



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

68TH SITTING - SECOND ASSEMBLY: FIRST MEETING – THIRD SESSION

Wednesday, 12 August 2009

The East African Legislative Assembly met at 2.30 p.m. in the Karimjee Hall, Dar-es-Salaam.

PRAYER

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

The Assembly was called to order.

PAPER

The following papers were laid on the Table:-

(by the Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Mike Sebalu):

The Report of the Committee on Regional Affairs and Conflict Resolution on the Conference on Causes of Conflict in the region

The Report of the Committee on Regional Affairs and Conflict Resolution on the Networking visit to ECOWAS

(by the Chairperson, Committee on Agriculture, Tourism and Natural Resources (Dr George Nangale):

The Report of the Committee on Agriculture, Tourism and Natural Resources on the Tour of Extractive Industries in Uganda

(by the Chairperson, General Purpose Committee (Ms Lydia Wanyoto Mutende):

The Report of the General Purpose Committee on the Workshop on Gender Mainstreaming

(by the Chairperson of the Committee on Communications, Trade and Investments (Ms Catherine Kimura):

The Report of the Committee on Communications, Trade and Investments on the Workshop on EPAs

QUESTIONS FOR ORAL ANSWER

The Speaker: Hon. Members, before I call hon. Kidega to ask his question, I would like to recognize the presence of the hon. Calist Mwatela, a former Member of the First East African Legislative Assembly. Currently he is a Member of Parliament for Mwatate Constituency and an Assistant Minister for Education in the Republic of Kenya. (*Applause*)

Hon. Kidega, please proceed. I guess hon. Kidega is not here. Can we go to the next question?

Question Reference EALA /PQ/OA/013

Ms Dora Kanabahita Byamukama (Uganda): Asked the Chairperson, Council of Ministers_

"The idea of an EAC anthem has been before the Community for over eight years now. It was perceived that the EAC anthem would cultivate a sense of togetherness and common belonging amongst the people of East Africa. Specifically, we expect the EAC anthem to portray a strong symbolic, political, social and economic ethos, which, if well presented, will increase our pride as a region.

Can the honourable Chairperson of the Council of Ministers:

- (a) *Inform this august House on the progress so far made in the implementation stages of the EAC anthem*
- (b) *Inform the august House when the anthem will be adopted*

formally, and when will it be legally binding on the EAC? "

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr Speaker, Article 119 of the Treaty for the Establishment of the East African Community provides for the promotion of cultural activities including fine art, literature, music, performing arts and other artistic creations that safeguard and enhance the East African unity. In an effort to realize this goal, the Tripartite Commission for East African Cooperation at its third meeting held in November 2001 directed the Secretariat to initiate the process of composing an East African Anthem. The Education, Culture and Sports Committee developed the relevant terms of reference for the development of the anthem in 2002. It also prepared the budget, and outlined the process needed for the development of the anthem at both national and regional levels. The Fourth Council, at its fourth meeting held in November 2002, approved the developed terms of reference and directed the Secretariat to mobilise the necessary funds to develop the anthem. During the Seventh Summit of the East African Heads of State, held on 5th April 2006, the Heads of State, after listening to one of the proposed EAC anthems, directed the Secretariat to develop an anthem with a motivational message and tune, in consonance with the partner states' enthusiasm for enhanced integration. The Secretariat was directed to develop more than one song to present to the Council to give the Summit an opportunity to make an appropriate choice.

At its meeting held from 12th to 15th March 2007, the Sectoral Council on Education, Culture and Sports adopted and three proposals recommended for the EAC anthem for presentation to the Council, and

eventually to the Summit. The Sectoral Council further directed the regional technical team on the development of the EAC anthem to refine the proposals, taking into account the views taken during a public opinion poll on the proposals.

In June 2007, the Summit, sitting in Kampala, decided to defer the inauguration of the EAC anthem until the new partner states of the Republics of Rwanda and Burundi had contributed to the three anthems recommended by the Council of Ministers. The two partner states submitted their views on the three anthems recommended, and the two states adopted the proposed anthems as presented to the Summit in Kampala in June 2007.

At its Fifth meeting, the Sectoral Council on Education, Culture and Sports recommended that since the Republic of Rwanda and Republic of Burundi had adopted the three anthems as presented to the Summit in Kampala in June 2007, the three anthems should be presented in the Seventh Extraordinary Summit meeting in Kampala on 21st October 2008.

At the Summit, the Heads of State directed the Council to vet the three anthems and recommend one for approval. At its 17th meeting held in Arusha in February 2009, the Council of Ministers directed the Secretariat to convene the Regional Technical Committee on the Development of the EAC Anthem to merge the three proposed anthems into one. Arising from the above, the meeting of the regional technical committee to merge and harmonise the three proposals into one was convened from 6th to 10th July 2009 at the Ministry of East African Community in Nairobi, in Kenya. The regional technical committee merged the three proposals and produced a new proposal comprising three stanzas and a

chorus. In addition, a music score for the new proposal is under development.

The Kenya Police Band was trained and it produced the abridged version of the merged anthem. A choir was constituted, trained, and it has produced the choral version. Both versions have been recorded on compact discs (CDs). The proposed merged anthem will be presented to the Sectoral Council on Education, Science and Technology, Culture and Sports on 25th September 2009 for onward transmission to the Council of Ministers, and eventually to the Summit.

Ms Byamukama: Mr Speaker, I would like to thank the Chairman, Council of Ministers for his very comprehensive answer, and for updating us on the developments on the East African Community anthem. I also want to take this opportunity to congratulate the Secretary General for the progress made so far. However, I would like to ask whether this House could receive a draft of the anthem. Is it too much to ask for? We are the representatives of the people and the anthem is not only about its tune but also about the content. As representatives of the people of East Africa, we would like to be party to this history; we would also like to contribute to the content as well as the tune. In this House, we have musicians...we have hon. Oyondi who is an accomplished musician, and I did music in my 'O' Levels. I may not know of others...hon. Valerie is telling me she is also vastly experienced in this area. (*Laughter*)

Mr Speaker, when will this august House be involved in the process of producing the East African anthem? It seems this is happening behind our backs. I would like to hear from the Chairman, Council of Ministers. This is a very important aspect of our work.

Dr Kamala: Mr Speaker, we appreciate the question raised by hon. Dora Byamukama. As more and more people participate, we shall end up with a very good piece of music, which will reflect the wishes of the East Africans. On behalf of the Council of Ministers, I am directing the Secretariat to, as soon as possible, present that music to this House so that you can give more input. (*Applause*)

The Speaker: We can go to the next question.

Question EALA/PQ/OA/015/2009

Ms Dora Kanabahita Byamukama (Uganda): Asked the Chairperson, Council of Ministers—

"The EAC Common Market was perceived with the intention of expediting the free movement of the factors of production and of enterprise so that the citizens of the Partner States can enjoy, as much as possible, the advantages of integration, including efficiency gains and productivity. The Treaty for the Establishment of the EAC gives the proposed EAC Common Market the advantage required to do so by making a legal basis for it through the Common Market Protocol. Its full operationalisation is expected by January 2010, which is in a few months from now."

Appreciating that the challenges so far identified would affect the focus of the EAC integration, the Summit, in its wisdom, trashed out from the agenda, the controversial issues, which has helped the negotiators to proceed with the annexure.

Could the honourable Chairperson of the Council therefore inform this august House on the progress so far made and whether we

shall be on time to deliver the EAC Common Market?"

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr Speaker, in line with the decision of the 10th Summit of Heads of State which was held at Ngurdoto Mountain Lodge in Arusha in Tanzania on 29th April 2009, the EAC Common Market Protocol should be signed by the Heads of States on 28th November 2009. So far, substantial work has been done, and I am happy to inform this august House that the draft protocol is largely finalised. The high-level task force on the negotiations of the protocol is currently undertaking negotiations on the following annexes to the protocol:

1. Annex on the free movement of persons.
2. Annex to remove restrictions to the free movement of workers.
3. Annex on the right of establishment.
4. Annex on the right of residence.
5. Annex for harmonisation and mutual recognition of academic and professional qualifications.
6. Annex for the free movement of capital.
7. Annex for the free movement of services.
8. Annex on safeguard measures.

We expect the Multi-Sectoral Council of Ministers' meeting scheduled for the end of September 2009 to consider and adopt the annexes. The Sectoral Council on Legal and Judicial Affairs will then consider the protocol in October 2009, and it will finally be tabled before the EAC Heads of State on 28th November 2009. Thereafter, the protocol will be submitted to the five Partner States for ratification, which, to be realistic, is expected to be finalised by June 2010.

Ms Byamukama: Mr Speaker, the Chairperson of the Council of Ministers has referred to the decision of the 10th Summit of the Heads of State. Could he please elaborate on this decision and its contents? This House has not been furnished with what transpired in that Council meeting.

Dr Kamala: Mr Speaker, as you are aware, people enter negotiations because different people have different views. During the negotiations, it emerged that Partner States had different views essentially on issues of land, permanent residence and the use of passports or identity cards as travel documents. The Summit therefore directed as follows:

On land issues, the Summit noted that the different Partner States have different policies, historical perspectives and laws governing land, and therefore directed that when it comes to land, the Partner State laws should apply. However, East Africans should be eligible to access land by using the laws of the partner states.

On issues related to permanent residence, the Summit directed that given the fact that some of the Partner States have laws on permanent residence while others do not, the Partner State laws should be applicable when it comes to issues related to permanent residence.

On issues related to the use of identity cards or passports, the Heads of States directed that the status of using national passports East African passports or temporary permits should continue. However if there are Partner States, which are ready to agree on bi-lateral terms, they can agree with each other to use machine readable identity cards.

Mr Speaker, those three decisions have helped the negotiations, and as far as I

know, the negotiations are going on very well and we are hoping that by November, we shall have the protocol and that the Partner States will ratify it. I hope that the Common Market will be around by next year.

Ms Byamukama: Mr Speaker, my reasons for asking these questions, amongst others, include the fact that we as an Assembly are not blessed; we do not have an avenue through which the directives or communiqué of the Summit are presented to us. I would therefore ask kindly that the Chairperson, Council of Ministers does present this particular communiqué so that we are able to get a verbatim version of what transpired. His interpretation is acceptable but we need to look at it in a more substantial way. Thank you.

Dr Kamala: Mr Speaker, the communiqué is a public document, and as far as I am aware, it should be in the EAC archives. However, given the fact that the Member of Parliament has requested that I should officially present the communiqué be to the House, it is a good thing. We shall arrange for this House to get a copy of that communiqué. Let me add that if you read the communiqué alone you might not understand what transpired clearly. I would advise the Secretariat, if possible, to arrange the presentation of the report, which interprets the communiqué in detail. I add that we should not end there. From now onwards, if there is any information that we think is necessary, we should table it before this House for the purpose of giving more information and understanding to each other for the progress of the Community. (*Applause*)

The Speaker: We should have hon. Kamala answering all the questions from now on, because he gives directives - (*Laughter*).

Question EALA/PQ/OA/016/2009

Ms Dora Kanabahita Byamukama (Uganda): Asked the Chairperson, Council of Ministers_

"In February 2009, Question EALA/PQ/OA/1/2009 was put to the Council of Ministers for oral reply in respect of the United Republic of Tanzania still charging visa fees for Burundi nationals entering the country. While it was held as a bilateral issue, the Council of Ministers agreed to put it on their agenda for the two countries to resolve the matter. It was specifically held then that the continued charging of visa fees was detrimental, not only to the eminent establishment of the Common Market, but the entire EAC integration agenda.

Could the Chairperson of the Council update the august House on the steps so far taken to address this situation, and on what importance there is, if any, to continue the charging of visa fees for Burundians?"

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr Speaker, the Council of Ministers has received information from the Ministry of Home Affairs of the United Republic of Tanzania that the issue relating to charging the Burundi nationals visa fees remains a bi-lateral matter. Burundi's accession to the EAC does not entail visa abolition. In other words, it is not automatic.

In the case of Rwanda, the requirement for visas was abolished prior to Rwanda's accession to the Community. The Ministry of Home Affairs has clarified that Burundi is yet to submit a formal request to abolish the visa requirement. The Government of the United Republic of Tanzania is still waiting for Burundi to seek a meeting with Tanzania

on this matter. It is important for Burundi to proceed expeditiously on this matter before the Common Market comes into force.

On a related issue regarding the duration of visas for EAC passport holders, the Ministry of Home Affairs for the United Republic of Tanzania has now given a directive to the Director of Immigrations for the duration to be consistent with that given by Kenya and Uganda. (*Applause*) The Ministry of Home Affairs acknowledges that a recent communication from His Excellency Mwai Kibaki, the President of the Republic of Kenya to His Excellency Jakaya Mrisho Kikwete, the President of the United Republic of Tanzania, precipitated this directive. The Rt. hon. Speaker of the EALA also raised the matter with the Tanzanian Minister for Home Affairs, hon. Lawrence Masha.

Ms Byamukama: Mr Speaker, once again, I want to thank the Chairperson, Council of Ministers for his clear answer in this respect. I would like to urge members of EALA from Burundi, led by hon. Leonce Ndarubagiye, to take up the matter since it seems that the ball is now in their court.

With that said, I do not have any other issues to raise, but only to add that when we do not have free movement of people, this will no doubt inhibit the Common Market and the Customs Union.

Mr Leonce Ndarubagiye (Burundi): Mr Speaker, I am grateful to the Chairperson, Council of Ministers for the answer, but I would like to inform him that Burundi did submit a formal request for Tanzania to abolish the visa requirement for Burundi nationals after Burundi abolished visa requirements for Tanzanians. I think the Government of the United Republic of Tanzania has not yet answered us. We are

waiting for a meeting, and we are going to push this meeting to take place as soon as possible so that our people can travel freely to Kigoma and the neighbouring towns.

Dr Aman Kabourou (Tanzania): Mr Speaker, I just want to be sure. In the minister's personal opinion, is it possible for the Common Market to be operational while at the same time Tanzania requires Burundians to pay visa fees? Is that something reasonable?

The Speaker: I think I would also like to add a comment. When we were in Kigali last year, His Excellency Pierre Nkurunziza made a statement that Burundi had abolished visas requirement for nationals from Tanzania entering Burundi. He was hoping that the same would happen from Tanzania. So, what more do you require when the Head of State has said this in a Summit Meeting, and in the presence of all the people?

As members of EALA, we have a hard time explaining why some people in the Partner States are paying visa fees and yet we are talking about EAC!

Dr Kamala: Mr Speaker, given the fact that Burundi is now a member of the EAC, Tanzania is aware that in the near future, it will definitely have to abolish the visa requirement. The Treaty is very clear on this issue. Even if there was no Common Market, given the fact that Burundi is now a member of the EAC, definitely Tanzania will have to abolish the visa requirement. But let me just stress it that as Minister for EAC, I have already communicated with the Minister for Home Affairs. Yesterday, I met with him to follow up on the steps that he has taken. Let me promise my colleague from Burundi that I will continue to follow this issue very closely, and with the support

of not only the Minister for Home Affairs but also the President, who has directed that the necessary step should to be taken. Therefore, it is just a matter of time and administrative bureaucracy. The issue will be sorted out as soon as possible in the near future.

Ms Patricia Hajabakiga (Rwanda): Mr Speaker, when we were touring the borders of the EAC, and particularly when we visited the Mugina-Manyovu area between Burundi and Tanzania, the communities there were wondering why they were still being charged visa fees of \$20 to cross over to Tanzania when, according to them, we are all in the East African Community. That was the concern of the very poor people who were at that border area. Faced with that situation, they could therefore not understand what we meant by free trade and free movement of goods. Because of that situation, the people have resorted to trading through what they called "*panya*" roads. Mr Speaker, the issue is critical, so we urge Tanzania to look into this quickly to remove the fee.

I also want to give information on the statement that the visa requirement for the Rwandese was abolished prior to Rwanda's accession to the Community. This is not true. Rwanda has never...for the last -I do not know how many years- I have travelled between the two countries and there has never been a visa requirement. I think it was abolished back in 1967.

Mr Abdul Karim Harelimana (Rwanda): Mr Speaker, mine is a supplementary question. When the nationals from Rwanda and Burundi, including members of EALA, visit national parks in Tanzania, they are not taken as East Africans. They pay more fees than the Ugandans, the Kenyans and the Tanzanians. I can give an example. Mr

Speaker, you will remember that the last time we visited the Ngorongoro Crater together, we the Rwandese on your team were requested to pay more money. People down there did not know that Rwanda and Burundi were now members of the EAC. Could the Minister please inform us why some people in Tanzania, including government officials, do not know that Rwanda and Burundi have already acceded to the EAC?

The Speaker: I think you should have continued to say that because of the good office of the Speaker, they were eventually charged as East Africans. (*Laughter*)

Dr Kamala: Mr Speaker, I subscribe to what you have said, and extend my sincere thanks to the good office of the Speaker, which enabled EALA members to visit Tanzania's national parks. Let me say that I have received the information you have provided, and I will work on it in my capacity as the Minister for East African Community and as a full Cabinet Minister in the United Republic of Tanzania. It is in safe hands – (*Laughter*).

Lastly, let me say that if somebody somewhere does not know that Rwanda and Burundi are now members of the EAC, such a person does not qualify to continue doing the job that they are doing. Let me call upon all officials in Tanzania that they should not only recognize that Rwanda and Burundi are members of the EAC, but they should do so for their own survival before I visit the same place. (*Laughter*)

Mr Reuben Oyondi (Kenya): Mr Speaker, arising from the information given by hon. Hajabakiga, is the Council of Ministers aware that Tanzania is losing a lot of revenue by sticking to a mere \$20 visa fees while business continues to be conducted

through *panya* routes? Perhaps only three people may pay this fee while the others pass through the bushes!

The Speaker: I think they are now aware! *Mheshimiwa*, are you aware?

Dr Kamala: Mr Speaker, as the hon. Member has said, it is only logical that when you continue emphasizing and collecting visa fees, at the end of the day you create an environment for *panya* routes. Moreover, this money, in most cases, is quite difficult to collect. The Tanzania Government does not depend on the collection of this \$20. Let me emphasize that as I was talking to the Minister for Home Affairs yesterday, I told him that he could continue controlling what he wants to control without charging this fee. I have requested the relevant officials to establish how much money we get from this fee of \$20. Irrespective of the findings, this visa fee will be abolished 100 percent, finally. (*Applause*)

Hon. Members: Direct so! Direct so!

The Speaker: Hon. Members, I know the minister has laboured on the issue. Hon. Zziwa, please proceed.

Ms Margaret Zziwa (Uganda): Mr Speaker, I want to add one other very important piece of information, which I think hon. Kamala, may have known about. This is for the benefit of this august House. When the Committee of Communications, Trade and Investments visited the border of Tanzania and Uganda at Mutukula, it established that the stakeholders were complaining that they were being charged \$100 irrespective of who you were under the guise that you were going to Tanzania to do business. I wanted to raise this because it is a non-tariff barrier, and if we really have already assumed a customs union

arrangement, why should they charge this money? It is a very big deterrent, and I would wish to hear the honourable minister comment on this very burning issue to the Ugandans.

The Speaker: I do not think it is a non-tariff barrier; it is a tariff barrier if they are paying. I think I am in a delicate situation, because this answer mentions my name as one of the people who sent a letter to the Minister of Home Affairs. I also want to give further information to the Minister that I am one of the victims of this thing. In essence, if you have an East African passport...I went there and said I was the Speaker but I was denied a six-month entry visa on my passport. The person said he could only give me three months or I could go to the regional office. Despite my insistence, he decided to give me only the seven days that I had said I was going to be there. If I am having that kind of problem and I am an officer of the Community, and the Speaker of EALA at that, what would happen to a common *mwananchi* who goes to that border to look for a six-month visa?

Dr Kamala: Mr Speaker, I apologize for the problems, which you faced at the border as you have said. Everybody is aware that the holder of an East African passport is entitled to six months whenever he uses that passport. That passport need not be re-stamped when you get in and out. That is what we call multiple entries. I have taken up that issue, and I think the key issue here is about education and making sure our people understand what we decide. Sometimes you can make decisions at the level of the Community and our experts do not understand them quickly. That is a challenge, but we shall try our best.

On the US \$100, I understand this problem very well because in my constituency there

is the Kagera Sugar Factory, which used to buy sugarcane from Uganda. Therefore, at the Mutukula border, they decided to charge the drivers of the trucks US \$100 for a work permit simply because they claimed that these drivers were coming into Tanzania to work. However, you cannot charge claim that you are employing the people who drive the trucks that bring you sugarcane, and therefore charge them for a work permits. I remember I intervened at that time, and they stopped this, because one of my findings was that the officials actually did not even hand over the \$100 that they were collecting to the Treasury. This was merely a personal business of raising funds for their own benefit. However, let me just repeat it that I have already communicated this issue to the Minister of Home Affairs, and I will make a follow-up to see whether my communication has been worked upon. (*Applause*)

The Speaker: Hon. Secretary-General, I think you want to ask a supplementary question.

The Secretary-General of the EAC (Mr Juma Mwapachu): Mr Speaker, I just want to reinforce the statement made by the honourable minister. Upon receiving a letter from the Clerk ten days ago that the hon. Speaker had been harassed at Kilimanjaro International Airport on arrival to come on EALA business in Arusha, I immediately wrote a letter to the Director of Immigration Services with a copy to hon. Lawrence Masha, the Minister for Home Affairs. The conduct of those officials at Kilimanjaro International Airport deeply perturbed me as the Secretary-General of the EAC.

The Speaker: The same thing happened in Dar-es-Salaam when I got here. The communication has obviously not reached. Anyway, let us move on to the next question.

QUESTION EALA/PQ/OA/017/2009

Mr Dan Ogalo (Uganda): Asked the Chairperson, Council of Ministers –

"The Partner States committed themselves to the elimination of non-tariff barriers and to refrain from imposing further non-tariff barriers. They also undertook to evolve coordinated and harmonised transport policies to facilitate and promote the movement of traffic within the Community. They further undertook to develop harmonised standards and regulatory laws, rules, procedures and practices in the said sector. It is a strategic intervention by the Community to harmonise procedures for issuance of entry permits.

- i. *Can the Chairperson explain to the House why the four Partner States of Kenya, Uganda, Rwanda and Burundi do not require a yellow fever certificate as a condition to entering those countries?*
- ii. *Given the natural interaction of East Africans across borders without due regard to entry points, is there a harmonised policy on yellow fever? If so, can the minister detail contents of the policy? If not, how effective are the measures undertaken by Tanzania?*
- (iii) *Is the Chairperson, Council of Ministers aware that visa fees are payable by nationals of Burundi travelling to Tanzania? If the Minister is aware, does that position reflect the policy of the Community? If not, what steps has the Minister taken to rectify the problem?"*

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr Speaker, it is a requirement of EAC Partner States to demand yellow fever vaccination certificates from all cross border travellers in accordance with the International Health Regulations as adopted by the World Health Organisation (WHO) Assembly in 2005. The Council of Ministers decided to remove the requirement for the yellow fever and cholera certificates at border entry points in the EAC region. However, only Kenya, Uganda, Rwanda and Burundi have implemented this decision. The United Republic of Tanzania is the only country still enforcing the WHO regulations on this matter.

There is a harmonised policy on yellow fever for the EAC region in terms of the previous decisions of the Council of Ministers that removed the requirement for yellow fever and cholera certificates at border entry points in the EAC region. However, not all the Partner States have implemented this policy since yellow fever is a communicable disease of high epidemic potential within East African region.

At its forthcoming 18th meeting, the Council will refer this matter to the fifth Ordinary Meeting of the EAC Sectoral Council on Health for further consideration and determination in light of the existing WHO International Health Regulations, 2005, which all WHO member states have to adhere to and enforce.

Regarding the third part of the question, I want to repeat that this is bilateral issue. Burundi and Tanzania will have to handle. I did report on this earlier.

Mr Ogalo: Mr Speaker, I thank the Minister for the answer. If the Council of Ministers makes a decision like the one it did in this case to say that none of the five partner states should require these yellow fever certificates, is there an option for any of the countries, who have been party to that Council decision, to opt out? Can one country, after agreeing in the Council of Ministers, just walk away and say, for me, I will do a different thing?

Secondly, as has been said here, there is a lot of movement of East Africans using *panya* routes between all the countries. Thousands, if not hundreds of thousands, of people are moving throughout this region. How effective is one country's enforcement of this yellow fever certificate requirement?

Lastly, the Minister said that the last part of my question was a bilateral issue, to which he has given an answer. In relation to that, I have a supplementary question. Mr Speaker, when I entered Tanzania on the 2nd of August this year, and this was stamped in my passport: "*Allowed to stay for three months; employment with or without pay is strictly prohibited.*"

Could the Chairperson, Council of Ministers assure me that the Tanzanian Police is not going to arrest me for working today when I leave here? (*Laughter*)

Dr Kamala: Mr Speaker, I recognize hon. Ogalo for the questions he has asked. Let me say that when the Council of Ministers makes a decision at that level, we expect all Partner States to implement those decisions. When it happens that one of the Partner States does not implement something that we have agreed upon, we collectively remind that Partner State. Therefore, in that respect, we shall collectively remind that Partner State, which is not implementing our

decision. Remember that I am speaking here on behalf of the Council of Ministers, so do not get confused when I say we shall remind that Partner State. (*Laughter*)

The problem we have here is that if WHO has not changed the regulation, some of the officials might deliberately take advantage of the WHO decision and pretend that they are good implementers of the WHO decisions. These are loopholes, which always bring problems. I will advise the Government of the United Republic of Tanzania to look into such loopholes so that it does not conflict with decisions of the EAC.

Lastly, let me say that not all East Africans coming into Tanzania are asked for these yellow fever or cholera certificates. It happens rarely, but we will stop this practice.

On the movement of people through *panya* routes, that is a challenge, because you can be strict on the border but people will always use *panya* routes. The key issue here is that we shall advise the United Republic of Tanzania to find ways of complying with EAC decisions. As EAC Partner States, we must also realise that there are WHO rules and regulations and see how we can work towards that to avoid future confusion.

On whether you could be arrested, when we say you are prohibited to work we mean just going somewhere, requesting for employment and then you become employed without due consideration of the Tanzania laws, rules and regulations. However, sessions like this one and doing other extra activities, we cannot interpret that as working. Rest assured that nobody – (*Interruption*) -

The Speaker: *Mheshimiwa Waziri*, what are we doing here if not working? (*Laughter*)

Dr Kamala: What we are doing here is within the context of the Treaty and the rules and regulations. Therefore, it is official and nobody can arrest you.

Ms Safina Tsungu Kwekwe (Kenya): Mr Speaker, this matter of yellow fever injections is a big issue. I have travelled by road in public buses, and I know what it feels like to cross the borders in a public transport facility and to be asked for a yellow fever certificate. Not just any health service provider can give these certificates. There are specific health service providers that give the yellow fever injection and stamp. My question, therefore, is on the continued requirement by Tanzania for travellers to produce the yellow fever certificate. Is this a way of curtailing the movement of persons? Who then does the United Republic of Tanzania expect to come into Tanzania, bearing in mind that for you to get a yellow fever injection...for example, where I come from, there are only three facilities, and they are all in Mombasa: the Port Clinic, the airport, or Mombasa Hospital, and those are not cheap places. Who, therefore, do the Tanzania authorities envisage to enter Tanzania other than a Member of Parliament like myself who can afford to drive to those health facilities? Do the Tanzanian authorities expect the ordinary citizens to be able to access these facilities in order to enter Tanzanian soil?

Mr Bernard Mulengani (Uganda): Mr Speaker, are these activities taking place with the full knowledge of the leadership of this country?

Mr Leonce Ndarubagiye (Burundi): Mr Speaker, may I give information to the honourable minister as well as the honourable members?

The Speaker: You can give the information later.

Mr Ndarubagiye: It relates to what he said before.

The Speaker: If it will help him to answer the question, then it is okay.

Mr Ndarubagiye: Mr Speaker, I just wanted to inform him that as far as Burundi is concerned, we are only required to produce yellow fever certificates at the airports, and not when we come by road. So maybe we can contract the disease on the aeroplanes - (*Laughter*). Furthermore, concerning the relationship between the people at the borders, especially in Kigoma and Rumonge, they are relatives: cousins, brothers-in-law, sisters-in-law, and we would really like to have those non-tariff barriers scrapped as quickly as possible - (*Laughter*).

Dr Kamala: Mr Speaker, I recognize the question asked by hon. Kwekwe. She wanted to know whether the requirement for the yellow fever certificate is one way of trying to discourage people from moving freely. Tanzania recognises the free movement of East Africans under the procedures and agreements provided for in the Treaty and other relevant documents of the EAC.

As hon. Ndarubagiye has said, when you travel by road you are not asked for the certificate but when you travel by air, you are asked to produce it. Therefore, you can see it is not a deliberate policy by Tanzania.

I have received a number of complaints relating to our officers at Kilimanjaro International Airport and I am going to deal with this issue personally, as it seems there are problems there. We shall find out what is happening there.

A Hon. Member: When?

Dr Kamala: As soon as we finish this session.

The Speaker: To satisfy this House, I think the Minister should report what he has found out to the Assembly in our next meeting

Mr Mulengani: Mr Speaker, the Minister has not responded to my – (*Interruption*) -

The Speaker: No, the Minister has responded that he is going to find out what is going on.

Mr Mulengani: Most obliged, Mr Speaker.
Mr Dan Kidega (Uganda): Mr Speaker, before I ask my question, I wish to apologise to you and the House for having failed to ask my question at the most appropriate time. This is due to the indiscriminate and rampant eating I have been doing for the last few days. I was consulting the doctor about my weight - (*Laughter*)

QUESTION EALA/PQ/OA/012/2009

Mr Dan Kidega (Uganda): Asked the Chairperson, Council of Ministers –

"The Customs Management Act, 2004 has so far been amended four times by the Assembly, making it the most amended piece of legislation so far. Specifically the amendments have included an extension of the date prescribed in the Act to allow the EAC Partner States to resolve the problem of belonging to two customs unions. The last

extension was in December 2008, for a period of one more year, which period is fast approaching the end.

Taking into account the time factor, could the Chairperson of the Council of Ministers inform this august House:

- i. *Whether the Partner States have complied with the provisions of the Act in respect to resolving the problem of dual memberships;*
- ii. *About the progress so far made and when the matter is likely to be concluded once and for all without necessitating further amendments."*

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr Speaker, the dynamic business environment in which Customs operate necessitates the amendments made to the EAC Customs Management Act. The mode of international trade is continuously changing and, therefore, the Customs law has to keep in tandem with the changes. The focus of Customs worldwide and in the EAC is trade facilitation. The intention of most of the amendments to the Act is to enhance this objective further. An example of such an amendment is the provision to allow advanced electronic submission of cargo manifests. The preferential treatment of goods from SADC and COMESA is first, a creation of the Treaty of COMESA and SADC trade protocol to which the Partner States are contracting parties and which was ratified under the national laws.

Article 37 of the EAC Customs Union Protocol provides that partner states shall honour their commitments in respect of other multilateral and international organisations to which they belong. The protocol therefore does not obligate partner

states to cease being members of COMESA, SADC or any other organisation.

Mr Speaker, the Tripartite Agreement between COMESA, EAC and SADC will address the challenge of multiple memberships. At the Tripartite Summit of member states held in October 2008 in Kampala, the Heads of State of the member states of the three regional blocks decided to put in place a Tripartite Trade Arrangement between COMESA, EAC and SADC. The Tripartite Summit directed the member states to expedite the process and to develop a road map.

A team of technical experts of the three Regional Economic Communities, (RECs), together with consultants, has been developing the necessary instruments and the roadmap for a free trade area, and they are expected to finalise the draft by September 2009. Thereafter, the member states will consider the instruments and agree on the implementation framework, which will then be presented to the Tripartite Council of Ministers in January 2010. A Tripartite Summit will be convened in March 2011. The creation of the free trade area means that the goods originating and traded between the three RECs will be free of duty. Other areas of cooperation will include free movement of businesspersons and promotion of investments.

The coming into force of the free trade area between the three RECs will mean that the provision in the EAC CMA will be amended to make it consistent with the framework.

We cannot enforce the withdrawal EAC Partner States from COMESA and SADC at the regional level because it is a national policy issue.

Mr Kidega: Mr Speaker, I would like to thank the Minister for his response. He has elaborately given a roadmap of the Tripartite Arrangement between SADC, COMESA and EAC, implying that the perceived free trade area of the tripartite will deal with the problems, which will be encountered in the implementation of the Customs Union of the EAC. I am aware that a Free Trade Area (FTA) is an inferior stage of regional integration compared to a Customs Union. The characteristics of the two are very different. The creation of an FTA cannot cure the problems encountered in a Customs Union because it is an inferior level of integration.

Is the Minister therefore trying to convince the House that the strategy the Council of Ministers is relying on to deal with the challenges of dual membership is to create an FTA or a tripartite arrangement?

Secondly, I am also convinced that representation in the Council of Ministers is by the coordinating ministries in the partner states. I am also aware that in their coordinating role, the Council of Ministers can know what steps the partner states are taking to address challenges of this nature. Could the Minister tell the House, based on his own experience of what has transpired in the Council, the brief they have received from the Partner States on what they are doing to address these challenges?

Dr Kamala: Mr Speaker, concerning the issue of multiple memberships -that is one partner state belonging to more than one REC- we believe that if the decision of the Heads of State of SADC, COMESA and EAC is implemented, the issue will not only stop at the Free Trade Area. The proposal is to start with the Free Trade Area with the purpose of creating a customs union for SADC, COMESA and EAC. One good

thing is that SADC and COMESA are using the East African Community as the benchmark because we already started to implement the Customs Union from January 2005. Therefore, COMESA and SADC are trying to follow the EAC way.

If that is the case, they are likely to find out that the Common External Tariff (CET) that COMESA is to adopt, if they happen to establish a customs union, will be similar to that of the EAC, and then definitely there will be no problem. If it happens that one day SADC creates a customs union, they will also have to go that way. We have already made the decision to have a Free Trade Area for SADC, COMESA and EAC with the purpose of having a customs union. Let us also not forget that these RECs - SADC, COMESA and EAC- are temporary. At the end of the day, we are supposed to be working towards a United States of Africa. That is our aim, so all these other arrangements are temporary. (*Interruption*)

Mr Akhaabi: On a point of order, Mr Speaker, is the Minister in order to insinuate and in fact declare that the East African Community is temporary? Is he in order?

Mr Oyondi: Are you in order? (*Laughter*)

The Speaker: Order, hon. Oyondi! I think the Minister was just trying to convince this House. His argument is completely wrong, but he can proceed. I do not understand how he can tell us that ultimately we are going to have a Customs Union between three blocks. We have a Customs Union in EAC and it is inferior to an FTA. It does not make any sense, but maybe it is a new brand of economics. Maybe you can help us out, *Mheshimiwa Waziri*.

Dr Kamala: Mr Speaker, the Free Trade Area that I am talking about is a Free Trade Area for SADC, EAC and COMESA.

The Speaker: I think the honourable Member raised the issue of the frequent amendments to the Customs Management Act because of EAC Partner State memberships in SADC and COMESA. Now you are taking us to FTA and things we do not know about in this House.

Dr Kamala: As I was saying, according to the AU Charter, the RECs are building blocks towards the big picture.

The Speaker: We are talking about the Treaty for the Establishment of the EAC now, not the AU Charter.

Dr Kamala: And as I have said, we handle amendments when the situation dictates that we do so in order to continue implementing the Customs Union. Let me say that at the level of the EAC Secretariat, we have undertaken a study on the implementation of the Customs Union. There are issues, which are emerging, and we do hope that where necessary, we shall have to propose amendments to correct them. Therefore, we cannot make amendments finally. We can always amendment when necessary. That is why this Assembly is here.

The Secretary-General (Mr Juma Mwapachu): Mr Speaker, I think there is a fundamental problem with the way the question was broached. The question talks about EAC resolving the problem of Partner States belonging to two customs unions, but the current membership of the EAC Partner States in COMESA or SADC for that matter does not raise the issue of the Partner States belonging to two customs unions.

Maybe I could inform honourable members that during the last COMESA Summit in Victoria Falls, which was barely two months ago, COMESA announced that it was moving into a customs union. There had to be a side meeting, which His Excellency President Yoweri Museveni chaired together with President Mwai Kibaki. The Minister for Foreign Affairs represented President Kagame, and the Second Vice President of the Republic of Burundi was there. The Minister for Foreign Affairs represented Tanzania. We had to have a side meeting to determine what to do, and of course, the position was very clear. President Museveni then pronounced at that meeting that the EAC Partner States who are members of COMESA would not join the COMESA Customs Union because they were already in the EAC Customs Union. Therefore, I think that is the fundamental answer to this question. The issue of dual membership is more relevant regarding membership to regional economic organisations rather than to a customs union.

The Speaker: I do not know who drafted the answer for the Minister. I think the Secretary-General has captured the issue very well.

Mr Ogalo: Mr Speaker, Tanzania is in SADC and Uganda, Kenya, Rwanda and Burundi are in COMESA. Certain goods cross from the four countries to the rest of the countries under certain arrangements, while some other goods cross between Tanzania and SADC under other circumstances. It is possible that the arrangements within which goods from Sudan or Egypt enter into COMESA countries and the arrangements under which goods from South Africa enter Tanzania are actually different. If that is so and we have these goods coming under different arrangements from these blocks into East

Africa at different rates, how does that affect our trade here? What mechanisms do we have in place to ensure that we protect our industries? These things are disturbing us because of belonging to two different regimes. I have not seen that coming through in your reply.

The Speaker: The technical people are here; I can see the whole directorate here. Maybe they can send something to the Minister.

Dr Kamala: Mr Speaker, under the EAC Customs Union Protocol, we have what we call the Rules of Origin. A good is qualified to move freely within East Africa if it has one of the following qualities: That good should either be produced in East Africa 100 percent, or if that is not the case, the value addition should not be more than 35 percent, or if that is not the case, the CIF should not be more than 60 percent.

Now, if you have a good you would like to export to Kenya, Burundi or Tanzania, you should get the certificate, which allows you to export that good, and which shows that, that good meets the above conditions. If you observe that rule, there should be no problem.

Mr Mwapachu: Mr Speaker, let me also assist the honourable Minister by giving clarification on the fundamental question from hon. Ogalo. We realised that there would be that kind of problem because of dual membership at the time when we were negotiating the treaties of accession for Rwanda and Burundi. There was no problem concerning intra-EAC trade for Kenya, Uganda and Tanzania because we had already agreed on the Rules of Origin as well as the Common External Tariff. When the two countries joined, it meant that we were going to have an interface of

COMESA-based treatment and the EAC treatment. The odd country out was the United Republic of Tanzania, because it belongs to SADC. The question was what would now happen because it is already in a customs union, and how it will relate to the other two Partner States who were already enjoying certain preferential rights under COMESA.

Under the Treaty of Accession, that United Republic of Tanzania agreed to enter into bilateral agreements with Rwanda and Burundi, and to give each other the same treatment that Rwanda and Burundi enjoy in COMESA. This is how we were able to address what was an intractable problem by virtue of Rwanda and Burundi being in COMESA and Tanzania not being in COMESA. The other four Partner States had preferential arrangements amongst themselves, which were somewhat different from those that were in the EAC Customs Union. Tanzania, Rwanda and Burundi have negotiated those bilateral arrangements so that there is no clash between the terms and conditions of trading facilities under COMESA vis-à-vis those in the EAC.

Ms Byamukama: Mr Speaker, I want to thank the Chairperson, Council of Ministers and the Secretary-General for the clarifications, but I still have a problem. When you look at it from a layperson's perspective, it as if you are building a house, you have a beautiful plan, you have already reached the window level and now you start removing materials from this house and taking them to another structure yet other people are admiring your structure and copying your design. I have a problem with this.

If Uganda, Kenya, Tanzania, Rwanda and Burundi belong to COMESA, and as the Secretary-General has said that at the last

meeting they made it very clear that they would not want to belong to a COMESA customs union because they already belong to the EAC Customs Union, which is now being used as a model by the upcoming customs unions, it becomes very difficult for me to appreciate why we should continue to belong to different regional economic blocs. I want to seek this clarification on that.

I remember very clearly, when we met in Kampala in December 2008, that we agreed then to extend the deadline for our countries to continue to belong to two regional blocs until December 2010. I actually remember Gen. Muntu imploring us and saying, look, let us put it up to 2009 so that they can come to us for another extension. Maybe he had already envisaged it was a ploy, not only to buy time, but also to continue to hoodwink us to think that they would eventually leave those regional blocs. I think it is becoming clear that there is no intention for our countries to move from these other regional blocs. I think the Chairperson of the Council of Ministers has done very well on this matter. Could he be very clear then? Are we willing to adhere to this law or are we amending it for the sake of amending so that we seem to continue to build our beautiful home together?

Dr Kamala: Mr Speaker, as I said earlier, decisions concerning multiple memberships are made at the level of partner states. However, at the level of the East African Community, and as members of the Council of Ministers, it would have been better if all partner states only belonged to the EAC Customs Union. Therefore, it is up to the partner states to start observing that and to work towards it.

The Speaker: Honourable Minister, I do not know whether you are aware of Article 84 of the Treaty, which says that laws made by

this House supersede national laws in matters related to the Community. If that is your answer, what does it say about the Treaty? Read the Treaty. This House has passed a law and then you say it is a matter for Partner States? What are we doing here as an Assembly? Why are we making laws? Would you like to clarify that?

Honourable members, maybe we can allow the Minister to look again at this question and come up with a substantive answer to it in the next sitting so that at least he can have a better answer. At that time, I wish you could also produce this FTA agreement with COMESA and SADC. You should table it here so that we can know what is going on.

I think we can now go to the next question – (*Interjection*) - Yes, hon. Byamukama?

Ms Byamukama: Mr Speaker, yesterday I asked a question in respect of the conflict resolution mechanism and the Chairperson, Council of Ministers, did not comprehensively answer that question. Should I assume that he would also take that question along with this one so that he can bring us comprehensive answers?

The Speaker: I think that yesterday the Minister said he did not have an answer, and that he was going to bring the answer. Therefore, we will bring your question in the next session.

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE CAUSES OF CONFLICT IN THE REGION

The Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Mike Sebalu): Mr Speaker, I beg to move that the Report of the Committee on Regional

Affairs and Conflict Resolution on the Conference on the Causes of Conflict in the Region be debated and adopted by this House.

Dr Aman Kabourou (Tanzania): Seconded.

Mr Sebalu: Mr Speaker, I hope that honourable members have the report. In the interest of time, I will go through the highlights to pinpoint only the salient issues in the report.

This workshop was held in Bujumbura and the overall objectives were:

1. To build consensus on peace and security issues affecting the East African region in relation to conflict
2. To draw a framework of action highlighting strategies and key activities for implementation
3. To identify key stakeholders and their mandate and make recommendations for further action in future

The hon. Gervaise Rufyikiri, President of the Senate of Burundi opened the conference. A total of 51 participants, including the EALA Committee on Regional Affairs and Conflict Resolution; the Partner State national assemblies; representatives from Ministries of EAC Affairs and Ministries of Defence of all the five Partner States; civil society organisations represented by participants from the Regional Centre on Small Arms; the Amani Forum, private and public media, as well as members of the academia, attended the conference. Honourable members can find the details of the participants on pages three to five of the Report.

Two distinguished academicians, namely, Prof. Barigu and Prof. Shaka, made substantive presentations. During the two-day conference, two presentations were delivered on actors' interests and strategies in the Great Lakes, conflict formation, an over-view of the causes of conflict in the East African region and strategies for conflict transformation in the East African region. The honourable Members can find this on pages 6 to 11.

The first presentation entitled, Prof. Baregu, a Professor of Political Science at the University of Dar-es-Salaam, made a presentation on "*Actors' Interests and Strategies in the Great Lakes Region Formation*". He sought to highlight the various actors, interests and strategies in the Great Lakes Region conflict. The Report clearly highlights these on pages 6 to 9.

Prof. Baregu mentioned some lessons that the region has learnt from experiences in the past because of which the region is now better informed and adequately prepared to confront the challenges it will face in building sustainable peace in the region. First, that we should approach conflicts in the region regionally rather than singly because together we constitute a conflict formation system. Secondly, the issues in the conflicts are diverse and overlapping. Thirdly, that hitherto it has been state and political actors, which have dominated the negotiation and implementation phases in almost all peace agreements. This in itself accounts for some of the failures of agreements since they have marginalized other principle stakeholders like the civil society. He suggested a paradigm shift in order to overcome these obstacles to peace initiatives from political will to actor interests, strategies from static parties to dynamic actors in conflict, from state actors to comprehensive actor fields, from internal-

external actors to actor interaction, from inclusive actor participation to selective targeting, and from peace as essential peace to contested goals.

He clustered the actors into three categories of actors defined by their orientation to peace initiatives, and suggested strategies of handling them in viable peace processes. The three clusters include the following:

1. Peacemakers: These are actors whose interests the conflict affects negatively, and who are likely to enjoy a peace dividend. They perceive the peace negotiation process as a positive game. These actors may include civil society, globalisers, and weak autonomous states among others. We should embrace and encourage them if peace is to be realised on a sustainable basis.
2. Peace spoilers: The existence and prolongation of conflict promotes the interests of these actors. The termination of the conflict would threaten their interests. These include plunderers, drug barons, gunrunners, mercenaries, private military and security companies, and warlords, among others. These should be exposed, isolated, condemned and sanctioned through appropriate arrangements.
3. Peace opportunists: This is an enigmatic and unpredictable group of actors. They may promote peace as easily as spoil it. They may gain or lose through the protraction or termination of conflict. This may include imperialist states, weak and acquiescent states, lords of poverty, ambulance chasers, to mention but a few. Appropriate incentives may convert these to peacemakers.

Prof. Shaka delivered the second presentation, which was on strategies of conflict transformation in the East African region. The presenter highlighted this typology in the report, and tried to give the peace architecture and conflicts within the region. This generated a very interesting debate, but one thing to note is that it highlights the Democratic Republic of Congo (DRC) as the major factor in the instability of the region. This is because the nature of the state of the Democratic Republic of Congo is such that not all the territories - at least at some point in time - was effectively under control of the state, thereby creating a haven for dissident groups from neighbouring states to use as a base to launch attacks on those neighbouring states. Uganda and Rwanda find themselves in such a situation where for quite some time dissident groups have used the Western DRC as a base.

Prof. Shaka delivered the second presentation on strategies, and you can find this from pages 10 to 11 of the Report. He summarised his presentation in the following way: world armed conflict from 1945 to 1990; African conflict resolutions; conflict theories and the East African region; conflict settlement strategies; hypothesis for conflict transformation in the East African region; key strategies for conflict transformation; and policy recommendations.

The presenter cited about 283 major armed conflicts in the world, and he categorised them into internal, international and internationalised conflicts. He mentioned that the five countries most involved in these conflicts were the United Kingdom, accounting for 76 cases, the United States accounting for 52 cases, France accounting for 45 cases, Russia accounting for 42 cases, and China accounting for 29 cases. From the

above, he concluded that the degree of internationalisation of conflict in the world since 1945 to 1990 was in the range of about 40 percent.

He also summarised conflicts in the East African region into internal and internationalised or direct involvement, and this included the DRC, Tanzania, Burundi, Uganda, Kenya and Rwanda. In short, at one time or another, the different states of the East African region have been involved in some kind of conflict in one way or another.

The report also looks at the interventions, and you can look at these from page 14. Page 13 has the causes of conflict and – (*Interruption*) –

The Speaker: Hon. Sebalu, you said you were summarising the report. Now you are saying page 13 to page 15, and continuing to read all those things again. If you could, please summarise –

Mr Sebalu: Most obliged, Mr Speaker.

The interventions are on pages 14 to 16. The report highlights them very well there, and you could look at them. There are also strategies for conflict transformation, which you read on pages 16 and 17.

After discussing the various presentations, the conference participants made the following recommendations, which are contained on pages 19 and 20:

1. The East African Community should expedite the ratification of the Draft Protocol on Peace and Security in the region.
2. There is need for the involvement of strategic stakeholders in the search for effective, sustainable peace and security in the region. The idea of

leaving peace initiatives to the executive arms of governments alone may not be sustainable. Therefore, the involvement of all other stakeholders is indeed very welcome to own the processes for purposes of enforcing implementation.

3. EALA should make a law to create a regional reconciliatory and mediation commission on the internal and cross-border peace and security issues in the region.
4. EALA should initiate the process of establishing a regional mechanism for conducting civic education to address, among other critical issues, the need for peace and security as a precursor of the development of our region in general, and partner states in particular.
5. There is a need for EALA to increase interaction and engagement with national Assemblies on matters of promoting peace and security in the region as a means of enhancing the regional integration agenda.
6. EAC should formalise the activities of EALA to other Partner States by providing a budget line that would enable EALA members to be in contact with the people whom they represent, and to publicise the integration process in the Partner States as a pro-active strategy to enhance peace and security in the region.
7. Since the DRC is a neighbour bordering four out of the five EAC Partner States, EAC should conduct a study to explore the causes of conflict in the DRC for intervention purposes. This is to avert security threats for the future of the region. The study should also look at issues of the opportunity cost, in economic terms, of having an unstable DRC as a neighbour. We are looking at the DRC as a market and as a trade partner, so what is it that we lose when the DRC is unstable?
8. Since several member states appear to harbour deep-seated historical differences characterised by suspicion, which could result into conflict, we should conduct an in-depth study to identify such potentially explosive differences that may exist within partner states and suggest solutions to such differences, if any.
9. In order to prevent and resolve crises that emanate from inter-group conflicts, inclusive politics of diversity, like in the case of Rwanda, and most recently, the Kenya power sharing arrangement, must replace democratic majoritarians. In our leadership formation, we should appear to be accommodative rather than applying the principle of the winner takes it all, which could have potential for conflict.
10. There is an urgent need to fast track the promotion of voluntary repatriation of refugees as a solution to abate prolonged conflicts in the region.
11. Establishment of the non-partisan forum on conflict issues in the region to include politicians, parliamentarians, civil society organisations, religious groups, traditional leaders, government experts, the academia and opinion leaders so that this kind of forum can help in discussing and building consensus on peace and security issues.
12. There is a need for all national parliaments of the EAC Partner States to establish special

committees responsible for conflict resolution and peace building.

Mr Speaker, I want to conclude by saying that this conference proved very useful. It showed that there are some notable efforts towards realising sustainable peace in the region, although certain obstacles, actors, interests and challenges hamper full achievement of sustainable peace and security in the region. It is my humble submission that all stakeholders have a role to play towards removing the obstacles, and resolving the issue of the actors, interests and challenges stated in our report to ensure that a fully-fledged and sustainable peace and security becomes a reality in the region.

Finally, we have acknowledgements, as has been indicated, and these include the Office of the Speaker and all the partners with whom we worked to see this workshop succeed.

Mr Speaker, I submit the report of the conference on the Causes of Conflict in the East African Region held in Bujumbura for the honourable member to consider and adopt. I beg to move. (*Applause*)

(Question proposed.)

Mr Damian Habumuremyi (Rwanda): Mr Speaker, thank you for giving me this opportunity to take the floor, and because it is my first occasion to talk here, allow me to extend my gratitude to the government, the people and the EALA chapter of Tanzania for the excellent hospitality provided to us. (*Applause*)

I am a member of the Committee on Regional Affairs and Conflict Resolution, and I want to thank my chairperson for the brilliant and comprehensive report that he has presented, which I fully support.

However, I have one concern about this report, and this regards the papers presented by the resource persons, which appear from pages 6 to 11. I would like to give some clarification on the selected conflicts by countries in the region, which is on page 9 of the Report. We agreed in both the conference and in the committee that in some areas, the content of this presentation was indicative but not reflective of the views of the participants and members of the committee.

Mr Speaker, I make this statement to help the august House understand the spirit of this report well. I support the report fully.

The Speaker: Honourable members, be brief because we have a lot of business today.

Ms Margaret Zziwa (Uganda): Mr Speaker, I want to thank the Committee on Regional Affairs and Conflict Resolution for the good report, which has given us a chance to appreciate the issues regarding peace and security in our region.

I want to add my voice to the recommendations of the committee. Considering that the East African Community Partner States are also members of the International Council for Great Lakes Region Conference, this very important council has offered an opportunity for 11 member countries to discuss issues of conflict, focusing mainly on issues of peace, security, good governance, and economic integration, among others. Member states of the Great Lakes Region signed a declaration in Dar-es-Salaam in 2002 and committed themselves to restoring peace in the region.

With this background, one of my immediate requests is therefore for us to use all the available arrangements to build a synergy

around issues of peace and security. Considering that this is a very sensitive area in the ICGLRC, and that Uganda, Kenya, Tanzania, Rwanda, Burundi, Sudan, the DRC, Angola and Zambia are members of the Council, I think it is very important to now to develop some of the protocols. The summit currently sits in Lusaka in Zambia, and 11 protocols have already been developed in the areas of peace, security and good governance. I think it would be good for us to have an opportunity to look at these protocols, study them a little more and check on how our governments are progressing in those areas.

I want to support one of the recommendations of the committee. The recommendations were not marked but I think it is the sixth one. It is about working with national parliaments. The International Council for the Great Lakes Region Conference recommended the establishment of a parliamentary forum, which the respective parliaments have already established. I want to request this committee to relate with these forums in our Partner State parliaments to ensure the effective implementation of the signed protocols.

Mr Speaker, when you tasked us as members of a goodwill mission to visit the Republic of Kenya after the post election conflict, one of the things that we appreciated was the challenge to work out urgently a mechanism to predict conflict, as laid down in Article 124 of the Treaty. This is so that the Partner States can share it among themselves to be able to predict areas of conflict early enough.

We appreciated then -and even now- that the issue of land, which is a natural resource, is a potential area of conflict. As we have seen, even as we move into the common market, we are relegating issues of land to partner

states. We appreciate that partner states may have difficulties in dealing with issues of land. Therefore, I want to beg that we develop a mechanism at the regional level to deal with issues of land and other natural resources. We should not underestimate issues concerning other natural resources. If you look at the report, issues of plundering are talked about continuously.

Finally, I think another mechanism must be found on how these very important resources can be properly exploited for the benefit of the people. It seems like when another partner state or neighbouring country goes into a particular country that can be defined as plundering. However, when illicit exploring of resources is done by nationals in partnership with the Europeans, it is not deemed as plundering. I think that is a very important point that we need our partner states to observe and we need the regional Secretariat to help us have it properly defined.

I thank the committee for the recommendations and I beg to support the motion.

The Speaker: Hon. Members, before I call hon. Sebalu to reply, I would like to say that we should be fair to the Chairperson of the Council of Ministers. A few minutes ago, we were telling them not to deal with COMESA and SADC and now we are telling them to deal with these other basins, which have no - These small people, I do not know what you call them but now they have a parliament that wants to rival your own parliament. I think we should be consistent in the way we want the Council of Ministers to work.

The Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Mike Sebalu): Mr Speaker, I want to thank members who have contributed. Regarding an observation raised by hon. Damien, who is a member of the committee, if you look at the report you will see that the presenter owns the idea of selected conflict. We wanted to be fair to plenary to give them an accurate report of what came out. Those were the views of the presenter but in the discussion, it came out clearly. The presenter was challenged on the authenticity and accuracy of some of the highlights he made, and that is why in the committee it came out that we do have a problem of DRC in its current state, which has acted as the facilitating factor for instability in the region. That is why the committee came up with that statement, to show clearly that it looked at both sides. They are indeed legitimate threats that were identified emanating from that part of the region.

Secondly concerning the observations by hon. Zziwa, you have given some views on the matter and some of them are going to be taken up by the committee to see how best they can be incorporated.

Mr Speaker, without much ado, I thank honourable members for their attention and I beg to move that members adopt this report.

(Question put and agreed to.)

MOTION FOR THE
CONSIDERATION AND ADOPTION OF
THE REPORT OF THE COMMITTEE ON
REGIONAL AFFAIRS AND CONFLICT
RESOLUTION ON THE NETWORKING
VISIT TO ECOWAS

**THE CHAIRPERSON, COMMITTEE
ON REGIONAL AFFAIRS AND
CONFLICT RESOLUTION (Mr Mike**

Sebalu): Mr Speaker, EALA under the Committee on Regional Affairs and Conflict Resolution conducted a networking tour to the Economic Community of Western African States (ECOWAS) Parliament headquarters in Abuja, Nigeria from 11th to 14th and as clearly indicated, this followed an invitation from ECOWAS. You nominated and designated the Committee of Regional Affairs and Conflict Resolution to undertake this visit on behalf of the Parliament.

The delegation made a four-day visit –

THE SPEAKER: Hon. Sebalu, could you move the motion, someone seconds you then you continue with the report?

MR SEBALU: Mr Speaker, time is a factor, which is putting us under pressure but I am most obliged.

I beg to move that the report of the Committee on Regional Affairs and Conflict Resolutions regarding a networking visit to ECOWAS be received, debated and adopted by this House. I beg to move.

DR ODETTE NYIRAMILIMO (Rwanda): Seconded.

MR SEBALU: Mr Speaker, the delegation was made of the Committee on Regional Affairs as is clearly indicated. The delegation held discussions with the officials of ECOWAS Parliament, ECOWAS Commission, the Community Court of Justice and ECOWAS Parliamentary Committee on Political Affairs, Peace and Security. The delegation also visited and paid homage to the Kenyan and Ugandan High Commissions in Abuja. It was also invited to attend the opening ceremony of ECOWAS Parliament; First Ordinary

Session for the calendar year 2009. Those are all indicated on page one.

The objective of the networking visit to the ECOWAS was to enhance legislative diplomacy especially at the level of Regional Economic Communities, re-affirm EALA's commitment to enhance regional parliamentary solidarity and collaboration, compare notes, share experiences and learn from the successes and failures of regional integration agenda and finally, to reciprocate the ECOWAS visit.

There was an opening ceremony, which is well documented from pages three to four. We had occasion to attend it and an opportunity also to make a statement on behalf of EALA. We met the President of the ECOWAS Commission at its headquarters and we had a fruitful discussion, a record of which can be found on pages four to six. We had a visit to the Community Court of Justice and there were quite a number of interesting issues that we found regarding the operation of the West African Court of Justice for example judges are on a full time basis. They are indeed very well facilitated with each judge having five members of staff to support them, good office space and generally you can say a very good working environment.

On page four, we visited the Kenyan High Commission and the details can be seen on pages six to seven. The idea was to make sure that while in a capital like Abuja, which is a headquarter of another Region Economic Community and where we also have our missions, we need to work as a team by associating ourselves with all our missions in that capital. We were unable to go to all of them but we managed to visit the Kenyan and Ugandan High Commissions. We could not visit the Tanzanian and Burundi High Commissions and Rwanda is

yet to be represented at a diplomatic level in that capital. Our hosts were happy to see us and indicated that they have a very good working arrangement as ambassadors and high commissioners from this region. They meet and compare notes on EAC positions so that they work in tandem with the interests of the EAC.

Mr Speaker, we also met the Committee on Political Affairs, Peace and Security and during our meeting, a number of issues came up and these are very well contained from pages seven to ten. The details therein show how that committee operates and how the Parliament of ECOWAS is generally structured, its challenges, the successes it has been able to make and the way forward for the Parliament. One thing that comes out quite clearly is that in terms of functions, mandate and structure, we are a much more developed Parliament. We have full legislative powers while they do not. Theirs is advisory and consultative so there are a few things they have to learn from us. Indeed they engaged us and we were able to give sufficient explanations.

Like I indicated, we visited the Uganda High Commission and this is indicated on page ten. The Speaker of the ECOWAS Parliament hosted us to a traditional farewell dinner where we were able to interact. He expressed his appreciation for us making the trip and promised to reciprocate at his level as the Speaker.

There are some observations that we made. The number of good practices from ECOWAS impressed the delegation and these are indicated on pages 11 and 12. Allow me to highlight some of them, which include the good working relations depicted between and among the organs and institutions of ECOWAS such as the commission, the Parliament and the

Community Court of Justice. Also the idea of bringing ECOWAS solidarity by playing the ECOWAS anthem before the beginning of the House is something, which we need to emulate as is clear from the questions we received. The people of East Africa, through an East African anthem, would get a symbolic kind of activity that brings them together as East Africans. They are ahead on that as the anthem is played at all official functions within the ECOWAS.

They have the State of the Community address by the President of the ECOWAS Commission, who is the equivalent of the Secretary General in our case at every beginning of the opening ceremony of the session to state the achievements and areas of omission during the calendar year. We felt that that is something good to write home about.

They also have a roll call of all members of Parliament prior to the beginning of the sitting where the Speaker calls out all the names to ascertain attendance. We found this quite an interesting observation. I am not quite sure whether it is very popular there.

THE SPEAKER: Is the per diem pegged to that roll call?

MR SEBALU: Mr Speaker, I am not quite sure. and I would not want to commit myself on that.

The appointment of judges on a full time basis and having them properly staffed and given a very good working environment is something we could also borrow for purposes of our East African Code of Justice. Contributions ranging from 0.5 percent to one percent of the import duties for each member state for funding ECOWAS as a regional body really ensures

that they have good and substantial levels of funding that allow them to operate on sustainable basis. ECOWAS Parliament membership per country is flat but each country has five members to begin with. After that, population quotas are worked out and additional members got to reflect proportional representation. So you find that Nigeria, with her huge population, enjoys higher seats and they also make bigger contributions.

The conflict resolution mechanism of ECOWAS is something that we really need to look at as a best practice. The delegation was well received in every instance. All ECOWAS organs expressed gratitude to the delegation and despite the high achievements they have registered at the sub-region, the delegation also noted that there are some shortcomings that they need to sort out.

1. Lack of continuity due to high turnover of members given that the members are, at the same time, members of their national parliaments and whenever they have national elections and lose, it therefore halts eligibility to continue as a Member of the ECOWAS Parliament. This creates a situation where at every session, among other activities that have to be undertaken is swearing in of new members. So it is like a transit lounge with arrivals and departures. As such, in terms of institutional memory and continuity, they have a big setback and they thought that our arrangement is much more appropriate, sustainable and consolidates the essence of a parliamentary body.
2. Lack of legislative powers is one of their biggest un-doings.

- Sometimes the Executive refers a matter to them for consideration but they do not have mechanisms of initiating business for Parliament. They took about four years without any referrals while waiting for the Executive to refer. In the wisdom of the Executive, they felt there was nothing worth referring to Parliament. So the kind of institutional and legal framework needed for them to operate as a Parliament is still lacking but they are working on it.
3. The ECOWAS parliamentarians are also elected from within Parliament so the dual representative role also puts a lot of pressure on members of Parliament. When it is election time in their member states, quorum becomes a big issue. Members come and go to attend to constituency matters and it is a bit of a problem. It is like the case members have argued regarding the Council of Ministers who have to dash back home to seek a few things in the constituency as the need arises. It is the same kind of complication that members find themselves in.

Mr Speaker, the committee made the following recommendations and they can be seen on pages 12 and 13. They include that EAC establishes a regional mechanism to cartel and manage violent conflict in the sub-region. Borrowing from the West African peace architecture, they have been able to play a significant role in dealing with matters of conflict. When we were there, they were already dealing with issues of some of the member states that behaved in a manner that contravened their set standards

and they were moving in to organise elections and even fund them. The member states concerned gave the reason that they did not have the money to fund the elections. ECOWAS as a body provided the money to fund elections to ensure that leadership is assumed through peaceful means and peace building and good governance becomes of essence within the region. So that level of capacity really makes them very relevant to the region.

Mr Speaker, EALA needs to have a practice where a budget can be set aside so that when we go to such meetings, we can have an opportunity to pay homage to EAC member states' high commissions. We found it to be a good practice and the embassies too found it to be a very useful interaction where they sought updates of how the community was progressing so that they can update their knowledge base regarding matters of the community.

The issue of the judges being appointed on full time basis is something we can give a try to and maybe consolidate in our judicial system. The State of the Nation Address is also something we felt we could emulate where we get the update from the Secretary General so that it is debated and then from there, as committees and Parliament, we look at areas of interaction and intersection.

The Council of Ministers should look at the possibility of understanding the funding arrangement of ECOWAS. I think the earlier we moved away from our funding arrangements and the associated problems, the better. So, we are recommending that we look at that issue.

We are also recommending that the East African anthem be expedited as a matter of urgency. A question has already come on the floor and it clearly rhymes with the concerns

of the committee. If we are to create a semblance of a regional entity then we need to begin with those aspects that make us one and use them as ruling points to get our people to appreciate what we are undertaking.

We saw the issue of the Deputy Speaker as being quite useful. The Speaker undertakes different activities and is ably assisted by the deputy so that at any one time, the Office of the Speaker is functional. He had a number of them, given the size and magnitude of their area. As we look at amending the Treaty, this is something that should be given thought to.

We also recommend that the Treaty on provisions regarding EALA be amended so that we look at the possibility of representation and bringing in the issue of proportionality. That can also be given thought.

The ECOWAS had a very good arrangement regarding their negotiation with EPAS, which we were all satisfied with. They put their conditions very clearly that they could not be engaged on individual basis because the EU wanted to engage the ECOWAS minus Nigeria, Ghana and some others. They agreed that to remove Nigeria, Ghana and another state would be to dismember the community. Those three power houses within the region refused and stated that the engagement of ECOWAS should be on the basis of integration and involvement and that they were not willing to take anything short of that. That is how the EU engaged them as a regional body and their terms and conditions were put as ECOWAS. They had given some incentives to Nigeria to attract them to negotiate alone but they refused. We felt that this is something we need to adopt and undertake as a region to be able to bargain collectively and not to compromise

the basic strategic interest of our region of integration and development.

The EAC partner states should also look at a possibility of collective intervention in conflict areas. ECOWAS does it and it is one of their success stories. There is no country that is too big for regional intervention and they always bring errant member states to order in all aspects. So, regional activity is of utmost importance in terms of creating stability in the region.

Mr Speaker, we would like to thank your office for the role you played in facilitating and making sure that the delegation was issued with visas. You remember it was quite an extraordinary trip at short notice and arrangements had to be worked out of the normal conventional working hours. However, with your high level of intervention, the Nigerian High Commission was able to issue visas on Sunday. I call upon members to give a round of applause to the Speaker for that intervention. *(Applause)*

We would like to thank the ECOWAS Parliament for the warm reception that was extended to the delegation during its four-day stay in Abuja. We would like to thank AWEPA for funding the return air tickets and other logistical requirements that were involved. We would also like to thank the Kenya High Commission in Abuja, which linked with the Nigerian High Commission in Nairobi to carry out arrangements of issuance of visas. We would like to thank the Office of the Clerk for ensuring that all logistics were in order prior to the visit. I would like to thank all committee members that made the trip for accepting a short notice call to travel to Abuja to champion the cause of East African integration and fulfil the committee's mandate.

Mr Speaker, I submit the report on the networking tour to the ECOWAS Parliament headquartered in Abuja, Nigeria from 11th to 14th May for deliberation and adoption by this august Assembly. I beg to move.

(Question proposed.)

(Question put and agreed to.)

MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES ON EXTRACTIVE INDUSTRIES

THE CHAIRPERSON, COMMITTEE ON AGRICULTURE AND NATURAL RESOURCES (Dr George Nangale): Mr Speaker, I beg to move that the report of the Committee on Agriculture, Tourism and Natural Resources on extractive industries be debated and adopted.

AN HON. MEMBER: Seconded.

DR NANGALE: Mr Speaker, understanding the concerns we have regarding time, I am going to summarise my submission. In respect to Article 114 of the Treaty and in line with the goals of the Inter-Parliamentary Relations Liaison Committee on extractive industries, the EALA Committee on Agriculture, Tourism and Natural Resources through the IPRLC undertook a five-day tour from 14th to 19th June, 2009 on all industries similar to the one that the committee undertook in Tanzania in November, 2008.

The tour was facilitated by EALA with the support of National Democratic Institute (NDI) and AWEPA. The objective of the tour was to develop a level of knowledge, among members, necessary to conduct effective oversight over extractive industries at regional level and to enhance their ability

to develop and inform countries on regional specific recommendations for improved management of extractive industries.

The Ugandan tour of extractive industries was attended by almost all members of the committee, members from partner states' national parliaments, members from the Natural Resource Committee of the Parliament of Uganda, the Minister for Energy and Mineral Development of Uganda and his technical staff and Association of Civil Society Organisations. The list of participants is attached to this report as annex 1.

During the visit, the committee held consultations with members of Natural Resource Committee of Uganda, mainly those coming from Hoima District. This is the district where petroleum has been discovered. The Minister for Energy and Mineral Development and his team were also there. We also interacted with civil society organisations, which are active on natural resources. We had an opportunity to visit a petroleum exploration site in Hoima District. There is a company there called Tallow Oil Company, which is a British company currently undertaking the exploration there.

At the end of the tour, we held an internal plenary session to develop a set of observations and recommendations, which are incorporated in this report.

Let me now go directly to page six on findings. During our interactions with the stakeholders in the oil industry, we came up with a number of findings. First, as I said, we met the members of the Committee on Natural Resources of Uganda. During that interaction, we found that oil is a very sensitive matter in Uganda. The expectations from the different levels of society were

very high to the extent that it needs a lot of attention, particularly in the matter of provision of information to the public. We were told, for example, that you will find the people of Hoima district playing cards during the morning hours of the day and when you ask, they say they are already rich, just waiting for the oil. Some women were actually carrying plastic containers awaiting the collection of petroleum.

Issues raised by members of the Ugandan Parliament included the concern about environmental assessment; that the government should ensure that the environmental impact assessment is taken into account at every stage of the contract. The government should also hold shares in the oil industry. The issue of trans-boundary resources, conflict prevention and mitigation should be handled carefully.

The Albertine region in Uganda is composed of Lake Albert, which borders the Democratic Republic of Congo. It is about 40 kilometres wide and the border is divided in the middle of the lake. The oil reserve is underneath the lake so you can imagine that there is a potential conflict between Uganda and DRC if measures are not taken or if one country suspects that one country is going to explore oil from the territory of the other country. Members were concerned that this issue should be addressed carefully.

The government has to review policies on extractive industries and there is a need for members to be regularly informed on oil exploration. There is also need for members to inform themselves on policies guiding the extractive industries.

When we met the officials of the Ministry of Energy and Mineral Development, the minister narrated the history of Uganda's oil discovery, policies and future plans. We

were informed, for example, that it was possible that the colonial powers actually knew of the existence of oil since the 1920s but nobody knows why they did not reveal it earlier. Out of 32 wells drilled, 30 have been found with oil and gas. Total petroleum resources discovered in the country are estimated to be two billion barrels of oil. On page eight, we have narrated the history so members will be able to read through.

Mr Speaker, we were informed that the Government of Uganda is coming up with new legislation on oil because the existing policy included other minerals. With the discovery of petroleum, they need specific legislation and policies on that. On page nine we have itemized the guiding principles of the policy.

When the committee met the representatives of the civil society organisations and the National Association of Professionals for Environment (NAPE), there were a number of concerns raised to the committee and you will find them on page 10. Probably, I could just go through two of them; public participation in the oil production process is limited. There is a high degree of secrecy within the government bodies as far as the oil industry is concerned. That was a concern of the civil society and that is a recipe for oil curse. There were also concerns about the location of the oil refinery and the attendant environmental impacts and concerns. There were also concerns on oil fairing processes and its impact on climate change.

When we visited the site in Hoima District, we witnessed that the Tallow Oil Company is actually using an ever-green fairing process when testing oil, which is environmentally friendly, contrary to what we were told by the civil society. We actually saw the extracted oil itself; it was

waxy in nature and were told that it solidifies at 39 degrees meaning that it is very difficult for such oil to be piped at normal temperatures. It needs to be heated to reach the right temperature for it to flow. So, this is one of the challenges facing the petroleum industry in Uganda, meaning that actually they have no option other than having a refinery at the site.

We were also informed that the Environmental Impact Assessment was conducted at each well before operations started, in compliance with environmental mitigation measures.

Tallow Oil Company informed us that 23 wells had successfully been drilled and yielded oil and that the investment done so far was to the tune of US \$500 million. We were also informed that Uganda had the potential to become one of the top 50 producers of oil in the world by the end of 2009.

Mr Speaker, we had an opportunity to visit a maternity facility provided by Tallow Oil Company as part of their corporate social responsibility. We were also told that apart from the corporate social responsibility, the company had extended services such as bee keeping, candle making and tree planting to the community.

However, members of the committee expressed concerns and fears namely; the impact of oil industry to the environment, particularly on Lake Albert where the operations will lead to pollution of water and death of fish as well concerns on compensation for families asked to move out of sites that may have oil.

Mr Speaker, let me now move to the recommendations and we have 12 of them.

1. The government should streamline the process and procedures of communication with stakeholders. We found that there was a gap in communication particularly between the government, civil society and ordinary *mwanainchi*.
2. The government should speed up the enactment of the envisaged new bill on petroleum development. In doing so, extensive consultations with all stakeholders should be sought.
3. The EALA shares the findings of this report with the National Assembly of Uganda.
4. During such tours, itineraries should provide for active interaction with and where possible, participation of the local media. When we visited the site, because there was no pre-arrangement for the local media to accompany us, they were not allowed beyond the gates.
5. EALA takes steps to enhance its knowledge or best practice on the management of extractive industries from model countries to identify prospects and challenges facing the industry.
6. Investors in the petroleum extractive industry to train and motivate more local citizens in order to improve indigenous expertise while giving priorities to local markets and upholding gender equality.
7. All aspects of environment protection are taken into account including EIA at every stage of assessment and processing.
8. While the committee appreciates the support of development partners in this venture, it highly recommends internal funding for such important and sensitive activities.
9. The petroleum industry in Uganda is still new and is bound to be active at

least, for the next 30 years. The Government of Uganda should deliberately develop the capacity of girls' rights from primary to university to participate in the relevant disciplines in the industry.

10. The government should develop corporate social responsibility policies specific and relevant to operators in the oil industry. The oil industry is a bit unique compared to other normal mining activities.
11. The government should establish a mechanism where all interested parties can access information on development in the industry without causing unnecessary bureaucracy. Information should be readily available for all kinds of users who shall see what is fit for their consumption.
12. The government should continuously reassure host communities about their safety and security, both physical and of the land and property to avoid unnecessary anxiety.

Mr Speaker, I want to conclude by saying that the visit was a success as we were able to meet all key stakeholders as we had envisaged and the participation in this activity was commendable as compared to the participation in Tanzania.

Mr Speaker, members noted the civil society's concerns with regard to transparency, governance and communication.

Based on the said tour and interaction with various stakeholders, the committee noted that Uganda is endowed with proven petroleum resources which, if managed well, will transform the local community in the Albertine region in particular, the country in

general and provide affordable petroleum products in the East African region.

Having been engaged in this oversight function in extractive industries, members felt that there is need to launch the IPRLC, among other EALA achievements, during the celebration of the 10th Anniversary of EAC scheduled for November, 2009.

Mr Speaker, the tour has indeed enhanced members' knowledge in conducting effective oversight over extractive industries at regional level and has enhanced their ability to develop, inform and reach specific recommendations for improved management of this industry, with particular reference to the petroleum development in Uganda.

This brings us to the conclusion of the envisaged two-country working tours of the East African partner states. We are looking forward to undergo another best practice tour in other countries outside East Africa.

In November 2008, the committee visited diamond and gold mine sites in Northern Tanzania on a similar mission. The committee had an opportunity to meet members of the National Assembly of Tanzania and specifically the Committee on Natural Resources recently here in Dar-es-Salaam, together with the officials of the Ministry of Energy and Minerals.

Mr Speaker, these two reports are sufficient for us to come up with specific resolutions and legislation as far as extractive industry is concerned.

The committee expresses its congratulations to the Government of Tanzania for being the first East African country to join the Extractive Industries Transparency Initiative (EITI). We hope other countries in East Africa will take a leaf from Tanzania so that all East African countries become members

of EITI, which is an important aspect towards transparency in this industry.

With those remarks, I beg to move.
(*Applause*)

(Question proposed.)

MR DAN WANDERA OGALO (Uganda): Thank you, Mr Speaker, for the opportunity to contribute to this motion. I want to begin by thanking the committee for the report, which contains a lot of information. I will concentrate on just one area, which I think is very important. It is an area where the committee has touched on and that is where these extractive industries and mines end up being a curse rather than developing the people. We all know Nigeria has a lot of oil but we all know the poverty and the suffering of ordinary people in Nigeria. Therefore, the recommendations made by the committee are quite important and I will join the chairperson in congratulating Tanzania on joining the EITI in Doha, Qatar in February this year. It is definitely a commitment about being transparent on natural resources. Natural resources do not belong to individuals and they do not belong to a government. They are held in trust by government for the people of that country. Unfortunately, the curse we see in most African countries is because the resources are taken as if they belong to individuals and that is where the problem lies.

The EITI now has several member countries. It ensures transparency and as an example, the very first year Nigeria joined EITI, it was able to recover \$13 million, which had been stolen. This is because EITI requires transparency and reconciling the money paid by the oil industry with the actual receipt by government. This is not to mention the involvement of civil society in

looking at the figures in the oil industry and accessing the figures in the Central Bank of Nigeria to check and see whether what was given by the oil industry has actually gone in the national coffers.

It has helped Nigeria very much in trying to limit the thieves who are in between the industry and the bank so as to enable the people of Nigeria to access and use their resources. Since Nigeria joined this initiative, a lot has been achieved. I am very glad that Tanzania has shown the way forward. It has already become a candidate and to become a candidate does not cost anything. You only do three things; appoint an official from the ministry to say this will be the lead person, undertake to work with civil society and guarantee that you will be transparent about that. That is all. But it says a lot about a country because it guarantees that, that country is ready to be open about its resources. When a country starts hiding agreements of oil, you already start feeling that there might be a problem.

THE SPEAKER: Hon. Ogalo, I don't see anywhere in the report that someone is hiding agreements. So, can you please stick to the report?

MR OGALO: Mr Speaker, I have not said any country has hidden anything. I just said where a country hides. I have not said any has hidden but if any country hides then you know there is a problem. I am not accusing any country but if anybody feels that I was accusing a country, I am sorry for that. However I will make a statement and I will stand by it, that any country that commits itself to this initiative like Tanzania has is a clear indication that it is ready to use the resources for the benefit of the people.

I would therefore encourage the other four partner states to join this initiative because

then they would be sending a very strong message to everybody that they want to be transparent. Since it does not cost any money to join this initiative, where is the difficulty?

Mr Speaker, I welcome the recommendations and I just want to say that sometimes some people come in between and try to derail countries, which want to join initiatives. I have seen, for example, these lobbyists. There is a lobbyist called Whitaker from Washington and she lobbies for the Government of Uganda. One of the areas, which she has indicated is that she will assist Uganda to become a candidate of EITI. Now if it is merely standing up to say I commit myself, what is this lobbyist going to help Uganda on? There are people who position themselves and get us into problems. So I think the Governments of Kenya, Uganda, Rwanda and Burundi should follow the example of Tanzania and join the initiative.

I thank you.

MR ABDUL KARIM HARELIMANA (Rwanda): Thank you, Mr Speaker. I am a member of the committee –

THE SPEAKER: Well, when I said I did not want members of the committee to contribute, you still stood up. I did not think you were a member of the committee. Continue anyway but be brief.

MR HARELIMANA: I thank you. I was part of the delegation to the Pearl of Africa and there are things, which we observed. The civil society industry – I call them industry because they are just there to collect money and are not working for the people they represent. What we observed in that mission is that some of civil society organisations in Uganda were very openly

biased to the people who fund them. They showed that they were very partial and took sides just to be against the policies of the Government of Uganda on extractive industries.

THE SPEAKER: Order, Hon. Ogalo. Everyone listened to you carefully, could you please listen to Hon. Harelimana?

MR HARELIMANA: Thank you, Mr Speaker for protecting me. We were able to tell openly and directly what we heard from them and what we saw because later on the ministry brought the written policies and showed them and us the website of the ministry concerning the transparency, which is there about the petroleum industry. We told them openly that they seem to be working just for those who fund them and that sometimes they are just partial because of interests known to them. That is one observation.

The second one is about our partners the NDI. These people are generally good and to my understanding, I think they are about democracy. But I wonder why they are coming into this industry very vigorously. They also have very difficult conditions. When we were with them, they told us where to stay, what to eat, how to look down or up and all of these things. So my request is that before we continue working with our partners here, we should sit together with them and talk to them and let them work on the conditions, which will be agreed upon between the two parties. I thank you.

THE SPEAKER: Hon. Members, I am glad hon. Harelimana said that. The transparency you want from other people is the transparency NDI wants from you. So, I think it is two-way.

MS JACQUELINE MUHONGAYIRE (Rwanda): Thank you, Mr Speaker. Since this is almost our last day of sitting here, I would like to take this opportunity to thank the Government of the United Republic of Tanzania, the Dar-es-Salaam city authorities and the EALA Tanzania chapter for the warm hospitality and welcome they have provided us since our arrival in this beautiful city.

I would also like to thank the chairperson of this committee for the good presentation he has made. But I would like to make a short observation. As you know, the first tour undertaken by this committee was a follow up of the workshop held in Nairobi in May 2008 that concluded by recommending the establishment of the forum of EALA members and national parliaments standing committee members. As has been observed during the tour, there is need to establish a database from the national parliaments standing committees and to know the right duties and responsibilities of our national parliaments.

During the communication on our administrative letter, it was observed that we could make mistakes and invite the wrong committee. This liaison is, as stipulated by the Treaty, an obligation for EALA to liaise with our national parliaments. To accomplish this function in the correct manner, I think we need to know our partners very well at the national parliament level. So, it was just a kind of recommendation from EALA and from standing committees of EALA to establish a database of duties and responsibilities of our national parliaments.

It has been proved during these visits that it can also be a necessity for other standing committees of EALA. This kind of tour is recommended to the rest of our partner

states i.e. Rwanda, Kenya and Burundi. Each of these countries has their own natural resources. We have methane gas in Rwanda and Kenya and Burundi have different natural resources. I think it is important for EALA to continue with these kinds of tours in order to do it in the right manner, we must know our partners at national parliament level and their obligations and duties.

I would like to recommend this action through EALA administrative level. I thank you.

(Question put and agreed to.)

MOTION ON THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON GENERAL PURPOSE ON THE WORKSHOP ON GENDER MAINSTREAMING

MR BERNARD MULENGANI (Uganda): Mr Speaker, on behalf of the Chairperson of the Committee on General Purpose, I beg to move that the report of the Committee on General Purpose on the Workshop on Gender Mainstreaming be adopted.

MR DAN WANDERA OGALO: Seconded.

MR MULENGANI: Mr Speaker, as you realise the report I am going to deliver is very sensitive as it touches on gender issues. Its unfortunate that my chairperson is away; she is not well but I will endeavour to ensure that issues that are of particular interest to gender are captured in the summary.

THE SPEAKER: Hon. Mulengani, do you want the report to be rejected or what? *(Laughter)*

MR MULENGANI: Mr Speaker, I request that members support the report. It is an 11-page report and I will try as much as possible to summarise it. The first page contains the introduction and under that there is the background. I would like to read the whole background and the purpose of the workshop.

The workshop on gender mainstreaming was convened for the members of the General Purpose Committee in accordance with the mandate given to the committee under rule 79(1) and (2) Annex 5(f)(1) and (2) of the EALA Rules of Procedure. This is to carry out the oversight of progress made in the implementation of those provisions of the Treaty, which address matters of general application on the East African Community in relationship to the role and functions of the EALA with particular regard to matters relating to cooperation in the development of human resource, science and technology, health, social and cultural activities, enhancing the role of women in socio-economic development and pre-budgeting function.

To this extent, therefore, the importance of gender mainstreaming of the EAC activities in respect to health, population, development, gender and budgetary matters as a considerably significant mechanism that will contribute to the overall EAC mission of widening and deepening the EAC integration process is the direct responsibility of the General Purpose Committee.

With the ultimate goal of establishing EALA as a model regional Parliament with cutting edge leadership in various thematic areas, including mainstreaming gender in the EAC projects and programmes, the gender mainstreaming workshop for EALA

members of the General Purpose Committee was held with the following objectives:

1. To strengthen and update the members' knowledge and skills in concepts, theories and current practices in gender and gender mainstreaming.
2. To engage the members in an in depth analysis of current practices of gender mainstreaming with a view to identifying the best practices that can be applied in the case of the East African Community.
3. To build a shared understanding and perspective of gender mainstreaming that will enable the members develop an EAC framework on promoting gender equity in the individual partner states and across the EAC region.

All the members of the committee, led by the chairperson, hon. Lydia Wanyoto attended the meeting. Resource persons included hon. Jane Alisemera, Member of Parliament from Republic of Uganda, Mrs Khadijatu Karera, a gender specialist and Mrs Perpetua Miganda, Principal Gender Community Development Officer from the EAC. The list of participants is attached.

On the methodology, there were presentations from the facilitators and it was interactive. Members of the committee also joined in the presentation to give views from member states. Specifically, Mrs Khadijatu gave an introduction to gender mainstreaming, its definition and relevance to modern day society. She went further to give definitions of gender equity in sustainable development, the situation and need for space for men in gender mainstreaming, a brief overview and situation analysis of the status of the EAC Strategic Plan on Gender, Youth and

Community Development and gender policy in the individual partner states, problems encountered in the adoption of an EAC Gender Policy and strategies to expedite adoption of an EAC Gender Policy.

Hon. Jane Babiiha Alisemera basically gave a paper on gender mainstreaming in parliamentary practice. Mrs Khadijatu presented a paper on gender mainstreaming and women participation in EAC policies and programmes. Members presented their views on gender mainstreaming status reports from partner states.

In Uganda, community dialogue is very important and some cultural aspects that determine against women have been changed. For example, an affirmative action for implementing the 30 percent Beijing quarter for women and the establishment of a special scholarship programme for girls to encourage their education has eliminated the practice of isolating the women from the Karimojong region or tribe from participating in community affairs.

The gender situation in Kenya is not very impressive in certain quarters but is on course. After the Beijing mandate of appointing or electing 30 percent quota for women in decision-making positions, now the trend of women in leadership positions is rising. There are well-resourced women and youth policies aimed to empower them. Education for women is emphasised for example scholarships are awarded to unprivileged girls to attend special schools for girls. In addition, civil society is also engaged in raising awareness on gender mainstreaming.

In Tanzania, the presenters stated that Tanzania has many challenges regarding gender issues. The government is doing its best to empower women, address concerns

of women employment, gender violence and discrimination based on culture. Policies have been put in place to ensure gender mainstreaming and review of legislations to accommodate the specific concerns of women. For example, a law disallowing girls who drop out of school due to pregnancy to return to school has been reviewed and alternative educational programmes have been put in place to enable the girls pursue their education. A gender monitoring plan has been put in place to track indicators on gender issues.

Rwanda has gone beyond the Beijing mandate of 30 percent quota for women in decision-making positions. Women participate at all decision-making levels. After the genocide, most men were killed so women had to raise their families and play all the necessary roles in the families and in the society. Policies for protecting the disabled and gender-

THE SPEAKER: *Mheshimiwa*, I think you saw the other members summarising their reports. Could you please summarise yours as well?

MR MULENGANI: Much Obliged. Mr Speaker, similar sentiments were raised from Burundi and the recommendation on that point given on page six include the need for an EAC gender policy and implementing structure, there is need to capture the mainstreaming and practice into a mode and there is need to mainstream gender in all stages of the EAC integration. Chapter 22 of the Treaty talks about the role of women in economic development so gender is substantially grounded in the Treaty but unfortunately, it has not been given sufficient attention.

Another recommendation is that some policies regarding gender mainstreaming can be standardised throughout the community.

Page 6, 5.0 Gender Mainstreaming in Parliamentary Practice was presented by hon. Jane Babiiha. After her presentation, the following comments were raised; the need to widen awareness of gender mainstreaming issues, female MPs seem more focused on how to retain their seats and not so much on implementation of the gender mainstream results, there is need for a favourable policy climate, which is conducive for gender mainstreaming, there are many competing priorities for women such as infrastructural problems that make rural life very difficult for women, enforcement of gender mainstreaming should be ensured by government implementing bodies.

6.0 Brief on engendering rural development in East Africa. The inter-connected barriers to economic, social and political opportunities as well as limited access to infrastructure, financial extension and other services are faced by the majority of populations in our rural areas. The general recommendation in this particular area is on culture and economic adaptation and education.

On page eight, there is need to guarantee gender sensitivity in technology, rural development, promote women as agents of change, establish policies and measures to promote women's access to land, simplify lending processes to the illiterate and semi-illiterate rural women, promote credit programmes, which can lead to new areas of productive activities for women, development, statistical data should be sex based reflecting women and men's participation, agriculture should be made lucrative, wages are not worth the labour

involved, there is need to harmonise education and curriculum so as to safeguard the main purpose of gender mainstreaming, there is need to find ways and means to overcome cultural differences that can prevent some countries from fulfilling their gender mainstreaming obligations. The need and urgency of identifying and removing the culture aspects that are against women and girls is important and urgent because this will in turn ensure change of social attitudes, mindset and social transformation to accommodate gender mainstreaming. Information and sensitisation will help women to know their rights and play their roles in the society.

Recommendations for mainstreaming budgeting processes include, services should be decentralised to allow full participation of the rural population in development activities. Gender mainstreaming in areas that are now still growing in scope, appreciation and implementation, advocacy for legislative and policy change in the use of gender mainstreaming as a strategy must be based on research if it is to be effective. Parliaments in most democratic countries do not exist in isolation of public but rather make laws that are in line with the public demand. There is need for sensitive legislation concerning the important role of single-mothers in families and the community. It is important to realise that pressuring institutions on mainstreaming gender cannot succeed without the engagement of men. There is need to ensure presence of women representatives in all spheres of public life and without mainstreaming gender in the national laws and other existing laws, it will be impossible to have other areas of policy, programming and practices conform to gender equality.

On page ten, members of the General Purpose Committee, at the end of the gender

mainstreaming workshop, recommended the following;

- Pursuant to Articles 51(e), 6(d), 14(3)(d) and 49 of the Treaty, recommendation is made to the Council of Ministers to put in place a Sectoral Council on Gender.
- EALA as an Assembly, to undertake a gender mainstreaming workshop and promote gender mainstreaming in collaboration with partner states parliaments.
- The capacity of committees in EALA should be built to ensure gender budgeting. This should also apply to finance and administration levels in the EAC Secretariat for gender budgeting to become a reality and everyday practice.
- Gender mainstreaming as a tool should be institutionalised in all organs of the Community.
- There is need for a gender framework for EAC as an institution and having a harmonised approach with the partner states.
- Gender mainstreaming should have a special focus on persons with disabilities.
- There is urgent need to link EAC's projects, programmes and plans of action of all EAC organs towards achievement of the Millennium Development Goals (MDGs).

Thank you very much, Mr Speaker and I beg that members debate and pass this report.

(Question proposed.)

MR CHRISTOPHER NAKULEU (Kenya): Mr Speaker, first and foremost I would wish to thank the Committee on General Purpose for having come up with a comprehensive and all-inclusive report on issues of gender mainstreaming. From my understanding, the issue of gender must constitute both sexes; male and female. However from most of these conferences and forums, it has been taken to mean women, which is not the case.

The second issue is that the concept of gender has attracted a very elitist approach in the sense that most of the women who attend gender conferences are those who are educated, learned and drive posh cars. However, the information they discuss does not reach the rural folks in the respective villages. For instance, people in Todonyang where I come from never know the issues that are discussed in Nairobi. There is need for this information to reach those who are far from where the decision is made.

I am recommending that in future the conference on gender should include issues on maternity and paternity, maternal health and Female Genital Mutilation (FGM). These issues are supposed to be addressed as a way of changing the society.

There is also a lot of emphasise on issues of gender that one sex is being oppressed and the other is dominating so much. This is done to an extent that young girls have turned to very unfamiliar ways of practicing sex. Initially sex used to be heterogeneous but now we find that men are becoming homogenous in their own way. Women are also becoming homogeneous in their own way.

Finally, still on the issue of gender –
(Interruption)

DR NYIRAMILIMO: I rise on a point of information, Mr Speaker. First of all I want to inform the honourable member that even the highly educated go to meetings on gender issues and the communication is made to all people of different countries. Those meetings go through the radio and media. Those women in general go back to their communities and talk to their people. The communication is well taken care of.

I also want to give the information that FGM and other issues related to the problems of gender are debated. They have been debated in such meetings and there is no problem because all these problems are debated continuously because this is a daily problem especially in our societies. Thank you.

MR NAKULEU: I wish to thank hon. Dr Nyiramilimo for that information.

While going through the report, some of the case scenarios on gender disparities were given country by country. I was expecting that in a country like Rwanda after the genocide that the attention of affirmative action would be drawn towards the male gender as these were victims of genocide.

I support the motion.

MS SAFINA KWEKWE (Kenya): Mr Speaker, from the onset, I support the report of the committee because I am also a member of that committee.

Gender mainstreaming as a tool to development has been widely misunderstood. That is why you find in some occasions, it becomes a mockery. It is reduced to mockery and therefore the

curative nature of gender streaming gets lost in the process.

I want to say two things. The committee said the same on page ten that gender mainstreaming cannot succeed without the engagement of men and this is very sincere. Not involving them for opposite ends but involving them to pull together. It is common knowledge that where there is evident lack of gender mainstreaming in any society, you find the highest poverty levels in that society. In this House, we have members who come from specific villages, towns and corners of the region. If we look at where we come from and the practice that is done there, if there is disregard to gender mainstreaming, truly speaking you will see that is where we have the highest poverty levels, highest illiteracy rates and highest levels of crime. It is common knowledge.

I am gratified that the Committee on General Purpose has brought the attention of this House to the need for mainstreaming gender in the national and regional laws. It will be impossible to have other areas of policy, programming and practices to conform to gender equity and equality otherwise. Gender mainstreaming depends not on governments but on the will of members of Parliament like the ones sitting in this House. We have the urge and passion within ourselves to transform existing gender inequalities and channels of communication so that gender mainstreaming becomes the tool for development that it has been designed for.

I highly and deeply urge honourable members; men and women alike to look at gender, as hon. Nakuleu has said, from the perspective of men and women not of women. The moment you reduce it to women –*(Interruption)*

MR DAN KIDEGA (Uganda): I rise on a point of information, Mr Speaker. Hon. Members, on the issue of involvement of men at the forefront to bring this struggle to elevate our society, I have a very interesting situation that took place in my country. One of the most powerful secondary schools in Uganda called Kibuli High School is a renowned mixed school. The girls felt a little oppressed because the head girl was not doing the right job. In the school regulations it says, "There shall be a head girl and head boy". Then one man decided to run and be elected as a head girl. It was a very interesting experience that the women elected the gentleman overwhelmingly as the head girl. The women felt he would advance their cause more than the girls. This is a serious matter. (*Laughter*)

MS TSUNGU: Mr Speaker, if I had I known that is the information I would not have taken it.

The committee has recommended that EALA as an Assembly does undertake a gender mainstreaming workshop for the entire Assembly. I support this because it is evident that gender mainstreaming is not a tool to make women reverse the trend so that those who are oppressed become the oppressors and the oppressors become the oppressed, it is not that. That is, we are saying gender mainstreaming is a tool for equity and equality. That is the misconception that has made gender mainstreaming misunderstood as a tool for women. Traditionally, women have always been disadvantaged because of the societal circumstances that we have all grown up in. It is not the fault of our own as we were born in societies that were patriarchal in nature.

I would like to appeal to this Assembly and your office that we, as members of

Parliament understand gender mainstreaming through capacity building that should be deliberate. Without that, all our processes, programmes, projects and even our budgeting process shall all be at fault. I beg to support.

THE SPEAKER: I will now call hon. Mulengani.

MR MULENGANI: Mr Speaker, I have to recognize the people who have spoken on the report; hon. Nakuleu, hon. Dr Nyiramilimo, hon. Kwekwe and hon. Kidega. However, I need to say that the issues they have raised are very important and I beg that there be a record of the report as well. Thank you.

(*Question put and agreed to.*)

MOTION FOR THE
CONSIDERATION AND ADOPTION OF
THE REPORT OF THE COMMITTEE ON
COMMUNICATIONS, TRADE AND
INVESTMENT ON THE ECONOMIC
PARTNERSHIP AGREEMENTS
WORKSHOP

THE CHAIRPERSON, COMMITTEE ON COMMUNICATIONS, TRADE AND INVESTMENT (Ms Catherine Kimura): Mr Speaker, I beg to move that the report of the Committee on Communications, Trade and Investment on Economic Partnership Workshop be debated and adopted.

MR AKHAABI: Seconded.

MS KIMURA: Mr Speaker, let me at the outset say that the meeting was held at Hilton Hotel in Nairobi, Kenya on 7th and 8th April 2009. I will do my best to summarise this report conscious that we have time constraints.

The issue of trade being a stimulant for social and economic development of nations is well articulated and Articles 5 and 74 of the Treaty for the establishment of the EAC places trade at the centre of integration process.

The workshop had the following participants; members of Committees on Trade from the parliaments of partner states, Ministers in charge of East African Community Affairs in the partner states, Ministers in charge of Trade in the partner states, the EPA negotiating technical teams from the partner states, officials of the Directorate of Trade at the EAC Secretariat and civil society representatives.

The objective of the workshop was to update participants on the current negotiations on Economic Partnership Agreement. It also intended to create a consensus on how to proceed with AWEPA negotiations specifically focusing on the key issues namely; Singapore issues, agriculture and other development issues relevant to the EAC integration.

It also considered the impact of EPAs on the EAC integration process. At the same time, it was to assess the effects of the global financial crisis on the implementation of the EPA negotiations and chart the way forward.

The workshop was an interactive session with various countries giving their status reports on where they were as far as the EPA negotiations were concerned and how they were progressing forward with them.

The observations at the workshop were basically to recognise the whole EPA negotiation and the whole foundation of this is based on market access for the East African goods to the EU market and for the

European market to get access to the African market, liberalise our markets more than we have done before and have them access those markets as well as our natural resources.

Participants observed that there is need as market conditions imposed by the European market constitute obstacles that hinder the penetration of our goods into that market. These are basically the rules of origin, sanitary and vitro-sanitary standards and other standard barriers.

I will not go into the issues of rules of origin and what is required because you are familiar with them. This is not the first time that the committee has presented a report on EPAs at this Assembly. Suffice it to say that there are multiplicities of these standards, some of which are public and others are private sector led and these make compliance extremely difficult. Therefore, the EAC will have to establish, improve and maintain high standards for its products in order to meet the stringent EU market access requirements.

The workshop was concerned with the fact that our negotiators continue to negotiate on issues that have not yet been agreed under the WTO, basically the Singapore issues. It is recognised that the trade related issues constitute the unresolved issues under the WTO round. We accept that these are difficult issues and of more concern is the fact that we do not believe that in our region we have the necessary capacity; institutional and legal, to be able to negotiate at par with the EU. We are still developing structures and policies in regard to procurement, intellectual property rights and therefore we are at a disadvantage.

It was the view of the meeting that indeed, we are disadvantaged. It was therefore the

feel of the participants that indeed, EAC should remove the clause from the table. Obviously this will mean that we pose a serious threat with EU removing its trade preferences that we currently enjoy in their markets from our exporters.

These are challenges and we hope that those charged with negotiating on behalf of this region, will take some of these issues at heart and indeed work our mechanisms as to how to mitigate against the negative impact that we are likely to feel.

Our region depends up to 45 percent on agriculture. Agriculture and related industries employ over 80 percent of the population of the EAC partner states. As such, the issue of agriculture cannot be over emphasised. For us, it is a survival engagement whereas for the EU it may be commercial. For us it is an issue of food security and whereas Europe continues to highly subsidise its agricultural products, we hardly subsidise our products. It is therefore necessary for the EAC negotiators to openly discuss the issue of subsidies with the EU. We cannot afford not to discuss the issue of subsidies.

The other issue is on the economic development agenda recognising that there will be very high adjustments costs as we accept whatever we negotiate or are given and this cost has to be met. It was the view of the committee that the EAC should seek additional resources over and above the current European Development Fund so that they can mitigate any expected revenue losses as well as cater for the adjustment costs. The impact of the global financial crisis will involve many challenges including impacting on the ability of the EU to commit themselves to additional support to address supplies and constraints and economic and development chapter.

Let us accept that whereas we have had these preferential markets provided during the Lome Convention and the Cotonou Agreement, our region has not benefited fully because we have supply constraints. We have problems with our infrastructure, problems with our very young industries and we continue to export our raw material without any value addition whatsoever. Therefore, what one would have expected to be a golden opportunity of lifting us out of poverty through this preferential treatment, has not happened. The issue of getting commitments on further funding from the EU is therefore extremely important and our negotiators should take note of this.

We discussed some emerging issues and I would like to highlight some of them. One of them is that in order to align the EPAs Agreement with the regional development strategies, we should determine the shape and policy framework on which the Executives should negotiate with the EU. Parliament should be kept abreast with the stages of negotiations through regular briefs from our Executives. There should be an assessment of the agricultural sectors in the EAC partner states and the implication on growth and development in this particular sector. We should assess open-ended liberalisation of market taxes and its impact on investment as well as industrialisation and development and how they are likely to impact the EAC partner states. The issue of industrialisation is extremely important because our industries are very young. To open ourselves completely or to ascertain the 80 percent that is talked about to a mature country is saying we shall continue to rely on these countries for our manufactured goods.

You know how young our manufacturing sector is. It will continue to be a baby and it

is unlikely to get to adulthood. We need to ensure that the integration of the EAC and Africa generally is jealously guarded. So whatever we do, it must not interfere with our integration process either under EAC or in Africa.

We need to ensure that revenue and financial of social-economic development in the EAC is not affected negatively.

Lastly, it is recognised that future negotiations on trade related issues must be to the benefit of our region. Participants highlighted a big challenge that virtually in all chapters we are told work is in progress. It is very unlikely that negotiators will be able to complete the work by 31st July.

We are aware that 31st July has come and gone and the paper has not been signed. I do not know whether we should clap for that or shed tears. I leave it to the members to assess what this means. I think during an earlier presentation in this Parliament, we asked that our negotiators to seek for an extension in order for them to bring all the stakeholders on board and be able to negotiate with the mandate of the people from a position of strength and on issues that we felt should not have been on the table.

On this emerging issue, members felt that even as we address and negotiate for trade, the very core of development, poverty, equality and employment must be tackled.

We have recommendations. I just want to highlight the ones we feel are key; all of them are key but let me just highlight a few, in the interest of time.

1. The EPAs should conform to regional development needs.
2. Intra-Africa trade is as significant as trade with EU.

3. EPA negotiators should be mindful of the internal trade interests among the partner states.
4. The rules of origin should be opened for re-negotiation so as to provide a sound foundation for increased investment and industrialisation in EAC.
5. Aid for trade, which is the carrot that keeps being presented to us under EPA should be de-linked from any development aid provided under the Cotonou Agreement.
6. Members felt very strongly that except with regard to technical assistance and development cooperation, no binding commitment should be undertaken in trade in services and trade related issues.
7. Parliamentarians should be given regular briefs on progress made on EPAs so that they are able to ensure that the interest of the people are given due consideration and that they use the information to sensitise their constituencies.
8. EALA parliamentarians support development of infrastructure and should ensure that EPAs is development driven. In that regard, Parliament should hold governments accountable to ensure that critical areas of EPAs that impact the community are given due attention and necessary action taken.

9. The date of 31st July was not tenable and the conclusions should be extended until all the issues are resolved.

We have specific recommendations for parliamentary action. It was the view of the meeting that partner states should be provided with sufficient and adequate funds and facilities to build capacity and enable the negotiators to effectively participate in the negotiations.

We are aware that the EU and other agencies do fund our negotiators, therefore compromising their independence and partiality even as they present our states. Therefore, negotiators should be fully funded by the partner states to avoid conflict of interest.

Committees on Trade should always engage with the relevant ministries to provide progress reports on negotiation process. Parliament should be involved in the negotiators process by making contributions through debates, resolutions and motions.

National Parliaments should ensure that the provisions of the EAC Joint Trade Negotiation Act are implemented by the establishment of the appropriate structures at the national level. It was felt that there is need to build the capacity of clerks on Trade Committees for continuity and institutional memory since members change with expiry of their terms of office.

In conclusion, it was noted that the East African Joint Trade Negations Act has not been operationalised. The committee urges the Council of Ministers to facilitate the operationalisation of this Act so that future negotiations of trade matters are conducted within its ambit.

The committee has further noted that the signing of the framework agreement on EPAs did not take place on 31st July 2009 as had been anticipated. The committee therefore requests this Assembly to take note of the window of opportunity now that the dates for concluding the agreement and the eventual signing of the framework have changed. Under the circumstances, the Council of Ministers is urged to engage all stakeholders before the conclusion of the negotiations.

Mr Speaker, let me take this opportunity to thank members of the committee and the ministers who attended; hon. Kategaya, hon. Magara and the Minister for Trade in Burundi.

Needless to say, we were funded by our usual partners but we are hoping that in the not too distant future, these kinds of workshops will be funded by the EAC itself rather than always going with a begging bowl for such an important workshop.

Mr Speaker, I beg to move and request that report be adopted.

(Question proposed.)

MS NUSURA TIPERU (Uganda): Mr Speaker, I would like to thank the committee for a job well done and in particular the chairperson for having ably read out the report. I would like to be counted among those who have vehemently supported the report.

I think this is a very good report, worth supporting because it has touched on a number of issues. As members, we have been updated on the progress of EPA negotiations and based on the category of those who attended the workshop, I believe

this report will help us in internalising the issues further.

I hope the committee will seriously consider one of the issues that was raised by hon. Sebalu on the manner in which ECOWAS is considering EPAs.

With those few remarks on the report, I would like to use this opportunity to thank the people of Tanzania for the warm hospitality they have given us. As a person coming from Uganda, I am impressed with Tanzania. We have seen it as *nchi ya watu wema. Tanzania ni nchi ya desturi, utamaduni na mila ya umoja na amani. Tanzania ni nchi ambayo inayo Bahari ya Hindi yenye pepo tulivu za kuvutia, nchi ya maajabu mengi* -(Laughter)

THE SPEAKER: Hon. Tiperu, I don't have to remind you the language of the Community is English. We conduct our business in English here and I think there are some Members here who are not following what you are saying. So, could you please summarise?

MS TIPERU: Thank you for that reminder, Mr Speaker. All I am saying is that Tanzania is such a beautiful country with many wonderful things, for example Serengeti and Mikumi National Parks, Ngorongoro Crater, without forgetting the Zanzibar beaches. So, as an East African country, I think Tanzania offers us such a special position that the whole world must come and watch. We have seen hospitality at its highest level.

I also want to use this opportunity to give special thanks to those who have shown us another style of Tanzania by giving us dinners. As we go back to our respective homes, our family members might notice an increase in weight, for example. I want to especially thank hon. Dr Kamala, the

Minister for East African Community Affairs, Tanzania, hon. Lawrence Masha, the Minister for Home Affairs, hon. Dr Masaburi, the Chapter Chair, Mr Reginald Mengi and I want, in advance, to thank the Tanzanian chapter for the hospitality we expect to witness.

With those few remarks, I want to say that as a person who comes from Uganda, the land that was formerly known to be a land full of water, undulating hills, name it but now known as the land full of oil, we shall revenge.

I support the report but caution the Secretariat to ensure that some of our serious issues are fully funded by EAC. The question of donors funding negotiations and committees addressing sensitive issues like extractive industries needs to be stopped because most of the donors have their own interest. It is time some money is set aside to ensure that what is really passionate to us as East Africans; resources that are going to change the face of East Africa are jealously guarded and properly funded. I thank you.

DR NANGALE: Mr Speaker, EPAs negotiations started way back in the year 2000 and we are now in the ninth year. It seems from this report only God knows when the negotiations will be concluded because there are very many issues that are still unresolved.

However as for East Africa, with the exception of Kenya, of course the trade relations between Europe and East Africa are based on "Everything But AK 47" (EBAK). The question is, for East Africa, we should add value. Recently, Tanzania adopted a new policy line – the Minister may correct me – called "*Kilimo kwanza*" or agriculture first. All of East Africa should

imitate Tanzania on this policy so that we could produce more and more.

On the issue of Singapore, we have had many meetings including WTO way back in Cancun in 2003. The Singapore issues are very controversial in as far as our preparedness is concerned. I support the decision to keep them pending and if there is a threat as the report says, I would urge that we emphasise on intra-trade. We should improve on intra-trade with Africa and other countries in the Eastern market; India, China and others.

Lastly, there is the issue of the East African Community Joint Trade Negotiations Act. It is now almost two years since we passed that law in Zanzibar and nothing is happening. I urge the Council of Ministers to ensure that this Act is operational. There are many other Acts that are not yet operational. There is the Competition Act and more. These laws are very important if we want to move forward in as far as trade issues are concerned. I beg to support.

MR AUGUSTINE LOTODO (Kenya): Mr Speaker, I wish to join my colleagues in supporting the report and briefly to say that we cannot escape the fact that the world is seriously engaging in trade with different regional blocks. The AGOA meeting that has just ended in Nairobi is a very good example and I don't know if as East African Community, we have a strategy of benefiting from AGOA. There are emerging economic powers like India and China who are also in trade arrangements in the world. Therefore, I would really like us as a Community to engage the other groups apart from the Europeans. (*Interruption*)

THE SECRETARY-GENERAL (Mr Juma Mwapachu): I rise on a point of information, Mr Speaker, Sir. I wish to

inform the hon. Lotodo that the East African Community did not go to AGOA as separate partner states. There was a meeting where we agreed on a common strategy and the Chairperson of the Sectoral Council on Trade, Finance and Investments, hon. Monique from Rwanda did present the joint position.

MR LOTODO: Mr Speaker, I thank the Secretary-General. This is the information that has actually not come to the Floor of the House and I think it is important for the committee to at least follow up so that the House can be briefed on the progress of such negotiations.

Lastly, as partner states try to harness the potential individually and as a Community, we also need to be serious as far the Joint Negotiations Act is concerned. I beg to support.

(*Question put and agreed to.*)

MOTION FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAC PARTNER STATES TO IMPLEMENT THE PROVISIONS OF THE CONVENTION ON THE RIGHTS OF PERSONS WITH DISABILITIES

MR STRATTON NDIKURYAYO (Rwanda): Mr Speaker, on behalf of Dr Ndahiro, I beg to move that this Assembly do resolve to urge the EAC partner states to implement the provisions of the Convention on the Rights of Persons with Disabilities.

MR DAN KIDEGA (Uganda): Seconded.

MR NDIKURYAYO: Mr Speaker, this motion has been prepared under the provisions of Article 59 of the Treaty and is in accordance with rules 26 and 29 of the Assembly Rules of Procedure. I am moving

it on behalf of hon. Dr James Ndahiro. I shall read the terms of motion verbatim.

This motion is seeking for a resolution of the Assembly urging EAC partner states to implement the provisions of the Convention on the Rights of Persons with Disabilities:

"This Assembly,

AWARE of the comprehensive nature of the provisions of the UN resolution 61/196 of the Convention on the rights of persons with disabilities;

FURTHER AWARE that this Assembly did exercise its mandate by adopting a resolution urging partner states to ratify the convention;

COGNISANT of the fact that the Council of Ministers expeditiously handled the request which enabled the EAC partner states to ratify the convention;

CONVINCED that the partner states are committed to providing affirmative action for people with disabilities as evidenced by the practical measures being adopted particularly by the Governments of Uganda, Kenya and Rwanda;

NOTING WITH EMPHASIS that partner states under Article 126 of the Treaty for the establishment of the East African Community are required to closely cooperate amongst themselves in the field of social welfare in respect to the development and adoption of a common approach towards the disadvantaged and marginalized

groups, including affirmative action towards persons with disabilities;

NOW THEREFORE, DO RESOLVE:

1. *To collectively express its gratitude to the Council of Ministers for the expeditious manner in which the ratification process of the convention was concluded;*
2. *To urge the partner states through the ministers responsible for persons with disabilities to implement the provisions of the Convention and where applicable invoke legislative action;*
3. *To thank the Government of the Republic of Rwanda for adopting a Cabinet decision in August, 2009 to assume an ambassadorial position for people with disabilities on African continent;*
4. *To thank the Government of Kenya for its upright role in establishing a separate budget line for people with disabilities in the national budget for the financial year 2009/2010; and,*
5. *To urge the other partner states, which have not yet done so to take the necessary measurers within 2010/2011 budget year;*
6. *To urge the Secretary-General to establish appropriate practical*

measures within the EAC Secretariat to coordinate the establishment of disability structures within partner states and that the Chairperson of the Council do follow up this matter and report to the Assembly the progress made within six months following the adoption of this resolution.”

I beg to move.

(*Question proposed.*)

DR JAMES NDAHIRO (Rwanda): Mr Speaker, thank you very much for the opportunity. This motion is necessary because after the ratification of the UN Convention, it is only sensible that we implement the resolution in the convention.

Persons with disabilities are not only treated or legislated upon but everything is kept in the cabinets and we have seen that before. We have seen the Millennium Goals whereby our member states have agreed on universal education as if universal education means minus persons with disabilities. We have seen that access to information, education and many services have been limited to other people apart from persons with disabilities.

My argument to the House is to support the motion so that part of our community – persons with disabilities comprise more than ten percent of the population of East Africa - we cannot pretend to be integrating if we are keeping more than ten percent of our population behind curtains. They need to read, listen and follow what is happening in the integration process and they need to live their dreams. We are saying that there is nothing for us without us. We are saying

that we have seen a lot of models being practiced on us. The governments started practicing the medical models whereby persons with disabilities were treated as patients. They moved to the social model whereby we became a liability to the State. We need empowerment and we need issues of persons with disabilities to be treated as human rights issues.

Hon. Members, I beg your support. I thank you.

THE MINISTER FOR EAST AFRICAN COOPERATION, TANZANIA (Dr Diodorus Kamala): Mr Speaker, first of all let me say that I am supporting the motion. I wish to inform this House that the Secretariat has been able to raise \$150,000 from the Partnership Fund with the purpose of holding a regional conference on persons with disabilities so that we can develop as soon as possible, a regional policy on persons with disabilities. I further wish to inform this House that the Secretary-General is closely working with Dr Ndahiro on a background paper on the conference. The date of the conference will be decided shortly.

I beg to support.

MR DAN KIDEGA (Uganda): Mr Speaker, I would like to first of all start by thanking Dr Ndahiro for this timely motion.

Issues of disability, youth, women and other interest groups are very passionate to me. I rise to support this motion based on a background of where I come from. Persons with disability in many parts of our communities are downtrodden. If we, in the leadership class do not pay attention to them, then we will be joining the people who despise them.

Many African governments, including the member states of East Africa, ratify and domesticate so many treaties and conventions but implementation is always left hanging. This is not unique to the rights of persons of disabilities. So we should use this Motion to remind our governments that once we have committed ourselves to internal conventions and ratified and domesticated those treaties and conventions, we must implement them.

The prevalent situation in most of the sub-Saharan countries dictates that we cannot lose sight of creating strong supportive legal structures and infrastructure to support persons with disabilities. The kind of situation we live in; ranging from the health services, nutritional levels, operations on the road structures dictate that all of us are potentially disabled or are headed there. If we don't pay attention, as people in leadership, to the persons with disabilities, we will be like politicians who look at political prisoners and laugh at them. I strongly implore domestic governments to work hard to implement this convention.

The bar of discussion on this issue needs to be raised. I always use gender and women emancipation as a case study to show to other interest groups. The gender issue is no longer a matter that you talk over tea or in conferences. It is now an academic discipline. We need to train people who are experts on issues of disabilities; who are not necessarily disabled persons. We need people who develop curriculum to develop specific trainings in disability as a discipline. Through that, we will give them more holistic support and technical assistance.

Finally, on the issue raised by the Chairperson, Council of Ministers and as per prayer No.5 of the resolution, hon. Ndahiro

has requested the Secretariat to do something. I would like to thank the Minister for the information he has given. But, conferences, workshops ... for how long? I think we need some more practical steps like the establishment of a focal point desk at the Secretariat for a follow-up. US \$150,000 is quite a good sum of money if we can properly work through that. I really implore hon. Dr. Ndahiro since he is working with the Secretariat, to make sure structures like desks are created for coordination.

I beg to support.

*(Question put and agreed to.)
(Motion adopted.)*

ADJOURNMENT

THE SPEAKER: Hon. Members, we have come to the end of our business, I think we have worked very hard today. It has been about five hours since we started. I know some of you had the liberty of coming in and out but some of us have been seated here the whole day. There will be no plenary tomorrow so committees can finalise their programmes. I just want to remind the chairpersons that they have a meeting tomorrow morning. The 10th Anniversary Group, you have a meeting tomorrow morning as well as the House Business Committee. So it doesn't mean that we have finished; we are working tomorrow.

I would also like to announce that the Tanzanian Chapter has invited us to dinner this evening. It is at 7.30 p.m. and I think we are already running late. It is for all members and all staff of EALA and the Secretariat. It will be at Paradise City Hotel at Benjamin Mkapa Towers. The buses will be leaving from here.

Finally, I want, on your behalf and on my own behalf, to thank the Government and the people of Tanzania for the warm welcome we have received since we arrived here in Dar-es-Salaam.

I would also like to thank His Excellency President Jakaya Mrisho Kikwete for having addressed the Assembly on Friday last week.

I would similarly like to thank the Speaker and the Tanzania National Assembly for giving us facilities for the last two weeks.

Furthermore, I would like to thank the Mayor of this City for having allowed us to use this Karimjee Hall.

In equal measure, I would like to thank hon. Dr Kamala, the Minister for EAC Affairs, Tanzania. He has been with us for the last two weeks and I hope he will do the same in Arusha and other places where we hold our sessions.

I would like to thank the members of the Tanzania Chapter for the organisation and the good work they have done since we came here. *Tunawashukuru sana.*

Finally, I would also like to thank all the people who have made us very comfortable here. I would also like to thank the media fraternity, which has been very energetic in terms of EAC issues. I think, for the first time, we have been in the newspapers everyday in the Tanzanian press, which is very commendable. We thank you very much.

With those few remarks, I now adjourn the House *sine die*.

(*The Assembly rose at 7.10 p.m. and adjourned sine die.*)