



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 121ST SITTING - SECOND ASSEMBLY: FIRST MEETING – FIFTH SESSION

Tuesday, 13 September 2011

*The East African Legislative Assembly met at 2.40 p.m. in the Chamber of Deputies,
Parliament of Rwanda, Kigali.*

PRAYER

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

(The Assembly was called to order.)

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON GENERAL PURPOSE

Ms Sebtuu Nassor (Tanzania): Mr Speaker, I beg to move that the report of the Committee on General Purpose on Policies and Strategies on Education, Research, Science and Technology in East Africa towards the Enhancement of Innovation and Appropriate Technology be adopted.

Dr Said Bilal (Tanzania): Seconded.

The Chairperson, Committee on General Purpose (Ms Sebtuu Nassor): Mr Speaker, allow me first to add my voice to that of my colleagues in thanking the Government and the people of Rwanda as well as the Parliament of Rwanda for hosting and welcoming us.

Mr Speaker, before I begin reading this report, I wish to appreciate the support from the following different actors and individuals who contributed to the success of the workshop, which resulted into this report:

- The Rt. Hon Speaker for availing time to the Committee to undertake the activity;
- The representatives of the Partner States for the presentations and active participation in the workshop;
- The National Parliament of Tanzania through its relevant committees, for having found time to interact with the Committee on issues relevant to the General Purpose Committee;
- AWEPA for funding the activity;

- Professor Sospeter Muhongo for his wealth of experience and superb facilitation of the workshop;
- Office of the Clerk for the logistical support and secretarial services;

- Hon. Kate Kamba for her attendance and participation during the workshop, although she is not a member of the Committee;
- Staff and management of St. Gaspar Hotel and Conference Centre for providing suitable ambience and service;
- The transporters who safely transported Members to and from Dodoma; and
- Finally, I would like to thank Members of the General Purpose Committee for their commitment and endurance during the workshop.

Mr Speaker, this report is divided into five parts, namely introduction and background; objectives; status of science and technology in East African Partner States; recommendations; and way forward.

Introduction and Background

Under Article 102 and 103 of the Treaty for the Establishment of the East African Community and Article 42(1) of the Protocol on the Establishment of the East African Community Common Market, the Partner States undertake to coordinate human resource development policies and to promote research and technological development through market-led research, technological development and the adaptation of technologies in the Community, to support the sustainable production of goods and services and enhance international competitiveness.

The EAC's economy of five countries is very small, standing at US\$ 74.5 billion and GDP per capita of US\$ 558, compared to the economies (2010) of individual countries such as Nigeria (GDP, US\$ 217 billion), South Africa (US\$ 357 billion), India (US\$ 1.5 trillion), Brazil (US\$ 2.1trillion) and China (US\$ 5.9 trillion). The economies of the EAC Partner States are predominantly labour-intensive, characterized by export of unprocessed raw agricultural products and minerals. The linkage between education, research, and commerce is not well pronounced. The application of Science, Technology, and Innovation (STI) is inadequate. The annual economic growths of these countries are below 10% and this implies that the rate of poverty eradication is insufficient. Furthermore, all EAC Partner States are currently experiencing long spells of severe drought, acute shortage of electricity, high inflation rates (i.e. above 10 per cent) and unstable national currencies.

The developed countries and emerging economic giants such as Brazil, China, and India have recorded sound and sustainable economic growth, and are globally competitive because of their heavy investment in Science, Technology, and Innovation (STI). Hence, the economic prosperity of the 21st Century relies heavily on a country's quality generation and efficient utilization of knowledge, technology and innovation. The unequivocal evidence for this contemporary economic reality is that countries belonging to OECD and BRICS blocks together, control 80 per cent of the world's GDP.

The East African Legislative Assembly, represented by the Rt. Hon. Speaker and the Chairperson of the Committee of General Purpose, has for the last three years attended

annual conferences on science, technology and innovation organised by the United Nations Economic Commission for Africa (UNECA) and the African Union in Addis Ababa, Ethiopia. Subsequently, at the recent meeting in May 2011, the African Parliamentary Forum on Science, Technology, and Innovation (APFSTI) was formed. Consequently, the Assembly debated and adopted a Resolution urging Partner States to take strategic measures in boosting science, technology and innovation on May 26th, 2011.

On 19 to 20 August 2011, the Committee on General Purpose organized a workshop on Policies and Strategies on Education, Research, Science and Technology in East Africa towards the enhancement of innovation and appropriate technology. The workshop was held at the St Gaspar Hotel and Conference Centre in Dodoma, Tanzania.

Objectives of the Workshop

The objective of the workshop was to examine how the East African Community countries are organised in terms of policies and strategies to effectively tap on research, science and appropriate technology to bring about development. Thus, the main objectives included:

- Taking stock of, and examining the status, progress, strategies and policies in the EAC Secretariat as well as in the Partner States;
- Examining the reasons for slow development and efforts from elsewhere in Africa and best practices from other developing and emerging economies;
- Examining ways to strengthen, promote and ensure the development, dissemination and exchange of scientific information and knowledge experiences on policy making;
- Examining the weaknesses to innovation and development of appropriate technology. Challenges and possible solutions as well as a way forward were examined and analysed;
- Identifying the role of parliaments in legislation and financing through parliamentary roles of legislation, representation and oversight; and
 - Identifying challenges, possible solutions, and way forward.

Outcomes of the Workshop

Current STI Status in EAC Partner States

The following are the salient STI characteristics in all the five Partner States:

- STI policies and legal frameworks are at infancy.
- Educational systems are less competitive and not linked to socio-economic needs.
- STI gender disparity is apparent.
- Inadequate funding for educational, ICT and R&D infrastructure.
- Lack of critical mass of highly trained STI human resource, e.g. climate scientists and energy experts, and poor retention schemes of human capital.
- Most of the R&D activities are donor-driven.
- Linkages of the national innovations systems, i.e., education, research, production, commerce, market, legal regimes, are poorly pronounced and/or totally missing.
- Science and technology education and subsequent professions are not attractive to the youth.
- Societal needs such as quality education, electricity, food, water, healthcare and transport are inadequately available and their access and affordability are uneven, e.g. urban versus rural communities.

- EAC participation in, and contribution to the global STI agenda, e.g. climate change, space sciences and technologies, law of the sea, hazards and disasters, emerging STI field such as bio-and nanosciences and technologies, is inadequate.
- The rate of establishing knowledge-driven economies is low.

Recommendations

1. EAC Partner States should recognise and acknowledge the important role that STI plays in establishing a predictable and a sustainable economic growth, and subsequent poverty reduction and global competitiveness. To this end, the Council of Ministers is urged to establish an EAC regional instrument to guide policy and strategy in the EAC with regard to STI, R& D and related sectors.

2. National Parliaments of the EAC Partner States need to establish STI inter-Parliamentary Committees. Local governments should also have STI committees within their councils and/or their administrative machinery (STI at the grassroots). With specific reference to parliaments, an EAC Inter Parliamentary Forum on STI could be formed to mirror the African Inter-Parliamentary Forum on Science, Technology, and Innovation (AIPF-STI) already in process and currently chaired by EALA.

3. EAC Partner States should prepare implementable STI policies, and establish efficient national innovation systems. Harmonisation of national STI systems in an economically integrated EAC is obligatory and not a matter of choice.

4. EAC Partner States should strive to acquire a critical mass of STI experts, e.g. climate scientists, energy experts, and introduce attractive remuneration packages for these STI experts. Incentive packages should also be put in place to attract STI experts in the Diaspora to come back home, intellectually taking into consideration STI gender disparity.

5. EAC Partner States should provide adequate funding (budget allocations) for quality education at all levels and for sustainable R&D activities, including provision and maintenance of well-functioning STI infrastructure. The African Union's decision to allocate a minimum of 1 per cent of the country's GDP to R&D should be honoured and implemented. This 1 per cent GDP was to be implemented by 2010. To date, Partner States have implemented hardly 70 per cent of the target; for instance, Kenya stands at 46 per cent and Uganda at 60 per cent.

6. EAC Partner States should promote and facilitate acquisition of educational and Rand D funds and/or material contributions from the private sector and foundations, for example through tax subsidies.

7. EAC Partner States should establish world-class regional STI networks and centres of excellence, including science parks and innovation centres, e.g. on ICT, bio-and nanosciences technologies, space sciences & technologies. These networks will improve the efficiency for the pivotal role of science and technology in providing solutions to regional and global challenges like climate change, energy, water, food and nutrition, healthcare.

8. EAC Partner States, their R&D institutions and legal regimes, such as Intellectual Property Rights (IPR), should intensify research, commercialisation, and utilisation of their Indigenous Knowledge Systems (IKS), e.g. traditional medicine, weather forecasts, and foods.

9. The EAC and its organs, such as EALA, should promote and facilitate practical STI partnership among its members' educational and R&D institutions and companies.

10. Popularization of science to society needs to be undertaken to attract funding to STI programmes and projects within EAC Partner States. Popularization mechanisms include the utilization of social media platforms, e.g. twitter, Facebook, national sciences weeks, fairs, exhibitions, science camps.

11. As recommended by the African Union, Presidents of the EAC Partner States should appoint Science Advisors. Moreover, political and economic advisors are already part of the presidency.

12. Recognition of special talents and of contributions of local STI experts through provision of awards, honours, scholarships and other incentives is paramount in creating a society that is curious to innovate, capable of analysing and synthesising matters related to STI. Research centres, particularly regional ones, should be resurrected and encouraged.

WAY FORWARD

Immediate Actions

The implementation of the above 12 recommendations has to be in phases, and in some instances each Member State would prepare her own priority list. Principally, the workshop's participants agree with all the recommendations put forward. On the way forward, Partner States' representatives agree that a recommendation on budgetary allocation has to be the top most priority for implementation in the next 12 months.

Priority No. 1

The EAC Partner States should provide adequate funding (budget allocations) for quality education at all levels and for sustainable R&D activities, including provision and maintenance of well-functioning STI infrastructure. The African Union's decision to allocate a minimum of 1 per cent of the country's GDP to R&D should be honoured and implemented. Additional funding may be outsourced through the promotion and facilitation of acquisition of educational and R&D funds and/or material contributions from the private sector and foundations, e.g. through tax subsidies.

Action to be taken

The Committee urges the EAC Partner States to provide adequate funding (budget allocation) for quality education and training at all levels, and for ICT and R&D infrastructure.

Priority No. 2

The EAC Partner States should prepare flexible energy mix strategies for utilising the enormous energy resources found in the region. Electricity should be generated from the

enormous coal and natural gas reserves, and at the same time heavy investment in renewable energies, i.e. solar, wind and geothermal, need be undertaken.

Action to be taken

The Committee urges the Council of Ministers to urgently spearhead diversification to alternative energy sources to stave off the economic deterioration caused by the current energy crisis in the region. An urgent regional strategy in renewable energy is immediately required.

Priority No. 3

The EAC Partner States should establish world class regional STI networks and centres of excellence, including science parks and innovation centres, e.g. on ICT, bio-and nanosciences technologies. These networks will improve the efficiency for the pivotal role of science and technology in providing solutions to regional and global challenges e.g. climate change, energy, water, food and nutrition, healthcare.

A critical mass of STI experts may be attained through provision of attractive remuneration packages for retention of such experts in EAC, and provide incentives to attract those in the Diaspora to come back home intellectually and serve the region.

Action to be taken

The Committee urges the Council of Ministers to draw a roadmap for the establishment of STI regional networks. The Assembly, through its relevant Committee, should commit to sensitizing the national Parliaments to initiate an East African Inter-Parliamentary Forum on Science, Technology and Innovation and actively participate in the African Parliaments Forum.

Mr Speaker, I beg to move.

(Question proposed)

Mr Bernard Mulengani (Uganda): Thank you, Mr Speaker. I want to thank the Committee for the report.

Mr Speaker, on page 3 of the report, paragraph two, the Committee is talking about economies of Partner States of EAC being predominantly labour-intensive and characterised by exports of unprocessed raw agricultural products and minerals. When you look at the budgets of the Partner States in the area of agriculture, the effort put to the improvement of agricultural exports is appalling. In the EAC budget of 2011/2012, promotion of agriculture and food security, implementation of climate change action plans, totalled to US\$ 604,260 only, compared to the total budget we passed of US\$ 109 million. With that background, when we talk of STI, if we are really to develop this region, the focus on agriculture should change amongst those people who have been bestowed the powers to take decisions for our people.

Mr Speaker, we cannot improve the livelihoods of the people of this region, who are predominantly into agriculture, without improving the value of the products that they sell out of the fields. One of the leaders of this region keeps emphasising the exportation of

employment, donors and also exportation of revenue to the foreigners who are taking our products in the form of raw materials. It is up to us at the regional level to wake up. I, therefore, urge the Council to wake up and even do better at a regional level by allocating enough funds in this area of agriculture.

When you turn to page 5, it just confirms what I am talking about on the current STI status of the EAC Partner States. When you read through from one to nine, the common words are “inadequacy”, “insufficient”, “not linked”, “less competitive”, “apparent disparity”, “lack of critical mass”, “poor retention”, “donor-driven”. This is the observation of the Committee. If we put ourselves in the shoes of the people outside the policy-making organs of the Community, what would we be saying about this particular area? It is up to us to urge the Council of Ministers to play their relevant coordination role in the Partner States but also at the regional level to ensure that these negative clauses change positively. I think the Committee should have also given us the status at the regional level. We are looking at Partner States, but what is the current position at the regional level? It is also appalling.

Mr Speaker, on page 6, paragraph 5, the Committee is talking about the quality of education. This House at one time came up with a Bill on the Inter-University Council of East Africa. As long as we have a lot of mushrooming universities, if we do not harmonise policies I do not think we will be able to solve the issue of the quality of education. In some of the Partner States, the code of conduct of teachers may not really improve the quality of education. Some time back, the people who went to work in the education sector were the most brilliant people; those who got first grades. I will give an example of Prof. Zavia Wandera. He got 8 aggregates in 8 subjects and 6 in 6 at O’level and he went for education. Today, people who go for education are those who are almost totally failing. Sometime I read somewhere that some teacher was told to sit exams of P7 and he failed. So, really, we need to look at how to improve most of these things by putting in place serious legislation. I urge the Council to finalise with the IUCEA Bill.

Mr Speaker, some of the teachers in primary schools in some places in this region are chairpersons of sitting arrangements of pots of alcohol and others are treasurers. From there they go to teach, so how do you expect the quality of education to improve? So, we need to do something in that area.

Mr Speaker, on page 6 they are talking about the private sector. I need us to do some research in the region. What my brain tells me is that either the majority of people in the private sector are non-citizens, or if they are citizens, most of them usually have got low education. If we have to improve the private sector, we need to encourage educated people to enter the private sector. The people who have read that you find in the private sector are usually just employed.

Lastly, STI is intended to create a national environment that will promote economic prosperity, food security, good governance, health and generally the welfare of the citizens. Innovation is important not only for increasing the wealth of a nation in the narrow sense of increased prosperity but also in the more fundamental sense of enabling people to do things which have never been done before. It facilitates change in the whole quality of life. It is important for the developing countries including our five Partner States to catch with technology and development to attain economic growth. This can be achieved by imitation or innovation.

Mr Speaker, I beg to support.

Dr Said Bilal (Tanzania): Thank you, Mr Speaker. Let me also add my voice in thanking the people and the government of Rwanda for their continued show of support whenever we are in Kigali.

I want to say that this report is a very important contribution to our region in that it highlights what needs to be done in science, technology, and innovation. We understand that without it, you cannot develop. This is a stark reality, which has to be accepted.

Mr Speaker, I want to begin by commending the report, which has been succinctly presented by the chairperson. We really enjoyed in Dodoma and the environment was very good for us to ponder on how we can comprehend on issues of science, technology, and innovation.

Mr Speaker, of course being a Member of the Committee, I am in total support of this report. However, I would like to just emphasise certain issues. On page 4, on the issue of participation, I want to emphasise that participation should not just be for the sake of it. Participation has many qualifications. We can either participate in world forums as serious participants and stakeholders or we can go there as wannabes or also-rans, which is the case with many of our participations in the world stage. I am saying this because when we were looking at the budget, there were a lot of conferences and events that we participate in the region. I would like to see that such participation adds value to what we are doing right here back home. This is the case for many global events. The money we spend and the events that we normally attend – I am not saying that we should isolate ourselves from global events or dialogues that have relevance to what we are doing here in the region. What I am saying is that we should not be rushing to participate in such events without making adequate preparations, so that what you bring home is useful knowledge and experience that can add value to what we are engaged with in the region.

Mr Speaker, I want to agree with hon. Mulengani on the need to have quality education. I am saying this because we put ourselves in a crisis mode; in other words, our inability to tap on the available information and what is offered in the region in terms of science and technology should point out that we are in a crisis. When the Americans, way back in the 1960s, were unable to comprehend how the Russians were able to go to outer space, they put the country in a crisis. They said that their failure to move with all the manpower and all the money and facilities was unacceptable. We can also put ourselves in a crisis mode as a region. With all that we have with basic research and all the manpower that we have, we are unable to show meaningful presence in the world of Science, Technology and Innovation (STI); this should be considered a crisis so that we can look at the quality of our education. What does that mean in terms of the quality of our education? What does it mean in terms of infrastructure or in terms of money? I am sure this is very important because at the African Union conferences, it has been suggested that there should be minimal contribution towards STI.

Mr Speaker, appropriate technology cannot be taken on in an ad hoc manner. So, I agree with recommendation No.11 on page 5 that there should be a science advisor as part of the Presidency. As much as development cannot be taken on in an ad hoc manner, science and technological development and innovation should not be taken on in an ad hoc manner. We also need to move very carefully so that we are able to give advice on what technology in this

age and time is appropriate to our region. How can we achieve, with minimum funding, the kind of manpower we have? I think these are some of the issues I want to highlight in support of this Motion.

I thank you.

Mr Augustine Lotodo (Kenya): Thank you, Mr Speaker. I also wish to support the Motion. Before I go into the details, I want to note that it is clear this is the last plenary session we are going to hold here in Kigali as the Second Assembly. I want to say that coming to Rwanda for the last three years has helped the Assembly get to know a lot about Rwanda. We observed the Parliamentary elections in 2009, participated in *Umuganda* – I remember we visited Gicumbi - and last year we participated in the construction of houses. I equally remember that we have also gone to Lake Kivu in Gisenyi to see the Methane gas plant. We have also visited the borders of this region through various committees and visited the one-stop border post. The participation of Rwanda has added value to the EAC since they joined the Community to the level that we now have a Secretary-General from this country.

On the report, I want to say that the world is changing so fast that this report is more needed now than ever. The pace at which the world is moving indicates that we, as EAC Partner States, need to pull up our socks. Despite the challenges we have, it is also critical that we focus on what we have in Partner States in terms of our resources and develop them to the best of our abilities.

While appreciating most of the recommendations in the report, I suggest also that establishing a centre of excellence in this area of science, technology, and innovation is very important. Due the financial constraints facing the Partner States, we may consider developing one at the regional level where other countries can come, train, and get expertise on technology rather than each Partner State trying to develop its own.

Mr Speaker, I beg to support.

Ms Kate Kamba (Tanzania): Thank you, Mr Speaker, for allowing me also to add my voice in support of this Motion.

Mr Speaker, this is the first time I am rising during this Session, and I want to appreciate the hospitality that has been extended to us by the Parliament of Rwanda, the President and the people of Rwanda.

Mr Speaker, fortunately, I attended this workshop. I wish all of us got an opportunity to listen to the presenters. It was an eye opener. You end up asking yourself questions such as: Where are we? Where are going to be in the next century; this century has just begun?

Looking at the introduction and background, we were shown that our continent has been a bit irrelevant to the world economy. Its only Nigeria and South Africa that are mentioned but the rest of us are sailing in the same boat of poverty, and it seems we do not know how to get out of poverty. The introduction on page 3, paragraph two, says a lot. If you look at those graphs, you really feel bad about our continent. Brazil, Russia, India, China and the rest of the world, and the European Union, Japan, USA and Canada – these are the blocks which are commanding the economies of the world. However, if you go further and scrutinise the Eastern part of Asia, you cannot compare it with what you see in the rest of Africa. Those

people are moving and they are moving because of science, technology, and innovation. They are investing in those areas.

Soon, if we are not serious and we do not take serious stock of what is said in this report, Africa will be a place of poverty. It will be a tourist attraction to the first world for those who want to see poverty. We have to do something. It is serious. When we are talking about Africa, we are talking about our own houses in East Africa, the five Partner States. We can make a difference.

We are now looking at education. The education sector is not harmonised; the systems are different. In 2004, the First Assembly visited the Kenya Agricultural Research Institute. They informed us that they spent Kshs 40 billion on research and you could see a lot of improvement in agriculture. Tanzania spent almost nothing on research in that year and Uganda spent very little. At that time, we were just three Partner States. To-date, I do not know what is happening. In most cases, we are duplicating research instead of putting our efforts together.

We have been in this Community for almost ten years now. What are we waiting for? There are many good recommendations in this report. Let us not pretend that we are together. Let us be together, at least in areas of research, science, innovation, and technology. We need to put our hands together to move a mountain, but that is not happening. What are we waiting for? I will be asking these questions myself maybe next year when I am out of this Assembly. What legacy are we leaving in the EAC? Ten years of the Community; are we serious on what we are saying or we are just giving lip service?

Mr Speaker, for us to move, we have to work together. Japan is moving and is moving with its people. Singapore and Malaysia are moving together. America is working with Canada and South America. In Europe, they are working with North Africa. But for us East Africans, who is our big brother? We need to put our efforts together to get ourselves out of this poverty.

Mr Speaker, when I look at this report, I feel pity for Africa and for East Africa for not taking the responsibility of changing the lives of our people seriously. There is hunger in East Africa; everybody knows about that. If you go to the northern parts of East Africa, you will find that people are starving at this hour. We need technology to transform those areas. In Australia and New Zealand, you do not hear of such stories yet most of it is desert. So, it is time we took our coming together seriously so that we can get our people out of this poverty. There is no shortcut but through improvement of education, science, technology and innovation.

I totally agree with all the recommendations in this report and the remedial actions and way forward. We need to prioritise all that has been said in this report and act. We do not need to reinvent the wheel. During the defunct EAC, we used to have joint research centres on disease, agriculture, veterinary – all these centres were there. We just need a little effort to renovate and revive some of these centres and maximise the use of our meagre resources so that we can move forward.

With these remarks, I want to commend the Committee for this report and ask the Council of Ministers to take it seriously and work out activities and programmes to get us out of this poverty.

I beg to support. (*Applause*)

The Speaker: My last speaker is hon. Kimura.

Ms Catherine Kimura (Kenya): Thank you, Mr Speaker. Let me join my colleagues in thanking the government and people of Rwanda for their hospitality during the time that we have been here.

Mr Speaker, allow me to take a moment and just share with our colleagues from Tanzania and Kenya the tragedies that have befallen our countries in Zanzibar and in Nairobi, as well as the people of Uganda during the landslide that happened two weeks ago. Let us stand with our people as they mourn the dead, and even as those who are in hospitals recuperate, we want to place them in the hands of God, that they get the peace that they all desire at this time. Our condolences go to their families, friends, and relatives.

Mr Speaker, the issue of technology, and particularly research and development, should be very dear to our region, a region that requires moving from just being an agricultural region to an industrialised one. Let me say that the whole issue of science and technology and how we move in this particular area begins with our education, right from primary to secondary schools. Our leaders need to support the teaching of science in our schools. We need to demystify the issue of sciences at a very early age in our children. In most of our secondary schools - at least I know in Kenya - the science subjects are the ones that are very poorly performed. You cannot then begin to make scientists of these people at university level. So, let us continue to allocate the right resources for the teaching of science subjects in an effort to address this situation.

Mr Speaker, one of my colleagues talked about teachers these days being those who are lowly qualified, that they cannot find another profession and then they go into teaching. I want to put it to the Assembly that we are all products of teachers; the professors, the doctors, the engineers passed through some teaching by these people. Let us honour that profession. A profession sometimes is not recognised and is not properly remunerated. We have seen how our teachers in Kenya are suffering going to the streets to demonstrate. The government is not putting enough teachers in the classrooms and they are not paying them enough. We cannot then begin to talk about success in this particular area unless we pay attention to our schools, right from the early stages.

Mr Speaker, we need to look at the amount of money allocated to our research institutions. We have premier research institutions in this region. In Kenya, we have the Kenya Medical Research Institute (KEMRI), Kenya Agricultural Research Institute, Kenya Industrial Research Institute and many more. These institutes have produced very wonderful results. They have produced products that have been patented. The Kenya Agricultural Research Institute has produced coffee varieties that are re-produced now in Vietnam. The same with KEMRI; a lot of work has been done there in malaria research and HIV. However, most of the institutions have very meagre budget allocations from our own governments. They thrive

on donor funding. I want to support the idea that we need to allocate serious funds through our own budgets to these bodies if we are going to move to the level anticipated in the 21st Century.

At the same time, sometimes we are not even proud of our own innovations and we do not even protect them. The revolutionary money transfer platform, M-Pesa, was developed locally in this region. It has been replicated in the USA, Britain, and elsewhere. I wonder whether the people who came up with this innovation get royalties. I wonder whether we have even recognised this particular innovation. What I am trying to say is that we are very poor at acknowledging some of our successes. We beat ourselves too much at our failures, but are very slow in congratulating ourselves when we do something right and that is recognised elsewhere.

Mr Speaker, research is very expensive. I want to urge our scientists, our researchers and those people who work in this area to not only rely on original research, which is expensive, but use applied research to improve on some of our technologies, particularly in agriculture. We cannot continue saying we are an agricultural region and we continue to use antiquated methods of agriculture. In some areas you will still find the donkey using the plough or the use of a hoe, yet through applied research or even very basic technologies, we can move our agriculture to another level.

Mr Speaker, I support all the areas mentioned in this report and urge the Council to speed up the establishment of the science and technology commission in order to address the issues of science and technology and the challenges that are there. The Treaty is very clear on this area and, therefore, it is a question of just operationalising what is in the Treaty. We need not reinvent the wheel as to what we need to do; it is clearly spelt out, but we need to move. We need the Council of Ministers to move with us and appreciate the issues that are being raised and the issues that are in this report.

I beg to support. I thank you. (*Applause*)

The Speaker: I can see some honourable members standing up when they know I will not call them. Luckily, the *Hansard* does not record you standing up. However, let me give a chance to hon. Bazivamo, our newest Member, to say something.

Mr Christophe Bazivamo (Rwanda): Thank you, Mr Speaker. I want to thank the Committee for the report, which I support. However, having read it, I found that all the recommendations focus on Partner States instead of the Community. Could it be possible to think about putting in place, at the level of the Community, an East African Community science and technology promotion fund to enhance research in sciences and technology on a regional basis? I propose that should be included in the recommendations. In addition to the promotion of science and technology, it will also contribute in promoting the EAC. I also think that these funds can come from the Partner States as well as donors.

I beg to support. (*Applause*)

Ms Nassor: Mr Speaker, I would like to thank the Members who contributed to this Motion and thus enriched the report. They are hon. Mulengani, hon. Bilal, hon. Lotodo, hon. Kamba,

hon. Kimura and hon. Bazivamo. (*Applause*) The contributions made by Members are very important and they tell us a lot. If we want to move from where we are now and expand faster, our Partner States should invest in education, science and research.

The words I am saying have also been articulated by Members in their word way. Hon. Mulengani has said much about agriculture and how it is under-budgeted. At the same time, what we are producing is being given out as raw materials. We need value addition of our products in order to benefit from them. This will only happen if we invest in science and technology.

Hon. Lotodo's suggestion is well taken. What he has said is that there is a need to establish and engage in training future experts and scientists. He is talking of a training institution like the one in Triste, which is in Italy, which trains people from third world countries. So, why don't we have our own institutions to train our people? I am looking at the Nelson Mandela Institute; is it only going to give us academicians who will just remain as they are and not contribute to development or is it going to produce things, which we need for the development of science in East Africa? I think that is how the Nelson Mandela Institute should be.

Hon. Kate Kamba talked about joint ventures. She said that we in East Africa and in other parts of Africa, if we join hands we can move fast. Joint ventures are very important and if we want to revive our economies, we should work together. We should not invent new things when they are there. If Kenya has something, Uganda should have another and so on, for the other Partner States, for the mutual benefit of each other.

Hon. Kimura said that science is very important and budgetary allocations should be given to all aspects of the development of science, especially from the lower to the upper level of education. This will enable us to have people who will be scientists or researchers and who will help in areas that will make our countries move economically, socially and so forth.

I would like to thank hon. Bazivamo for his suggestion, that it is important for the EAC to have a technology fund which will help the Partner States to develop projects and programmes useful to all.

In concluding, I again urge the Council of Ministers to take this report seriously and to look at the projects dealing with science and start working on them so that we may not lose time. If we lose one minute, we are losing one century.
I beg to move. (*Applause*)

(Question put and agreed to)

BILLS

Second Reading

The East African Legislative Assembly Elections Bill, 2011

Mr Frederic Ngenzebuhoro (Burundi): Mr Speaker, I beg to move that the East African Legislative Assembly Elections Bill, 2011 be read for the Second Time.

Mr Abdullah Mwinyi (Tanzania): Seconded.

Mr Ngenzebuhoro: Mr Speaker, this Bill is underpinned by our role as legislators and the overall responsibility of this Assembly to enact laws for the better functioning of the Community. Therefore, pursuant to the provisions of Article 59 of the Treaty Establishing the East African Community and rule 64 (8) and (9) of the Rules of Procedure of the Assembly, the Committee on Legal, Rules and Privileges undertook to initiate a Bill entitled, “The East African Legislative Assembly Elections Bill, 2011” in order to harmonise and operationalise Articles 50, 51 and 52 of the Treaty Establishing the East African Community. It seeks to provide the principles and benchmarks for the elections of the Members of EALA.

Mr Speaker, taking into account a number of contentions about election of EALA Members in the past, resulting into judgment decisions by the East African Court of Justice and the Courts of Judicature of Uganda, which all upheld the need for harmonised electoral procedures consistent with the Treaty and respective constitutions, the Committee proceeded to streamline election of EALA Members by sponsoring a Bill to give clarity of purpose to Articles 50, 51 and 52 of the Treaty.

This Bill captures the principles and directives which were stated by the East African Court of Justice when it presided over the various cases of the East African Legislative Assembly Members’ elections, allegedly considered by some persons in some Partner States as irregular. The East African Legislative Assembly Elections Bill, 2011 provides clarity to the following issues:

- The persons who are responsible for the notification for causing elections of EALA Members (Clause 3).
- The timeframe within which the responsible authorities should act.
- The timeframe within which the National Assemblies of Partner States should elect Members of EALA.
- The representation of Members of EALA; and the Bill suggests that at least one third of elected members should reflect either gender, in line with the international, regional and national laws and conventions.
- The responsible person who causes the publication of the names of the elected members in the official gazette of each Partner States (Clause 5).
- The responsible person who transmits the names of the elected members to the Clerk of the Assembly (Clause 5).

Mr Speaker, for the tenure of office of Members, in addition to Article 51 (2) of the Treaty, this Bill provides in clause 6 that a member shall vacate his or her office - upon dissolution of the Assembly; upon his or her appointment as an officer in the service of the Community; upon death.

This Bill gives further clarity on the person who is responsible for the notification of the existence of a vacancy. The Bill also provides a legal framework for a by-election; the time

and place for the first meeting of the Assembly to be convened; and the dissolution of the Assembly.

Mr Speaker, the East African Legislative Assembly Elections Bill, 2011, Clause 12, is in accordance with Article 50 of the Treaty which requires the National Assemblies of each Partner State to make rules governing the procedure for elections of Members to the East African Legislative Assembly.

Summary of the Bill

Mr Speaker, this Bill consists of three parts. Part (I) is the Preliminary and has two clauses:

1. Short title and commencement
2. Interpretation

Part II is on the election of Members of the Assembly and has the following six clauses:

3. Notification
4. Election of Members
5. Notification of elected Members
6. Tenure of office of Members
7. Vacation of office
8. By-election

Part III is Miscellaneous, and consists of the following three clauses:

9. Sessions of the Assembly
10. Dissolution of the Assembly
11. Procedure for election of Members

Mr Speaker, in conclusion, and with the justifications I have made, which in summary call upon the august House to enact a harmonised law governing election of Members to EALA, I beg that this House proceeds for the Second Reading of the Bill.

Mr Speaker, I beg to move.

Ms Valerie Nyirahabineza (Rwanda): Thank you, Mr Speaker, for giving me this opportunity to read this report on behalf of the Committee on Legal, Rules, and Privileges. This report has two parts.

Introduction

The East African Legislative Assembly Elections Bill, 2011 was introduced for First Reading on 7 September 2011 by the Chairperson of the Committee on Legal, Rules and Privileges. It seeks to provide a legal framework to govern the election of Members to the East African Legislative Assembly.

Its progress in the House in accordance with Article 59 of the East African Community Treaty and Rules 64, 65, 66, 67, 68, of the Rules of Procedure of the Assembly.

It is on the above premise that the Committee on Legal, Rules, and Privileges presents its report on the Bill for consideration and adoption.

Background

Articles 50, 51, and 52 of the Treaty for the Establishment of the East African Community provide for the election of Members to this Assembly. They also mandate the National Parliaments to prescribe in their Rules the process and procedure for the elections which they have done. It is, therefore, imperative that the procedure is harmonised to mitigate the shortcomings pointed out by the East African Court of Justice in its April 2007 court ruling in the case of EALA representatives from Kenya, as well as in the Uganda case where the court held that the rules were inconsistent with the Treaty.

The Court held that the EAC Partner States have prescribed different rules of procedure for electing Members of EALA. It further stated that a lack of uniformity in the application of the Treaty is bound to weaken the effectiveness of the Treaty, which would in turn undermine the democratic processes that the Community has set out to achieve in respect of elections of EALA representatives. The East African Court of Justice, therefore, underscored the urgent need to harmonise national laws, rules and regulations that appertain to the Treaty.

It is on the above holdings that the EALA Committee on Legal, Rules and Privileges prepared a Bill to provide a uniform law to govern election of EALA Members, clearly stipulating the responsible entities in the election process and management of the procedures, time-frames, as well as the opening session of any Assembly. The end result is a harmonised electoral process and clarity of purpose.

General Observations and Amendments of the Committee

The Committee observes that some parts of the Bill are characterised by general principles whose specific application and interpretation should be left to the National Parliaments in their rules of procedure. Bills of the Assembly should, as the case has been, only provide guiding principles and general rules.

The Committee further observes that current trends in politics such as, among others, reliance on numerical strength and the inclusion of independent candidates among candidates to the Legislative Assembly presented challenges in respect to inclusiveness and fairness. This too would be left to the mechanisms of the Partner States Parliaments' Rules of Procedure.

Memorandum of the Bill

The Committee observes that clarity of the Memorandum would be enhanced by enumeration of the Articles in the Treaty as is, that the Bill seeks to operationalise.

Part II: Election of Members

Under Part II, Clause 4 (3), on the interpretation of (b) on shades of opinion and (e) on continuity and institutional memory, the Committee is of the view that these two qualities are a source of varying opinions. However, the Committee concludes that the qualifying principle with all the qualities cited under clause 4 sub clause (3) was governed by the principle of "as

much as is feasible” whose interpretation, practice and procedure would be left to the National Parliaments to be clarified in their Rules of Procedure.

However, to specifically clarify and emphasise on the aspect of continuity and institutional memory as being an optional consideration and yet desirable, the Committee amends by deleting (e) and adding sub clause (5) to Part II, Clause 4, sub clause (3).

Under Part II, Clause 5, for avoidance of doubt with regard to the subsequent election disputes and election petitions, the Committee observes that publication of the names in the *Gazette* should be omitted and not be dictated upon in the clause with possibility of resultant errors, omissions or misrepresentations.

Under Clause 8 (3), the Committee is concerned about the consequences in the unlikely event of the incapacitation of a Partner State’s entire membership to the Assembly. The Committee therefore amends the clause to forestall a by-election occurring within six months of the end of the Assembly’s term, which would consequently disrupt the Assembly’s business.

Part III: Miscellaneous

Under Clause 12 on procedure of election of Members, the Committee deems it necessary to make specific reference to the Bill, in addition to Article 50 of the Treaty, in the general principle applying to the entire procedure of election of Members and the making of rules thereto by the Partner States’ National Parliaments.

The Committee therefore presents its report to this august House for consideration, debate and adoption subject to amendments hereto attached.

Mr Speaker, I beg to move.

Maj. Gen. Mugisha Muntu (Uganda): Mr Speaker, let me take this opportunity to thank the Chairperson and the Committee for coming up with this Bill. I think it is timely; it will help in avoiding incidences like those that happened in the past. I would like to support the Motion.

The only issue I would like to raise for purposes of amendment, and I hope that the Chairperson and the Committee will be agreeable to that, is in regard to Part II, Election of Members of the Assembly, Article 4(3) (e). I think under the amendments, it comes as amendment No.2. They are proposing to delete Clause 4(3) and add Clause 4(5) and say “the election of Members of EALA may take into account the principles of continuity and institutional memory.”

I would like to propose that that be institutionalised for the future. At the point when the Partner States decide to increase the number of Members of the Assembly, the Council of Ministers should plan it in such a way that the increased numbers should come in mid-way of the Assembly. If I may give an example; at the time when the Council of Ministers decides – and we had hoped they would have done that a while back because there was a proposal from the Assembly, but it seems that was never followed up – if membership is increased to 15 per Partner State, that means that each country would add six Members. What would happen in

that case is that the six would be elected mid-term, after two and half years. Effectively, that would mean that the nine would complete their five years and by that time, the six would have reached two and half years. In which case, there would be an institutionalised mechanism of maintaining continuity and harmony. It happens in quite a number of countries. I would propose that, that be adopted here when the Council decides to increase the numbers. I suspect that will be inevitable in the future. That should be done in an institutionalised way. So, I would like that to be taken care of in this amendment.

Much as it is not in practice yet, it can be structured in the amendment. I would like to discourage the Assembly from adopting this as it is. First, it is redundant, but also to a certain extent – forgive me for using this word - it would seem opportunistic. You are literally trying to influence the voters. It is obvious that the voters will vote in the manner that they would want to do so, but do not influence them through the law. It is not a good practice. It may be to the advantage of those who are sitting in the House now or those who may come in the future, but as lawmakers we have to avoid writing ourselves or our interests in the law. That happens a number of times.

When I was a Member of the Constituent Assembly in Uganda, there was a hot debate. There were members who wanted the Constituent Assembly to turn itself into a Parliament. I know that there were a number of things which were written in the Constitution by putting into consideration those who were members of the Constituent Assembly. It is a temptation we must avoid. As EALA, we are doing well so far. I think we have been a good watchdog in terms of passing good laws, and I think to a large extent, so we must remain credible so that as an institution, even for those who come in the future, we build a culture that influences the culture which is around us. Honestly, the culture in many of the Partner States is negative.

Ms Dora Byamukama (Uganda): I stand on a point of clarification, Mr Speaker. I could not agree more with Maj. Gen. Mugisha Muntu. From the point he began, he agreed in principle that we need some continuity, and then as he went on, it seems to him that we want to ensure that we return to this august House, which is indeed our wish. However, I would like to clarify that when you look at the context, the proposal was that we introduce this principle and we bring it in the context that it should be interpreted along with what is provided in Article 50. It says “*who shall represent as much as it is feasible...*” So, in effect, we are introducing an element, which I am glad he supports, for the future which can be further refined.

We are saying that as you elect Members of EALA, among the issues that you should consider would be, for example, the issue of gender and others which are listed here. We are also saying that for continuity, it would be good to have some of the Members who served before continue to serve. I think we have benefitted from those who served in the First Assembly and because EALA has become very lucrative, there is a probability that some of us may not make it at all; you may have all of us wiped out in particular countries. We have made the Assembly very attractive by working very hard. So, my clarification is that it is in that context.

The Speaker: Hon. Byamukama, I do not think sitting Members constitute shades of opinion. (*Laughter*)

Maj. Gen. Muntu: Mr Speaker, I clearly appreciate what Hon. Byamukama is talking about. I would like to see many Members who served in this Assembly come back. However, I would also not like that to be done by writing it in the law. I think there are other ways of doing that. There are those of us who cannot come back to the Third Assembly. You can utilise us to campaign for this concept in the different Partner States. In Uganda, for example, if there is a workshop for the National Assembly, we can appear and tell them the importance of having some of the Members who have been in this Assembly appear in the other Assembly. However, to put it in the law would not be correct. There would have to be other ways in which that can be influenced.

Indeed, we have seen how continuity helped in this Assembly. Those of us who were in the First Assembly have been able to guide the Assembly in terms of institutional memory. However, we should not put it in the law. There is a wider principle on that. This Assembly must take the lead in terms of becoming the beacon of hope or being at the forefront of building a new political culture at the regional level.

The practice at the national levels in many countries is that politicians are seen as people who do not care about anything else other than advancing their own interests. The ideal always is that people go to areas where they go as a calling. That is why you find the best teachers are those who go into teaching as a calling. The same applies to doctors, lawyers and so on. But we are not operating in an ideal situation. That is why in many times, you will find people who have not gone there as a calling but because there is money. Now students at O' level, for example, ask their parents what they should do and they are told, "become a lawyer because that is where you are going to get money". So, you end up having a legal profession messed up by people who do not care about justice and fairness in society but have gone there to make money. The same thing applies to doctors and other professions.

The unfortunate fact is that politics is one area where there is a mess, for some reason. Maybe it is because there are no qualifications required; you do not study for it. You can wake up in the morning and decide you want to go into politics and you go.

The Speaker: Hon. Muntu, I think in most of our countries, there are qualifications to be a Member of Parliament.

Maj. Gen. Muntu: There are qualifications, indeed, but of a different nature. (*Laughter*) For some reason, politics gets messed up because the majority of the people never go into politics because they want to offer service. So far, we are doing well in the Assembly. I would like us to maintain that standard and do better as a precursor to cleaning the culture of politics in our nations, so that in the event, and it is the will of God, that we integrate politically, we do not have a replication of the negative culture that exists at the Partner States' level. We want those who come at the Partner States' level at that time to find there is influence at the regional level.

The Bible says you are the salt of the earth and the light of the world. One hopes at the regional level, we can act as that salt; few as we are, we can act as the salt because it is the few grains of salt that you put in food that change the taste of food. A small source of light will light a room that was full of darkness. A small portion of yeast that you put in the dough

expands the bread. It has to start somewhere. I really hope, colleagues, I really hope that you make it to the next Assembly and that you maintain that.

Earlier on, we were talking about issues of innovation and technology, but politics is at the centre of the development process. You can say whatever else you want to say, but if you do not put the politics right, we will end up in the mess in which we find ourselves.

I beg that we amend this so that we institutionalise that, so that at the point when the Council of Ministers sees it necessary to expand the numbers – and I would like to appeal to the Council that the earlier they deal with the expansion of numbers the better – then, they can integrate that institutionalised aspect of continuity and memory retention.

I thank you. (*Applause*)

Dr Didas Masaburi (Tanzania): Thank you, Mr Speaker. I have two observations on the report of the Committee, specifically with regard to the teeth of this Bill. To me, this Bill seems to be a protocol, because it does not have some actions against those who contravene it. I understand that the national laws will take position when election procedures are violated, but I would like to see the time taken to complete the elections. If one country does not carry out the elections up to the end of the tenure of the current Assembly, what will happen? What action will be taken against that person who has caused that contravention? So, I would think there is a need to have a section which will elaborate on the timeframe of the election of Members of this Assembly. That section should also include the penalties, either a fine or imprisonment, for a person who violates the Act.

Secondly, I have gone further to check on the amendments proposed by the Committee and there is one which requires the election not to be done within six months towards the completion of the tenure of the current Assembly. I think this is not giving room for the countries which have fewer candidates remaining; most of the candidates may have been rendered non-qualified or may have passed away.

I think we should consider the quorum. This section should consider the quorum according to the Rules of Procedure; for example, it says when one of the Partner States has three or more present, then there is quorum. So, we need to change this part of the Bill to reflect the necessity for the quorum for the Assembly to work.

Those are my observations.

Mr Abdullah Mwinyi (Tanzania): Thank you very much, Mr Speaker, Sir. I would like to join my colleagues to thank the people of Rwanda, the government and more specifically the Parliament for their gracious hospitality.

Mr Speaker, this subject is very close to my heart. In fact, our very first activity upon being elected as Members and proceeding to Arusha was to be given a letter telling us to go back home, because the East African Court of Justice had given an injunction for the convening of the august Assembly due to an election anomaly in the Kenyan election process. This Bill should have come much sooner. I think that event had huge repercussions on the issues of this Community. To this very day, the reverberation of that single act is still being felt. I

believe that the basis of the Common Market Protocol was guided, to a large extent, by that decision - taking away the powers of the EACJ of interpretation of the Common Market Protocol to the high court of the Partner States. I think that was a direct reaction to that decision.

Therefore, I think it is very important for us to come with a Bill that addresses this matter. It took so long to come up with this Bill because there were many internal deliberations in the Committee on Legal, Rules, and Privileges on how and in what manner we should bring this Bill. I beg your indulgence, Mr Speaker, to quote Article 50 of the Treaty.

Article 50(1) states that:

“The National Assembly of each Partner State shall elect, not from among its members, nine Members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner State in accordance with such procedure as the National Assembly of each Partner State may determine.”

The Treaty gives the power to the National Assembly in accordance to their procedures. So, we were asking ourselves, how can we influence the procedures of the National Assembly of the Partner States without contravening the Treaty? This Bill is in response to that challenge. We are trying to come up with a legislative framework for the National Assembly to adopt and make rules in accordance to this legislation. That was the background.

Secondly, I would like to support Hon. Muntu’s position in as far as the element of continuity in this Bill is concerned. As Hon. Byamukama suggested, it was put there in good faith. But for an outsider, it may be seen as if the current Members are legislating themselves into this position, and that would be a very dangerous signal to be sent to those who vote us into office. This matter can be advocated outside the legislative framework and I support that.

Furthermore, I would also like to support Hon. Dr Masaburi’s contention. Our rules of procedure are in place and in force. Therefore, as far as the quorum is concerned, there have to be three Members from each Partner State for the Assembly to be properly constituted. So, I think that proviso can be put into the law.

With those two amendments, I support this Motion and urge Members to support.
I thank you.

Dr Fortunatus Lwanyantika Masha (Tanzania): Mr Speaker, I am a member of the Committee and I support the Motion. Before I say why I support the Motion, I also want to join the others who have expressed appreciation to the people, government and Parliament of Rwanda for hosting us here so hospitably. Listening to the President of Rwanda address us the other day, I think it would do great honour for him and the Community if we found a way to reflect some of his suggestions so that they can find their way through the legislative process. I am particularly thinking of his push for an East African customs authority. But again, I do not know whether that can be picked up by some committee, or maybe the Council of Ministers can bring an amendment to the Customs Management Act to that effect.

Surely, it would be a great honour to see how we can implement that suggestion from the President of Rwanda.

Mr Speaker, this Bill essentially codifies the law that affects the election of Members. It also codifies elements, which are already known either in the Treaty or through practice. Besides the rules of procedure to be adopted by each National Assembly, at least this make it possible to have a common reference as a law which in the event of adjudication, at least the lawyers would have some common base for reference.

The only areas of contention that I see are in Clause 3(e). Hon. Muntu argued very effectively against that clause; he was very convincing. Indeed, Hon. Mwinyi, who is also a Member of this Committee, argued the same way. Maybe we can implore our colleagues in the Committee to concede on this particular clause so that it does not hold us for too long.

I also want to comment on what the honourable *Mstahiki Meyya wa Dar-es-Salaam*, Dr Masaburi, mentioned. He, very correctly, does not see any teeth in this Bill in the event of violation. Now, I am in a dilemma; how do you set up sanctions against a Parliament of a Partner State? Is it by imprisonment or by fine? I do not know. I would like to think that the very existence of this codifies procedures, which are uniform for every country, and we would exert sufficient pressure on all those who are supposed to take action that they will feel embarrassed if the whole of Africa starts making noise that they did not follow what is so clearly in the books. That would provide a basis for a platform to public censure, not necessarily with penalties, for that particular Parliament. At this stage of our integration process, that might be quite adequate.

Much as I would have wanted to see penalties imposed, but with the political climate and the stage that we are at in the integration process, I think we should not insist on penalties in this particular law. However, in the event someone thinks the adjudication process is not complete here, we respect the Treaty, where the procedures to be followed on election petitions are very clearly stated. So, that remains in the Treaty.

Mr Speaker, to me, this is a very easy Bill to follow. So, I beg to support the Motion and urge my colleagues to do the same, with the minor exceptions that we have stated.

Ms Claire Kayirangwa (Rwanda): Thank you very much, Mr Speaker. I am a Member of the Committee and I fully support the Motion.

I would only like to emphasise the importance of harmonisation of procedures and modalities of electing Members of EALA. Article 50 of the Treaty establishes principles guiding election of Members of EALA but it is left to the National Assemblies to develop their own regulations and guidelines on how to elect their representatives to the Assembly. In implementing this provision of the Treaty, the National Assemblies may interpret some principles differently. I take the example of gender. The Treaty provides that Members elected shall represent “as much as it is feasible, gender”. According to this provision, the feasibility of having gender sufficiently represented is not guaranteed. But with this Bill, we could be sure that gender will be represented because it will guide National Assemblies by providing that at least one third of the elected Members shall reflect either gender.

Mr Speaker, I would also like to point out the clarification given by this Bill on the term of the Assembly, which is five years. The Treaty was silent on this matter and this led to some ambiguities on the terms of Members elected in the mid-term of the Assembly. With this Bill, it is clear that a Member elected in mid-term shall serve the remaining period of the term of the Assembly.

With those comments, I beg to support.

Ms Lydia Wanyoto Mutende (Uganda): Thank you, Mr Speaker, Sir. I would like to appreciate the efforts of the Committee for this important Bill and I therefore, support the Motion.

I have only one issue that I would like to raise for this House's attention. Hon. Kayirangwa has just talked about that matter. I do not think it is legally right to use a Bill to correct a gap in the Treaty. I am raising this in respect of issues of the Assembly not being given the rightful term of office in the Treaty. This is a matter that this Assembly debated four years ago and we requested that the right institutions correct that gap in the Treaty so that the Assembly is given its own life delinked from the life of the Members. Until that amendment is made to the Treaty, I do not think this law can correct that issue. Therefore, I hope that Members can agree with me that this issue be stayed and we urge the Council of Ministers and the relevant officials to pursue that amendment of the Treaty. It goes to affect the proviso in the Bill - *(Interruption)*

Mr Mwinyi: I stand on a point of information, Mr Speaker. When the Treaty is silent on a matter, it does not preclude the Assembly to enact a piece of legislation that deals with that specific matter. What it stops it from doing is when an Assembly enacts a law on a subject matter which contravenes the Treaty. In this particular instance, the Treaty is silent.

Ms Wanyoto: This particular subject, which I am raising now, was a matter in court. Members of this Assembly had come mid-way and the justification for having this Bill is to avoid unnecessary litigations. So, since we still have an option, we have presented our issues, including this matter to the procedures for amendment, we let it proceed that way and ask them to expedite the process to avoid future litigation that may likely delay or hamper the progression of the work of the Assembly.

It also infringes on the rights of Partner States to elect Members in the period of six months, because we are now tagging the service of a Member to a contract of five years and yet the Treaty is very clear. Here you are providing that when a Member ceases to be a Member of the Assembly before the five years, then there shall be no election within six months, but that is not in the Treaty.

The Speaker: Hon. Wanyoto – and I think the Counsel to the Community can help us out on this – I think there was a proclamation by the Heads of State as we were sworn in terms of the life of the House.

The Counsel to the Community (Mr Wilbert Kaahwa): Mr Speaker, I intend to make a substantive contribution to the debate at a subsequent stage.

The Speaker: Very well; proceed, Ms Wanyoto.

Ms Wanyoto: Mr Speaker, I was raising these matters so that we are helped to avoid more litigations in the future. I would be happy if the Counsel to the Community makes those clarifications.

I thank you.

Ms Nusura Tiperu (Uganda): Thank you very much, Mr Speaker. I would like to add my voice in support of this Motion.

Before that, allow me to thank you, Mr Speaker, for your continued guidance and stewardship. I thank the Council of Ministers for their support, including the Secretary-General and Members for their hard work in making EALA more visible in the region. Today as we speak, some of the people look at EALA as EAC and vice versa.

When you attend workshops pertaining to issues of the region and you hear the reaction from the audience, you clearly see that there is a lot of attention that has been given to issues of EALA. It is because of this that such a Bill is actually timely. There is a lot of anxiety, speculation, interest, and therefore, need to guide the population on modalities of how they can access this now lucrative positions in the region.

Mr Speaker, I support the Motion because this Bill is timely – *(Interruption)*

Mr Mike Sebalu (Uganda): I stand on a point of clarification, Mr Speaker.

The Speaker: The honourable member has hardly started to speak; what do you want to clarify? Proceed, hon. Tiperu.

Ms Tiperu: Thank you very much, Mr Speaker, for protecting me from Hon. Sebalu.

Mr Speaker, I support the Motion because the Bill is timely and removes doubts. Looking at the objects of the Bill, it provides a framework for laws, regulations, and procedures for EALA elections and also talks about the term of the Assembly. I think this Bill is very good for the region so that our national parliaments can use the law as the framework in establishing the guidelines of procedures for elections.

Mr Speaker, I also want to support the Motion clearly due to the fact that when you look at the composition of Members of Parliament from the respective Partner States, in a way the manner in which we were elected was not uniform. Having a framework like this will help in the harmonisation of modalities and mechanisms of how EALA Members are elected and with that, issues of petitions like we had before will be minimised.

Mr Speaker, when a Parliament starts debating election related Bills, it means elections are around the corner. Before I conclude, may I take this opportunity to wish my colleagues success in the next elections. It may be difficult to call you when you will be at that difficult time of campaigns, but let me take this chance to wish you success and also pray that God may use the Members of Parliament in the Partner States to consider the issue of continuity seriously and have a number of us re-elected.

Mr Speaker, I wish to conclude by thanking the Rwanda chapter for the excellent hospitality we have received from them and we continue to receive. This equally goes to the Members of the different chapters. I recall how His Worship the Mayor of Dar-es-Salaam, Hon. Dr Masaburi, treated us when we were in Dar-es-Salaam. I equally recall the hospitality accorded to us by other Members in their respective countries. I thank you so much.

I beg to support.

The Minister for EAC Affairs, Burundi and Chairperson EAC Council of Ministers (Ms Hafsa Mossi) (Ex-Officio): Thank you, Mr Speaker, for giving me the Floor. I rise to support the Motion on the Floor.

Allow me, first of all, to thank the Chairperson of the Committee on Legal, Rules and Privileges for initiating this important Bill. I consider this EALA Election Bill, 2011 to be very important because the objects as stated in the amended memorandum relate to the institutional framework of the Community in general and to the legal aspects for the election of Members of this august House in particular.

Mr Speaker, I note that in principle and material respect, the Bill under its Clauses 4, 6, 7 and 12 takes cognisance of the relevant provisions of the Treaty. The Treaty remains our sacrosanct fountain of our legislative function and other processes of integration.

I further note, for purposes of underlining the importance of this Bill, such important matters as: Notification of timing of election of Members to the EALA by each national assembly (Clause 3); the conduct of by-elections (Clause 8 as amended); duration of legislative Assembly (Clauses 8 and 10). All these legislative measures are not only supportive of the provisions of the Treaty but also address some currently existing lacunae in the election of Members of this august House.

I am, however, of the view that some clauses that appear to run contrary to the Treaty ought to be re-visited. These include clauses 4(3)(e) and 4(4) which seem to extend the ambit of Article 50(1) of the Treaty. Matters relating to determining ideal gender representation, continuity and institutional memory ought to be left to the wisdom of our national assemblies. In this regard, I would like to agree with the Members of this august House who suggested that clause 4 be deleted, in the sense that we should not give the impression that this clause is driven by self-interest and not principle.

I beg to support.

The Counsel to the Community (Mr Wilbert Kaahwa): Mr Speaker, I thank you for giving me an opportunity to contribute to this Motion. About six years ago, I had conceived the idea behind this Bill but for some reasons, which I do not have to disclose to this august House, the Bill never saw the light of day.

Mr Speaker, let me thank the Committee on Legal, Rules and Privileges for having, in a timely manner, introduced this Bill for enactment. From a jurisprudential aspect, I would like to inform this House that this Bill has the tendency to give effect to the spirit, letter and

intentions of the supreme law of the Community, which is the Treaty. At national level, legislation is enacted to give effect to provisions of supreme laws, the constitutions. This Bill is, therefore, given its clauses, made for purposes of filling lacunae, which appears in the Treaty.

I would like to emphasise that this Bill, from what I have examined and read through the report of the Committee, does not in any way attempt to amend the Treaty. It is not inconsistent with the provisions of the Treaty. There is no way I would advise this august House to enact a Bill, which is inconsistent with the Treaty. The fact that I am supporting this Motion is an indication that I am firm that this Bill is consistent with the provisions of the Treaty.

Mr Speaker, the most important aspect this Bill addresses, in addition to all the other aspects which honourable members have ably brought forth in the debate, is the question of the duration of the Assembly. The Treaty is silent on the duration or tenure of the Assembly. Article 51(1) of the Treaty provides for the tenure of individual memberships of the elected Members of the Assembly. However, in constitutional practice, that is not adequate. If you examine all the constitutions of the Partner States and beyond, you will find that, there is always a provision, which is also translated in specific legislation for the duration of the legislature.

Mr Speaker, in the past, the Summit has gone round this problem by issuing proclamations. This happened with the coming to an end of the First Assembly after five years and also the bringing into office of the Second Assembly. By issuing those proclamations, the Summit was not amending the Treaty; it was trying to fill the lacunae, which appeared very glaringly in the Treaty. This can best be done now by this legislation.

There is also another issue, which arose during the debate. This arose from the contribution of hon. Dr Didas Masaburi; he stated that this Bill is toothless, in the sense that it does not create offences and maybe penalties. On this matter, let me take the House once again back to the fact that this Bill is not amending the Treaty but rather supplementing it. Where there is a lacuna, it provides for stopgaps. In this case, the Treaty is very clear on what happens when, for example, Partner States do not cause an election to EALA.

Article 52 is very clear and with your permission, let me read it:

“Any question that may arise whether any person is an elected member of the Assembly or whether any seat on the Assembly is vacant shall be determined by the institution of the Partner State that determines questions of the election of members of the National Assembly responsible for the election in question.”

We have put this provision to test in the East African Court of Justice, which is our judicial organ in the integration process, and it has guided us that such matters, like those that were alluded to by hon. Masaburi, could be taken care of by Article 52 of the Treaty. If we were to attempt to provide for offences and penalties, we would be more or less amending the Treaty in a manner that is inconsistent with Article 150, which provides for the amendment process.

Mr Speaker, there are a few provisions which have been addressed by Members during their contributions and which may require amendment. I do not have to repeat those. I had also listed them, including clauses 4(3)(e) and 4(4). I am also of the humble view that for purposes of clarification, this House needs to revisit clause 8(2). This falls under the provision on by-elections. In my humble view, this clause is not very clear. It reads:

“Notwithstanding subsection (1), a Member of the Assembly elected under this section shall serve for the remaining term.”

In this particular clause, the Bill is referring to a Member who comes into the Assembly through a by-election. The words “shall serve for the remaining term” are not very clear. It is not clear whether it is the remaining term of the tenure of the Assembly, which is now provided in clause 11, or for the remaining term of a Member who has vacated the House in the manner spelt out in the Act and in the Treaty.

Ms Dora Byamukama (Uganda): On a point of information, Mr Speaker. I just want to bring to the attention of hon. Kaahwa the fact that we are in agreement. When you look at our amendments, you will see we corrected it to say, “for the remaining period of the term.” So, maybe that may cure what he is saying. If he so wishes, he could pursue his point, but I just wanted to highlight that.

Mr Kaahwa: Mr Speaker, I thank hon. Byamukama for the information. Unfortunately, it has not helped me because the mischief that I am trying to bring to the fore is with regard to the meaning of “the remaining term”. Is it the term provided in this Bill for the Assembly or the remaining term – (*Interruption*)-

Ms Byamukama: For the remaining period.

The Speaker: Order, hon. Byamukama! I think it is hon. Kaahwa on the Floor. Proceed, hon. Kaahwa

Mr Kaahwa: I thank you for that protection, Mr Speaker. The short point I am making is that in saying “shall serve for the remaining term”, even if it is amended to say, “shall serve for the remaining period of the term.”, it is not very clear whether that refers to the term of the House or to the term of the individual member. I intend to move this amendment during the committee stage.

Mr Speaker, I beg to support.

The Chairperson, Committee on Legal, Rules, and Privileges (Mr Frederic Ngenzebuhoro) (Burundi): Mr Speaker, allow me to thank you for having facilitated the deliberations on this Bill. As the Counsel to the Community said, it has taken too long - six years - and now it can be a reality.

I would also like to thank the Counsel to the Community and the legislative draftsman, Mr Kamugisha, for having supervised the speedy publication of this Bill and the fruitful inputs they made. I also thank the Clerk for the advice he gave us as well as the Committee Clerk, Ms Elizabeth Barinda, for a job well done.

Mr Speaker, I would like to thank all Members who have contributed to this Bill, including those who did not get the opportunity to contribute publicly; I thank them because I know very well that they fully support this Bill. Specifically, I would like to thank Major-Gen. Muntu, Messrs Masaburi, Mwinyi, Masha, Ms Kayirangwa, Ms Wanyoto, Ms Tiperu, Mr Kaahwa, and the Chairperson, Council of Ministers. I would like to give special thanks to hon. Byamukama for the clarifications.

Mr Speaker, there are some issues that have been raised. Some of them have found responses in the contribution of the Counsel to the Community and others will surely be addressed when we will go to the Committee Stage. For this moment, I would like to thank Maj. Gen Muntu for his contribution. He has a proposal to increase the number of Members to 15 and I think the Council of Ministers will respond to that. He equally raised the issue of continuity and institutional memory. We did that in good faith but as I see that most Members feel that it can be misinterpreted. I think we will remove this and trust that the Partner States' national assemblies will know how to manage this issue of continuity.

Mr Speaker, Dr Masaburi had raised the issue of this Bill being more of a protocol, in that, it does not create offences and penalties, but the Counsel to the Community has given an adequate response to that. Furthermore, Article 143 of the Treaty can be used to address the issues he has raised.

The honourable member equally raised the issue of quorum. Let me be very clear here; I think clause 9 addresses that issue clearly. It reads, "A by-election shall not be held under this section within six months before the expiry of the term of the Assembly except when the matter applies to the entire membership of the Partner States." So, it is very different with the idea of quorum.

I would like to thank hon. Mwinyi for the clarifications he made. I equally thank hon. Masha for the clarifications he made and once again, I reiterate that I concede that we remove this issue of continuity and institutional memory.

The Counsel to the Community responded to the issue raised by the hon. Wanyoto and I will not come back to that. I would like to thank hon. Tiperu for what she raised in support of the Motion.

Lastly, I would like to thank the Chairperson of the Council because for the first time, we are at the same wavelength, which is very good for us.

Mr Speaker, I would like to thank everybody and I beg to move.

The Speaker: I do not know whether the Council is really supporting because they want elections to be done fast enough to get rid of this House - *(Laughter)*.

Honourable members, we have heard from the Chairperson; the major issue here is to remove the issue of continuity from the Bill but pray for it. So, we will all pray for continuity.

(Question put and agreed to)

QUESTIONS FOR ORAL ANSWER

Question Ref: EALA/PR/OA/13/2011

Ms Safina Kwekwe (Kenya): Asked the Chairperson, Council of Ministers_

“Article 101 of the Treaty for the Establishment of the East African Community obligates Partner States to co-operate in the energy sector by adopting policies and mechanisms to promote the efficient exploitation, development, joint research and utilization of various energy resources available within the region;

Noting that EAC region is endowed with significant potential of renewable energy sources including hydropower, solar, wind, biomass and fossil fuels, can the Chairperson of the Council of Ministers inform the House:

*i) If there are any initiatives at the EAC level aimed at promoting the exploitation, research, development, and utilization of renewable energy resources and technologies in the region.
ii) When will the renewable energy master plan and the comprehensive energy conservation and efficiency strategy be development and executed?*

ii) Whether, if at all, there any initiatives to harmonise the laws and policies aimed at promoting the use of renewable energy in the region and incentives to encourage technology transfer and/or the development of renewable energy technologies in the region?”

The Minister for EAC Affairs, Burundi, and Chairperson, EAC Council of Ministers (Ms Hafsa Mossi) (Ex-Officio): Mr Speaker, I beg to reply.

In order to promote development of renewable energy resources and technologies in the region, EAC developed a holistic regional strategy on scaling up access to modern energy services targeting to achieve the Millennium Development Goals (MDGs) by 2015. The strategy is being implemented at both the Partner States’ level and regional level.

The regional priority activity plans include: development of a renewable energy master plan and a comprehensive energy conservation and efficiency strategy identifying a pipeline of priority projects to be implanted under the strategy at regional level; harmonization of policies, legislation and standards to avoid duplication; knowledge management for networking and documenting and sharing best practices to avoid reinventing the wheel and delays. Implementation of the regional strategy is on going.

Mr Speaker, the EAC Secretariat developed the terms of reference for undertaking development of the plan and strategy. The Sectoral Council on Energy approved the TORs, and the Secretariat has contacted development partners including AfDB, USAID, European Union Energy Initiative Project Dialogue Facility (EUEI-PDF) and Government of Finland for funding. However, no commitment has been received yet.

Mr Speaker, the initiatives are in place under the regional strategy as outlined above but our main constraint is lack of funding from both development partners and the Partner States to implement the regional activities.

Ms Kwekwe: Mr Speaker, I would like to know whether the EAC is serious on the matter of renewable energy. The reasons that have been given for the lack of a renewable energy master plan is that there is no money to undertake the study. But when the conclusion of the EPA negotiations was in jeopardy, the EAC found US\$ 3.4 million in a record three months from a development partner.

For an activity like the East Africa Petroleum Conference that is held every two years, the EAC has always found money through private-public partnership and other avenues. Why is it so difficult to find money to undertake the development of a master plan as important as the renewable energy master plan? Is it because of lack of urgency in the EAC; what is it in reality?

Ms Mossi: Mr Speaker, I would like to assure this august House that the EAC is very serious about the issue of energy. Indeed, energy is the source of development. The fact that we have not found money to develop this master plan does not mean we do not see the importance of this sector. We will continue to try to mobilise funds from development partners as well as from Partner States. However, away from our own contributions, it will be difficult to state right here that we are going to find funds for this very important sector. We are indeed very serious about this issue and we will continue to look for funds.

Ms Kate Kamba (Tanzania): Mr Speaker, is the honourable minister aware that in our region, research has been done in most Partner States, and in Tanzania in particular we have a millions of tons of coal? Is she aware that all the developed countries have used coal for harnessing electricity and are still using coal and that soon, foreigners will come to Tanzania to exploit that coal while the region is just looking on? Is she aware of that fact?

The Speaker: I think you have just told her. *(Laughter)*

Ms Mossi: Mr Speaker, I am very happy to learn that we have this resource in Tanzania, and we shall endeavour to use these resources as East Africans.

Dr George Nangale (Tanzania): Mr Speaker, from the oral answer given by the Minister, it is clear that funding from both Partner States and development partners is the main constrain to implementing a renewable energy resources initiative. Could the Minister now agree with me that it is time, given the importance of the energy sector as she has just confirmed, to explore private-public partnership funding as a way of getting the regional renewable activities up and running?

Ms Mossi: Mr Speaker, I stated very clearly that there was no question about the importance of this sector but we really need to put our heads together as Partner States and as a Community to see how best we can raise funds in order to develop this source of energy.

Question Ref: EALA/PQ/OA/14/2011

Ms Safina Kwekwe (Kenya): Asked the Chairperson, Council of Ministers_

“Article 111(2)(c) and (d) requires that the activities by the Community relating to the environment should ensure sustainable utilization of natural resources like lakes, forests, and other aquatic and terrestrial ecosystems. The EAC Partner States are further urged to jointly develop and adopt water resources’ conservation and management policies that ensure sustenance and preservation of ecosystems.

Lake Chala, a shared water resource between the United Republic of Tanzania and the Republic of Kenya, is a unique water body that is replenished by underground streams originating from Mt Kilimanjaro. It has the potential to service the domestic and agricultural water needs of the citizens of Taita Taveta County (Kenya) and further to the south east Savannah plains of Kenya due to the fact that the lake is on raised ground thus making distribution of the water to the low-lying lands through the force of gravity easy and economical.

Could the Chairperson Council of Ministers inform the House:

i) Whether there are any plans to jointly develop such shared water resources, other than Lake Victoria, to promote the wellbeing of East African citizens?

ii) Whether EAC has any plans to formulate and implement national and Community irrigation programmes as espoused under Article 109 of the Treaty and whether Lake Chala has been considered as one of those sources of irrigation

The Minister for EAC Affairs Burundi and Chairperson, EAC Council of Ministers (Ms Hafsa Mossi) (Ex-Officio): Mr Speaker, I beg to reply.

Co-operation in environment and natural resources is provided for under Chapter 19 of the Treaty for the Establishment of the East African Community. However, even if there is no specific programme on Lake Chala as an aquatic trans-boundary ecosystem like the one for Lake Victoria, joint initiatives have been done by the republics of Kenya and Tanzania to address the challenges of the management of lakes Chala, Jipe and Uмба. The EAC, through Lake Victoria Basin Commission, was involved in the process since 2010.

Mr Speaker, the following are key efforts made to date by the Government of Kenya and the Government of Tanzania in managing these shared resources in a sustainable way:

1. In 1994, a joint workshop was held in Mombasa where the officials of Coast Development Authority (CDA), Kenya, and the Pangani Basin Water Office (PBWO), Tanzania, signed a Memorandum of Understanding (MoU) for collaborative work;
2. In 1999, joint workshops were conducted both in Moshi and Taveta detailing the issues found in the situation analysis;
3. A cross-border planning workshop was held in Arusha in January 2004 involving International Water Management Institute (IWMI), International Union for Conservation of Nature (IUCN) and Internationale Weiterbildung und Entwicklung GmbH (InWEnt);
4. In 2004, a joint interim committee to guide the process was also established at Mweka and assigned the responsibility of spearheading the dialogue process;

5. In 2005, the joint interim committee held its first meeting in Moshi when the first draft of the joint programme was prepared;
6. In 2009, a joint stakeholders meeting was held. Key agreements were made, including the launching of a proposed programme and institutional framework for the joint sustainable management of the two ecosystems;
7. A high level meeting of the Government of the Republic of Kenya and the Government of the United Republic of Tanzania was held from 26 to 27 October 2010 in Moshi, Tanzania, to review the processes and to propose workable actions.

Mr Speaker, important decisions were taken including to form a trans-boundary committee comprising of Permanent Secretaries responsible for water resources, environment, fisheries, agriculture, regional development/ local government, EAC and other related sectors. This committee will ensure smooth implementation of the agreed institutional arrangement for the management of Lakes Chala-Jipe and Umba River Ecosystems and provide guidelines on sustainable and equitable management and utilization of the shared water resources and ecosystems.

Mr Speaker, Lake Victoria Basin Commission Secretariat was invited to provide guidance on the cooperation arrangements based on its experience in Lake Victoria, Mt Elgon Regional Ecosystem Programme (MERECP), and Mara. The meeting was preceded by a tour of Lake Jipe on the Kenya side and Lake Chala on Tanzania side.

Mr Speaker, the issue of the management of Lake Chala and other trans-boundary lakes was submitted to the 8th Meeting of the Sectoral Council of Ministers for Lake Victoria Basin held in Kisumu in January, 2011.

The Sectoral Council took note on the status reached by the governments of Kenya and Tanzania on the establishment of a joint trans-boundary management for the Lake Chala-Jipe and Umba river management. The Sectoral Council directed Lake Victoria Basin Commission to coordinate the joint trans-boundary activities of Lake Chala- Jipe and Umba river.

Mr Speaker, to implement the directive of the 8th Meeting of the Sectoral Council of Ministers for Lake Victoria Basin, the LVBC Secretariat did the following activities which were considered and noted by the 9th Meeting of the Sectoral Council of Ministers for LVBC held on 22 to 26 August 2011 in Kisumu, Kenya:

The LVBC Secretariat requested members of the Partnership Consultative Committee (PCC) held in April 2011 to support this initiative. The PCC approved an initial allocation of US\$ 55,000 from LVBC Partnership Fund to support the initiative mainly through funding meetings and preparation of a project proposal for the management of this ecosystem;

The LVBC Secretariat also organised the Lake Jipe-Chala and Umba River Ecosystems' regional planning meeting which was held on 10 August 2011 to review the status of implementation of decisions of the high level meeting held from 26 to 27 October 2010 in

Moshi Tanzania; and discuss a long-term solution of the joint management of the ecosystem as a trans-boundary ecosystem.

Ms Kwekwe: Mr Speaker, is the Lake Victoria Basin Commission charged with the responsibility of co-operation arrangements relating to all in-land water bodies? It seems that all the time we talk about an in-land water body we are always told that the Lake Victoria Basin Commission is dealing with that. So, I would like to get a confirmation; are all in-land water bodies now under the Lake Victoria Basin Commission?

Secondly, Lake Chala is unique as the question has indicated. It is a lake with no visible terrestrial rivers flowing into it yet it is always replenishing itself, giving an indication that there could be some under-ground replenishment and that it could be very useful for both irrigation and domestic use using gravity. There have been chronological events that have been undertaken jointly between the governments of Kenya and Tanzania, the latest being that of August 10th this year. Could you be gracious enough to inform this House what the key outcomes of the most recent meeting were, because then that would tell us whether we are in the near future going to have any outcome relating to Lake Chala and its uses?

Ms Mossi: Mr Speaker, I would like to request hon. Kwekwe to elaborate on the first question; I did not get it properly. On the second part, as I have stated before, there is a need to have a strategy on developing this lake. I would urge that we, as the Council of Ministers, request the Sectoral Council on the matter to try to work on this so that we can be able to develop this lake.

The Speaker: Honourable Minister, I think hon. Kwekwe asked you a question relating to this meeting of October 2010, which is mentioned in your response. What were the key recommendations from that meeting?

Ms Mossi: Mr Speaker, I would like to beg the indulgence of this august House that I get full information on the issue and come back to it when I have relevant information.

The Speaker: Honourable Minister, before you go that way, I think usually when you answer questions, there is somebody from the Secretariat or even the Secretary-General who should give you this information because I think they are the ones who wrote this information for you. I can see people from the Secretariat are here; can't they help you?

Ms Mossi: Mr Speaker, if you insist, I beg your indulgence that I take other questions and in the meantime, I will be getting information on this question.

The Speaker: While you get those answers, I think hon. Kwekwe can repeat the first question, which you did not get properly.

Ms Kwekwe: Mr Speaker, my first supplementary question was: Can this House now be convinced that the Lake Victoria Basin Commission is the body charged with the responsibility of cooperation arrangements relating to all in-land water bodies in the region?

Ms Mossi: Mr Speaker, from what I know, up to now Lake Victoria Basin Commission has been assisting in addressing issues on ecosystems, as there is no specialized agency to do so.

Mr Augustine Lotodo (Kenya): Mr Speaker, based on the statement by the Minister, it is clear that the engagements started in 1994 up to now and nothing has happened on that river. I had an opportunity to visit Lake Jipe to represent the Assembly. I equally had an opportunity this year to visit Lake Jipe as part of a Committee. Lake Jipe is receding and it seems nobody is doing anything. What is the timeframe given to address issues in this Community?

Ms Mossi: Mr Speaker is the hon. Lotodo talking about the timeframe to address the issue of these lakes or is he talking about the timeframe in addressing all sorts of issues in the Community?

Mr Lotodo: Mr Speaker, I am reading from the answer that the Minister gave, and I am clear that she started talking of joint workshops from 1994 up to October, 2010. From that answer, there are no concrete steps that have been taken to address the issues in Lakes Chala-Jipe and so on. So, I am concerned with the timeframe of addressing issues in the Community, especially the one that hon. Kwekwe has raised.

Ms Mossi: Mr Speaker, there is no doubt that it has taken long to have a strategy to develop Lakes Chala-Jipe and Uмба river. This is why I was suggesting that we request the Sectoral Council on Environment to address the issue and come up with a strategy.

Ms Kate Kamba (Tanzania): Mr Speaker, there are numerous workshops and seminars. When we visited Lake Jipe recently, the situation was pathetic. It is drying up; almost two kilometres deep is dry. The livelihood of the people around this lake is in danger. Could the Minister order the Sectoral Council to pay a visit to this lake to appreciate the problem of our people instead of holding one workshop after another with no tangible result?

Ms Mossi: Mr Speaker, as Council we are aware of the effects of climate change and this is why we have an action plan on climate change and food security.

Ms Patricia Hajabakiga (Rwanda): On a point of information, Mr Speaker, the Members of the Committee on Agriculture, Tourism and Natural Resources who visited Lake Jipe realised that the problem with Lake Jipe had nothing to do with climate change but it was because of development activities taking place in that area.

Ms Mossi: Mr Speaker, I would like to say that there is no harm in us visiting Lake Jipe to see for ourselves the effects the development projects have had on the lake. I would appreciate if the Secretariat can arrange for us to go and visit those lakes.

The Speaker: Honourable Minister, are you ready for hon. Kwekwe's earlier question?

Ms Mossi: Mr Speaker, it seems that the information is not yet available.

The Speaker: So, do you want to answer that question?

Ms Mossi: Mr Speaker, I beg your indulgence to pass on the information tomorrow.

The Speaker: Fair enough. Next Question!

Question Ref: EALA/PQ/OA/15/2011

Ms Safina Kwekwe (Kenya): Asked the Chairperson, Council of Ministers_

“Article 115 of the Treaty requires that Partner States undertake to develop a collective and coordinated approach to the promotion and marketing of quality tourism into and within the Community. One way of actualizing this is by introducing a single tourist visa for the EAC so as to make it more convenient for tourists to access the region. Furthermore, pronouncements by Members of the EAC Summit of Heads of State have consistently communicated the desire to have a single tourist visa to promote EAC as a single tourist destination. Cognizant of the foregoing:

i) When shall the introduction of the East African single tourist visa be actualized?

ii) What are the reasons given by Members of the EAC Summit of Heads of State for not assenting to the EAC Tourism and Wildlife Management Bill, which the Assembly approved in February, 2010?”

The Minister for EAC Affairs Burundi and Chairperson, Council of Ministers, Ms Hafsa Mossi (Burundi): Mr Speaker, I beg to reply.

The proposal to introduce the single visa regime for East Africa has been a matter of great interest to many in the region. I take this opportunity to update the House on the progress made thus far in realising this great milestone.

The EAC Secretariat convened a joint meeting between the chiefs of immigration and heads of tourism boards of Partner States in July 2006, to consider the issue and to appraise each other on the rationale and value addition of a single tourist visa.

Generally, the meeting agreed that the introduction of a single tourist visa would ensure that the tourism industry contributes to the sustainable development of the region, create employment, and compliment efforts from other sectors.

Mr Speaker, during the first meeting of the Sectoral Council on Tourism and Wildlife Management held in November, 2008, the Secretariat was directed to undertake a study to harmonise tourism policies and laws, joint marketing, branding, funding, and to recommend how a single tourism visa could be introduced as well as assess the viability of introducing concessional Park fee permits in order to make the EAC region more competitive.

Mr Speaker, the Secretariat prepared the necessary terms of reference to conduct the study on the introduction of a single tourist visa and these were endorsed at the second meeting of the Sectoral Council on Tourism and Wildlife Management held in Kigali in February 2009. In addition, the Sectoral Council directed the Secretariat to convene a joint meeting of the chiefs of immigration and heads of tourist boards to work out the modalities for implementing the single tourist visa.

Mr Speaker, I am pleased to inform this august House that the chiefs of immigrations met with heads of tourist boards in July, 2009. The meeting recommended that a task force constituted by experts drawn from the immigration and tourism sectors be established to carry out a study on the preparedness of each Partner State to implement the single tourist visa.

Mr Speaker, the Secretariat and the task force carried out the study in the Partner States in March, 2010 having met with officials from the Ministries responsible for tourism, wildlife, immigration, finance, home affairs, security, statistics and stakeholders of the wildlife and tourism private sector. A draft study report has been prepared and awaits consideration at the next joint meeting of the chiefs of immigration and heads of tourist boards' meeting in October 2011.

Mr Speaker, there are several challenges that will impede the implementation of the single tourist visa. Partner States require to harmonise their visa issuing regimes and fee structures and to develop a mechanism for sharing the financial cost of administering the single tourist visa and sharing the revenue collected. The biggest challenge is the poorly developed ICT infrastructure at national level to facilitate connectivity of the entry/exit points. However, an EAC technical e-immigration committee has been established to address the ICT challenges faced by the immigration departments.

Therefore, the actualisation of the introduction of a single tourist visa will be determined, upon completion of the study, by the end of this Calendar year. Being a multi-sectoral issue, it is not confined to the immigration or tourism sectors alone, thus Partner States are encouraged to support this endeavour at all levels in order to make a single tourist visa a reality as soon as possible.

Mr Speaker, with regard to the Tourism and Wildlife Bill that the Assembly approved in February, 2010, the Ministers responsible for EAC Affairs will follow up the matter of assent with the Heads of State.

The Speaker: On the second issue of the assent to the Bill, the Bill was sent to President Kikwete and to-date we have not received any communication from him. We wrote a reminder and if you look at the Treaty provisions, it is way past the time allowed. But, whether it lapsed or not, the Head of State has to write back and give reasons, why he or she is not assenting to the Bill. We have written a letter to that effect and we are waiting for a word from His Excellency President Kikwete on that issue.

Ms Kwekwe: Mr Speaker, I thank the Chair for the answer although it has left me more confused than helped.

I just want to start with the second part of the question. I did not ask this question to the Secretariat; I asked it to the Council of Ministers because the Council is composed of Ministers who are appointed by the Heads of State and the Heads of State are the ones who assent to Bills. That is why I asked this question to the Council of Ministers and not to the Secretariat. So, the response that the Secretariat has not received any communication from the Partner States is irrelevant. I needed a response from the Council of Ministers.

When the CASSOA Bill had a problem, it quickly came back to this House and we acted accordingly. Is it because the CASSOA Bill was a product of the Council of Ministers and this one is a product of a Private Member and that is why there is no response or follow up on the same?

For the first part of the question, I said I am confused because on pages 8 and 9 of the response, there were two directives given by the Sectoral Council on Tourism and Wildlife. Directive one was to undertake a study to harmonise tourism policies and laws, joint marketing and so on, including recommending how a single tourist visa could be introduced. That was the first directive that was given to the Secretariat. Then, directive two is found on page 9 at the top; it is to the Secretariat to convene a joint meeting of the chiefs of immigration and heads of tourism boards to work on the modalities of implementing the single tourist visa.

Now, from those two directives, I am seeing in the second paragraph of page 9 that the immigration chiefs and heads of tourism boards convened a meeting and they recommended that a task force be constituted of experts drawn from the immigration and tourism sectors. I am assuming that this was in response to the second directive where there was supposed to be a joint meeting of the chiefs of immigration.

So, the draft study report has been prepared and awaits consideration at the next joint meeting of the chiefs of immigrations and heads of tourism boards meeting in October, 2011, which is paragraph 3 of the response on page 9; does this relate to the directive of convening the joint meeting of chiefs of immigration or is that draft report related to the study that was directed to be undertaken to harmonise tourism laws, including recommending how a single tourist visa should be introduced? I see two different, though related, directives and the response I am getting is confusing me. I do not know which draft report is being referred to here. Is it for the first or the second directive?

The Speaker: Hon. Minister, I must say that on the second part of the question, that is a matter between the Speaker and the Heads of State in terms of assent. I do not think it is fair to ask the Minister to explain why a Head of State has not assented to a Bill or has not sent his or her comments. But, I think she can answer the first part of the question.

Ms Mossi: Mr Speaker, hon. Kwekwe has the written answer and it is clear that the first directive was to hold a joint meeting of chiefs of immigration and heads of tourist boards. Those officers have met and recommended that a task force be formed and that has been done. On the second one, the draft study report is on the study which was a directive of having this study done, and it has been prepared and is waiting for consideration in the next joint meeting of the chiefs of immigration. So, it caters for both, for the joint meeting of chiefs of immigration and also for the study.

Dr George Nangale (Tanzania): Mr Speaker, the story of the EAC single tourist visa dates back to 2006. In fact, to my recollection, it was even before that. In order to actualise the single tourist visa, the Minister says that we have to wait for completion of the study, which actually began in March, 2010. Could the Minister now pronounce that the EAC single tourist visa shall be in place by 1 July 2012?

Ms Mossi: Mr Speaker, I cannot give the assurance that it will be completed by 1 July 2012 because it is subject to the completion of the study.

The Speaker: We will pray for 1 July 2012.

ADJOURNMENT

The Speaker: Honourable Members, I think we have come to the end of business today. Before I adjourn, I would like to make a few announcements.

One, we have been invited for dinner this evening by the Ministry of EAC here in Rwanda. It will be at Serena and it is for all Members of EALA and all EAC staff. The function starts at 7.00 p.m. and I hope we will be on time.

Secondly, there is a request from the Senior Public Relations Officer that we have a group photograph tomorrow for all EALA Members. So, tomorrow you may come in your best suits so that we can have the photograph taken.

With those remarks, I now adjourn the House until tomorrow at 2.30 p.m.

(The House rose at 6.05 p.m. and adjourned until Wednesday, 14 September 2011 at 2.30 p.m.)