications, Trade and Investments

The Presenter underscored that the roles and scope of CTI Committee include critically looking at the areas of communications, trade and investments in the EAC region and how these can be enhanced to improve the general welfare of the peoples of East Africa. CTI Committee's mandate broadly covers:

- Co-operation in Trade and Development.

- Co-operation in Investment and Industrial Development.
- Co-operation in Standardization, Quality Assurance, Metrology and Testing.
- Monetary and Financial Co-operation.
- Co-operation in Infrastructure and Services.
- The Private Sector and Civil Society.
- Relations with other Regional and International Organizations and Development Partners.

It was noted that as the committee commences its work, two of the main phases that fulfil the objectives of the EAC – the Customs Union Act and the Common Market Protocol - are in place. These are supported by relevant acts, such as the East African Standards, Quality Assurance, Metrology and Testing (SQMT) Act, 2006, The EAC Competition Act, 2006, and the EAC Joint Trade Negotiations Act, 2008. These will, however, need amendments so as to comply with provisions that have been ushered in by the Common Market Protocol. There will be a need for the Committee to embark very quickly on anti-trust laws that will deal with monopoly situations and protect citizens against abusive situations that are normally associated with monopoly power.

The CTI Committee is in the forefront of ensuring that the Assembly makes enabling laws; provides advice; and provides oversight of the actions taken that will ensure social justice at all levels in the integration process. This Committee is therefore expected to within its specific mandate, keep these lofty ideals at the fore.

CTI is of particular importance in providing guidance and oversight towards achieving an enabling environment for economic growth and development. Its main functions are broadly to receive reports on the status of implementation of the provisions of the Treaty falling within its mandate; handling complaints of non-compliance in facilitating the achievement of the objectives/goals of the Treaty; oversight of work and activities of the Sectoral Committee of the EAC and organs charged with implementation of provisions in this realm.

#### The Integration Process and Specific Areas of Attention

The presenter emphasised that in order to find a way forward, the Committee must take stock of what has been achieved so far in the EAC integration process and these include the following;-

**a) EAC Customs Union**

The Treaty provides for the Customs Union as the first phase of the integration process. The Protocol for its implementation was signed in March 2004 and took effect on 1<sup>st</sup> January, 2005.

The key aspects of the Customs Union include: -

- a Common External Tariff (CET) on imports from third countries;
- duty-free trade between the member states; and
- Common customs procedures.

**b) The EAC Common Market**

On 1 July 2010, the East African Common Market Protocol, an expansion of the Community's existing customs union was launched. This was meant to facilitate the free movement of labour, capital, goods and services within the EAC. It requires review and harmonisation of national laws to allow the full implementation of some aspects of the Common Market such as immigration and customs.

**Investment and Industrial Development**

The presenter highlighted that the provisions of the Treaty, especially Chapter 11, Article 78 of the Treaty provides comfort to members. The CTI Committee therefore should utilise these safeguard measures to persuade the Council of Ministers since there is a lot to be gained from the integration process.

It was stated that there are a number comforts in the integration process which the Committee should fully exploit and enhance to the full. These include the following: -

- a) Cross listing and merging of stock-exchanges. Currently, there is little activity in cross-listing and it is necessary to encourage companies to cross-list within the partner states. The Committee should encourage the current stock exchanges to examine the possibility of merging so as to serve the whole region. Initial Public Offerings (IPOs) launched in member states should be open to the whole region but should avoid discriminatory treatment of investors.
- b) Investment in Infrastructure. Chapter 15 of the Treaty emphasizes the need to have common transport and communication policies. This is an area where this Committee has to act decisively by providing legislation that standardizes the facilities offered in the region. These should be



easy to interconnect with contiguous countries, especially those that are likely to become members of the EAC.

- c) A shift from road to rail for bulk transportation. Rationalisation of civil aviation and airline operations should be made with a view to having, where possible, a regional carrier leaving national/state airlines for domestic operations. CTI Committee should be encouraging moves in that direction.
- d) Telecommunication. There are too many telecommunication operators making competition not yield the positive results for the region. Most of these operators are foreign owned and being a service, the returns are mostly repatriated to the home countries overseas without tangible positive gains to the region. An examination should be made by CTI Committee to see to it that we maximize the existence of these operators to the benefit of the region and minimize the costs to the region.
- e) Internet. With the completion of the East African Submarine Cable System (EASSY) project, there have been improvements in broadband services and internet access. Further gains may be accrued with increased access to electricity especially in the rural areas.
- f) Railway concessioning has not worked as expected. The East African Railway Master plan should be re-examined with a view to making the railway system viable and integrated.
- g) Most people realize that there still exists a barrage of hurdles or Non-Tariff Barriers (NTBs), which must be addressed by CTI Committee, these include: -
  - administrative requirements, new regulations and procedures;
  - arbitrary police interference, including unnecessary road blocks;
  - business registration and licensing;
  - customs and immigration procedures;
  - insufficient and inefficient cargo handling facilities;
  - poor institutional capacity - technical and human resource;
  - sanitary and phyto-sanitary standards;
  - technical standards;
  - weighbridges.

## **Monetary Union**

It was reported that the Common Market is expected to ease the formation of a Monetary Union which is expected to be realized in 2012 with the introduction of 'an East African Common Currency'. Given the happenings in the European Union, a cautious approach has got to be taken by member states to harmonise other phases of integration by making member states share their sovereignty to ensure smooth launching of a common currency. This, of necessity, involves rationalization and harmonization of politics and a common code of conduct of all political actors in the member states.

The presenter further explained that the banking and monetary system and policies also require harmonisation and strict supervision and oversight. In the absence of these, the scandals that have happened in Europe and America will be repeated with unimaginably worse impact in our nascent economies.

## **East African Political Federation**

The presenter said that a functional East African Political Federation is expected by the year 2015; however, he was sceptical that it may not be realized due to political, social and economic challenges that are yet to be addressed. These include among others lack of political will, poor public perception or owing to the new dynamics and challenges presented by an EAC that is expanding faster than was anticipated.

Given the above discussion, it is wise that the CTI Committee, EALA as whole and the National Parliaments give particular attention to the issues herein.

The above notwithstanding, the gains from integration are many, among which are: -

- EAC is becoming a larger market for mutual support of its citizens and for those who want to trade with it, thus affording it comparative and competitive advantage and a larger voice in the comity of nations.
- There is increased attractiveness as an investment area for both local and international investors.
- Improved welfare of the citizens as benefits will be gained through both growth and development of the region.

## **The Opportunities and Challenges of Multi-Lateral Trading Agreements in the East African Community Integration presented by *Gervase B. K. Akhaabi***

In his paper, the presenter highlighted that policies are developed at national, regional and world levels to promote and regulate international trade by eliminating barriers that constrain a free-flow of goods and services. It is contended that liberalized trade integrates a country's economy into the world economy and improves competition and efficiency and leads to both trade creation, employment creation and further wealth creation. In turn, increased growth may lead to poverty reduction and elimination or reduction of inequalities.

It was affirmed that the EAC Partner States are already members and participate in different trading arrangements regionally and globally such as WTO and the African Economic Commission, COMESA, SADC, and IGAD among others. However EAC is negotiating trade agreements with other countries and trading blocs such as EAC COMESA SADC Tripartite, EAC-EU Economic Partnership Agreement to mention a few.

### **Benefits of Regional and Multilateral Trading arrangements**

The reporter acknowledged that these trading arrangements provide a number of benefits which may include;

- (a) Under WTO arrangement, the Most Favoured Nation (MFN) and National Treatment (NT) principles require all member countries not to discriminate between their trading partners within their markets. More importantly, the rules provide for deviations, exceptions and allowances for departure in special circumstances in the application of both MFN and NT principles.
- (b) Promote development through regional co-ordination of trade;
- (c) Trade liberalization by reduction of tariffs;
- (d) The removal of other barriers to trade;
- (e) An enlarged integrated market increases opportunities for investments and better utilization of economies of scale;
- (f) Promotes joint industrialization and investment policies and addresses supply-side constraints.
- (g) Integrates the regional economies into the WTO World trading systems.

- (h) With the benefit of the recent occurrences in the world financial market, it acted as a cushion against the harsh impact of the international financial crisis.

### **Challenges of Regional Economic Trading arrangements**

- (a) These arrangements may lead to inefficiency without any substantial benefit to the people especially at a multi-lateral level;
- (b) They may also lead to trade diversion instead of trade creation hence resulting in unemployment;
- (c) The multilateral and regional arrangements could be stumbling blocks to trade liberalization and economic development;
- (d) Trade liberalization may hurt the welfare of sections of society through competition due to removal of protective policies.

### **Best Parliamentary Practices and Approaches that EALA Must Adopt to Enhance its Integration Agenda Presented by *Hon. Kanyomozi Yonasani*.**

While introducing his paper, Hon. Kanyomozi alluded to the fact that Parliaments succeed in working because the different parts of the parliament from the Speaker downwards work together. Each part does its part in order to support the other part so as to achieve the goals established for it of being representative of the people. EALA though not elected by Direct Universal Suffrage falls in this category.

He further stated that Parliaments work on established procedures which parliament itself sets up and EALA has its Rules of Procedure which have been amended several times to meet the necessities of operating as an Assembly. These procedures include various legal interpretations on how the conduct of business in parliament is done. They are normally followed by the letter unless the Speaker or Chairperson suspends them and assumes quasi powers.

The time the debates are conducted is normally set for members and in particular there is a limitation on time in order to avoid persons speaking endlessly.

The presenter noted that to maintain order in the House and in Committees, parliaments normally institute sanctions to handle incidents of disorder, disorderly conduct and at times more severe,

by imposing disciplinary actions such as suspension from the House for denying access to facilities and services, blaming a member in a motion etc. These are proceedings as established by conventions, traditions of the parliament under question.

In order for the Member of Parliament to be free and to perform effectively, he/she is protected by privileges. He/she has special rights, immunities and powers that are normally allowed in democratic nations. These privileges are given so as to allow a member to fulfill his duty either in a national, regional or any parliament so established. These privileges enable the Member to exercise his/her duty in parliament without being constrained by any other power. Thus; parliamentarians can execute their mandate without fear or favour within the precepts of parliament. This protects them from being dragged to courts of law and from being prosecuted for whatever they say in parliament.

It was further revealed that relations between the Assembly and the National Assemblies of Partner States are fundamental. In this case, strong relations between EALA and National Assemblies will lead to popular participation of the general public in the Partner States on matters relating to the achievements of the objectives of the Community as expressed through the debates of the elected members of their National Assemblies.

The presenter also briefly touched on the conduct of business in the House. To ensure quality work in the Assembly, the House must observe that the rules of procedure of parliamentary business fall into four main categories – namely: - motions, bills, questions to ministers and the budget. The conduct of the debates in the House relate to the rules affecting those categories. For example, the process of moving a motion applies to all items of business introduced to the Assembly for consideration.

A member gives notice of motion, notifying the period when the motion will be presented. The same notice applies to the withdrawing of the motion. Later when the motion is already tabled, members are allowed to propose amendments to that motion, which must be supported by another member so that the debate can continue. The selection of who speaks on the motion depends on the person '*catching the eye*' of the Speaker. This also applies to interventions of points of order, seeking a right to reply, giving information. During the debate, whoever speaks must be relevant to issues that touch that motion. The Speaker has the right to impose time

limits on any debate. During the course of the debate, members must maintain order, keep in their chairs, maintain silence, curtail movement; members are not allowed to read newspapers or books and must be dressed properly in accordance with the dress code of the Assembly.

The Members normally assist the Speaker to apply the rules of procedure and manage the Assembly. He/she has to avoid a situation when he/she feels that they made a procedural mistake.

### **Nature & Flow of Parliamentary Business presented by *Hon. Dora C. Kanabahita Byamukama***

This presentation briefly highlighted on the following areas:-

The Institutional support of the Assembly, for all the parliamentary work and business to be successful must be supported by the staff of Assembly. These include; - the Clerks, Researchers, Public relations Officers, Serjeant-At-Arms, Network Administrators and Accountants.

Committee Work: The committee work includes oversight activities and committee meetings among others that the committees of the Assembly may consider.

Plenary Sessions: This is the time when all Members of the House convene to consider and debate all the committee reports, Questions to the Council of Ministers and any other business as may be determined by the Speaker.

Procedure of Business: Under the instructions of the Speaker, the Clerk draws up the order of business for each sitting. Any item of business standing on the Order Paper on any particular day which has not been completed or reached on the interruption of business under the relevant provision of these Rules, shall be placed on Order Paper for the next sitting in such order as the Speaker may decide.

Rules of Procedure: Article 60 of the Treaty establishing the East African Community stipulates that the Assembly may make, amend add to or revoke rules governing the procedure of the Assembly

Powers, privileges & immunities of the assembly & its members: Article 61 stipulates that Members are immune from legal action for any acts of omission or commission in the discharge of their functions under this Treaty.

Acts of the Community: Article 62, 63 and 64 of the Treaty stipulate that the enactment of legislation are effected by means of Bills passed by the Assembly and assented to by the Heads of State, and every bill that has been duly passed and assented to shall be styled an Act of the Community.

Bills and Motions: Article 59(1) states that any Member may propose any motion or introduce any Bill in the Assembly provided that it relates to the functions or Acts of the community relevant to Treaty and no financial implications.

In terms of Legislation, the Office of the Counsel to the Community can offer professional assistance in drafting of the Bill. A Member can seek leave of the House to move a Bill by motion which is seconded and to which a draft bill is attached. Under Rule 61 of the Rules of Procedure, the Bill is printed & circulated by Clerk.

When the motion is moved, the Speaker refers the Bill to the relevant Committee for discussion of principles, amendments, and proposals for correction of errors. The Bill must be read 3 times prior to its being passed.

Invitation of Persons to assist Assembly; Article 54 of the Treaty provides that the Speaker of the Assembly may 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 before the Assembly renders his or presence desirable.

Questions to Council of Ministers; Part VI of Rules of Procedure states that questions should be referred to the Council at least three weeks before the sitting on whose Order Paper they are to appear and the question should be genuinely of an interrogative character and limited to seeking information or pressing for action.

The presenter of this paper concluded by saying that, in execution of their Work, all Members of the Assembly should it exercise their mandate independently and not be bound by any instructions or orders from any person or authority regarding the exercise of their mandate.

She finally said that all members should preserve the independence of EALA in accordance with Article 8(4) of the Treaty which provides that Community organs, institutions and laws take precedence over similar ones on matters pertaining to the implementation of this Treaty; in the same breath, Article 16 stipulates that the effects of regulations, directives, decisions and recommendations of the Council are binding on the Partner States, on all organs and institutions of the community except the Summit, the Court and the Assembly.

#### EMERGING ISSUES FROM THE DISCUSSIONS

- a. Participants observed that there is a need for EALA to strengthen its engagement with the Public at the National Level on issues of EAC publicity and awareness through the media and public rallies;
- b. It was noted with concern that EALA submits its reports and resolutions to National Assemblies but they are never tabled and debated in respective Assemblies and yet they are of regional importance. For example the General Motors Petition and Chicken and Eggs Petition for Tanzania traders;
- c. Participants observed that there is need to put in place a law on the implementation of the EAC Treaty provisions. This law should also provide for sanctions in case of non-compliance;
- d. It was also observed that there is too much political bureaucracy which is frustrating the realization of EAC integration process, for example the process of assenting EALA bills is problematic;
- e. EAC majorly prefers the signing of protocols which are not binding instead of laws and also commissioning of studies which take long time to be concluded yet the issues at hand are very critical and require urgent attention for the integration to be realized;
- f. Some of the EAC Countries are still involved in bilateral arrangements within the Community; this culture should not be encouraged in East Africa at this moment in time since it acts as an impediment to the regional integration process;
- g. Multiple Memberships by some EAC Countries within other regional blocs such as SADC and COMESA;
- h. It was also observed that little budget is allocated to infrastructure investments yet this sector should be one of the priority areas that can lead EAC to reap integration benefits;



- i. Participants affirmed that Land remains immovable and a fixed asset, once it is not effectively utilized, it becomes of less benefit to the people. However what is only needed in the EAC region is putting in place conducive policies for land security;
- j. Members took note of the fact that some of the negative effects of the regional economic trading arrangements presented have not been experienced particularly in the EAC integration process, for example, inefficiencies by these arrangements that bring no substantial benefits, trade creation and trade diversion;
- k. Members noted that high level Political Will influences and drives the technocrats to implement the EAC integration.

#### RECOMEMNDATIONS

- (a) EAC should negotiate and join other regional blocs as a Community (one entity);
- (b) A neutral authority should be established to undertake the implementation of the Treaty and its provisions;
- (c) A fund should be created to cater for EAC Publicity and promote the role of Media in the integration process;
- (d) To avoid donor dependency syndrome, EAC Partner States should increase their funding to support the priority areas such infrastructure investments;
- (e) Alternative sources of funding for infrastructural investment should be created for example Public Private Partnerships should be upheld for EAC to reap benefits of integration;
- (f) A single Visa should be introduced to make EAC a single tourism territory;
- (g) EAC should appoint eminent persons who are experienced on regional integration issues to work for the Community;
- (h) EAC Trade Policy should be put in place to streamline trade and investments in the region;
- (i) Special Committees on East African Community affairs should be set up in all the National Assemblies of the EAC Partner States. This will foster strong cooperation and close relations between EALA and the National Assemblies in the Partner States to move the integration process.

- (j) The Ministers in charge of EAC Affairs in the Partner States should be residents in Arusha and should be allocated sectors at the EAC Secretariat to monitor and follow up closely on matters related to the EAC integration process.

## CONCLUSION

Hon. Speaker, this capacity building workshop portrayed high level of success, and this could be proved by the quality presentations which were made. The knowledge and information exchange exhibited at the workshop is a clear manifestation of the fact that new members of the CTI Committee had a lot to learn with regard to the scope of the committee's mandate including ways and means of executing this mandate. It is the sincere hope of members of this committee that the forums of this kind will always be organized to equip members with pertinent knowledge and skills that could enable them effectively exercise their mandate.

Hon. Speaker, I beg to move.

*(Applause)*

**The Speaker:** Thank you very much, hon. Angela Kizigha, Chairperson, Committee on Communication, Trade and Investment for that very important and beautiful report. Hon. Members, the motion on the floor is that the capacity Building Workshop report of the Committee on Communication, Trade and Investment on the role and mandate of the committee be adopted. Debate is open.

**Mr. Peter Mathuki (Kenya):** Thank you very much, Madam Speaker for this opportunity and for the record, allow me officially and in a very formal way to humbly congratulate you, not only for your election as a Speaker of EALA but more importantly for keeping your life promise of providing motherly and listening speakership. We congratulate you, Madam Speaker.

Madam Speaker, this will go a long way in uniting all of us as members of this Assembly towards achieving more good for the region and of course for the citizens of East Africa.

Madam Speaker, I also wish to salute our predecessors, that is the First and Second Assembly, for the outstanding performance because it is during their time that we achieved the Customs Union, the Common Market Protocol and of course commencement of the Monetary Union. This is not only humbling but it sets the standards very high for the Third Assembly.

I am convinced that under your able leadership, we shall live up to the expectations.

It is during the same time and on a very sad note that Kenya experienced the post election violence. Therefore as an Assembly, we must ensure going forward that this does not happen again of course under our watch and therefore we hope all the Partner States will take this challenge and ensure all the national elections will always be fair and peaceful.

Madam Speaker, coming to the report, I am a member of this committee and of course I am standing to support. It is rightly put in the report that we should look forward as an Assembly in terms of the four degrees of freedom that are the driving force of the East African Common Market which have been ably articulated by yourself and also the Chari of the Summit; that is the free movement of goods, services, capital and labour.

Of course what we want to see move across the border is not goods from China but goods that are also originating from East Africa. That would be our pride as East Africans.

As we look forward in terms of negotiating as a block and a community and appreciating the role that our Partner States are playing in terms of funding our programs and activities, we have to be very careful so that they do not support our programs but at the same time they also give very divisive conditions of engagement of trade. For example when you look at the EPAs. Therefore we must be very careful and I think we will start above board as an Assembly to ensure that that is done.

Of course noting the challenges that we are facing in the region, when we come to variations of the national development regimes, we are talking of Kenya vision 2030. In Tanzania we are talking of 2025, Rwanda we are talking of 2020, Burundi we are talking of 2025 and Uganda we are talking of 2040.

As a region I think we should be looking forward to having a much harmonised way forward in terms of the investment and policies and in terms of having very uniform policies of investment. Because the emergence of a single East African investment market is expected to enhance increasing intra- regional and extra regional cross border penetration of economic activities in the Community.

Madam Speaker, this will also go along in terms of creating jobs for our youth and it is during our tenure- I am sure East Africans will be able to see this happen when they will be crossing borders looking for jobs and able to carry along their social benefits. We are talking of mobility of social benefits.

These things are well articulated in the report and with that, I just wish to support the report. Thank you, Madam Speaker.

**The Speaker:** Thank you very much, hon. Mathuki. I had seen hon. Ngenzebuhoro; I don't know whether he is still interested in debate. You are not interested? Okay.

**Mr. Christophe Bazivamo (Rwanda):** Thank you, Rt hon. Speaker for this opportunity. As I have not yet done it officially, let me also take this opportunity to congratulate you and to invite everyone here especially honourable members, to strongly commit to work hard towards the Third EALA success. Let me also congratulate the Chairperson of CTI for her presentation.

In addition, I would like to highlight the wish to have an East African Community visa instead of having only an East African tourist visa. This has been already expressed or requested several times in different meetings and sometimes also by the Heads of States in the Partner States.

For that, I would like to request the appropriate organs among them the Council of Ministers to focus on this aspired achievement to have an East African Community visa as we see it in other Communities like the European Union.

I beg to support the report, thank you.

**The Speaker:** Thank you very much, hon. Bazivamo.

**Mr. Frederic Ngenzebuhoro (Burundi):** Thank you, Madam Speaker for giving me the opportunity to contribute to this important report. Before I make my contribution, I would like first to thank the people of Kenya especially the President of Kenya His Excellency Mwai Kibaki who accepted to open our session here and in a special way, our colleagues from Kenya. Since we have been here, we are enjoying safely and I think that they will be able to do the same when they come in my country.

I would also like to contribute to this report and stress one issue on which the Council of Ministers stressed yesterday and which has been raised by my colleague hon. Bazivamo and this is the issue of East African Community tourist visa.

I do recall four years ago when we were in Kigali. At that time, President Kagame was the President of the Summit. He gave directives that this issue be handled very quickly. Now it is not understandable that four years later, things have not moved enough.

I would like to say that if there is a problem, this House has a right to know where the problem is and then try to help in order to sort out the problems there.

Yesterday the President of the Council of Ministers said that things are going well but we did not know exactly how and that is why we would like to see this done very quickly because it will help to push the EAC integration.

Secondly, Madam Speaker, I think that in this EAC we have many laws. I would like to insist and emphasise on the assessment of the laws that we already have and that are inactive. Through the presentation of the Chairperson of the CTI, we have seen that we have gone through many Acts but unfortunately what we commonly saw is that the implementation is a problem.

I would like to urge the Council of Ministers to see to it that we can see the implementation of all those rules especially those that are related to the Common Market Protocol. Without that, we will not be able to really integrate our region.

Madam Speaker, I do not have so much to say but I rise to support the report and urge this House to support this report. Thank you, Madam Speaker.

**The Speaker:** Thank you very much, hon. Frederic.

**Mr. Joseph Kiangoi Ombasa (Kenya):** Madam Speaker, I stand in support of this motion and I wish to state that the task ahead of us is enormous particularly at this stage of our integration. As we move ahead with the integration process, we should also ask ourselves, what we have already achieved, whether it is fully implemented.

I am saying here that the Customs Union and the Common Market still leave some pitfalls which we need to fill so that they are fully implemented. Our role therefore as the Legislature of the Community will be that we must ensure that we put in place necessary legislation that will smoothen and fast track the process so that we achieve what we have already realised.

In other words, before we even- I am in agreement that we should proceed according to the Treaty to the Monetary Union and find out what is hindering us in the full realisation of the Customs Union and the Common Market. That will be important for us so that we move ahead knowing that those we have achieved we already have them in our bags.

Madam Speaker, the Legislature at this time will play a very important role again because our role as a Legislature will be to ensure that the laws that are required are put in place.

Madam Speaker, I am a member of this committee and I beg to support.

**The Speaker:** Thank you very much, hon. Kiangoi. I don't see another member wishing to contribute but I would have wanted to see the Chair of Council make a comment before I invite the chairperson to wind up.

**The Assistant Minister, EAC Affairs, Kenya (Mr. Peter Munya):** Thank you, Madam Speaker. Let me also take this opportunity to congratulate you for being elected the Speaker of this august House and indeed for making history as the Chair of the Summit observed when he was opening this Assembly. I believe this House, in your able hands, will do a lot of good work for the East African citizens.

Having said that let me also congratulate in absentia the committee that worked on this very good report with very good recommendations that have been made by the committee. The Council when sitting to deliberate will take into account the recommendations that have been made by the members and endeavour to implement them whenever possible.

The only recommendation that the Council finds a bit difficult to implement is the one requiring the members of the Council to be resident in Arusha. I think it is important for the House to understand the work of the members of the Council. A part from sitting in the Council and attending meetings in Arusha, our key responsibilities is to make sure that Community legislation and Community decisions are implemented within our Partner States.

So Madam Speaker, members of the Council are not idle when they are in their countries. They are not idle, they come there in the Assembly when it is sitting, they attend Council to deliberate and make decisions and then they go back home to implement those decisions. If they were required to be residents of Arusha, the work that they are supposed to do for the Community will stall.

Madam Speaker, they also attend their national assemblies again to work for the Community in the assembly; to be able to explain policies of the Community to the national assemblies, push the agenda of the Community within the national assemblies, promote awareness of the Community to the citizens of the national states, when they are doing their meetings and their workshops and trainings.

So the bulk of the work of the members of the Council is in the Member States and not in Arusha. So I would therefore recommend this House to amend that recommendation, if possible and maybe require us to be there more often. But to require us to be residents of Arusha is to actually require us to abandon our responsibilities and therefore undermine the very essence that we are appointed for, Madam Speaker of deepening and widening the integration of the East African Community.

Madam Speaker, it is also important to know that some of the members of the Council are also representatives of their people in their national assemblies. They are elected Members of Parliaments who therefore have constituencies that they represent. Like the Chair of Council who is now addressing this august House is a member of a constituency in Kenya in a region in the county of Meru called Tiganya East.

So we have a responsibility to that constituency that is also made up of citizens of East Africa and they require our services as representatives of those people in our national assemblies.

So if we were to reside in Arusha, we would be seen to have abandoned those citizens who elected us to the national assemblies to represent them and who indeed gave us the opportunity even to be members of this Council.

So Madam Speaker, the people who are required to be in Arusha permanently are the employees of the Community, the members of the Secretariat who are the ones who are supposed to run the affairs of the Community on a day to day basis. If there are any shortcomings that you find in their work, it is not because the Council of Ministers are not there. So if there are shortcomings that we need to address maybe in terms of strengthening the Secretariat, that is why we have

recommendations already that are being looked into of transforming the Secretariat into a commission that will give the Secretariat more teeth and ability to make decisions. Indeed-

**The Speaker:** Hon. Munya there is a point of order.

**Mr. Mathuki:** Thank you, Madam Speaker. I want to bring to the attention of this House and also if possibly remind the Chair of the Council that under the new Constitution of Kenya, ministers will not be members of Parliament and therefore that can never be an excuse whatsoever. The reason why we felt as a committee we need for members of Council to be in Arusha is to give political direction to the Secretariats in Arusha.

The reason why we thought it was necessary was because most of the issues that are decisions taken by the Secretariat delay because of political direction. Therefore when they are present in Arusha, they will deliver even when they are there. I don't think that their presence in the Partner States would make a difference. I would rather think it is them to see how to work out and increase programs so that they can increase visibility and awareness among the citizens of East Africa. Thank you, Madam Speaker.

**The Speaker:** I think I will take that as information instead of order and I think the Council has taken that.

**Mr. Mwinyi:** Thank you, Madam Speaker. I would like to inform the Chair, Council of Ministers that other than the members of the Secretariat, you Madam Speaker are also resident in Arusha, the Secretary General is also resident in Arusha, and the Judge President is also resident in Arusha. Being resident in Arusha does not necessarily mean to be rooted in Arusha with complete restriction of movement. Being resident in Arusha would require us as my hon. friend pointed out, to give political direction in the integration process.

I thank you, Madam Speaker.

**Mr. Munya:** Madam Speaker, those points of information are very well taken but understandably the Speaker of this House resides in Arusha because that is the seat of the EALA Assembly and the duties of the Speaker are numerous and she is really required to be in Arusha.

The Secretary General heading the Secretariat naturally must reside in Arusha and the heads of the Judiciary that is also resident in Arusha must also stay there.

Madam Speaker, I was trying to explain the reason why the Council is not really required to be in Arusha because they are required to implement the decisions they make in Arusha in their countries.

Giving political direction, that is what we do whenever we have the formal meetings that we attend in Arusha and everywhere else where the Council seats. You don't require me to sleep in Arusha every day to be able to give political direction. In any case, we have a formalised way of

meeting. The Council meets in terms of sectoral councils that are formally convened so if one of us is in Arusha, there is no political guidance we can give because we are not a full Council.

So full Council meets in formal sessions that have a calendar and during that calendar when you are formally meeting, you sit in Arusha. In any case, Madam Speaker, we sometimes sit even outside Arusha. The last Council was not in Arusha but in Bujumbura. Are you going to provide us residences in all the capitals of East Africa so that we can be giving political directions in these capitals where the Council meets because the rules do not require us to meet only in Arusha.

Just like the Assembly has also been rotating and meeting in other capitals of East Africa, which is a good practice because it gives the Community visibility and makes the citizens aware. It is one of the ways of promoting the awareness of the Community to the citizens of East Africa.

So it would be very difficult if we were to be given residences in all the capitals of East Africa so that we can give political direction. Political direction is enough when we are meeting in formal meetings that are held regularly. I am told even the next Summit where even Council is required to meet will be in Nairobi in November.

The nature of the Council work is that really we should be able to come to Arusha when we are required and then also be able to carry out other duties in our countries whenever we are required. Even the Communities that are ahead of us like the European Union, the Council of Ministers are not required in Brussels, they do not live there. It is the commissioners who are in charge; the technical ends of various departments who actually do the day to day work of the Community that live in Brussels. Members of the Council of Ministers are actually members of the Cabinet of the Partner States and therefore are required, by their very nature of work, to answer to their bosses; the presidents of the respective member countries.

So Madam Speaker, I am imploring this House to be persuaded by those arguments that I have been able to make on behalf of the Council so that they can amend the recommendation to make it a little bit more realistic so that we can go along otherwise most of the other recommendations are good, positive and progressive and the Council will be taking into account those recommendations when making decisions. I thank you.

**The Speaker:** I thank the Chair, Council for putting up a good defence. I now invite the Chair of Communication, Trade and Investment Committee to wind up.

**Ms Kizigha:** Rt hon. Speaker, I thank you for giving me this opportunity again. I take this opportunity to extend my thanks and appreciation to all members who have contributed to the discussion of this report particularly hon. Chair of Council Peter Munya, hon. Christophe, hon. Peter Mathuki, hon. Ngenzebuhoro and hon. Kiangoi without forgetting hon. Mwinyi.



Madam Speaker, those issues that I have not touched on, I and my committee have taken note and we will be able to follow them during our next deliberation of committee so that we will have enough time to negotiate and discuss these issues especially the issue of the Council of Ministers which was raised in this House and especially the issue of being a resident in Arusha.

Madam Speaker, as a committee we have taken close consideration of your contributions because they have enriched our report. I therefore beg the House to support and pass the report. Madam Speaker, I beg to submit.

**The Speaker:** Thank you very much, hon. Chair of Communication, Trade and Investment Committee. Hon. Members now we move to have the motion put to question. I beg to put the question that the capacity building workshop report of the Committee on Communication, Trade and Investment on the role and mandate of the committee be adopted.

*(Question put and agreed to.)*

#### MOTION

#### CONSIDERATION OF THE REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE ROLE AND MANDATE OF THE COMMITTEE

**The Chairperson, Committee on General Purpose (Dr. Martin Nduwimana):** Madam Speaker, I beg to move that the capacity building workshop report on the Committee on General Purpose on the role and mandate of the committee be adopted.

**The Speaker:** Secunder? Hon. Nakawuki, hon. Mossi, hon. Nyiramilimo. Proceed, hon. Nduwimana.

**Dr. Nduwimana:** Madam Speaker, as you have the report, you see that it is a huge one. I will try to summarise and I hope take a few minutes. Parts which necessitate explanations or clarifications will be discussed during the discussions.

Hon. Speaker, the Committee on General Purpose is one of the Committees of the East African Legislative Assembly. In order to fulfill its mandate of legislative, representative oversight and budgeting functions, the Committee on General Purpose carried out a two day workshop to enable members fulfill their mandate.

#### Objectives

Hon. Speaker, the main objective of the workshop was to build capacity of members of the committee to fulfill their mandate in terms of the legislative, oversight, representation and budgeting functions. The specific objectives of the workshop included among others:

- (i) building the capacity of Members to fulfill their mandate as per the Treaty ;
- (ii) building the capacity of members of the Committee and familiarizing them with the Rules of Procedure of the House to enable sharpen the skills of debate ; and
- (iii) giving Members of the Committee opportunity to interact, ask questions, and raise issues on matters and aspects of their mandate, procedures and proceedings of the House as the need may arise.

## **Methodology**

Hon. Speaker, the workshop was interactive with presenters and participants sharing freely with illustrative and experience illustrations from the facilitators. Questions and answer sessions chaired by a member were carried through at the end of the presentations.

At the end of the workshop, the Committee held a press conference at the Parliament of Uganda which dwelt on the Committee's mandate, future outlook and recent events in the Community.

## **Participants**

Participants included the fifteen members of the Committee and Resources persons including the former Chairperson of the Committee Hon. Lydia Wanyoto- Mutende and Hon. Safina Kwekwe Tsungu a former member of the Committee both being members with significant knowledge and skills with regard to the Committee's mandate as well as Rules, procedures and proceeding of the Assembly.

## **PROVISIONS OF THE TREATY ESTABLISHING THE EAST AFRICAN COMMUNITY**

In the presentation by Hon. Lydia Wanyoto – Mutende, the participants were taken through general provisions of the Treaty that they need to internalize as they carry out their functions; these included key provisions in the Treaty. These provisions provide specific tools for the General Purpose Committee to carry out its functions; these address Articles 5, 6, 7, 8, 102,103,117, 118,119 and 120 of the Treaty.

The Members' attention was drawn to *Article 5: Objectives of the Community* which target development of policies and programmes aimed at widening and deepening co-operation among the Partner States in political, economic, social and cultural fields, research and technology, defence, security and legal and judicial affairs, for their mutual benefit. The provision also addresses the establishment amongst Partner States and in accordance with the provisions of this Treaty, a Customs Union, a Common Market, subsequently a Monetary Union and ultimately a Political Federation.

Reference was made to Article 6, looking at the Fundamental Principles of the Community which governs the achievement of the objectives of the Community by the Partner States through mutual trust, political will and sovereign equality; peaceful co-existence and good neighbourliness; among others.

The members were taken through Article 7 which addressed the Operational Principles of the Community which is people-centered and market-driven co-operation and of an adequate and appropriate enabling environment, such as conducive policies and basic infrastructure provision by partner states such as the establishment of, to mention a few an export oriented economy for the Partner States for free movement of goods, persons, labour, services, capital, information and technology.

Article 8 addressing the general undertaking as to implementation states that partner states shall plan and direct their policies and resources with a view to creating conditions favourable for the development and achievement of the objectives of the Community and the implementation of the provisions of this Treaty. It was important to note that this article also addresses itself to the Community Organs, Institutions and laws which take precedence over similar national ones on matters pertaining to the implementation of this Treaty. It further highlights that in pursuance of the provisions of paragraph 4 of this Article, the Partner States undertake to make the necessary legal instruments to confer precedence of Community Organs, Institutions and Laws over similar national ones.

### **Mandate of the Assembly**

Hon. Speaker, the Members were informed that all EALA Committees draw their mandate from the Treaty for the Establishment of the EAC and the Rules of Procedure of the Assembly.

The presentation addressed itself to Article 49 of the Treaty which spells out the functions of the Assembly pointing out that the Assembly is the legislative organ of the Community and liaises with the National Assemblies of the Partner States on matters relating to the Community.

### **Mandate of the THE General Purpose Committee**

The presentation indicated that at each phase of the EAC integration, the Committee should scrutinize how Articles 5, 49, 59, 102, 103, 117, 118, 119, 120, 121, 122, 133 of the Treaty are operationalised (through legislation, oversight of the Community & projects and programmes on areas of cooperation and representation of the interests of East African citizens) by the EAC Organs and Institutions and within Partner States. The presenter specifically indicated that the Committee is mandated under rule 79 & annex V of the rules of procedure to oversee the operationalisation of Articles 102, 103, 117, 118, 119, 120, 121, 122 together with Articles 132 & 133 of the Treaty on determining & approval of the Budget and other resources of the Community.

Under Article 132 of the Treaty, the Committee examines, discusses and makes recommendations on all Bills laid before the Assembly. The Committee may initiate any bill within its mandate; it may also assess and evaluate activities of the Community. The Committee is also mandated to carry out research in its respective mandate, examine policy matters within its subject areas and initiate or evaluate action programmes under those subject areas and make appropriate recommendations thereon. The mandate extends to examination of the Community's current and capital budget estimates. And it subsequently reports to the Assembly on its functions.

### **Legislative Function**

Hon. Safina K. Tsungu informed the participants that a member can under rule 64 to come up with a *Private Members' Bill* and Members of Parliament use this time to initiate laws and question the Executive. The mover of the private members' bill has a right to technical support from the Office of the Counsel to the Community who affords the Member moving the Private Members' Bill professional assistance in the drafting of the Bill under Rule 64 (3) in line with Article 59 (1) of the Treaty.

### **The Representative Role of the Members of Parliament**

The presentation touched on representation as a wider interest of the public and people as their elected leaders unpack the four phases of integration and place people's interests at the top of the agendas of the region and national programmes. The presentation also highlighted the fact that it provides for the checks and balances with the Executive and other stakeholders.

Madam Speaker, of great importance is the need for branding and profiling the space and role of EALA in the Legislative agenda in building collaborative Networks and partnerships with Members of National Parliaments and Ministers (East African Community) to enhance and progress the deepening and widening of the EAC integration through outreach programmes and mass mobilization for EAC integration. Areas of focus could be the popularisation of the integration through for example student exchange and members of EALA getting involved in social activities in their communities, networking with national leadership.

The presenter cited the Uganda Parliament which had established a committee to handle East African Affairs specifically and created a forum where the Uganda Assembly Members present reports and related matters before the House and the East African Affairs Committee.

### **Oversight Role**

The presentation highlighted the importance of interrogating public policies and funds earmarked for projects and programs to ensure efficacy, efficiency and effectiveness. The presenter encouraged members to make maximum use of committee oversight activities and the Floor of the House to raise issues and ask questions.

### **Pre- Budget Role, Budget Oversight and Appropriation**

Hon. Speaker, the indicators to budget oversight and appropriation include assessing the status of utilized funds, questioning the delay in the release of funds and procedural limitations in the planning and approval; harmonising the budget cycle with existing legislations and reviewing the time frame for the budget implementation and approval. Similarly, the Committee addresses the issues of funding lump sum expenditures; dealing with emergency eventualities, harmonisation and linkages in the financial documents and assessing the value for money.

The Committee has to deal with the technicalities in the EAC budget Framework and positioning the budget in the broader East African strategic plan. It should also work at reducing public expenditures vis-à-vis increasing expenditure on service delivery while addressing the different priorities attached to the EAC Budget. The Committee should also provide a yardstick for Sectoral allocations in the budget and efficacy of running a cash Budget. The Committee should be mindful of national interest vis-à-vis EAC integration interests as tools for budget approval.

The presenters observed that the budget function is a critical tool used by the Assembly to ensure appropriate allocation according to the Strategic Plan. She noted that funds are needed for work to be realised and emphasis should be on analysis of the documents submitted ensuring that the members understand value for money in the budget and relating the EALA/EAC budget to the

broader East African Strategic plan while at the same time being mindful of the national interest which should however not totally eclipse the interests of Regional Integration.

The members were encouraged to be patient, vigilant and firm on budget issues much as it involves reading huge volumes of materials submitted by the Council of ministers.

The members were informed that over 70% of the EAC budget is donor funded, noting that donor funding restricts re-allocation of funds and encouraged members to ensure that EALA is in the know of all the negotiations with donors to inform the budget process.

## **SPECIFIC SECTORS**

### **Education and Training**

In her presentation Hon. Safina K. Tsungu addressed herself to *Article 102: Education and Training which touches on the Partner States* obligation to foster co-operation in education and training within the Community, co-ordinate their human resource development policies and programmes; strengthening existing and where necessary establish new common research and training institutions.

The presenter urged members to work towards fostering cooperation and standardisation in education within the Community, establish and strengthen common research and training as well as develop common programmes for basic, intermediary, tertiary and adult education to allow for equal opportunity within the Community by standardising education for free movement of labour. She cited the current challenge of Lawyers not practicing freely within the Community.

### **Science and Technology Sector**

The presentation also addressed itself to *Article 103* which touches on *Science and Technology* sector. In this regard the members were informed that this Article addresses itself to promote co-operation in the development of science and technology within the Community that can be achieved through the joint establishment and support of scientific and technological research and

of institutions in the various disciplines of science and technology; creation of a conducive environment for the promotion of science and technology within the Community; encouragement of the use and development of indigenous science and technologies; and mobilisation of technical and financial support from local and foreign sources and from international organisations or agencies for the development of science and technology in the Community.

### **Health, Social and Cultural activities of the Community**

The presenter referred members to chapter Twenty One of the Treaty which addresses the Health, Social and Cultural activities of the Community. Article 117 under this chapter addresses the scope of cooperation. In pursuit of the objectives of the Community as set out in Article 5 of the Treaty, the Partner States are obliged to co-operate in health, cultural and sports and social welfare activities within the Community.

### **Health**

According to Article 118 of the Treaty, member states must take joint action towards the prevention and control of communicable and non-communicable diseases and to control pandemics and epidemics of communicable and vector borne diseases that might endanger the health and welfare of the residents of the Partner States, and to co-operate in facilitating mass immunization and other public health community campaigns. Promote the management of health delivery systems and better planning mechanisms to enhance efficiency of health care services within the Partner States; develop a common drug policy which would include establishing quality control capacities and good procurement practices among others. In fulfillment of the above, the Committee has through the East African Community Inter-Parliamentary Forum on Health, Population and Development carried out several activities.

### **Culture and Sports**



The presentation also touched on Article 119 of the Treaty which addresses issues of Culture and Sports. These provisions of the Treaty promote close co-operation amongst partner states in culture and sports, with respect to promotion and enhancement of diverse sports activities, the development of mass media programmes on matters that promote the development of culture and sports within the Community; promotion of cultural activities, including the fine arts, literature, music, the performing arts and other artistic creations, and the conservation, safeguarding and development of the cultural heritage of the Partner States including, historical materials and antiquities and the development and promotion of indigenous languages especially Kiswahili as a lingua franca. It was emphasized that culture is core to promote solidarity and oneness of mindset and the Committee should put emphasis on this sector.

### **Social Welfare**

Article 120 of the Treaty which deals with social welfare urges partner states to closely co-operate amongst themselves in the field with respect to employment, poverty alleviation programmes and working conditions. The presenter urged members to address this stating that in the wake of the East African Common Market, the Committee needs to ensure that work is done to iron out issues of minimum wage; at-work-programmes like workplace safety, workplace HIV/AIDS prevention, care and support; worker insurance schemes; the right to self organise at work; social protection schemes like pensions and retirement benefits etc all become paramount.

### **Enhancing the role of women in Socio – Economic Development**

The presentation by Hon. Safina K.Tsungu covered Chapter Twenty two of the Treaty which addresses the role of Women in Socio-economic Development and the Role of Women in Business enhanced under Articles 121 &122 of the Treaty. Under the Treaty, through appropriate legislative and other measures partner states are encouraged to promote the empowerment and effective integration and participation of women at all levels of socio-economic development especially in decision-making, abolish legislation and discourage customs that are discriminatory against women; promote effective education awareness programmes aimed at changing negative attitudes towards women among others.

## **Rules of the Procedure of the The East African Legislaive Assembly**

Hon. Speaker, the presentation by Hon. Lydia Wanyoto - Mutende covered the practices and procedures of the Assembly, providing insight on how business in the House should be conducted, with emphasis on the standards that shape the process and outcomes of constructive debate. It emphasized that the Assembly works as a properly instituted and collective entity, stating that individual Members are the life blood and light of this Institution. In essence therefore, the collective nature is a mantle of unity and people look at the Assembly as a reflection of their aspirations. The presenter explained that of utmost importance was internalizing rules governing debate in the House including the framing of questions, moving of motions, procedure for introducing and debating bills and the language and dignity of debate in the House.

The presenter emphasised the powers of the Speaker (stipulated under Article 53 of the Treaty) range from enabling Members to access the Floor, to dismissing a Member from the Chamber for inappropriate conduct. She pointed out that at the very core of parliamentary work are the principles of dignity and tolerance within and outside Parliament. To this end, the presentation urged members to protect the institution of Parliament with honor, dignity, civility and collective responsibility regardless of the nature of dissenting views.

The presentation pointed out the relevance of motions, the language for debate and the manner of framing questions, as avenues through which the powers of legislature, representation and oversight are exercised. The members were informed that it is essential that they emulate the twin values of constructive speech and the art of listening and additionally they should learn how to manage the issues of partner state loyalty, interests and effective representation of regional concerns.

The presenter pointed out the fact that opportunities exist to move motions and Members could use the following avenues to exercise their oversight and legislative function:

- Questions on the Floor of Parliament; the presenter informed participants that Members of Parliament use this time to demand explanations from the Executive on various issues of concern. The question should be worded meticulously so as to require a specific

answer from the Minister.

- On '*Point of Order*' the presenter informed participants that this provides a subtle avenue for one to detract the member taking the floor and raise issues. However its efficacy is dependent on the MPs ability to understand and utilize the Rules in their favour. Members were cautioned not to misuse this Rule.
- Participation in the Committee Meetings; Parliamentary Committees provide opportunity for MPs to express their views on issues of oversight and the scrutiny of legislation. Views may also be incorporated in the process of drafting the Committee's report.
- Speaking to and interacting with the Media; Members of Parliament may express their views to millions of East Africans through interviews with the media. The Members were equally encouraged to make themselves and the committee relevant by speaking to the people of East Africa through the media on the East African Community and integration matters particularly addressing issues that touch the lives of the peoples of East Africa.

The members were finally encouraged to read and internalize the Rules to facilitate orderly participation in the debates in the House in Committees Meetings.

It was highlighted that it was within the mandate of each Assembly to amend the Rules of Procedure if they felt the need to do so.

### **Issues Raised by Participants and Responses to the Issues**

The participants wanted to know how to improve the budgeting process to enable citizen participation in the whole exercise given that the budgets of the Partner States are positioned within the National Development Plans without a unified national development plan for the region. The response indicated that this was possible because the dates of reading of the budgets had been harmonized but more importantly, the members had a role to play in the pre budget conference where priorities are set with all stakeholders. During the budget session, the Assembly could ensure that the same priorities are featured in the budget proposals for the financial year.

On a question whether it was possible for the Assembly to engage with the Council of Ministers outside Committee interactions for proper functioning of the system and encourage information sharing; the facilitators said that interaction with the Council of Ministers was possible during all sessions in Committees but depends on availability of resources to facilitate it particularly

outside plenary sessions since the Council was an entity and not a particular Minister for EAC. On this note, the presenters also encouraged the Members to interact more via the social networks such as Facebook and Twitter for the East Africans to appreciate and get involved in Community issues online.

On a question on the process involved in establishing a Committee on East African Community Affairs in Member States, the facilitators informed the Committee that such initiatives come from the Assembly Membership and National Parliaments, noting that Uganda amended its Rules of Procedure to establish such a committee. The facilitator further emphasised that a good working relationship between the two Legislatures and legislators is very important for this to be realised.

### **Conclusion**

The Committee expressed appreciation for the enriching workshop and in particular thanked the facilitators for generously sharing their experiences with the Committee. The workshop concluded with a press conference explaining to the media the Committees mandate followed by questions which featured among others, recent bills enacted by the Assembly and cooperation between the Partner States in specific areas such as HIV and AIDS, Education, Research and the role of the media in the integration process. The Committee urged the media to support the EAC and report extensively on the Community to enhance visibility and understanding of the process by all the peoples of the region and undertook to enhance collaboration with the media to this end.

### **Recommendations**

- (i) The Committee recommends that the Rules of Procedure of the East African Community be amended to the current circumstances and pace of the integration process;
- (ii) The Committee recommends that in each National Parliament there be established a Committee for East African Community Affairs as has been established in the Parliament of Uganda to give due focus to the matters of the Community;
- (iii) The Committee recommends that in view of the wide scope of the Committee,

increased funding be availed to give particular consideration to vulnerable groups, women, People living with disabilities, the youth and culture which up to now have not received adequate attention;

- (iv) The Committee recommended that the Secretariat needs to fully brief the Committee on negotiations and funding for projects and programmes as and when they commence, progress and are concluded.

### **Acknowledgement**

The Committee on General Purpose of the East African Legislative Assembly would like to acknowledge and express its appreciation to the office of the Rt. Hon. Speaker of the East African Legislative Assembly and office of the Clerk for facilitating the workshop.

Secondly, to Hon. Lydia Wanyoto- Mutende and Hon. Safina K. Tsungu for ably facilitating the workshop; the EALA Uganda Chapter for the special arrangements and warm hospitality. AWEPA for the financial support, the Parliament of Uganda for availing facilities for interaction with the press and finally to the Committee staff, Ms. Elizabeth Barinda and Ms. Elizabeth Gitonga.

Hon. Speaker, I beg to move.

**The Speaker:** Thank you very much, Committee Chair of General Purpose, Dr Martin Nduwimana. Hon. Members, the motion on the floor is that the capacity building workshop report on the Committee of General Purpose on the role and mandate of the committee be adopted. Debate is open.

**Ms. Susan Nakawuki (Uganda):** Thank you very much, Madam Speaker. Before I submit my issues, please allow to go into a little *orbiter dictum*. When I read that the session was going to be in Nairobi, I was very excited and the reason I was very excited was I had been seeing the big red seats on television with the court of arms and I was excited that I am also going to share in that by seating in those red seats. I even went on a shopping spree to get red suits so that I blend in well with the seats. To my disappointment, when I came here I thought I was lost as I saw white seats.

Nonetheless, I have two issues to deliberate on. First of all I would like to thank the Committee of General Purpose especially the Chair and the members, myself inclusive as a member of the committee.

Madam Speaker, as you are aware, the Committee of General Purpose has a very wide mandate which is expressly conferred upon it by the Treaty under Article 49(2). Under this mandate, this specific committee is entrusted with the fact that it is supposed to approve the budget among others under the budget plus also the budgets of other projects run by the East African Community, projects and programs of the Community. It is also mandated with the management of these programs.

As you may be aware, this committee is given very little time. I stand to be corrected by the SG but over seven programs and projects are running plus several other projects underway but the time is very little so you find that you hardly have sufficient time to do all these activities.

Madam Speaker, it is my humble prayer therefore that if you deem it necessary or fit, it would be good if we are given ample time for instance a week for projects and maybe a week for Partner State activities and probably also a week for annual work plan reports, among others while not putting aside the budget.

So Madam Speaker, I am requesting that this meets your consideration.

Secondly for the purpose of the *Hansard*, I would like to set this straight. On page 13 of the report of the General Purpose Committee under the recommendations, we were talking about amending the Rules of Procedure of the East African Legislative Assembly and not the Rules of procedure of the East African Community. Thank you very much, I would like to support the motion.

**The Speaker:** Thank you very much, hon. Nakawuki. I think your concerns have been noted but most importantly we are also very gracious to the Kenyan National Assembly for according us this historic Chamber for us to sit in. rest assured that you can have an opportunity to tour the new chamber or the refurbished chamber which has those beautiful red seats and you are more than welcome but we are very comfortable here.

Perhaps also at an appropriate time we shall see the time allocation whether we shall have more time. This is not to the Secretary General but to the Speaker and to the Committee on House Business. We shall see how to handle it. May I invite hon. Pareno?

**Ms Judith Pareno (Kenya):** Thank you, Rt hon. Speaker. May I also have this opportunity to congratulate you for having been elected Speaker of this House and not just that but being the first lady to be a speaker of this House? We must say that we are proud of you.

Secondly, I would like to congratulate the Chair of the General Purpose Committee. That was a well done presentation and I just wanted to pick out one or two things that I noted.

I must say that one message that has gone through all these presentations and the message from all the participants is that we are now mandated. We feel we know our mandate and we feel we have been trained and we are now ready to go. I must say that we are grateful for the Rt hon.

Speaker as well as the facilitators for having taken us through these workshops because personally I feel I am now empowered and I feel I know my mandate and how to conduct the business of this House. We thank you for organising these workshops.

Another message that has come across this particular report or the reports of the House is that our role is basically two or three roles. That we have a legislative role, an oversight role and that we also have a representative role. But I have seen from this report and even the rest of the reports that 70 percent and that is my great concern of the budget of the EAC is donor funded. I think that should be one thing that we need to think about as a House.

Probably to me that is not a good picture for us. I think we can do better as East Africa. We can have a better budgetary provision from our Partner States and I think as we go out we will- The Chair of Council, the Summit and the Rt hon. Speaker, I think we need to look at the resources and how we can be able to move.

I think I will be curtailed as a member of this Parliament if I will not be able to do my oversight role, my legislative role or my outreach programs because I do not have donor funding. I think we can do better and for us to be able to do better as members of this Parliament, we need that funding. We need those resources to be able to perform. So the big question to us as we go through this training, as we leave these trainings and move forward is, how do we raise the resources that are required? I wish to support this motion. Thank you.

**The Speaker:** Thank you very much, hon. Pareno.

**Ms Hafsa Mossi (Burundi):** Thank you very much, hon. Speaker. I wish first of all to warmly congratulate you, hon. Speaker upon your election as a member of this Third Assembly but mostly upon your election as our Speaker. I am convinced that under your very able leadership, you will take the EALA to greater heights and EAC as a whole.

I wish to also congratulate my colleagues upon being elected members of this House and I also wish to thank the government of Kenya and the people of Kenya for the warm hospitality. I am sure we have been enjoying ourselves since we arrived in Nairobi as our second home.

I will not forget my former colleagues, members of the Council of Ministers for having worked with me in a very cordial atmosphere and I am happy to inform them that I am still associated with them when it comes to matters with regards to the Council of Ministers.

Coming back to the report, I want to state that I am a member of this committee and I want to-  
*(Interruption)*

**Mr. Mulengani:** Madam Speaker, I am not intending to distort my colleague the hon. Member of Parliament of the East African Legislative Assembly. The clarification I want to seek is on her statement that she has made that she will keep on associating with Council. Can she substantiate

ion what she meant exactly? Associating with them as members of EALA or as Council of Ministers?

**Ms Mossi:** Thank you, Madam Speaker. I wish to retrieve what I have said earlier but I did not say I am associating myself with the Council of Ministers but rather I have associated with other members of this august House.

Madam Speaker, I wish to thank you for having organized these kinds of workshops. I am sure that we members have benefitted a lot from the very informative sessions we had especially with the presenters you have availed to share information and expertise on what they have been going through because most of them were members of the Second Assembly.

Most of the recommendations have already been said but I would like to come back on some aspects of the recommendations. One is the need to have a special committee on East African Community in all Partner States and I wish to commend the Parliament of Uganda for having put in place one. I know in Burundi we have one but it is associated with Foreign Affairs and I would like to urge all the Partner States to avail one and to ask our governments to quickly see how best this can be put in place in collaboration with the parliaments. I know- (*Interruption*)

**Mr. Ngenzebuhoro:** Thank you, Madam Speaker. I would like to give information here. This recommendation is related to one of the recommendations made by the different Nanyuki Series. In these Nanyuki Series, it is clearly said that the national assemblies establish a committee solely in charge of East African Community matters. When it is mixed with political affairs, it is hard to respond to the Nanyuki Series recommendation. Thank you, Madam Speaker.

**Ms Mossi:** Thank you, Madam Speaker. I think hon. Ngenzebuhoro was not following when I was saying that we need committees which deal specifically with East African Community matters and that Burundi does not have one but rather is associated with another sector which is the Foreign Affairs.

I think in having those committees, it will be very important for us to interface with those committees to liaise with them but also in the same vein, I would like to emphasise the fact that we need to interface with sectoral councils which fall under the mandate of this same General Purpose Committee.

As far as education is concerned in respect of what has been said, I think there is need to fast track the harmonization of the curricula in all Partner States and I am sure one of these days my committee will be able to move a motion in respect of this aspect.

It is also important that as far as the budget function is concerned, I think there is need that our national parliaments be involved in this process because they are the ones who adopt the national budgets.



Lastly, Madam Speaker I would like to emphasise on what my colleague hon. Pareno said about the funding especially to give particular attention to the vulnerable groups and I would like to urge my former colleagues of the Council of Ministers that they support us when we bring a Bill to deal with the rights of persons with disabilities. I beg to support the motion, Madam Speaker.

**The Speaker:** Thank you very much.

**Ms Valerie Nyirahabineza (Rwanda):** Thank you very much, Rt hon. Speaker. Since it is my first time to take the floor, let me take this opportunity to congratulate you upon your election as the Speaker of the Third EALA. Let me also take the same opportunity to sincerely thank you for having made sure that these capacity building workshops for members be held.

I think all of us have benefitted a lot because even for some of us who had that chance to be elected for the second time, we had never benefitted from such a workshop. When we came in, I remember it was in 2008 while the others had already spent one year. I am inclined to think that such a workshop had already been organized for them before we came.

We learnt a lot. Even if in the course of our mandate we learnt from experience, still theoretically we were able to learn a lot especially from the presenters you availed to us. So I thank you so much.

Back to the report at hand, I have to declare that I am a member of the General Purpose Committee so I am in full support of the report. Having heard hon. Mossi who is also a member of the General Purpose committee, one could say that she has picked some words from my mouth especially with regard to the establishment of this special committee which deals with East African Community affairs in Partner States.

I am coming to this question because it has also been raised by the previous committee which had presented before and I take this opportunity to congratulate the Communication Trade and Investment committee for coming up with a wonderful report and to congratulate my sister hon. Kizigha for reading it ably and coming up with a tangible resolution.

I know for a fact that in our different Partner States, according to the nature of the parliaments, our parliaments have designated so far an existing standing committee to deal with East African Community affairs. Although that very committee deals with so many issues, in the mean time we feel a bit satisfied by the decision that was taken by the Speaker's Forum. However I am not very sure if all Partner States- At least I know that Rwanda is doing something but I don't know whether it is happening in all the Partner States as it was said before.

So I implore you, Rt hon. Speaker with due respect, to check with your colleagues the Speakers of assemblies and see whether such a committee has been established in line with a recommendation that came up even before.

Still on that, we have Article 65 of the Treaty which obliges us that all the discussions taking place in EALA be submitted in our national assemblies so that the members of parliament of our national assemblies can get involved in the entire process that we are going through.

I am not able to say what is happening right now but I know for a fact that in some countries, those reports are tabled and I sincerely thank your Clerk because last time when we were touring some Partner States, some were accusing EALA saying that this article is not operationalised and we were attributing the fault to our Clerk. But definitely we noticed that it was not the case. Our discussions, the Bills and contents are submitted to our national assemblies but some assemblies are not debating them. They are not even tabled.

So I would urge our ministers to take this into consideration and make sure that these debates are tabled before our national assemblies because we want our fellow MPs to get on board.

Rt hon. Speaker, I can see that the Council is consulting but I know for a fact that it is a problem all over, even if I know that our ministers are trying to be proactive. They have indeed tried. At least the last time we checked they were trying and for the time being the fault is no longer on our distinguished Madete but it is the fault of our national Clerks.

Rt hon. Speaker, as I said I am a member of the General Purpose Committee and I fully concur with the recommendations of this report and let me conclude by saying that since the Chair, Council of Ministers has promised that the Council has taken this very recommendation at hand and that it is going to deal with them, we hope for a fact that whatever has transpired so far at least in these two reports we have debated this afternoon, is going to be given tangible consideration and everything is going to be implemented. I thank you, Rt hon. Speaker.

**The Speaker:** Thank you very much, hon. Valerie. I can assure you that the issue of following up on the formation of East African Community committees will be followed up with my colleagues, the hon. Speakers.

**Mr. Mike Sebalu (Uganda):** Thank you very much, Madam Speaker. Members of the Council of Ministers and honourable colleagues, Members of EALA, it is good that we are here in Nairobi undertaking our Treaty obligation as members of EALA to execute our mandate.

I want to congratulate Rt hon. Speaker and in congratulating you, there is one observation I want to make and in the process try to advise my colleagues. I have been hearing colleagues saying, the first lady Speaker. I just want to advise that you say, First Lady Speaker otherwise if you stop at first lady then Speaker, you create a totally different meaning. So it is First Lady Speaker. You don't say first lady then Speaker. You can create issues of protocol and diplomacy. Let that be taken note of so that we move well.

Secondly, I also want to make an observation regarding hon. Mossi when she indicated that she will continue associating with her colleagues in the Council. I don't find any problem with that.

One I know that she is aware that her loyalty lies with her new employer and that is the East African Legislative Assembly but she will use her association with her former colleagues to further and pursue the interests of EALA. I find that a very important statement because she can easily call colleague and say for instance, but why don't you allow EALA members to get an increment and you know that is good rapport. So I don't find any problem with that.

The former colleagues, when she comes with such good ideas, treat her as a colleague and respond accordingly.

Madam Speaker, I really want to say that the idea of the capacity building workshops is a very brilliant idea. It is a very good idea to get members up to date in terms of the scope of the work that is expected of them, in terms of the mandate that they have, in terms of the powers that they do have in order to execute their mandate and also in terms of issues of etiquette and decorum and other considerations.

This is a diplomatic calling and there are certain things that are expected of us as people enjoying diplomatic status and if you don't give this kind of interface at an early stage then we can have a big problem because you can have a member of EALA found in an area and behaving in a manner not befitting the status of a diplomat.

These may appear to be easy but they are quite important and these capacity building workshops have delivered very well on that front. I believe we all enjoy the status, we all know the decorum with which we are supposed to carry ourselves and appreciate ourselves because for instance, people like us, when you are late, and you are not late. You are only delayed. You are not supposed to fall sick, you are just unwell. You don't go to borrow, you only work on facilities. You don't go to the village, you go upcountry.

This is what you are aware and these are basics that we really need to appreciate in the kind of status where we are. This came out well and I believe we have all benefitted from this kind of interaction.

I want to congratulate and thank the government of Kenya for always playing good hosts. They have always been good hosts to EALA, we have always had a good time and good facilities being put to our disposal and we have always conducted business in an enabling environment. So once again I want to pay homage to the President, the Speaker and the people of Kenya for the hospitality and gesture of good will that they always extend to us.

Madam Speaker, I want to thank the Chairperson of the committee. This is a very good report and it delved into a number of issues that are very important. I want to engage with about three of the issues and one is of a fundamental nature. It may not specifically be an issue of this report but it is something that we must put on the table for discussion. It could be- Actually it is a Treaty matter but we must engage with it if we are to grow the institution of the East African Legislative Assembly.

We do have a process in place of the institutional review being presided over by the Secretary General and the Secretariat and I really want to implore the people that are undertaking this process to look at the whole issue of the size of the East African Legislative Assembly given the increasing and expanding mandate.

The East African Legislative Assembly had nine members from each Partner State at inception given that the scope at that point in time was basically to deal with the Customs Union and the Scope and mandate was rather limited given that it was inception. Over time, the scope of duty is increasing. We now have many Bills coming into play, we have many activities. As we cover more stages of integration, the work increases.

Now there is a big and serious challenge in the committees where we have three members from each Partner State and there are on one or two committees and you find that if two committees are meeting, it becomes fairly difficult for them to transact optimally in terms of even the quorum requirements.

I want to give a specific example of the two committees where I happen to serve. I do serve on the Committee of Regional Affairs and on the Committee of Agriculture but from the Regional Affairs Committee, six members are also members of the Agriculture committee. So that makes it difficult for the two committees to meet simultaneously and in a way that curtails the speed at which we have to deal with issues.

This is fundamentally brought about by the size of EALA now vis-à-vis the mandate that has grown over time. So as you deal with the institutional review, the whole question of the size of EALA in terms of representation per country needs to be given due consideration to allow committees to operate optimally because it would even be a better arrangement and a saving arrangement where you can have all the committees operating, even where you get one member per committee so that committees can operate freely regardless of whether there are other impediments.

So I believe fundamentally that this is something that we need to give due consideration as we undertake the institutional review because my understanding is that we want to be more efficient and also to be able to optimise the human resource that we have to avoid duplication that creates wastage and delays in timely reporting. Our output is reporting so if you are going to have reports delayed because one committee cannot meet when another is meeting, it creates a bit of a problem and I believe this is the time to give it due attention and we give it consideration as we undergo the process of review.

The second point that I want to talk about is the whole issue of private members bills. It was ably brought about in the capacity review as part of legislative function. The private members bills are a very important component of legislation and in the Commonwealth it is the practice because the idea is simply to give room to issues of high importance that may not be given due consideration in terms of the legislative calendars as initiated by the Executive.

So the idea is to create a window of opportunity where members of Parliament can look at an issue of great importance and significance which has not been given due attention. That also goes into the representative function because at the end of the day, the pieces of legislation that we do enact must be a reflection of the wishes and aspirations of the people. In case there are certain aspirations that the Executive have not given attention then Parliament is duty bound using the private members bills to bring them on the table for discussion and consideration. This is critical and as members of Parliament, we need to use it seriously.

There are certain aspects where you find it raising discomfort from certain quarters for instance if the Executive does its work and they are proactive and look at all areas that need legislation then they should be in position to bring legislation, in which case the Legislature would not have any point bringing private members bills. The Legislature only comes in when there is complacency on the part of the Executive.

So this is a critical aspect of any parliamentary democracy to enhance representative democracy of the people and it must be guarded jealously, it must be promoted and it must be enhanced. For that matter, it has been very useful in EALA because there were moments when the Executive were not initiating any bill and the work of the Legislature is to legislate. But the initiation is supposed to be by the Executive but when the Executive is not initiating and yet there are gaps in legislation then the Legislature is duty bound using private members bills, to fill the gap.

This is an avenue that we must protect and promote in order to further the interests of legislation, the interests of the people and to make sure that their aspirations are catered for within the laws that we do pass.

Madam Speaker, I want to go to page seven and I want to draw your attention to paragraph two on the issue of funding. This has been very ably brought about by my colleagues and I do not intend to bring the same arguments that they have put forward. Mine is from a different angle. One, we have heard that we are progressing well in terms of establishing the customs territory. I think procedures have been put in place and we should have this operational sooner or later. So if the information I have got is anything to be relied upon, I want to congratulate our Secretary General and I think he deserves a round of applause, if that is true. If it is not then I withdraw the applause.

If that is true then we are proceeding very well because we have been suffering from these erratic contributions. First of all they are not sufficient, secondly disbursement is not timely and partial and lastly it does not engage the demands well. So if that is anything to go by, I want us to give it – *(Interruption)*

**Mr. Chris Opoka Okumu:** Madam Speaker, I would like to ask hon. Sebalu to clarify for us when he says if the information that he has is anything to go by. What is the information? I don't know it. Thank you.

**Mr. Sebalu:** Thank you very much. You don't know the information? So you should have sought for the information. The information is simple. I read in the media recently and I had indicated that what I read was that all procedures and arrangements have been put in place to ensure that the customs territory begins operating. What I indicated to say that if the information is anything to be relied upon, I wanted to get it from the most authoritative source and that is the Secretary General but that information was out and I have put that on table for the Secretary General to give us some light but there was some reporting in the media to that effect. That is why I left it hanging, pending confirmation from the most authoritative source, the Secretary General.

My last take on this is I think we are much safer as a Community to use our locally and internally generated revenue and the customs territory would give us that leverage because this whole idea of East African Community is a threat to some of the people who are even funding us. So to imagine that the people who may feel threatened by your convergence because our coming together, this kind of market, the strategic location of East Africa is of interest to many other players and some of them may be our own funders.

So for you to submit- Even when you have a very good friend, once you see him getting too involved in your home- You know he is a friend, he starts buying food, he goes to shoes and dresses for members of your family, he is taking them for holiday you should say look, I think the friendship is going too far. Keep it within limits and bounds. So some of these people who are now even funding our committees determine which subject we should give consideration, which oversight we should do, which area we should note- You find people are getting very interested in oil and you need to be cautious.

So that is the reason that if we build our internal capacity, any day we are safer and I want to say that is the best for us.

Finally Madam Speaker, I just want to talk about the issue of culture and Swahili. Definitely we should do whatever we need to do to ensure that Swahili and its usage and the Swahili Commission, anything to do with that, is fast tracked.

*(Applause)*

I know that this statement of fast tracking is not very popular with some of us but at least for the purpose of Swahili, let us accept the fast tracking and we have it fast tracked because it is in the best interests of not only we as members of Parliament but the region as a whole. Once we get a medium of communication across the people then the integration will be organic and it will be truly people centred. Once a Muganda can communicate with a Kikuyu, can communicate with a Zanzibari using Swahili that is the best way of involving the people in this integration agenda.

Thank you very much, Madam Speaker for the time afforded to me and members for your indulgence and kind attention.

**The Speaker:** Thank you very much, hon. Sebalu. I will just make one comment that the size of the Assembly or the institutional review will be commented on by the SG but I think the size of the Assembly is a matter of the Treaty so I think as we move to see the Treaty provisions improved upon, that 48(1) (a) may be looked at in order to support your argument. May I invite hon. Okumu to make his submission?

**Mr. Chris Opoka-Okumu (Uganda):** Thank you, Madam Speaker. I stand up to support the motion. Before I do so, I would like to first of all congratulate you Rt hon. Speaker for your election to this august House. I would also like to congratulate you for having been elected Speaker to this august House. From what I have seen and heard from your 100 days as Speaker, you are acting as a professional Speaker.

*(Applause)*

Thank you so much.

I would also like to congratulate members of this Assembly for having been elected to this Third Assembly or for having been appointed to this Third Assembly.

I rise as I said to support the motion especially the issue of the oversight role that is being mentioned by the Chairperson of the General Purpose Committee. I think that is on page six that we have got to interrogate public policies and funds ear marked for projects and programs to ensure efficacy, efficiency and effectiveness.

Madam Speaker, I am having a problem in trying to understand why some members have got issues about funding from donors. Article 4 of the Treaty makes the Community a corporate body. They can borrow money. Article 132 of the Treaty allows for the funding of this Community by Partner States and international donors. There is saying that he who pays the piper calls the tune. We have got a slate of programs. What is wrong with a person saying, look I am going to fund this program because it is of interest to them. *(Interruption)*

**Mr. Sebalu:** Thank you very much, my colleague for giving way. I have serious issues with the fact that you do not see any problem in this. I just want you to clarify on two scenarios. A scenario where the East African Community are using available mechanisms like the customs territory generating revenue to fund its programs and a situation where it ignores that and opts to go to funders. In your view, what is the best case scenario?

**Mr. Opoka-Okumu:** Rt hon. Speaker, if my good friend hon. Sebalu had given me time to say what I want to say, I would probably have satisfied him. Article 132 of the Treaty allows for the funding of the Community to come from Partner States and international donors. I know what you are talking about; the common customs territory.

In the past, the Community had the East African Customs and Excise Authority. Time is there and I am sure the Council of Ministers will now begin to realise that it is important that we

generate our own income and that it is important to establish a common customs authority that collects money for East African Community, which money can then be used to fund our programs. That should come with time and they should realise this. Government should realise this and it is all part of ceding sovereignty to the Community and that is very important.

You see, when my honourable friend Peter raised the issue of the Council of Ministers being resident in Arusha because of political direction that is part of the thing. So it is very important that while we say the Secretary General will listen, the Council of Ministers who are members of this Assembly will listen that one of the ways of trying to take away reliance so much on donors is to create this kind of authority like the customs authority for East Africa and that will help in advancing and deepening and widening the integration process.

As our oversight role, it has always concerned me. 70 to 80 percent of our people rely on agriculture as their livelihood and yet you will hear that in some of our Partner States, large tracts of arable land are being given out to foreigners for agricultural purposes. I have seen when you go to Northern Uganda, large tracts of land given and these farmers are sending the produce abroad. When we talk of food security, here it has been said in the other committee that the issue of food security is very important and concerns everybody and that we are allowing large tracts of our land to be given to foreigners. They plough the land, plant, harvest and send abroad. That is a very important area that we should look at seriously to protect our people and to protect food security.

The second intervention is on the issue of the talk about widening and deepening of the integration process in economic areas. I am looking at the issue of investment in oil and gas production. You will find in the East African Community that there are various countries that have got oil and gas and yet if we brought in a common authority in East Africa to negotiate, we would have common terms for negotiating for the oil and gas that has become very important in this area and protect our people from the so called oil curse.

Madam Speaker, I think these are areas that should concern us very deeply in the Third Assembly as we move from the economic cooperation to the political cooperation and that political cooperation can only function properly if we begin to have members of the Council of Ministers resident in Arusha. They can go home or elsewhere- I mean the Clerk is resident in Arusha but is here in Nairobi. You know you can always work back and forth but when you are resident there and you are assigned some duties, it will help.

Madam Speaker, I would like to support the motion of the General Purpose Committee Chair to support this report. Thank you.

**The Speaker:** Thank you very much, hon. Okumu.



**Dr. Jeremie Ngendakumana (Burundi):** Thank you, Madam Speaker for giving me the floor. I would like to first congratulate you as others have done on your election as the first female Speaker of EALA.

Let me come back to the recommendation of the committee which recommend to the different national assemblies to establish a committee which will deal with only the affairs of East African Community. This issue came to table in the Burundi National Assembly and it has been discussed enough. Everybody agreed that it would be a good thing to create such a committee but after the discussion, we concluded that it was difficult to create a committee which would deal with only the affairs of the East African Community. If done so, we would have too many committees in the national assembly that the management would be difficult. By the way, we will be discussing with our national assemblies to find out a way to create such a committee.

Secondly, let me come back to the report especially about the point which talks about science and technology. My point of view is that we can find out the way to create some centre of research according to the different needs of our Community so that the results of this research can be disseminated in all the countries of the Community.

For example in agriculture, we have Kilimo Trust if I got the word well yesterday, which is operating in Uganda. The best thing can be the collaboration between that institution with the other institutions of the different countries of the Community to exchange information and to exchange the result of research.

It would be the same concerning fisheries. Suppose we want to improve the production of fish in the Community, if we have a centre which can deal with that, I am sure we can improve the production of fish in Lake Tanganyika and in other lakes of the Community so that we can improve both the quality and quantity of the production of fish in the Community.

The same idea can be available with sports and culture. Suppose we created a regional centre of sports which can train all our athletes of the whole Community? It can be something interesting because last time when a Kenyan got a gold medal, we all as citizens of the East African Community were very satisfied and it was a pride for all of us. Suppose that tomorrow a Burundian gets a gold medal or a Ugandan, it would be the pride of the whole Community and not only those from the country that has got the medal.

I have the same idea about culture. We have different national cultural teams. Suppose we gave them an opportunity to perform, we would be informed about what the national culture is of Uganda, Rwanda, Tanzania, Kenya, Burundi so that we can know each other and integrate each other.

Madam Speaker, I thank you.

**The Speaker:** Thank you very much, hon. Jeremie. I want to invite the Secretary General to tell us more about the institutional review and the Customs Authority, among others.

**The Secretary General (Amb. Richard Sezibera):** Thank you, Madam Speaker. I want to thank you for facilitating this committee to do its work. I also want to thank the Chairperson of the General Purpose Committee for this important report. I rise to support the report and to also say that I have been trying- My friend hon. Sebalu is not here but I critically examined the Rules of Procedure of the Assembly and failed to find a place where an hon. Member can request the floor on behalf of another but I thank him for this round of applause that the Assembly has accorded the Secretary General.

I think this Assembly has many firsts, Madam Speaker; first lady Speaker of the Assembly, first request for applause for the Secretary General, first commitment of support and association from members with members of Council. This is an Assembly of firsts and I congratulate you, Madam Speaker for many of these.

Madam Speaker, there are three issues which I wanted to react to. The first issue is the role of the Assembly in the budget process and I want to say that I want to thank you, Madam Speaker for your own personal leadership in this process. Hon. Members, as you know the pre-budget consultations this year begun early enough. We began the pre-budget consultations in August instead of the usual October. The reason for that is to give you members the time to really work with us as we go through the budgetary process and set priorities for 2013-2014.

The second reason was that we would like our Member States, by the time they begin their own budget preparation processes in January, to have our budget estimates ready for their own consideration so that they can take this on board as they do their own planning.

Madam Speaker, I want to thank you because for the very first time that I know of, a Speaker of the East African Legislative Assembly attended the pre-budget conference and we are very glad that you came and we thank you for your leadership.

*(Applause)*

To say, hon. Members that as we plan for the budget for 2013-2014, please work with us. The priorities are many and sometimes it is very difficult to know which priority to fund this year and which one not to fund to which level so please work with us as we go through this process. We will be ready and open to work with all of you.

The second comment I wanted to make was on financing for the Community and to say that it is true that over 70 percent of our finances for the Community are contributed to by our development partners. This is a good thing in one way but it is also problematic in another. It is a good thing because it shows that our development partners have a belief and want to be partners in our integration agenda and they also have confidence that the resources they accord to us are

and will be well managed. So in that respect it is a good thing which we should support and we thank them.

It is problematic because clearly it is not sustainable in the long run. We cannot have a Community where 70 percent of the budget of the Community is funded by our development partners. This does not include the support our partners give to the Partner States in funding programs and projects of the Community because you know implementation is at the Partner States level so in terms of infrastructure and in terms of other support that we receive and which is extended to Partner States, a substantial portion of the funds in our Partner States also comes from our development partners. Therefore, it is a challenge which we must take up.

I wish to say that the Council of Ministers have taken this up in their meeting held in 2011 and decided that the Secretariat and Partner States should look at alternative methods of financing the Community. This work is on-going. We are expecting to complete it on time for consideration by Council at their meeting in November this year, alternative mechanisms for financing the Community. There are very many formulas we can use on the table so I just wish to tell the House that your concern is also the concern of the Council, it is the concern certainly of the Secretariat.

Secondly though, I wanted to clarify on the single customs territory. It is true that the decision was taken by the Summit of Heads of State at the last meeting that East Africa would move towards a single customs territory so that is true. The Heads of State also adopted the destination model for this single customs territory meaning that revenues outside of goods entering our Community from outside the Community- Those revenues will be collected at the point of entry and transmitted to the destination of the goods. That has also been agreed which was a big concern an area of debate.

What is remaining now and what we are doing is to have a single customs territory with this destination model and there are many things which must happen. Laws must change, areas of domestic tax harmonisation must also be worked on. The connectivity of our customs authorities must also be agreed on and then the nature of the institutions to run this single customs territory must be agreed. These are some of the matters which are being considered by a high level task force which was established and the high level task force is seized of all these issues to make sure that this works.

The decision has not yet been made that a percentage of the revenue collected will go to the Community. No, that has not been made. The decision is that the revenues collected will be transmitted to the Partner State or to the country of destination. So what percentage of that can go towards running the institutions of the Community will be part of the discussion on the alternative financing mechanisms for the Community.

On the institutional budget, Madam Speaker, I have to say that as you know, the draft report on the institutional review was tabled to the Council of Ministers and Council decided that we look

at an external review of this report. We are doing that and the report of this institutional review will go to Council at their 26<sup>th</sup> Meeting in November 2012.

Finally Madam Speaker, I wish to say that there have been a lot of comments on the need for culture and arts and so on. You mentioned it in your remarks, Madam Speaker. It has also been mentioned by an honourable member of the House.

I wish to inform the House that the first ever cultural and arts festival for the Community will be hosted by the Republic of Rwanda in February 2013. I invite all of you to work with us on this. Also in the next financial year, the first ever regional sports tournament will be held so those of you who are sportsmen and women, please begin your preparations early.

I thank you, Madam Speaker and with these comments, I beg to support.

**The Speaker:** Thank you very much, honourable Secretary General. I wish to invite the Committee Chairperson hon. Dr Martin to wind up.

**Dr. Nduwimana:** I thank you, Madam Speaker. Some corrections. Many comments, recommendation and concerns have been raised during this time and I would first of all like to thank you, Madam Speaker for the remarks and clarifications you have brought.

Secondly, I want to thank the Secretary General for the light he brought on some of the questions raised.

One correction which can be made and which was raised by hon. Nakawuki is the comments and there is no need for a response right now by myself. However I have to say that as a Committee on General Purpose, we will do our best to address all those considerations as far as our committee is concerned.

Madam Speaker, I would like to thank hon. Nakawuki, hon. Pareno, hon. Mossi, hon. Valerie, hon. Sebalu, hon. Okumu and hon. Jeremie Ngendakumana for their interventions. Madam Speaker, I beg to submit our report.

**The Speaker:** Thank you very much, hon. Dr Martin Nduwimana for that beautiful report. At this juncture, I want to move by putting a question on the motion that the capacity building workshop report of the Committee on General Purpose on the role and mandate of the committee be adopted. I put the question.

*(Question put and agreed to.)*

**The Speaker:** I think the General Purpose Committee deserves another clap.

*(Applause)*

Hon. Members, thank you very much for the very important contributions to the debate today. I think we have come to the end of our business today. As we conclude, I want to make one announcement which is very important. Our hosts the Kenyan chapter wish to make this announcement.

Hon. Members of Kenya Chapter are pleased to invite all hon. members of the Assembly and staff to a get together at Invrgara Club Lavington off Gitanga Road on Friday 7<sup>th</sup> September 2012 beginning from 6.30 p.m.

This is a dinner which is going to be hosted by the Kenya Chapter in favour of the East African Legislative Assembly members.

*(Applause)*

Transport will be available from the hotels. There is a lot of meat so please be there.

With those announcements, I wish to adjourn the House to Tuesday 2.30 p.m. House stands adjourned.

*(The House rose at 05:18 p.m. and adjourned until Tuesday, 11 September 2012 at 2.30 p.m.)*