



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

23RD SITTING – SECOND ASSEMBLY: SIXTH MEETING - FIRST SESSION

Tuesday, 13 May 2008

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

PRAYER

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

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable Members, I take this opportunity to thank the Speaker of the Kenya National Assembly and, indeed, the Government of the Republic of Kenya for accepting to host us here in Nairobi for the next two weeks. May I, on your behalf, record our appreciation for the warm reception we have received since our arrival here in Nairobi? I also thank them for all the facilities they have extended to us, which have given us an environment conducive to work in - *(Applause)*.

Secondly, I am happy to inform you that the process of the election of all the Members of the East African Legislative Assembly has now been completed. Our two new Partner States have both completed the election of their Members to the Assembly. In a moment, we shall, from here, formalise the process of swearing them in. I take this opportunity to congratulate our new colleagues for winning the elections to this prestigious House. I wish them the very best during their tenure in office. I call upon you, old colleagues, to ensure that we make them as comfortable as possible, and to assist them to integrate into the system quickly as we strive to build this Community.

Thirdly, following the recent amendments to the Treaty, Assistant Ministers in the Ministries for East African Community Affairs are now ex-officio Members of this Assembly. They will now be able to attend and take part in the proceedings of the Assembly in the absence of the substantive ministers. I take this opportunity to congratulate them for their appointment to this high office - *(Applause)*.

PROCEDURAL MOTION

The Chairperson, Committee on Legal, Rules and Privileges (Mr. Abdullah Mwinyi): Mr. Speaker, sir, I beg to move:-

THAT, pursuant to provisions of Article 55 of the Treaty, this House do resolve to hold its 23rd of May, 2008.

Ms. Byamukama: Seconded.

Mr. Mwinyi: Mr. Speaker, sir:

WHEREAS Clause 1 of Article 55 of the Treaty provides that the Assembly shall be held at such times and places as the Assembly may appoint;

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

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

NOW THEREFORE, this Assembly resolves as follows:

THAT, pursuant to the provisions of Rule 11(7) cited above, the Assembly shall hold sittings in the Old Chamber of the Kenya National Assembly from Tuesday, 13 May 2008 up to Friday, 23 May 2008.

The Speaker: Honourable. Members, the proposal on the Floor is that pursuant to the provisions of Article 55 of the Treaty, this House do resolve to hold its Sixth Meeting in Nairobi from 13 May 2008 to 23 May 2008. The debate is open to anyone who wants to debate.

(Question proposed)

The Speaker: Honourable Members, since there is no debate, I will now put the Question.

(Question put and agreed to)

ADMINISTRATION OF OATH

The Speaker: Honourable Members, in my Communication earlier, I informed you about our new colleagues from the Republic of Burundi and Rwanda, and the Assistant Ministers responsible for the East African Community Affairs. I now rise to notify you that they would like to take their seats in this House. However, in accordance with Rule 6 of the Rules of Procedure of this Assembly, they cannot sit or participate in the proceedings of this House until they take the oath or affirmation of allegiance to the Treaty for the Establishment of the East African Community as Members of this Assembly.

Rule 6(3) specifies that when a Member first attends to take his or her seat other than the first sitting of a new House, he or she shall be brought to the Table by two Members, and shall be presented by them to the Speaker, who shall then administer the oath or affirmation of allegiance to the Treaty to him or her. I, therefore, request any two Members of the House who know the new Members to present them to the Speaker, in the order to be read out by the Clerk.

The Oath of Allegiance was administered to the following Members:

Republic of Burundi:

Bizimana Francios
Katabarumwe Regine
Ndarubagiye Leonce
Ngendakumana Issa
Ngenzebuhoro Frederic
Nibitanga Georgetta
Ntakarutimana Sabine
Nzobonimpa Manasse

Republic of Rwanda

Habumuremyi Pierre Damien
Hajabakiga Patricia
Harelimana Abdul Karim
Kayirangwa Claire
Muhongayire Jackueline
Dr. Ndahiro James
Ndikuryayo Straton
Nyirahabineza Valerie
Dr. Nyiramirimo Odette.

Ex-Officio Members

Deogratias Ndugwimana, Assistant Minister for EAC Affairs, Republic of Burundi
Peter Munya, Assistant Minister for EAC Affairs, Kenya,
Mohammed Abood, Assistant Minister for EAC Co-operation, the United Republic of Tanzania,
Bakevyamusaya Venerand, Minister for EAC Affairs, Republic of Burundi,
Jaffah Amason Kingi, Minister for EAC Affairs, Kenya,
Monique Mukaruliza, Minister for EAC Affairs, Republic of Rwanda.

(Applause)

The Speaker: Honourable Members, again, I would like to congratulate you and welcome you to this House. I have the pleasure to recognize the following dignitaries who are present to witness this occasion: High Commissioners and ambassadors; Members of Parliament from the Kenya National Assembly; Members of Parliament from Uganda; former Members of the East African Legislative Assembly; honourable Ministers; the honourable Deputy Prime Minister and Minister for Trade; His Excellency the Prime Minister, the Rt. Hon. Raila Odinga; the Speaker of the Parliament of Burundi, the Rt. Hon. Pierre Ntavyohanyuma, and the Speaker from the Chamber of Deputies of the Republic of Rwanda, the Rt. Hon. Alfred Mukezamfura. We also have a Judge from the East African Court of Justice, the hon. Kasanga Mulwa.

(Applause)

PAPERS

The Assistant Minister for East African Cooperation, Tanzania (Mr. Mohammed Abood): Mr. Speaker, Sir, I wish to lay on the Table the following Papers: -

The State of the East African Community Address to the Assembly by the Chairperson of the Summit;

The Annual Report on the activities of the EAC for the Year July, 2006 to June, 2007.

The Speaker: The Report is referred to the relevant Committee.

Honourable Members, amidst us today is the hon. Kenneth Marende, Speaker of the Kenya National Assembly. I have, in accordance with Article 54 of the Treaty for the Establishment of the East African Community, invited him to address this Assembly. Before I ask him to take the podium, may I say the following:

I wish to take this opportunity to congratulate the hon. Marende for his election, first as the Member of Parliament for Emuhaya Constituency, and then to the prestigious office of Speaker. Congratulations, hon. Marende as we all know, the elections were not easy - *(Applause)*.

Secondly, I wish to reiterate our warmest regards to you, hon. Speaker, for accepting to host us in the Kenya National Assembly. We thank you for the warm hospitality so far accorded to us by yourself and the staff of the Kenya National Assembly - *(Applause)*.

Hon. Members, I would now like to make the following formal communication to welcome the presence, in the Assembly, of the Speaker of the Kenya National Assembly:

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

Whereas in the opinion of the Speaker, the attendance and presence in the Assembly of the Speaker of the Kenya National Assembly is desirable in accordance with the business now before the Assembly;

NOW, THEREFORE, it is with great pleasure and honour that, on your behalf, I welcome the presence of the Speaker of the Kenya National Assembly to address the Assembly today, Tuesday, 13 May 2008, here in the Old Chamber of the Kenya National Assembly.

(Applause)

ADDRESS BY THE SPEAKER OF THE KENYA NATIONAL ASSEMBLY

The Speaker of the Kenya National Assembly (Mr. Kenneth Marende): Hon. Speaker of the East African Legislative Assembly, hon. Speakers of the Parliaments of Uganda, the United Republic of Tanzania, Burundi and Rwanda, the Rt. hon. Prime Minister of the Republic of Kenya, hon. Deputy Prime Minister of the Republic of Kenya, hon. Ministers, hon. Members of the Assembly, distinguished guests, ladies and gentlemen.

It gives me great pleasure and honour to welcome all of you to our country, and specifically, to the Parliament of Kenya. I hope that your stay so far has been enjoyable. If there is anything we can do to make it more fulfilling, please, do let us know - *(Applause)*.

Hon. Speaker, I note with gratitude that this Assembly has witnessed the admission of Members from Rwanda and Burundi. I congratulate each and every one of them. This is a clear sign that the EAC goal of integration is no longer a dream, but it is progressively being achieved. To the Members of the new Partner States, I say, welcome to the

Community and together, let us drive the integration agenda to a higher level – *(Applause)*.

Hon. Speaker, this Session takes place in Kenya at a critical time in the history of our country. As you will recall, the country held its general elections on 27 December 2007, which was followed by scenes of violence of unprecedented proportions in the months of January and February this year. I am aware that Members of your Assembly undertook a fact-finding mission in the affected areas and condoled with the victims of the violence. As the fact-finding mission noted, the conflict had adverse consequences, not only on the country, but on the entire region. Mediation of the conflict by His Excellency, Dr. Kofi Annan under the auspices of the African Union and the East African Community, culminated in the formation of a coalition Government, which has succeeded in restoring normalcy in the country, albeit with many challenges – *(Applause)*.

Hon. Speaker, the crisis has highlighted several pertinent issues related to the question of integration. First, it has shown that the countries of the sub-region are so interdependent that they must, by divine design, co-exist, and that any one or other of them has no reason to want to live to the exclusion of the other – *(Applause)*.

Secondly, it has exposed the fault lines in the sub-region's constitutional and institutional structures, which are, in certain material respects, a façade of tranquillity over simmering conflicts. In a nutshell, we need to have a critical look at institutions in the sub-region and determine how responsive they are to the needs of the people. Are constitutions, for example, crafted to serve the people, or, is the converse true? An important lesson to learn from the post-election tragic events in Kenya is that the future of the Partner States, and, indeed, that of other States, especially in Africa, is that the citizenry must view them as functional entities whose main objective is to improve the social, economic and political well-being or human conditions of the people. This is the challenge that confronts us today as leaders.

Hon. Speaker, the East African Legislative Assembly plays an important role in representing the views of the East Africa citizenry. The people of East Africa want greater integration, economic empowerment, efficient infrastructure and political stability in the region. For me, it brings a lot of nostalgia. As I grew up in a little township in the western region of this country, I witnessed a working railway system: I witnessed trains commute up and down every single day. I am a very disappointed man that today, close to thirty years later the railway does not function any more! I am at a loss as to why this should happen. But, I do not want to remain at a loss. We are challenged to do something about it. Why can we not revive the East African Railways? Why can we not make them work for us today? It behoves you, as the legislative arm of the Community, to bring these issues to the Council of Ministers and leadership of the Community, and to initiate legislation, as necessary, to give effect to the inherent aspirations and expectations of the people of East Africa.

I have pleaded with the Kenyan legislature, and I want to plead with you that it is not good enough for us to keep on mourning about what has not been and what ought to be;

we must do something to make it happen. We cannot keep on talking about the great potential of Uganda, Kenya, Burundi, Rwanda or Tanzania, for that matter, without turning it into tangible benefits for the people of this region.

We want to see the Assembly grow in strength to the level of their counterparts in other regions so that the Community interests surpass the national interests for the common good of all. As Members deliberate on the agenda before the Assembly, they should focus on the improvement of the welfare of human conditions of the East Africans, whether it relates to creation of a common market, sustainable utilization of Lake Victoria or establishment of a political federation. On the economic front, you should ensure that market-based reforms are introduced and more incentives provided to both local and private investments.

There is need to entrench the transition from a commodity-based economy through a shift in economic policy towards industrialization and value addition in order to put in the market finished products, which are competitive. The Kenya National Assembly will, through structured engagement, continue to facilitate the Assembly where applicable in order to ensure that it achieves its mandate – *(Applause)*.

I, once again, welcome you to the Parliament of Kenya and wish you fruitful deliberations. *Karibu sana, na Mungu awalinde – (Applause)*.

The Speaker: Honourable Members, I now call upon the hon. Kidega to say a few words on our behalf.

VOTE OF THANKS

Mr. Dan Kidega (Uganda): Thank you, Mr. Speaker, sir. Let me take the singular opportunity you have accorded me to move a vote of thanks to the Speaker of the Kenya National Assembly.

The hon. Kenneth Marende, Speaker of the Kenya National Assembly, the hon. Speaker of the National Assembly of Burundi, the hon. Speaker of the National Assembly of Rwanda, the hon. Speaker of the National Assembly of Uganda or their representatives, the Prime Minister of the gallant Government of Kenya, the Ministers from Kenya, the dignitaries here present, and all protocols observed.

Mr. Speaker, sir, this is the first time the Second Assembly is sitting in Kenya. We were greeted with great hospitality by the people of Kenya. On behalf of the people of East Africa here represented by these honourable Members, I would like to take this opportunity to thank, very deeply, the Government of Kenya, the Parliament of Kenya and the people of Kenya for welcoming us to Kenya - *(Applause)*.

On behalf of my colleagues here present, I would like to salute, in a very special way, the political maturity of this nation, this great country called the Republic of Kenya, for effectively managing the trying moments they went through a few months ago. My

colleagues and I are proud of the Government of the day and the Parliament of Kenya for all that has happened. We pledge to continue our support as an Assembly to your people as earlier demonstrated by our visit to this country during the election and after the election – *(Applause)*

We would also like to thank the Parliament of Kenya for granting us the space to conduct our business here in your country. It is a policy within the Assembly that we rotate to all Partner States. As the Second Assembly, we have been to Uganda; we are now in Kenya, and we are headed to Rwanda and Burundi soon. This policy is deliberate for us to reach out to the people of East Africa, and we find it befitting because it is an easier way of disseminating information about how the Assembly is performing its duties. It is our duty as Members of the Assembly to take our responsibilities to irrigate the people of East Africa with services – the railways network, the common market, monetary union and all that the people deserve. We pledged to the people of East African that we shall not run short of the ability to do the work that has been put before us – *(Applause)*.

Mr. Speaker, sir, to conclude, I would like to take this opportunity to, in a very special way, thank the Speaker of the Parliament of Kenya for allowing us to sit in this Chamber. I would also like to congratulate him on his election as Speaker of the House, and for taking his constituency as a Member of Parliament. We are aware of the culture of the Parliament of Kenya that Speakers do not serve one term – *(Laughter)*. We are with you in prayers that you serve as many terms as your life can afford. We are also confident that the people of Emuhaya Constituency will continuously elect you. We appeal to them to elect you. We thank you very much and wish you good health. May God bless you – *(Applause)*.

The Speaker: Honourable Speaker, again, I would like to say, “thank you” on behalf of my colleagues. You are now at liberty to leave. Thank you very much.

(The Speaker of Kenya National Assembly (Mr. Marende) left the Chambers)

MOTION

The Assistant Minister for East African Cooperation, Tanzania (Mr. Mohammed Abood): Mr. Speaker, sir, I beg to move: -

THAT, the thanks of this Assembly be recorded for the concise exposition of the public policy contained in the Address of the Chairperson of the Summit on the State of the East African Community, on 26th February, 2008.

Mr. Speaker, sir, honourable Members, I stand before you with a great sense of gratitude and appreciation because of the honour and dignity you have accorded to us during this historical occasion of swearing us in to be Members of the East African Legislative Assembly. The warm welcome shows that this House is a correct reflection of the existing good relationship between the Council of Ministers and the Members of the

Assembly. The challenge before us is to take this relationship to a higher ground as we provide the best service to our people – *(Applause)*.

On behalf of the Council of Ministers, please, allow me to reserve and convey special words of appreciation to the people and the Government of Kenya for the generous hospitality and honour bestowed upon the East African Legislative Assembly. It is true that, that has made us feel at home. Thanks most heartily – *(Applause)*.

I wish to express my profound gratitude to the Speaker of the National Assembly of Kenya for his usual warmth, courtesy and brotherly affection. Through his leadership, the East African Legislative Assembly has been availed with optimum utilization of the facilities of the National Assembly – *(Applause)*.

Mr. Speaker, sir, this being my first time to stand before this august House, I wish to take this opportunity to congratulate you and the honourable Members for being elected to this Assembly. I also wish to convey my gratitude to the honourable ministers and deputy ministers for East African Community Affairs on their appointments. I thank the Secretary General, the Secretariat and the entire staff of the East African Community for the cooperation they have shown to us – *(Applause)*.

I am privileged to address this Assembly today on behalf of the Chairperson of the Council of Ministers who is currently away on official duties in China. Mine is to open and participate in the debate on issues featured in the Address delivered by His Excellency, Yoweri Kaguta Museveni, the President of the Republic of Uganda and the Chairperson of the Summit of the East African Community Heads of State, on 26 February 2008. I am told that copies of this Address have already been distributed to all honourable Members.

I am happy that the East African Legislative Assembly has found it befitting to deliberate on the statement by the Chairperson, which in itself is a landmark move in the history of EALA.

The Speech of the Chairperson outlines the strategic issues in the East African integration process, and underscores what needs to be done to consolidate upon the achievements, as well as the need to intensify efforts for the emancipation of our people. Among the issues addressed by the Chairperson are the economic situation in the region, the political situation in the region, regional peace and security issues, regional infrastructure issues, population growth, land fragmentation, environmental degradation, rural immigration, enhancing productive capacity in agriculture and industry, the participation and role of civil society, including the media, in the integration process, and the role of the EALA in the transformation of our region.

Mr. Speaker, sir, my role today is to introduce to this Assembly a Motion on the Address by the Chairperson of the Summit of the East African Community Heads of States for this august House to debate. I sincerely hope that the Members of this august House will take this opportunity to thoroughly discuss the Chairperson's Address and make

recommendations for consideration by the EAC Council of Ministers. We look forward to receiving the views and recommendations of this august House, which we value as a closer partner in our collective responsibility to create a prosperous, stable, secure and politically united East Africa.

Mr. Speaker, sir, I beg to move – (*Applause*).

The Speaker: Honourable Members, the proposal on the Floor is that the thanks of this Assembly be recorded for the concise exposition of the public policy contained in the Address of the Chairperson of the Summit on the state of the East African Community, on 26 February 2008. Debate is now open.

Mr. Gervase Akhaabi (Kenya): Mr. Speaker, sir, as has been noted by the Minister while representing the Chairperson of the Council of Ministers, the Address of the Chairman of the Summit to this Assembly was a very historic event, and it marked a turning point in the history of the Assembly, and in the manner the East African Community will conduct its business henceforth. The Treaty for the Establishment of the East African Community commands that the Summit shall give impetus and direction to the Community. When the Chairman of the Summit made his Address to this Assembly, therefore, he was fulfilling this important directive and mandate as contained in the Treaty. We, as Members of the Assembly representing the people of East Africa in the East African Community, wish to express our deep gratitude for this particular decision by the Summit. We are very grateful – (*Applause*).

The Chairman of the Summit did say certain very important things to guide this Assembly and, indeed, to give direction and impetus to the Community. He identified the fact that East Africa is inter-dependent; we depend on each other. He also identified the fact that we were put together, not by ourselves but by God Himself.

There is need, therefore, for further widening, strengthening and deepening of the integration process under the auspices of the East African Community and the Treaty. However, he also did point out a number of challenges that we, as a Community, face in the process of integration. The Chairman did point out that at this particular point in time, this region and the Community are facing great challenges, which call for extra effort and vigilance in the drive towards the political and economic integration of the people of East Africa.

I am happy to note that what the Chairman of the Summit said has been underscored by the Speaker of the National Assembly of Kenya, the hon. Kenneth Marende, in his Address to us. It is like the Chairman of the Summit and the Speaker of the National Assembly of Kenya were actually reading from the same script. If not, it is like they sat together to say what they have told us. Both of them have posed a number of challenges to us as Members of the East African Legislative Assembly. We have an important and crucial role to cement the East African integration process through the establishment and strengthening of legal and institutional structures. It is important that as we move from the Customs Union to the Common Market, we put in place a legal framework and

institutional structures that will serve the people of East African in order for them to achieve the objectives of the Community as stated under the Treaty. There has been reference by both the Chairman of the Summit and the Speaker of the National Assembly of Kenya to the tragic events that took place in Kenya in December, 2007, and January/February, 2008. Those tragic events should be viewed as a learning experience. They did expose weaknesses in the constitutional, legal and institutional frameworks, not only in Kenya, but also in the entire East African Community region. The lessons that we learnt from that experience should make us, as Members of EALA, in terms of the Treaty for the establishment of the East African Community, to now seriously consider putting in place both legislative and institutional framework to guard against the recurrence of such an abominable occurrence.

We, under the Treaty for the establishment of the East African Community, must realize that in our region, we are simply experiencing a very nascent pluralistic democratic space. It has not matured. It is simply opening up. For a very long time, in the entire region, we have been under one system of dictatorship or another – either mild or cruel – but they have all been dictatorships. People are now moving away from that system into a pluralistic democratic space that is opening up. People are asking questions. People are doubting. People are expressing self-examination. It is upon us to listen to what the people are saying and put in place legal provisions that will apply in the entire East African region. As we move ahead, we, as an Assembly, must take the responsibility of putting in place standards for good governance in accordance with the Treaty. The Treaty requires that East Africa shall have democratic governments, which must be governed by high standards of democracy and good governance. So, we cannot run away from that fact. It is our responsibility to ensure that democracy and good governance – accountability and transparency – prevail in East Africa.

Mr. Speaker, Sir, we have very many challenges. There are very many stresses and strains. The population of East African is increasing at an alarming rate. There are strains. Young people are coming out of universities and other institutions of higher learning. We seem to be holding back to agriculture, which constitutes about 40 per cent of our GDP and yet, over 90 per cent of the people of East Africa depend on agriculture. That is an unattainable situation. That kind of situation will not allow our young people to survive. Therefore, as an Assembly, we must put in place, mechanisms to create employment outside of agriculture. We can only do this by insisting on the establishment of an Industrialization Policy, which will enable job creation outside of agriculture.

Mr. Speaker, Sir, as we talk about the increase in population, we also have a problem of great stress on land. As a result, our forest cover is being depleted at an alarming rate. We now have reduced rainfall and a lot of soil degradation. The result is that across East Africa, we are having reduced food productivity. We should address the issues of environment, and this is what the Chairman said, to preserve and restore it, so that we are able to produce enough food to sustain our growing population. As we experience an increase in population, the fertility of our land is also going down. We need to have in place, a mechanism to address all these issues. It is upon us, as hon. Members of the East African Legislative Assembly (EALA), to look into these issues. It is, therefore, our

duty, as hon. Members of the Assembly, to assert our role and ourselves, and ensure that we do for East Africa what the people of East Africa want.

Mr. Speaker, Sir, we had a Treaty establishing the East African Community (EAC) in 1967. That Treaty was terminated in 1977. Why was it terminated? The reasons are .in the current Treaty for the establishment of the East African Community. When our countries decided to establish the current Community, it was on the realization that no single country in East Africa can stand on its own, and that we would benefit more if we worked together. When working together, we need to have common standards, infrastructure improvement and institutions that will ensure that what happened in 1977 does not happen again.

Mr. Speaker, Sir, in conclusion, I wish to say that we, as the Community under the Treaty, are required to ensure, and not the partner States, the strengthening and consolidation of the co-operation and integration in all fields. It is in this regard that I feel constrained to say a few things with regard to the tourism sector. Tourism is a very important sector in the economies of all the East African countries. I do not know what the Council of Ministers has to say on this matter. But it is a shame that since the Community was established, the Sectoral Committee on Tourism has never met. Why is this the case when the Treaty says that we should plan together in various areas, such as tourism? Why has the tourism sector not functioned? What has happened to the Sectoral Committee on Tourism? Probably, the Council of Ministers should respond to that. But, we, as an Assembly, need to ensure that all these areas of co-operation, that may lead to the achievement of the objectives of the Community, are put in place, and that we promote the integration at a faster rate.

Mr. Speaker, Sir, with those few remarks, I beg to support the Motion. I thank hon. Members for listening to me.

Mr. Speaker: Hon. Members, I would like to take this opportunity to remind you about the function we have this evening at 7.00 p.m. I hope you will be punctual.

ADJOURNMENT

Mr. Speaker: Hon. Members, it is now time to interrupt the business of the House. The House is, therefore, adjourned until tomorrow, Wednesday, 14th May, 2008, at 2.30 p.m.

The House rose at 3.40 p.m.