



EAST AFRICAN COMMUNITY

**1ST MEETING OF THE 2ND SESSION OF THE
3RD EAST AFRICAN LEGISLATIVE ASSEMBLY**

**Arusha, Tanzania
19th – 30th August 2013**

**ORAL ANSWERS
TO PRIORITY QUESTIONS**

22nd August 2013

1.0 QUESTION: EALA/PQ/3/OA/16/2013 (By Hon. Bernard Mulengani)

The EAC Human Resource Advisory Committee and the other relevant panels are important for discharging fairness and fair hearings against those staff arraigned before them for disciplinary action. From the response of the Chair of the Council of Ministers on the debate of the audited accounts for FY 2010/2011 respectively, two staff of the Community namely Ms. Evelyn Odula (LVBC) and Dr. Flora Musonda (Director of Trade EAC Secretariat) were a subject of disciplinary action.

- (a) Could the Chairperson of the Council confirm to this August House whether the Advisory Committee considered the two cases and if so, when; and what were its key recommendations?***
- (b) What actions did the Secretary General and Council take thereafter?***
- (c) Could he further confirm to this August House if due diligence at time of recruitment of staff as envisaged in the August, 2012 Council Meeting will cover all employees of the EAC.***
- (d) Could he further inform the August House how this is expected to be achieved and what safeguards have been put in place to enable the Community to comply with principle of due diligence at the time of recruitment of EAC staff.***

Madam Speaker,

In line with Regulation 86(3) of the EAC Staff Rules and Regulations, on 22nd September 2012, the Secretary General established a disciplinary panel to handle the case of Ms. Evelyn Omondi Odula as directed by the Council of Ministers at its 25th Meeting. The panel held sessions on 26th to 28th September 2012 in Kisumu, Republic of Kenya, and after analyzing all documentation, relating to the case, interview reports with relevant staff and communication from University of Nairobi and KASNEB in regard to Ms. Odula's academic and professional certificates, recommended to the Secretary General the following:

- (a) Maintain Ms. Odula's suspension from duty with full pay up to the date of the termination of her employment contract with the East African community (LVBC) as per the advice of the Counsel to Community given at the 25th Meeting of the Council and in accordance with Regulation in 91(1) of the EAC Staff Rules and Regulations; and***

- (b) Recommend to the Council to terminate Ms. Odula's employment contract with the East African Community (LVBC) in accordance with Regulation 91 (8) of the EAC Staff Rules and Regulation.

Madam Speaker,

Regarding Part b of the question, the Council of Ministers at its 26th Meeting, based on the Report of the disciplinary Panel and the Secretary General's recommendations, dismissed Ms. Odula from employment without terminal benefits effective from 26th November 2012, and directed the Secretary General to request the Attorney General of the Republic of Kenya to initiate criminal proceedings against Ms. Evelyne Odula for uttering false academic and professional certificates to gain employment in the East African Community.

Ms. Odula has since been dismissed from employment as per Council directive effective 26th November 2012, and on 8th January 2013, the Secretary General wrote to the Attorney General of the Republic of Kenya requesting him to initiate criminal proceedings against Ms. Odula.

Madam Speaker,

Regarding the case of Dr. Flora Musonda, based on the directive of the 23rd meeting of the Council of Minister, the EAC Executive wrote to Dr. Musonda on 20th October 2011 informing her that after carrying out verification, the imprest expenses for the amount of USD24,200 was found to be ineligible and directed her to make an immediate refund of the said amount. Dr. Musonda refunded the amount of USD24,200 in full settlement to EAC on 22nd February 2012.

Madam Speaker,

Regarding Part c of this question, the 25th Meeting of the Council of Ministers directed the Secretary General to undertake due diligence for all staff in the EAC Organs and Institutions. Although the staff of the Community include the Executive Staff who are political appointees, the 26th Extra-Ordinary Meeting of the Council held in Arusha in April 2013 observed that this category of staff should be excluded from the due diligence process because of the political nature of their appointment.

Madam Speaker,

On the last Part d of this question, I wish to assure the August House that due diligence for all new staff being recruited into the employment of the East African Community will be undertaken before appointment letters are issued to the selected candidates. This requirement will also be incorporated as part of the EAC recruitment policy in the EAC Staff Rules and Regulations.

2.0 QUESTION: EALA/PQ/3/OA/17/2013 (By Hon. Bernard Mulengani)

The Council of Ministers at its 26th Ordinary Meeting in Nairobi, Kenya, deliberated on the compensation made to a former DSG by the EAC Secretariat on behalf of the Republic of Rwanda. Pursuant to Article 67(2) of the Treaty, a Partner State which appoints a Secretary General forfeits the post of a Deputy Secretary General. Further, according to R.96 (3) of the EAC Staff Rules and Regulations, where a Partner State withdraws one of its Executive staff before the expiry of his or her contract, the individual shall be compensated the full remuneration package he or she would have received if he or she had served the entire period of the running contract and the funds paid by the Community shall be reimbursed by the concerned Partner State.

Could the Chairperson of the Council inform this August House:-

- (a) Which Executive staff have so far been withdrawn prior to the expiry of their terms of contract (s) and whether they have been compensated;**
- (b) Which partner states have so far complied with the above provisions of the Treaty and Staff Rules?**
- (c) Why has it taken long for the Community to recover the USD. 128,891 advanced to Mr. Alloys Mutabingwa as compensation, on behalf of the Republic of Rwanda?**
- (d) What steps has the Council taken to compel the refund of the said EAC funds.**

Madam Speaker,

I inform this august House that the Executive Staff who have been withdrawn prior to the expiry of their contracts in the manner contemplated under the provisions of the Treaty , and catered for under the Staff Rules and Regulations cited by Hon Mulengani are :-

- (a) Dr Sam Gahiire Nahamya from the Republic of Uganda, who was first appointed on 14th March 1996 and whose contract was renewed on 14th March 1999. Dr Nahamya's renewed contract as Deputy Secretary General came to an end when on 24th April 2001 the Republic of Uganda nominated Col Nuwe Amanya Mushega to be appointed Secretary General;

(b) Amb Ahmed Rweyemamu Ngemera from The United Republic of Tanzania who was appointed Deputy Secretary General on 12th October 2004 for three years and whose contract came to an end on 25th April 2006 when The United Republic nominated Amb Juma Volter Mwapachu for appointment as Secretary General; and

(c) Mr. Alloys Mutabingwa from the Republic of Rwanda who was appointed Deputy Secretary General on 29th April 2009 for three years and whose contract came to an end on 19th April 2011 when, upon nomination by the Republic of Rwanda Amb. Richard Sezibera was appointed Secretary General.

Dr Nahamya, Amb Ngemera and Mr. Mutabingwa compensated for the period they would have served on their respective full contracts.

Regarding the second part of the question and basing on the answer I have just delivered, the Republic of Uganda and The United Republic of Tanzania did comply with the provisions of the Treaty and the Staff Rules and Regulations when each of them had to forfeit a position of Deputy Secretary General.

Madam Speaker,

It has taken the Community long to recover from the Republic of Rwanda the money paid to Mr. Alloys Mutabingwa following the end of his contract because the Republic of Rwanda contends that Mr. Mutabingwa's leaving Community service upon the appointment of Amb Richard Sezibera as Secretary General was not a withdrawal from the Community's Executive Staff as contemplated under the Staff Rules and Regulations.

Following a report of the Secretariat's failure to get the Republic of Rwanda's reimbursement of the moneys paid to Mr. Mutabingwa as reported at the 25th Meeting of the Council held on 25th August 2012, the Council directed the Secretary General to refer the matter to the Summit of Heads of State for guidance. However, at its 26th Meeting held on 26th November 2012, before the Summit met and in order to exhaust all available mechanisms for resolving the matter, the Council referred the matter to the Sectoral Council on Legal and Judicial Affairs for consideration and advice on the way forward. The matter will be on the agenda for the 15th Meeting of this Sectoral Council .

3.0 QUESTION : EALA/PQ/OA/3/18/2013 (By Hon. Maryam Ussi Yahya)

In 2008, Rwanda was chosen to host the East African Community Science and Technology Commission as part of the process of implementation of the provisions of Article 103 of the EAC Treaty.

Could the Chair of the Council inform the House:

(a) On the progress made so far in the establishment of this Commission.

(b) Whether the Commission is operational and it is properly funded. If not, when will it be operational and funded.

Madam Speaker,

The East African Community development objective in Science and Technology is to develop and strengthen national systems of innovations which will drive sustainable socio-economic development and rapid achievements of the Community's goals. To this effect, the Community established the East African Science and Technology Commission whose main purpose shall be to promote and coordinate the development, management and application of Science and Technology in the Partner States. The East African Community Science and Technology Commission shall coordinate and facilitate the activities of the Partner States' National Science and Technology institutions in promoting the development and application of Science, Technology and Innovation.

To achieve the objectives of the East African Community Science and Technology Commission, a Protocol was developed and has been ratified by all the Partner States. The East African Community Science and Technology Commission Bill to clarify and facilitate the implementation the Protocol has been drafted and awaits consideration by the Council at its 27th meeting in the course of this year before reference to the Sectoral Council on Legal and Judicial Affairs for legal input.

Madam Speaker,

At its 24th Meeting held on 26th November 2011, the Council of Ministers decided that the Republic of Rwanda should host the East African Science and Technology Commission.

At its 10th Meeting held on 10th August 2012 in Kampala, Uganda, the Sectoral Council on Education, Science and Technology, Culture and Sports directed the Secretariat to convene a meeting of science and technology experts from the

Partner States to make recommendations for the operationalization of the East African Community Science and Technology Commission. The Sectoral Council further directed that an Extra Ordinary Sectoral Council meeting be convened to, inter alia; consider the report of the experts on the operationalization of the East African Community Science and Technology Commission.

The Meeting of the Science and Technology experts took place at the Telecom House in Kigali, Rwanda which is the proposed site for hosting the East African Community Science and Technology Commission. The experts, inter alia, reported that the EAC Criteria for the Seating of East African Community Organs and Institutions although instructive in many respects, is not explicit on what constitutes “offer to host”. They further noted that the proposal submitted by the Republic of Rwanda on East African Community Science and Technology Commission included, among others, monthly office rent which raised concern among the experts.

The Meeting further sought clarification from the Republic of Rwanda on what was contained in the offer of hosting the Commission at Telecom House. The Meeting also developed a budget of US\$ 1,894,400 to operationalise the Commission.

Madam Speaker,

The prepared budget of US\$ 1,894,400 to operationalise the EAC Science and Technology Commission was presented to the 1st extra-ordinary meeting of the Sectoral Council on Education, Culture and Sports held in early November 2012, in Kigali, Rwanda. The Sectoral Council discussed the proposed budget and recommended the same for consideration and endorsement by the 26th Meeting of the Council of Ministers.

At its 26th Meeting, the Council of Ministers approved the East African Community Science and Technology Commission budget and directed the Secretariat to initiate and conclude negotiations of the Headquarters Agreement between the EAC and the Republic of Rwanda by June, 2013. The Council further directed the EAC Secretariat to develop specific terms and conditions which constitute the basic requirements of the “offer to host” by Partner States and submit them to the Council of Ministers for consideration by June, 2013. The Secretariat convened the Meeting as directed from 29th April to 2nd May 2013 where specific terms relating to the “offer to host” were developed. Since that time, the Council of Ministers has not sat to consider the Report.

The Science and Technology Commission was planned to be operational beginning the Financial Year 2013/2014 but the proposed budget of US\$ 1,894,400

was not considered by the Finance and Administration Committee since it was over and above the zero increment which the Partner States used as the guiding principle to prepare the 2013/2014 budget estimates. Therefore, the operationalisation of the Commission will have to be halted until funding is secured.