REPORT OF THE COMMITTEE ON
COMMUNICATIONS, TRADE AND INVESTMENTS
ON THE ON-SPOT ASSESSMENT OF REGIONAL
COOPERATION IN ICT

November 11th - 15th 2013, EAC Partner States

Clerk’s Chambers
EALA Wing
EAC Headquarters
Arusha, Tanzania

November, 2013
1.0 BACKGROUND

Pursuant to article 49 (2) (e), "the Assembly may for purposes of carrying out its functions, establish any Committee or committees for such purposes as it may deem necessary to exercise both legislative and oversight functions on all matters within the scope of the EAC through meetings, studies, workshops; tours, on spot assessment activities, to mention but a few.

It is in the same vein, the Committee on Communication, Trade and Investment carried out the oversight activity to establish and understand from stakeholders which or whether there are Initiatives and mechanisms in place to regulate, harmonize and implement ICT policies in the EAC region. The implementation of these policies will improve the quality and affordable cost of cross-border communications and also facilitate the implementation of some EAC integration projects such as the Single Customs Territory (SCT).

1.1 Objectives of the On-Spot assessment

The overall objective of the on-spot assessment was to assess Initiatives and mechanisms in place to regulate, harmonize and implement ICT policies in the EAC region. The specific objectives were to update Members on the status on;

1. Cross-Border Broadband ICT Infrastructure Networks;
2. International Mobile Roaming Services including telecommunication networks and connection tariffs in the region;
3. Analog-To-Digital Broadcast Migration;
4. Framework for Cyber laws;
5. E-Government frameworks;
6. Come up with recommendations on the way forward.

1.2 Methodology

The Committee Members were divided into two groups, one group covered Dar es Salaam Tanzania and Kampala Uganda while the other group covered Bujumbura Burundi and Kigali Rwanda and both groups gathered in Nairobi Kenya. The Committee held interactive meetings with relevant Ministries, Regulatory Bodies and telecommunication Operators. The proceedings of the meetings were in form of Paper presentations, and plenary discussions between Members and various stakeholders.
2.0 EMERGING ISSUES

2.1 Cross-Border Broadband ICT Infrastructure Networks

Since 2005 both Government and private sector operators have implemented optical fibre Backbone infrastructure (OFBI) within partner states. There have also been initiatives to implement cross border Optic Fiber Backbone as this will facilitate the integration of ICT Networks, hence improve quality and affordable cost of cross-border communications. In addition cross-border broadband connectivity is required for implementation of some EAC integration projects such as EAC Single customs territory.

The EAC region has seen spectacular growth in broadband ICT infrastructure which is partly attributed to the arrival of four undersea cables (EASSY, SEACOM, TEAMS and LION 2) on the East African Coast. This has resulted into more international capacity/bandwidth, diversity in routes, more competition and a drop in international connectivity rates. This has been complemented by governments’ sponsored National Optic Fibre Backbone Infrastructure in nearly all the EAC Partner States.

Although Tanzania provided backhaul connectivity/links to all EAC Partner States followed by Kenya on some border areas, the challenge of interconnectivity among other Partner States in the region and cost of international bandwidth especially for land locked countries still exists.

2.1.1 Challenges faced by Cross-Border Broadband ICT Infrastructure Networks in the EAC

i) High pricing of cross-border broadband bandwidth. The cost reductions to service providers are not translating to price reductions to end users.


iii) Lack of regulatory framework to facilitate cross-border Optic Fibre Backbone interconnections.

iv) Fibre cuts.

Specific Country Situations

In The United Republic of Tanzania

The Optic Fibre backbone project is handled by the government and it is connected to all EAC Partner States. The Optic Fibre Backbone Project is managed under Public Private Partnership arrangement although the
ownership belongs to the government. At a regional level, Tanzania is also in collaboration with the East African Communication Organisation.

**In The Republic of Uganda**

i) The National Backbone Infrastructure is connected to Malaba and Busia on side of Kenya and it extends to South Sudan at Nimule.

ii) The National Backbone Infrastructure connectivity will be extended to Tanzania through Mutukula and to Rwanda through Katuna.

iii) Procurement of a consultant to conduct a feasibility study on missing links is in progress.

iv) Uganda is working on a Broad Band Policy for the country that will address these matters.

**In The Republic of Kenya**

i) In Kenya the National optic fibre backbone Infrastructure has been laid across the country which interconnects most districts in the country. It has an extension of 4,500km, and 60 sites in 29 counties providing faster internet and implementation of e-Government initiatives.

ii) The Optic Fibre Backbone is already connected to Uganda via Busia and Tanzania via Namanga in terms of EAC regional interconnection.

iii) Fast truck Phase 2 of National Optic Fiber Backbone to cover the missing links and address the problem of redundant link.

iv) Regulatory framework to facilitate cross border Optic Fiber Backbone interconnections and bandwidth pricing.

**In The Republic of Burundi**

Burundi Backbone Systems (BBS):

i) Public Private Partnership with the support of the World Bank;

ii) ONATEL is the 2nd stakeholder;

iii) The total length of Burundi Backbone System is 1250 kms;

iv) Total Capacity at the beginning is 10 Gbits/s National and 300/600Mbits for International;

v) Burundi Backbone System was launched in September 2013 and it will connect all provinces and main cities;

vi) Burundi Backbone System intends to connect on submarine optical cables through Rwanda at Akanyaru and Kabanga with Tanzania. The redundancy of the main core of the Burundi Backbone System network is done in some hilly regions by radio links.

vii) No independent ICT Regulatory Body.
The following are Broadband services to be provided to customers through the Metropolitan Area Network:-

i) Data Center;
ii) Data, Internet and Voice in one bouquet;
iii) Hosting of Web and Mail servers into Burundi Backbone Systems;
iv) Cloud computing.

**In The Republic of Rwanda**

Currently Optical Fibre Backbone Infrastructure (OFBI) is installed connecting all thirty (30) districts of Rwanda together with all the 9 borders of the neighboring countries. The next step is to extend broadband connectivity to various institutions and households as the last mile solution.

In terms of Regulatory framework for cross-border interconnections, there is no established framework for cross-border interconnections of OFBI in no man’s land at the countries’ border points. Therefore there is a need to have a clear framework recognized by all Partner States.

Pricing of cross-border bandwidth is currently applied by the 3 main bandwidth providers in Rwanda (MTN, BSC and Liquid Telecom Rwanda) are set freely without intervention from Regulator.

**2.2 INTERNATIONAL MOBILE ROAMING SERVICES (IMRS) IN THE REGION**

Roaming within the Community began way back in the late 1990s, when mobile networks were first introduced in the Partner States. Thanks to spectacular growth in mobile communications services, roaming is estimated to have been growing ever since.

Cross-border movement of persons has grown tremendously in the Community largely due to the revival of the EAC integration process under the establishment of the EAC common market. This has resulted into a corresponding growth in the demand for roaming services.

Despite the growth in the demand for roaming services, roaming services is a persisting challenge due to the following factors:-

1) Weak/Limited Competitive Forces in the Roaming Market Segment and therefore Limited or No Consumer Choices Available.
2) No direct connectivity between most of the regional countries therefore traffic for the region is handled by international carriers which increases on the cost of roaming.

3) Regional Regulatory issues on International Mobile Roaming
   i) There is no Regulatory oversight on Roaming Cross Border Services in the EAC region
   ii) Roaming Service including tariffs guided by bilateral agreements between the home and host operator
   iii) No transparency in the pricing methodology
   iv) Significant tariff differentials while roaming on different networks within the host country in EAC
   v) No Prompt Roaming Notifications
   vi) Jurisdictional Limitations of Existing National Laws and Regulatory Frameworks over Regional Interconnection, Tariffs and Competition Issues

4) New International voice calling charges
   i) EAC Member States of Burundi, Rwanda, Tanzania and Uganda have installed a monitoring tool referred to as International Gateway Traffic Verification System to monitor all incoming international traffic. The aim of this system is to eliminate illegal and Fraudulent Traffic Terminated in these Countries and increase traffic reporting transparency.

   ii) These Countries have also introduced an additional tax to incoming traffic called Surcharge on International Inbound Call Termination (“SIIT”). The tax is prescribed by the regulator and applied by the operator. New levy informed by governments’ concern that Telecommunication companies are under-reporting international calls-thus denying governments’ revenue. Revenue collected is shared between Operators and National Treasuries for the System management and maintenance Charges
2.2.1 Impact of the Surcharge on International Incoming Call Prices

i) Reduction in incoming international traffic: Most operators abroad will adjust prices immediately to reflect new cost as a result of the tax. That will in turn reduce the volume of calls coming into the affected country.

ii) Reduction in Outgoing international traffic: As local operators increase International Termination Rates, other operators abroad will increase their termination rates in reciprocation to take care of increased cost of connecting international calls. This will cause a reduction in outgoing international call volumes.

iii) Increase in illegal traffic termination: Increased international termination rates and lower local tariffs present an attractive arbitrage opportunity for SIMBOX and grey route operators to thrive. This will contribute immensely to reduced traffic and affect the anticipated revenue/taxes to the government.

iv) Poor service quality provided to the subscribers/customers.

2.3 ANALOG-TO-DIGITAL BROADCAST MIGRATION

According to the Geneva 2006 Agreement on digital broadcasting, countries are required to migrate their terrestrial television broadcast services from analog technology to digital technology by 30th June 2015. In May 2011, EAC Partner States developed and adopted a roadmap for Analog-to-Digital Broadcast Migration, and agreed on a switchover date of 31st December 2012.

This deadline passed due to a number of intervening factors not met by all Partner States EXCEPT Tanzania where analogue TV was switched off on 31st December 2012 starting with Dar es Salaam, Arusha, Mwanza, Dodoma, Moshi, Mbeya and Tanga. Tanzania is ahead of other EAC Partner States in
terms of analog to digital migration implementation process.

Other Countries are progressing on well with the migration process despite a number of policy and technical challenges and have planned to switch over before the global deadline of 30th June 2015.

**In The Republic of Uganda**

i) Licenses have been developed;
ii) GE06 Plan validated;
iii) Minimum standards for set top boxes developed;
iv) Sensitization of broadcasters;
v) Nationwide consumer awareness campaign.

**In The Republic of Kenya**

i) A multi-stakeholder Digital Television Committee established to Direct a seamless migration from analogue to digital broadcasting;
ii) Agreed on June 2014 switch-off date to be carried out in phases;
iii) Phase 1: 13th Dec 2013- Nairobi;
iv) Phase 2: 30th March 2014 – 8 major towns ;
v) Phase 3: 30th June 2014: The rest of the sites.

**In The Republic of Rwanda**

i) Currently, the digital TV Broadcasting Network of Rwanda Broadcasting Agency (RBA) is up and running with an estimate coverage of 95% of the entire country;

ii) Regulations governing digital terrestrial television have been established and technical specifications for STBs have been published to allow importers and vendors of equipment to avail them on the market;

iii) Two Signal distributors shall be allowed (one for the Public TV broadcaster RBA and another one will be private in the name of PANAFRICA Network Rwanda Ltd;

iv) 3 STBs importers have been Licensed (TELE10, TRANSAFRICAN CONTAINER and SORIM) in addition to StarTimes which has started to upgrade its decoders so that they can display Free to Air Channel broadcasted by RBA;

v) Dual illumination started in March 2013 with a plan to start progressive analogue switch off by 1st July 2013;
vi) Unfortunately, by July 2013 there were no decoders on the market. However a new switch off plan will commence once decoders are available on the market.

In The Republic of Burundi

In Burundi, the migration from Analog to Digital Broadcasting is in progress and it will be achieved by June 2015.

2.3.1 Challenges encountered in the Digital Migration process
i) High capital requirement for Digital Television Technology infrastructure;
ii) Policy on the number of signal distributors especially in light of technology advancements;
iii) Availability and affordability of set top boxes and decoders to access digital content;
iv) Funding for digital migration;
v) Litigation hampering switch off timelines;
vi) Insufficient content;
vii) Political interferences on the regulators operations.

2.3.2 Mitigating Factors
i) Zero rating of taxes on digital receivers;
ii) Funding Mechanisms for migration;
iii) Stakeholders involvement;
iv) Incentivize content development.

2.3.3 Benefits of Digital Broadcasting Coverage
It is expected that broadcast connectivity in the Countries will catalyze the socio-economic growth through:-

i) Job Creation;
ii) Enhanced access to information/Awareness;
iii) Enhanced citizens’ education and involvement in development projects;
iv) Increase of the bandwidth strength.

2.4 EAC FRAMEWORK FOR CYBER LAWS
The EAC cyberlaw Reform programme which began in 2006 was a collaboration effort between EAC and the United Nations Conference on Trade and Development (UNCTAD). The objective of the programme was to develop harmonized frameworks on the form of guidelines, to assist partner states to
enact and implement national legislation for cyberspace.

Two sets of such frameworks have been developed. These are EAC Framework for cyberlaws Phase 1 (Framework I) and cyberlaws Phase II (Framework II). Framework I was approved by the Council in 2010 and its implementation is in progress. Framework II was considered and approved for implementation by the 10th Meeting of the Sectoral Council on Transport Communications and Meteorology (TCM) in August 2013.

**Under Framework I**

i) Electronic Transactions;

ii) Electronic signatures Authentications;

iii) Cybercrime;

iv) Consumer protection;

v) Data protection and privacy.

**Framework II**

i) Intellectual property;

ii) Competition;

iii) E-taxation;

iv) Information Security.

Although most of the EAC Countries have enacted the relevant cyber laws, two major challenges still remain, these are:-

i) Slow implementation of these laws due to delay in putting in place the necessary Regulations and other structures for example Public Key Infrastructure for e-signature;

ii) The delay in setting up national Computer Emergency Response Teams (CERTS) in some EAC countries and linking of these CERTS into a regional Computer Emergency Response Team. CERTS are Mandated to offer advice on cyber security matters nationally and to coordinate response to cyber incidents in collaboration with relevant stakeholders;

iii) Therefore due to the above and other related issues, there is need for EAC intervention and support in terms of technical and institutional capacity building and other necessary legal and regulatory frameworks.

**In The United Republic of Tanzania**

The government is in the process of establishing the cyberlaws. Already the following draft laws are in place;- Electronic Transaction Bill, Cyber Security
and Data Protection Bill.

**In The Republic of Uganda:**

**Under Framework I**


ii) Electronic Transactions Regulations and Electronic Signatures Regulations have been developed and were gazetted on 30th September 2013. These Regulations operationalize the principle Acts.

iii) Data Protection and Privacy Bill is being developed.

**Under Framework II**

i) National Information Security Framework is being developed. The framework.

ii) 16 Standards for Information Security have been developed and were gazetted on 12th April 2013.

**In The Republic of Kenya**

i) Policy, Legal & Regulatory Framework in Kenya. In progress, there is development of a Certification Service Providers licensing framework to spell out the requirements of setting up and providing digital certification services and the establishment of a National Computer Incident Response Team (CIRT).

ii) Establishment of the Kenya Computer Incident Response Team Coordination Centre (KE-CIRT/CC). This is also Kenya’s national trusted cybercrime management point of contact.

iii) At a Regional Level, Collaboration with the other East Africa national Computer Incident Response Teams under the EACO Cyber security taskforce which is chaired by Kenya.

iv) Globally it collaborates with national CIRTs in jurisdictions outside of East Africa such as the US-CERT and the Japanese CERT (JP-CERT), among others.

**In The Republic of Rwanda**

**Under Framework I**

i) Implementation of the National Root Certification Authority & Government Certification Authority. This will ensure secure Electronic Transactions
and Authentication.

ii) Draft Regulation governing Certification Authorities in Rwanda;

iii) Regulation of the National Bank of Rwanda Governing payment services Providers was put in place and established a Regulatory Framework For Mobile Money Transactions.


v) Data Protection related to telecommunications matters is covered in the ICT Bill.

vi) The law establishing RURA provides the mandate to protect the consumers in the regulated sectors including ICTs.

vii) It is in this context that RURA developed some regulations related to Consumer Protection.

viii) ICT Bill has taken into consideration and the Consumer Protection in E-Commerce.

**Under Framework II**

i) The law related to Intellectual property has been enacted;

ii) The Law establishing the National Standards Inspectorate, competition and Consumer Protection Authority (NICA) has been enacted. The other institutions dealing with competition in specific areas are Rwanda Utilities Regulatory Authority and National Bank of Rwanda;

iii) E-taxation projects have been implemented (ASCUDA, SIGTAS, Single electronic window, e-declaration, M-payment of taxes);


### 2.5 E-GOVERNMENT FRAMEWORKS

The EAC Regional Strategy was approved by the council in 2006. The Strategy underscored the necessity for Partner states to develop and implement ICT applications and services for public service delivery e.g. e-immigration, e-health, integrated Financial Management Systems, e-procurement. As a prerequisite for sustainable implementation of e-government services, the strategy recommended that partner states should;:-
i) Establish the enabling legal environment by enacting and implementing cyberlaws;

ii) Develop and implement instruments for standardizing systems to ensure quality and interoperability and Implement institutional Frameworks that facilitate interdepartmental coordination.

Governments in the EAC Partner States have taken steps to develop relevant infrastructure and e-government systems although there are other barriers that have retarded progress in this area. These include poor connectivity and internet access, cost of bandwidth, inadequate budgets for ICT Ministries, ICT skills gaps among government employees and citizens to mention but a few.

**In The United Republic of Tanzania**

The government established a special Agency responsible electronic government services and the implementation of the whole process is in good progress. In terms of content sharing at a regional level, the East African Communications Organization is engaging all stakeholders to come up modalities on how to share content regionally, however there are still legal issues that are yet to be harmonized.

**In The Republic of Uganda**

i) Procurement is on-going for Integrating Government Applications to form a Government Integration Layer as a basis for developing and delivering innovative e-Government Services;

ii) Government Interoperability Framework is being developed. A concept paper and roadmap for development of an e-government interoperability framework have been developed. The framework will be developed in the next financial year 2014/15;

iii) National Information Technology Authority NITA-U has the mandate on behalf of the Government of Uganda to promote and provide technical guidance for the establishment of e-Government, e-Commerce and other e-Transactions in Uganda. NITA-U has the Directorate of e-Government whose sole purpose is the implementation of e-Government;
iv) Government of Uganda completed an e-Government Readiness survey in 2012;
v) An e-Government Master Plan has been developed in collaboration with the Government of South Korea to guide implementation of e-Government services.

In The Republic of Kenya

The E-Government strategy is driven by the ICT authority, and to create an enabling environment the Kenyan Government has carried out a number of initiatives:

i) Development of an ICT Master plan 2013-2017. The Government through the ICT Authority has come up with an ICT Master Plan dubbed ‘connected Kenya 2017’ which aims at building and promoting an environment where more service sector businesses are created and are able to thrive through leveraging on ICT;

ii) Broadband strategy 2013-2017 has been developed to provide quality broadband services to all citizens and the mission is; ‘Broadband connectivity that is always on and that delivers a minimum of 5mbps to homes and businesses for high speed access to voice, data, video and applications for development;

iii) This will help in economic growth, employment creation, growth of investment opportunities, access to online government services, improved education and training services;

iv) Infrastructure development. To secure online content and promote e-commerce the Government is implementing the Public Key infrastructure (PKI) to provide digital certification services;

v) PKI project will help set up an online identity and verification system where each citizen will be issued with a unique online identity (digital certificate) that will be required whenever they take part in online transactions;

vi) Electronic signing is made to solve a lot of the on-line crimes such as hacking, identity theft and forgery of sensitive information;

vii) County connectivity project (CCP). This is an initiative that aims to provide connectivity to government offices in the identified counties and establishment of an integrated communication system.

In The Republic of Rwanda

1. National information and communication infrastructure I, II, III are available;
2. Government of Rwanda put in place an E-Gov interoperability framework;
3. Partnership between Government of Rwanda and National IT Promotion Agency (NIPA) of South Korea in development of a comprehensive e-government Master Plan;
4. Through PPP, a company that will deal with system integration of ICT solutions including E-Gov applications was created;
5. Rwanda Development Board as an implementing agency is necessary for proper coordination of all Government projects including E-Government services.

2.6 EAST AFRICAN COMMUNICATIONS ORGANISATIONS (EACO)

1) EACO is a regional ICT organization which under a Public Private Partnership arrangement brings together national ICT regulators, telecom, broadcasting, and postal operators/service providers, academia, and other associated stakeholders in the EAC Partner States.

2) Its objective is to strengthen and promote cooperation among the EAC Partner States in the development of telecom, postal and broadcasting services in East Africa.

3) EACO facilitates joint discussion and identification of solutions by regulators and operators in the East African region.

4) EACO has a lot of vested information that can help to build a sustainable communication sector and take advantage of the opportunities created by the global ICT revolution.

5) EACO has also applied for observer status in the EAC.

3.0 RECOMMENDATIONS

1. The Committee recommends to the Assembly to urge the EAC Council of Ministers to put more efforts in the implementation of cross-border broadband networks to facilitate the integration of ICT networks and applications leading to quality and affordable cost of cross-border communications that is required for the implementation of some EAC integration projects such as the EAC Single Customs Territory and the Common Market Protocol in general;
2. The Committee recommends to the Assembly to urge the Council of Ministers to expedite the study which will assess and recommend policy options for an appropriate regulatory framework for regional communication and roaming within the Community;

3. The Committee recommends to the Assembly to urge the Council of Ministers to intervene and assist to resolve emerging cross border competition and interconnection agreement issues;

4. The Committee recommends to the Assembly to urge the Council to review the position on New Charges on Regional International Traffic by:-
   i) Introducing of uniform Price Cap Regulation for Roaming within EAC;
   ii) The EAC Council of Ministers should urge Partner States to removal of the Surtax International Inbound Termination (SIIT) as it has a negative impact on trade in the region including high tariffs on international calls and roaming rates;

5. Regulators should encourage all telecommunication operators in the East African region to adopt one network approach as applied by Airtel Telecommunication Company;

6. Regulators should address barriers that increase costs for service providers and consumers, such as double taxation and direct connectivity;

7. Regulators should encourage operators to continue to take measures that enhance and increase awareness and transparency on roaming service prices;

8. The Committee recommends to the Assembly to urge the Council to compel Partner states to come up with a harmonized regional framework and approach in implementation of ICT services that inter-alia, provide for independence of regulatory bodies;

9. The Committee recommends to the Assembly to urge Partner States to build capacities of the ICT implementing agencies and support the
establishment of the necessary e-government infrastructure and systems;

10. The Committee recommends to the Assembly to urge the Council to consider granting the observer status to the East African Communications Organization;

11. The Committee recommends to the Assembly to urge the Council to adopt a new switch off deadline from Analog to Digital broadcasting by Partner States;

12. A stronger cooperation and partnership between EAC and East African Communication Organization (EACO) should be enhanced to create synergies and eventually contribute to the building of a competitive knowledge economy in East Africa.

4.0 CONCLUSION

Considering that the region has made important strides in the development of the necessary ICT Policy and regulatory frameworks, policy makers and regulators should in the wake of a growing ICT market and changing ICT environment, emphasize timely implementation and update of their national policies and e-strategies.

5.0 ACKNOWLEDGEMENTS

The committee wishes to express its appreciation to the Assembly and other stakeholders for the commitment and support offered to successfully hold this on-spot assessment.
MEMBERS OF THE COMMITTEE ON COMMUNICATIONS, TRADE AND INVESTMENT

(Report of On-spot Assessment on Regional Cooperation in ICT)

November 11th – 15th 2013, EAC Partner States

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