



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

32ND SITTING – SECOND ASSEMBLY: SECOND MEETING – SECOND SESSION

Thursday, 11 September 2008

The East African Legislative Assembly met at 3.00 p.m. in the Chamber of Deputies, Parliament of Rwanda, Kigali.

Rwanda National Anthem

PRAYER

(The Speaker, Mr. Abdirahin Abdi in the Chair)

The Assembly was called to order.

PROCEDURAL MOTION

Chairperson, Committee on Legal, Rules and Privileges (Mr Abdullah Mwinyi, Tanzania): Mr Speaker, sir, I beg to move_

“THAT this House do resolve to hold its sittings in Kigali, Rwanda”

Dr. Aman W. Kabourou (Tanzania): Seconded.

Mr Mwinyi: Mr Speaker, sir_

WHEREAS Clause (1) of Article 55 of the Treaty for the Establishment of the East African Community provides that the Assembly shall be held at such times and places as the Assembly may appoint;

AND WHEREAS rule 2 of the Rules of Procedure provides that the Seat of the Assembly shall be at Arusha in the United Republic of Tanzania;

AND WHEREAS sub rule (7) of Rule 11 provides tat the Assembly may, on a resolution adopted by a majority of its members, decide to hold one or more sittings elsewhere within the Partner States other than its Seat;

NOW THEREFORE, This Assembly do resolve as follows:-

That pursuant to the provisions of sub-rule (7) of the Rule 11 cited above, the Assembly shall hold sittings in the Chamber of Deputies from Thursday, 11 September 2008 up to Friday, 26 September 2008.

*(Question proposed)
(Question put and agreed to)*

(Applause)

The Speaker: Honourable Members, amidst us today is His Excellency Paul Kagame, President of the Republic of Rwanda. I have, I accordance with provisions of Article 54 of the Treaty invited him to address this Assembly. I would now like to make the following proclamation to welcome the presence, in the Assembly, of the President of the Republic of Rwanda:

PROCLAMATION

WHEREAS Clause 1 of Article 54 of the Treaty provides that the Speaker of the Assembly can invite any person to attend the Assembly, notwithstanding that he or she is not a member of the Assembly, if in his or her opinion the business of the Assembly renders his or her presence desirable,

AND WHEREAS in the opinion of the Speaker, the attendance and presence in the Assembly of His Excellency the President of the Republic of Rwanda is desirable in accordance with the business now before the Assembly;

NOW THEREFORE, it is with great pleasure and honour, on your behalf, honourable members, that I welcome the President of the Republic of Rwanda in this Chamber.

(Applause)

The Speaker: Honourable Members, I would now like to make a brief statement to welcome His Excellency to address this Assembly:

Your Excellency, President Paul Kagame, President of the Republic of Rwanda and Chairperson of the Summit of the East African Community; the Presidents of Senates and Rt. Hon. Speakers of the National Assemblies; the President of the Supreme Court of the Republic of Rwanda; the Rt. Hon. Prime Minister of the Republic of Rwanda; the Chairperson, EAC Council of Ministers; the honourable Ministers and Members of the EAC Council of Ministers, the President and honourable Judges of the East African Court of Justice; the Secretary General of the East African Community; Honourable Members of the East African Legislative Assembly; Members of the Diplomatic Corps; Distinguished Guests; Ladies and Gentlemen.

Your Excellency, in welcoming you to today's special sitting of this House, may it please you to note that since its inauguration in 2001, you are the first Head of State to open a Session of the East African Legislative Assembly – (*Applause*). We thank you very much Your Excellency for accepting our invitation to address this House today. Your acceptance to address this August Assembly only three months after assuming the Chair of East African Community Summit is a strong indicator that you value and hold this Assembly in high esteem – (*Applause*).

Your Excellency, this is the Second Session of the Second East African Legislative Assembly. We completed the First Session on 5 June 2008, which is one year since the Assembly was inaugurated. The Assembly would like to propose that this tradition be maintained, where, at the beginning of each Session, the President of the Partner State in which the EALA would hold its Session, is invited to address the Assembly – (*Applause*).

Your Excellency, the Assembly attaches great importance on the necessity for closer links between the East African Legislative Assembly and the Summit. As you know, it is the Assembly and the Summit that completes the process of legislation for the East African Community as provided for in the Treaty. The need to work closely, therefore, need not be over emphasized.

Your Excellency, for continued closer links between the two organs, the Assembly would like the Summit to maintain the tradition, where at least once every year, the Chairperson of the Summit delivers a State of the Community Address to the people of East Africa to underscores the policy direction of the East African Community. We expect this address to stimulate debate within all the ranks of the people of East Africa. This is important to us, Your Excellency, because as the representatives of the people, it allows us to receive feedback from the *wananchi*, which feedback will always be taken into account while legislating.

This Assembly pledges its support to Your Excellency during your tenure as Chairperson of the Summit. We are also confident that you will equally provide us with the necessary support that we shall require in our legislative role. We reiterate our commitment to work closely with the Summit, the Council of Ministers and other organs and institutions of the Community for the faster realization of the objectives and goals of the Community.

Your Excellency, may I take this opportunity to congratulate the Republic of Rwanda for having successfully joined the East African Community? (*Applause*) I am very confident that this country will provide new impetus and vibrancy to the Community as we forge along together to realize our dream of a stable and prosperous East Africa.

I also warmly congratulate you for assuming the office of Chairperson of the Summit of the East African Community only one year after your country was admitted into the East African Community – (*Applause*). This is a clear testimony of the confidence that your colleagues, the other Heads of State, have in you, and it should therefore inspire you to lead the Community to higher levels.

Your Excellency, we in the Assembly are proud of you and your government for the profound transformation you have made of this country since you assumed office in

April 2000. Your gallant leadership of the Rwanda Patriotic Front led to the liberation of this Country from dictatorship and ethnic persecution that had hitherto characterized the previous regimes. You have been able, in such a short period, to transform this country into a stable democracy characterized by peace, stability, reconciliation, regular, free and fair general elections and high economic growth averaging 8 per cent per annum. This is no mean achievement and we congratulate you and the people of Rwanda for this exemplary record – (*Applause*).

We are also proud of you and your government for the great importance you have attached to Women in governance – (*Applause*). Your outstanding achievement in furthering gender mainstreaming in the economic and political spheres of government gives your country the proud position of “Number One” in the whole world. Not only do you have the biggest number of Women MPs in your Parliament but your country also created history at EALA by being the first country to elect more Women than Men to the East African Legislative Assembly – (*Applause*). No wonder you have been bestowed upon several international awards in recognition of your efforts in good governance and gender mainstreaming – (*Applause*).

Your Excellency, since its inception on 5 June 2007, the Second EALA has passed the following major legislations: the Lake Victoria Transport Management Bill; the EAC Joint Trade Negotiations Bill; the Summit (Delegation of Powers and Functions) Bill; the EAC Customs Management (Amendment) Bill; the EAC Appropriation Bill and the EAC Supplementary Appropriation Bill. Your Excellency, the Assembly has also approved the EAC Budget for the Financial Years 2007/2008 and 2008/2009.

Your Excellency, during our stay here, we are planning to hold both Plenary and Committee Sessions and will debate, among other things: the EAC Appropriation Bill to authorize expenditure for the Financial Year 2008/2009; the EAC Supplementary Appropriation Bill for the previous Financial Year; the EAC Inter University Council for East Africa Bill; the EAC Civil Aviation Safety and Security Oversight Agency Bill; the EAC Emblems (Amendment) Bill; the Lake Victoria Basin Commission Bill; the EAC Annual Report; and the Report on Food Security situation in the Region.

During this period, also, the Speakers from the Partner States of the EAC will hold a meeting of the EAC Region Speakers on 12 September 2008, to discuss issues of parliamentary relations. We will also observe the parliamentary elections here from 15 – 18 September, 2008. We have previously observed elections in the other Partner States, and attach great importance to credible and peaceful elections devoid of violence, particularly in the EAC region. That is why of our legislative programme includes observation of elections in the Partner States.

Your Excellency, while in Kigali, EALA will also undertake a tour of Rwanda from 29th September to 1st October, 2008 with a view of giving the honourable Members opportunity to appraise the developments in the country. The Community is currently implementing the Customs Union and negotiating a protocol on a common market. As the Community progresses to other areas of integration, the Assembly will be required to debate and pass several policies and laws, exercise oversight action over implementation of various programs. The tour will therefore enable Members to

interact directly with Members of the Senate, the leadership of the country, the private sector and the people of Rwanda.

I therefore take this opportunity to thank Your Excellency and the Government of Rwanda; H.E Vincent Biruta, the President of the Senate for the generous support to EALA in funding the tour – (*Applause*). We are grateful for your support and we are sure that with your continued cooperation, the achievements of EALA and the EAC will be better known in the country and in the region.

Your Excellency, our programme in Kigali will end with the Nanyuki IV Seminar. The Nanyuki series of seminars provides a rare opportunity for Members of EALA to meet their counterparts in the national parliaments to discuss pertinent issues regarding the trend of the EAC integration process, and, as such, helps in promoting functional relations between EALA and the National Assemblies as envisaged in Article 49 of the EAC Treaty. To this end, we are expecting over 150 parliamentarians from the five national assemblies and the Zanzibar House of Representatives to participate in this year's seminar – (*Applause*).

We are dedicated and committed to our role, and we hope that the rest of the organs, and especially the Council of Ministers, shall expedite and submit to the Assembly all the pending legislations.

Honourable Members, before I invite His Excellency to address the Assembly, I would like to recognise the following guests, who are here with us today. I will start with H.E the Rt. Hon. Vincent Biruta, President of the Senate of Rwanda; the Rt. Hon. Edward Ssekandi, Speaker of the Parliament of Uganda; the Rt. Hon. Gervais Rufyikiri, President of the Senate of Burundi; the Rt. Hon. Pie Ntavyohanyuma, Speaker of the Burundi National Assembly; the Rt. Hon. Kenneth Marende, Speaker of the Kenya National Assembly; the President of the Supreme Court of the Republic of Rwanda, and the Rt. Hon. Prime Minister of the Republic of Rwanda. (*Applause*)

Honourable Members, we also have the Judges of the East African Court of Justice led by Justice Joseph Mulenga, President of the East African Court of Justice; Justice Harold Nsekela, Vice President; Justice Kasanga Mulwa, Principal Judge; Justice Johnston Busingye, Deputy Principal Judge; Justice Philip Kiptoo Tunoi, Judge; Justice Laurent Nzosaba, Judge; Lady Justice Stella Arach-Amoko, Judge; Lady Justice Emilie Kayitesi, Judge; Justice John Mkwawa, Judge, and Justice Jean Bosco Butasi, Judge – (*Applause*).

We are also honoured by the presence of honourable Cabinet Ministers of the Government of Rwanda; honourable Members of the Rwanda Senate; and Members of the Diplomatic Corps – (*Applause*).

Finally, Your Excellency, it is with great pleasure and honour that I execute my humble duty of welcoming Your Excellency to address this August Assembly today, Thursday, 11 September 2008. You are welcome, your Excellency – (*Applause*).

ADDRESS BY HIS EXCELLENCY, PAUL KAGAME, PRESIDENT OF THE REPUBLIC OF RWANDA, AND CHAIRMAN OF THE SUMMIT OF THE EAST AFRICAN COMMUNITY HEADS OF STATE.

H.E. The President of the Republic of Rwanda and Chairman of the Summit of the EAC Heads of State (Mr. Paul Kagame): Honourable Speaker of the East African Legislative Assembly, President of the Senate of Rwanda and other Heads of Institution of Rwanda, Judge President and Judges of the East African Court of Justice, visiting Speakers from Parliaments of Partner States, honourable Members of the East African Legislative Assembly, honourable ministers, members of the diplomatic corps, excellencies, distinguished guests, ladies and gentlemen.

It is an honour for me to address you on this occasion of the Second Meeting of the Second Session of the East African Legislative Assembly sitting in Kigali. I welcome you, and hope you enjoy our Rwandan warmth and hospitality – *(Applause)*.

I take this opportunity to congratulate you, honourable Speaker, and members, on your election to the Second East African Legislative Assembly. I am sure the new legislators from the new Partner States - Burundi and Rwanda - feel very welcome in the Assembly. I wish you all a fruitful term in the service of the people of East Africa – *(Applause)*.

Honourable Speaker, this Assembly is meeting at a time when I have assumed the Chairmanship of the East African Community Summit, thereby providing an occasion to share thoughts on the direction of our Community. To begin with, the accession of Rwanda and Burundi into the East African Community family is most welcome and offers many opportunities and benefits as we seek to deepen our integration. The challenge is to ensure that the citizens of the two new Partner States are equally and equitably represented and integrated in the organs of the Community. This means that the structures and systems of the East African Community should accommodate the needs of the enlarged Community. It is therefore critical that we urgently articulate a roadmap for achieving these objectives – *(Applause)*.

Secondly, we are reviewing the Treaty for the Establishment of the East African Community. This Treaty has served the Community for the last eight years, and now needs to be updated to meet the demands of deeper integration, and to govern robust and timely delivery of our obligations – *(Applause)*.

Thirdly, our Community is in the process of negotiating a Common Market Protocol. Negotiations started here in Kigali in February this year, and I am informed they are proceeding well. The Protocol will contain important provisions that will facilitate free movement of goods, persons, labour, services and capital. It is also expected to include the right of establishment and of residence. These negotiations are set to conclude early next year so that we can reach our goal of a common market by June 2009 – *(Applause)*.

Fourth, our Community will address the creation in East Africa of world-class infrastructure necessary for regional and international trade. It is fundamental that we solve the crippling shortfalls in railways, roads, ports and harbours, as well as telecommunication facilities – *(Applause)*.

This is not enough, however. While, for example, the Customs Union is enabling some free movement of goods across our borders, a host of non-tariff barriers that

have been in place continue to raise the cost of doing business, and to render our region uncompetitive. On this matter, I wish to note the commendable progress that has taken place in Partner States, starting with measures taken by the Government in Kenya, and the other Partner States continue to take steps in this direction. We in Rwanda are committed to this path, and stand ready to have our border crossings open twenty-four hours – (*Applause*).

Honourable Speaker, as we move forward on a deeper and wider ranging integration agenda, it is important that we enhance cooperation with other economic communities within our continent, as well as with our major trading partners in Europe, the United States and beyond. In this context, an EAC-SADC-COMESA Tripartite Summit of Heads of State is scheduled for October this year in Kampala to examine how these three regional economic communities can speedily move towards a free trade area, promote transport corridors and joint infrastructure initiatives – (*Applause*).

With regard to Europe, since the signing of a framework Economic Partnership Agreement with the European Union last November, progress has been made in developing a roadmap for full negotiations. An EAC-European Union meeting will take place in Bujumbura this month to finalise the implementation plan. The EAC has also signed a Trade and Investment Framework Agreement with the United States aimed at improving US-EAC trade and investment, and a comprehensive plan to take this forward is underway.

Let us bear in mind that East Africa's socioeconomic integration can only be realised with the business community spearheading innovation, generating wealth, creating employment and expanding the tax base of our region. It is in this respect that we are encouraged by various efforts by the private sector in facilitating dialogue for promoting home-grown businesses and also to attract foreign investment into our region. A case in point is the recent East African Investment Conference held in Kigali, and similar initiatives planned for the coming months. I encourage all organs of the Community to work closely with the business sector in East Africa in order to make our region an attractive destination for domestic and international investment.

Honourable Speaker, let me now turn to some aspects relating to the East African Court of Justice. The Court, as you know, has been restructured through the creation of two Chambers, a Court of First Instance and an Appellate Division. During the last Summit of the EAC Heads of State held in Kigali, Judges of the two Chambers were sworn in and have already gone through a strategy induction programme in Arusha. The Court will require attention to enable it to exercise its duties efficiently. There is a need to revisit the terms and conditions of service for the Judges, as well as to clarify issues of the permanent seat of the Court and the reporting relationship between the Court and the Summit – (*Applause*).

With regard to the East African Legislative Assembly, I appreciate the fact that you have an extensive agenda dealing with a number of important bills. I am confident you will examine them carefully and pass them expeditiously. The East African Community cannot achieve its vision of a dynamic, progressive and prosperous region without a strong oversight body to guide its healthy development and to hold it accountable on behalf of East Africans. It is therefore imperative that the East African Legislative Assembly is empowered and appropriately supported to fulfil its mandate

– (*Applause*). I am aware that you operate under budgetary and other constraints. I intend to consult with my colleagues to explore possibilities of addressing this important matter – (*Applause*).

Honourable Speaker, the issues I have raised require that all of us in the East African Community work towards the same vision. In this regard, I am in consultation with the Secretary General to organize a Strategy Retreat at an opportune time in the near future, which should bring together all the key EAC organs to exchange views on how to strengthen our resolve and commitment to forging a common purpose – (*Applause*). It will be my pleasure, of course, to participate in this retreat.

In conclusion, Mr Speaker, let me, once again, emphasize that integration is not an option but a vital instrument for growth and socioeconomic transformation. Our region is not an exception. We must move confidently into a higher stage of integration, based on bold and steadfast implementation of our East African development agenda – (*Applause*).

I wish to thank you, Honourable Speaker, for the invitation to address this august House. It is now my great honour to declare open, the Second Meeting of the Second Session of the East African Legislative Assembly. I thank you for your kind attention – (*Applause*).

VOTE OF THANKS

The Speaker: Hon. Akhaabi.

Mr. Gervase Akhaabi (Kenya): Mr Speaker, sir, Your Excellency, the President of the Republic of Rwanda, honourable Presidents of the Courts in Rwanda and the East African Court of Justice, the Rt. Hon, Speakers of the National Assemblies of the Partner States; Honourable Judges; Honourable Members of Parliament from the Partner States; Distinguished Guests; Ladies and Gentlemen.

First and foremost I wish to thank the Speaker, together with the Members of the East African Legislative Assembly for electing to propose that we hold these sittings in Rwanda – (*Applause*). This sitting in Rwanda is of fundamental importance to both the East African Legislative Assembly, and, indeed, the East African Community, for various reasons.

Mr Speaker, sir, Rwanda is an emerging state that offers the whole world very serious lessons in social, economic and political relationships – (*Applause*).

Mr President, your country underwent extremely serious strains over a long period of time, which culminated in the genocide of 1994. But despite this, Your Excellency, through your visionary leadership and the collaboration of the citizens of Rwanda, you have managed, in a very short time, to put in place mechanisms and systems that promote cohesion in a divided country, and Rwanda is now setting very serious examples in national reconciliation – (*Applause*).

Your Excellency, these lessons are important for us in East Africa, and we thank you and the people of Rwanda for these very vital lessons in national reconciliation and national cohesion.

Mr President, we also thank you extremely profusely for the visionary manner in which you have guided the Rwanda nation, and it is so fortuitous for the East African Community that, as we enter into the phase of negotiations on the Common Market, you are the Chair of the East African Community – (*Applause*).

Mr President, we will, as a Community, rely on your visionary foresight to lead this Community into the realisation of the objectives of the Community on a sustained basis. Your Excellency, you have already mentioned some of the critical areas that require to be addressed before we can achieve these objectives and among these are the creation of a world class infrastructure in this region – (*Applause*). And, indeed, for some of us who are coming to Rwanda for the first time, we are seeing an example of this in a prototype form; a world class infrastructure emerging in Rwanda. So, with your support and leadership, we are very sure that we will put in place, at the institutional and structural levels at the East African Community level, such infrastructure to help our people progress and achieve the objectives of the Community.

Mr Speaker, Rwanda also teaches us a number of other things: collaboration; participatory and inclusive collaboration in governance and other matters. This is a lesson, also, that under your leadership of the East African Community, we hope to draw a lot of instructions and teachings from. And we are very grateful indeed that we have come to Rwanda to see for ourselves, as representatives of the people, how this inclusive, participatory collaboration between the government and the people of Rwanda of different political shades works. And this is going to help us to inform other legislators to put in place mechanisms to be replicated elsewhere in the East African Community - (*Applause*).

Mr President, we also very sincerely thank you that you have seen it necessary – and indeed you have very quickly seen it considering that Rwanda...and Burundi for that matter, are coming into the Community only now. You have seen the need for the different organs of the Community to work together, and you have in particular recognised the important role played by the East African Court of Justice – (*Applause*) – and the need to strengthen this court. Mr President, under your guidance and direction, the East African Legislative Assembly will wish to put in place appropriate legislative mechanisms to ensure that this court plays a much more important role in various areas than it has been assumed to be capable of playing; likewise the East African Legislative Assembly.

For some time, it was assumed that the East African Legislative Assembly is a part-time institution. But from your address, your Excellency, we take cognisance of the fact that you recognise this Assembly as an important player in the integration process in East Africa – (*Applause*) – and we want to assure your Excellency that as an Assembly, we are going to support the political leadership and the Executive in the attainment of the objectives of the Community in a much more robust manner than has been the case before – (*Applause*).

Your Excellency, on behalf of the honourable Members of the East African Legislative Assembly present here, I wish to thank you very, very sincerely, and to request you, on our behalf, to thank the people and government of the Republic of Rwanda for the very cordial and warm reception that we have received since our arrival in this beautiful country of a thousand hills. We thank you – (*Applause*).

Mr Speaker, sir, with those few remarks, I wish to move that the appreciation of this Assembly be recorded for posterity. I thank you very much, Mr Speaker – (*Applause*).

The Speaker: I thank you, hon. Akhaabi. I do not think we can add anything to that. Honourable members, I think we have come to the end of our business for today, but before I adjourn the House, I have the honour to invite you and all our invited guests to join His Excellency the President for a Cocktail reception immediately after the adjournment of this House, in the Parliament Gardens.

Secondly, there will be a photo session with his Excellency the President for the following: Presidents of the Senates and the Speakers of the National Assemblies; Judges of the East African Court of Justice; Ministers of the EAC; and, Members of the East African Legislative Assembly. Protocol will direct you to the venue.

ADJOURNMENT

The Speaker: Honourable Members, I now adjourn the House to Tuesday, at 2.30 p.m.

(The House rose at 3.30 p.m. and adjourned until Tuesday, 16 September 2008 at 2.30 p.m.)

RWANDA NATIONAL ANTHEM