



EAST AFRICAN COMMUNITY

Official Report of the Proceedings of the East African Legislative Assembly 24TH SITTING – FIRST ASSEMBLY: SECOND SESSION - THIRD MEETING

Tuesday, 13 May 2003

The East African Legislative Assembly met at 9.00 a.m. at the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha

PRAYERS

[The Speaker, Hon. Abdulrahman Kinana in the Chair]

The Assembly was called to Order.

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable members, I have the following Communication to make:

1. The House Business Committee held a meeting yesterday with the honourable ministers and the Secretary General on a number of issues that are of significance to our activities as an Assembly. Deliberations on some of the issues still continue.
2. Due to a number of other engagements, the honourable ministers have to leave this evening, but they will be back to attend to the Business of the Assembly next week on Tuesday and Wednesday. So, debate on the Budget Speech will continue today, but the final stages of the Budget will be done next week.

3. The effect of this is that there have to be slight changes in our Programme of Work as earlier on circulated to you. The Business that was scheduled for Tuesday and Wednesday next week has therefore to be brought forward. You will be notified of these changes in due course.

NOTICES OF MOTION

Mr Daniel Ogalo (Uganda): Mr. Speaker, Sir, I beg to give notice that on the allotted date, I intend to move a Motion for a Resolution of the Assembly seeking to establish a committee with the mandate to bring an end to the violence in Gulu, Kitgum and Pader districts in Uganda; basing my reasons on the provisions of Articles 6, 123 and 124 of the Treaty, and as well as the experience of the

Assembly having visited Gulu in the month of March this year.

Mr Yonasani Kanyomozi (Uganda):

Mr. Speaker, Sir, I beg to give notice that on the allotted date, I intend to move a Motion for a Resolution of the Assembly seeking to enforce the directive of the Summit of 11 May 2002 to the effect that in matters pertaining to participation in World Trade Organization and ACP/EU arrangements (under the Cotonou Partnership Agreement between the ACP Group of States and the European Community), the Partner States should negotiate as a bloc”.

MOTION

That the Assembly do resolve into:

- (a) Committee of Ways and Means to consider and approve the Financial Statement; and
- (b) Committee of Supply to consider and approve the estimates of Expenditure; both of which constitute the Budgetary proposals of the East African Community for the Financial Year 2003/2004

(Debate continuing from 12 May 2003)

Mr Ochieng-Mbeo (Kenya): Mr. Speaker, Sir, I have noticed that when the Hon. Speaker is on his feet, some honourable members and some prominent persons in this House move around. Is it in order for them to move around when the Rules state clearly that when the Speaker is on his feet everyone else freezes? Could the Chair make a ruling towards that end?

The Speaker: My ruling is that when the Speaker is on his feet, everyone else freezes. Those in the process of movement will have to stop their

movement. I therefore concur with Hon. Mbeo. I request honourable members to observe the rules.

Ms Beatrice Shellukindo (Tanzania):

Thank you very much Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion. But I regret to inform you that I will decline to contribute until the ministers are in the House.

Thank you.

Ms Mahfoudha Hamid (Tanzania):

Mr. Speaker, Sir, I would like to commend the honourable Chairman of the Council for the Budget Speech he presented yesterday, and also congratulate hon. Kalonzo Musyoka, and welcome him to this august House. I hope he will be seating opposite me in this House during in all our subsequent sittings.

Mr. Speaker, Sir, I would like to quote paragraph 3 of page 2, which states as follows:

“There were positive indications of growing interest in the Community and demand for regional strategies and programmes on the broad range of the areas of co-operation.”

All these cannot be achieved without this House being given a proper budget to conduct its business. This House has been mandated through the Budget before it comes to this House - the pre-budget function has been allocated to the Standing Committee on General Purpose, which I chair.

I would like the House to note that since November, I have taken the initiative of requesting for the committee to meet and go through the Budget before it comes to the House. I am sorry to say that I made that request verbally, in writing and my last letter is as late as March 14th, this year. I did

not get any response, which means my letters were never read. I do not know why that happened!

Hon. Maj. Gen. Mugisha Muntu said that he heard through the grapevine that there was no budget for us to perform that function. I had to inform my committee verbally because there was no communication to the effect that there was no budget for my committee to come to Arusha and perform the pre-budget function. All the problems we are experiencing now would not have been there had we been given the opportunity to go through the Budget before it came here.

Mr. Speaker, Sir, we need our sitting days to remain at 120 as passed by this House. This House is being dragged, its integrity is being shredded and we are being made to look like fools! Excuse my language but that is what it is! If laws passed by this House are being broken, how many other laws will be broken in the future? I have been pursuing the honourable Speaker and the Acting Clerk, to request that we should meet and discuss the Budget proposals, but that was to no avail. I started by requesting, begging and ultimately harassing! But the answer I was given is that there was no budget for my committee.

Mr. Speaker, Sir, when scheduling committee meetings, caution should be taken to ensure that members are not required to be in two or more committees at the same time and date. I feel that this has been piled up to save sitting allowance. How much does it cost this institution to pay nine Members of Parliament sitting allowance? I do not know why my committee is not given the importance that it warrants!

This House is being dismembered like a jigsaw puzzle, and it is up to the Members of Parliament to pick up the pieces if that is one of our duties!
(Interjection)

Mr Haither Abdi (Kenya): Mr. Speaker could the honourable member on the Floor address the Chair and leave the minister alone? Is it in order for her to address the honourable minister?

Ms Hamid: Maybe it is because he is seated directly opposite me!

Mr. Speaker, Sir, some of our Partner States support Parliaments of not less than three members who have been catered for adequately. This House has only 27 elected members and five ex-officio members. I do not think cutting our sitting days from 120 to 60 days will assist our Partner States. The difference is only US\$600,000!

Mr. Speaker, Sir, it saddens me to note that among the officers who have been recruited, we do not have a Public Relations Officer. We need publicity! I was saddened to see the Hon. Kalonzo Musyoka being sworn in and there was no cameraman to record the event! How will that event be documented?

As a journalist, I am reminded of that famous quote which states that a photograph speaks a thousand words. People will hear that Hon. Kalonzo Musyoka was sworn in as a member of this House. They would like to know what he looks like. But the event was not documented and it is gone, never to be recaptured again! Even if we are going to redo it, it will be phoney!

We need a public relations office with a full team. In our individual Partner States, a minister on a simple tour is always accompanied by a large group

of journalists. How come that this House, a very important organ of the East African Community is being denied the services of the media? The media is a tool, which, if used properly, can construct.

This House needs the media as a tool of construction. It can highlight our own issues. We are not satisfied with news clips to the 80 million people whom we represent. I find it difficult to believe that the three countries of East Africa cannot sustain 32 Members of Parliament!

Mr. Speaker, Sir, why is the Community afraid of an East African Court of Appeal? Why should we be afraid of a court, which can adjudicate on behalf of East Africans? We want people from Mbeya to have their cases heard by people from Kenya, Uganda and Tanzania so that justice is done. The EACJ should be transformed into an East African Court of Appeal. In fact, Hon. Mwatela said yesterday that we might complete our five years here without hearing of any single case handled by the EACJ. Why should the Community be afraid of an East African Court of Appeal? If we are working towards a political federation of the three countries, should we be afraid of a judgement that might come from such a court? We should have the East African Court of Appeal as the case was in the collapsed Community.

It is evident that we want a firebrand East African Community, but we are not prepared to pay for it. You cannot get a good marriage if you do not pay dowry! Therefore, the EAC is not different. We should not expect to have something good coming out of this House if we are not prepared to pay for it. There is a Kiswahili saying which goes like this: "*Mtaka cha uvunguni sharti anyanyue tanda!*"

Mr. Speaker, Sir, this is the Legislative Assembly, but I feel that some other people are legislating for us! (*Interjection*)

Ms Rose Waruhiu (Kenya): Mr. Speaker, sir, is the honourable member in order to communicate in a language and words that we do not understand?

Ms Hamid: Mr Speaker, sir, having been in Arusha for one and half years should have been enough for hon. Waruhiu to understand Kiswahili!

It is a big shame that the hon. Speaker is getting a paltry USD200 as responsibility allowance.

With those remarks, I reject this Budget in total.

Ms Beatrice Shellukindo (Tanzania): Mr. Speaker, Sir, now that the ministers are here, I am prepared to contribute to this debate.

First and foremost, I would like to congratulate hon. Musyoka for being sworn as a Member of this House, and the Chairman of the Council of Ministers, hon. Wapakhabulo, for struggling to read his Budget Speech. It is apparent that he was not given enough time to go through it, and I am not very sure if he believes in some of things he read to this House.

Mr. Speaker, Sir, I am very surprised that this House is discussing a Budget which is illegal! It is contrary to the Rules of this House. You will recall that we discussed the Rules of Procedure of this House at length and adopted the same. It is a pity that we are now breaking those Rules! The Rules of Procedure stipulate that we should discuss the Budget for two weeks; but we will discuss it for two days.

The Rules also state that we shall hold sittings for 120 days, but now we shall only hold sittings for 60 days. I would like to know who changed these Rules. Is it not illegal for us to continue with this Budget, which is against the Rules of Procedure of this House? Should we really continue this way?

Mr. Speaker there is need to ensure that the budgetary process in this Community is in line with present realities. In the Tanzanian experience, for instance, the Cabinet discusses the Budget and then it goes to the Parliamentary Service Commission, and after approval at that level, it is then incorporated in the entire Budget. In our case, we have got the House Business Committee and the General Purpose Committee. Why is it that the Budget proposals cannot be taken to any of those Committees? Why should we be different from the other Parliaments?

Mr. Speaker, Sir, it is a fact that control of the purse is a crucial power to any Parliament, and that applies to us. We have the right to reject these Budget proposals, and to a significant extent we can decide on the level of non-compulsory expenditure. I appeal that during the next financial year, this process should be observed.

Mr. Speaker, Sir, last year one honourable member moved a Motion to allow for the suspension of our Rules of Procedure to allow us discuss the Budget for two days, and that is what is happening today. This Community is here to stay, and we do not need to set negative precedents which may affect the sustainability of the Community in the long run.

Mr. Speaker, Sir, Page 9 of the Budget Speech states that there was pledge of support by UNIFEM for strengthening

and mainstreaming of gender in the EAC. The female Members of the Assembly had a seminar at Safari Park Hotel, Nairobi, and we were told that money was going to be provided for us to mainstream gender in EAC. That money was availed to EAC but when we ask about it, no answer is given. Are we really putting donor money into good use? We had another meeting in Mombasa recently, and we met the regional co-ordinator of UNIFEM, and she could not understand what is happening at the EAC! So, we would like to know how this money was used.

On page 12, paragraph 9, the Chairman of the Council has said that the Secretariat has organised elaborate publicity in the region, through diplomatic missions abroad and during the EAC Day celebrations in November last year. With regard to the EAC missions abroad, the EAC Secretariat should make visits to those missions in order to turn this into a reality.

Recently I met with two ambassadors from some of our missions abroad and they asked me what is happening at the EAC! That goes to demonstrate the fact that information about the Community is lacking even in our missions abroad. But since this is a people-centred community, publicity should be geared towards the people of East Africa. They should know what is happening in this Community so that they can support it. So, more money should be voted to the regional outreach programme.

The other issue is the minimum coverage by the press in this House. This shows that we are not ready to publicise the Community. I can see a few journalists from Tanzania, but how about journalists from Kenya and

Uganda? Those East Africans in Kenya and Tanzania have the right to know what is happening in the Community! We need their coverage!

It is not surprising that EALA does not even get coverage in the EAC Newsletter. What we see in that newsletter is either a photograph of Members of Parliament or the Hon. Speaker talking to somebody, and that is all about the Assembly. Maybe, we should have our own newsletter as an Assembly! I appeal that we vote money in our budget for press coverage.

Mr. Speaker, Sir, yesterday, one of my colleagues talked about the 9 acres of land that we have been given in Arusha. We really acknowledge and appreciate the gesture extended to the Community by the Government of Tanzania. However, it is too small a plot to sustain the Community for the next 100 years. We need more land, which can house the ever-expanding Community.

Mr. Speaker, Sir, under Paragraph 28 of Page 14, the Chairman of the Council is seeking reallocation of funds. I would like to know why that money remained in those items. Is it incapacity to spend the money or lack of knowledge of what to spend the money on? Some of the activities that require reallocation of funds need serious scrutiny like for example the EAC Day expenses!

The Community is requesting for US\$29,310 but the activity never took place! We were told that it was going to be in the stadium, and we were given a programme. But all we had was a mere lunch at Novotel Mt. Meru. What do we need the US\$29,310 for? That is why we urge our Standing

Committee on Accounts to investigate these matters deeply.

We do not want to approve funds whose use is not clear to us. We are the watchdogs of the people of East Africa and, therefore, we need to monitor all the expenditure and make sure that we are accountable to the people who elected us into this Parliament.

Mr. Speaker, Sir, Article 5 of the Treaty talks about the promotion of peace, security and good neighbourliness, and so we should be in the frontline to safeguard human rights in the East African region, beginning with our own organs in the Community. It is sad and shocking to understand that within our own organisation, there is rampant violation of human rights. I will quote an example here, which I am very sure of.

One member of staff of the Community was injected with a certain drug in the office under the supervision of the Security Officer of the Community and under the pressure of six police officers holding her down, under the pretext that she had “broken down” as they say here. But she had gone mad. Even if this person was sick, how could they inject her in the office? Suppose she was allergic to that drug?

This is serious and we cannot talk about hostilities in northern Uganda while things are happening here in the Community! We have to work hard and ensure that there is safety of staff in the Community. Investigations should be conducted- (*Interjection*)-

Mr Calist Mwatela (Kenya): Mr. Speaker, Sir, the allegations by hon. Shellukindo that a member of staff was forcefully injected with substances is a very serious one. Is it in order for the

honourable member to make such an allegation without proof? Could she substantiate the allegation?

Ms Shellukindo: Mr. Speaker, Sir, I will substantiate, and I will not apologise because it is a fact. We were in a seminar at the mountain Serena and the concerned member of staff came to seek the intervention of the honourable members. I have all the documents with me, and right now we are considering carrying out investigations. I assure you that I will table those documents in future – *(Interjection)*.

Hon Ochieng-Mbeo (Kenya): Mr. Speaker, Sir, is it in order for the honourable member to continue making allegations without naming the particular person who was injected with that dangerous substance? Could she be ordered to name the concerned member of staff?

Mr. Speaker: Considering the fact that two members have asked for substantiation and tabling of the documents, and taking into account the fact the honourable member continues to discuss the person without mentioning the name, I rule that she gives the name of the concerned officer and tables the documents that she has.

Ms Shellukindo: Mr. Speaker, Sir, the concerned officer is Ms. Vicky Mugenyi, secretary to the Human Resource Officer of the Community. I promise that I will table those documents later.

Because of the regular breakdown of staff due to work overload and other pressures, there should be seminars for the management of the Secretariat on matters of management – *(Interjection)*.

Mr Mabere Marando (Tanzania): Mr. Speaker, Sir. Three honourable members of this House, including the Chairman of the Council of Ministers, have just crossed between the Chair and the member who is contributing. Is it order for these honourable members to continue doing that the whole day?

The Speaker: That is totally out of order. I am now giving them the last warning.

Ms Shellukindo: Mr. Speaker, it is very easy to turn a civil servant into a politician but to turn a politician into a civil servant is a monumental task. So, there should be regular seminars for the management of the Secretariat on effective management.

Mr. Speaker, Sir, I would like to reiterate the fact that we need resident ministers because the current ones are overburdened. By so doing, we shall be able to push forward the agenda of the EAC.

In the Budget, it is proposed that we should set aside funds for the ex-officio members of this House to be attending meetings with us. We plead that that money should be provided so that the ministers can always be available when we need them.

Mr. Speaker, Sir, most of our development strategies are really behind schedule, but there are some that are not getting down to the people. That is why we were asking for more working days so that we can really tackle issues that affect East Africans. We know what afflicts our people because we have been visiting.

Mr. Speaker, Sir, since we took an oath to defend the Treaty for the establishment of the East African Community, we will continue to work,

and we will not stop until the five years have passed. We will push hard and those who will not cope will perhaps have to fall by the wayside. We will abide the rules and regulations, and we will not allow any obstacle in our way to stop us from achieving our objectives for the betterment of East Africans.

With those remarks, I oppose the Motion.

Mr Mohammed Zubedi (Kenya): Mr. Speaker, Sir, I would like to join my colleagues in congratulating the Chairman of the Council for his presentation of the Budget Speech. On the same note, I would like to congratulate Hon. Kalonzo Musyoka for his very eloquent maiden speech.

My Speaker, Sir, allow me to quote what Hon. Kalonzo Musyoka said yesterday in his speech, when he pleaded with us that we should strive to achieve the standards of the defunct East African Community where we had bodies and institutions which were East African in nature. Although we claim to have started the process of East African integration, I am saddened to note that we are not anywhere near where we stopped in 1977, and the fear is that we might not even reach there; we might stop somewhere else!

Mr. Speaker, Sir, the need for regional integration is very important, but the question, which we need to ask ourselves, is whether this Community is a necessity or a hobby that we are undertaking. If it is out of necessity, then I think we will pull as much resources as possible to make sure that this important institution takes off and moves forward. But if it is a part-time hobby, then we had better be told so

that we can have other hobbies lined up against the Community.

We have had several seminars and meetings, and in all the seminars and meetings, we have been made to appreciate the need for institutional and organisational set-ups. But if we are cutting down the number of working days for the Assembly from 120 days, which is only four months, to 60 days which is only two months in a year, are we really serious in setting up these structures to run this Community? The Customs Union, for instance, needs a lot of organisational set-up; the Road Network and the Lake Victoria Management Programme needs a lot of organisational set-up! With a Budget of USD8 million, are we serious in running an economic Community?

Mr. Speaker, Sir, the earlier East African Community was a model and we all believe that the European Economic Community and the European Union are actually modelled along the defunct East African Community. But today, they have become the model, which we now want to copy from. It appears as if we do not know where we are going!

Mr. Speaker, Sir, we are now talking about a people-centred community. My view is that if we are serious enough, we should sensitise the people of the three East African states about the Community. We should tell them how important this Community is, and make it clear to them that it is not only important but also a matter of survival.

If we do not open our borders so that we can trade with each other and invest within the region, there will be no survival for us because by the time the world becomes a free market economy, we shall be very insignificant as

individual states. But if we are a market of 100 million people, the world can listen to us when we talk in international fora.

Mr. Speaker, Sir, the Budget stipulates the contributions from the three Partner States and development partners. As much as we may want to thank the development partners for supporting us in this endeavour, I think the most important thing is that we should try and support this institution and budget for it before looking for financial support from other sources. It is a fact that those development partners will not want us to be as powerful as they are because that would amount to overshadowing them.

Mr. Speaker, Sir, I urge the ministers who are here today to pass our sentiments to the higher authorities. I also request our brothers in the media to sensitise our people so that the Community becomes a people-centred institution. The media should highlight all the meetings and seminars that we undertake. That is the only way the people of East Africa will appreciate this Community.

The bureaucrats who are trying to pull down this Community will be forced by the winds of change like the one that came to Kenya and changed everything! I believe that there will be change in the East African Community.

With those remarks, I reserve my support for this Budget.

Mr. Mabere Marando (Tanzania):

Mr. Speaker, Sir, let me start by commending the Chairman of the Council for eloquently presenting his Budget Speech. I also congratulate hon. Musyoka for his election into the Kenyan Parliament, and appointment

as the Minister for Foreign Affairs and International Co-operation. May I also recognise his steadfast stand during the political changes in Kenya? He really made a contribution, which led to what we now see in Kenya.

May I also congratulate the people of Kenya for successfully managing the political transition in their country! I wish them all the best in the Bomas of Kenya Constitutional Conference. We hope the views of Wanjiku will be taken into account and her interests will be incorporated into the new Constitution.

Mr. Speaker, Sir, the Chairman's Speech was good but lacking a bit of what we expected. Under paragraph 5 of the speech, he says they have identified priority areas with a view to rendering the greatest impact on the on-going implementation of the Treaty. There is not much detail in the speech as to what has actually been identified, which will render the greatest impact on the implementation of the Treaty.

Paragraph 7 of his Speech refers to the East African Development Strategy. There is no much detail on why the Community is so much behind schedule as regards the matrix outlined in the Treaty. We had expected the minister to delve much deeper into that.

Mr. Speaker, Sir, since you have allocated a few minutes to each member today, I will try to identify a few matters on which I can address this House. The first one is about the Rules of Procedure of this House.

Many of my colleagues have talked about the illegality of the Budget Speech. Whether it is illegal or not, that is the view of the honourable members. But there is an illegality in

the unilateral attempt to amend our Rules of Procedure.

The Rules are made under Article 60 of the Treaty; they are a subsidiary legislation as far as we are concerned. The Budget Speech of the honourable minister cannot take precedence over a subsidiary legislation. It would have been better for the honourable member to come before this House and move a Motion to amend the Rules of Procedure to reduce the sitting days from 120 to 60 days.

In so far as there is mention of 60 days in the Budget, it is completely illegal and cannot operate. What is operational is that this House will sit for 120 days unless the House itself amends the Rules.

The Chairman of the Council, being a lawyer, knows that very well! In fact, the two ministers before us are senior lawyers and they know that they are violating our Rules, and they should not be allowed to do that! In fact, that amounts to contempt of this House! I hope the honourable Chairman of the Legal, Rules and Privileges Committee of this House will take it up and look into the possibility of a disciplinary action against Members of the Council and Members of this House who deliberately violate the Rules of this House.

It is my humble belief that in so far as this House is concerned, when the House Business Committee meets next, it will plan the business of the House according to the Rules. It should plan for 120 days. It is within the mandate of the Council to come before this House and move a Motion for debate and defend that Motion as to why the days should be reduced from 120 to 60. Before that, that part of the Budget Speech relating to 60 days is

null and void, and of no effect as far as we are concerned.

Mr. Speaker, Sir, the question of budgetary allocations has nothing to do with the law that exists. Those people who allocate the Budget must work within the provisions of the four corners of the law. The 120 days remain a law of this House, and somebody, because of his whims, cannot violate it.

Mr. Speaker, Sir, I would like to commend the minister for increasing the Budget for the East African Court of Justice. I can see a higher allocation for law books and periodicals from US\$5000 to US\$1000. There is provision for a law library assistant. I have also seen under Item 6.6.2 that there is provision for the computerisation of the library of the EACJ. At least there is something positive about the Court at this time. But there is something that needs serious attention; the understaffing of the office of the Registrar of the EACJ. It is a one-man office!

Fortunately, the honourable Secretary General, who is a Member of this House, is a lawyer, the two Members of the Council are also lawyers and they appreciate the necessity to have a Deputy Registrar of the EACJ. If the present registrar is sick or on leave, somebody must be there to attend to the day-to-day running of the Court! The Administrative Officer of the Court is not able and sufficient to handle the day-to-day work of the court!

Mr. Speaker, Sir, I think there is an under-allocation in so far as the training of the judges of the Court are concerned. This is an international court, and the judges are going to implement the rules and procedure,

which are completely new. These honourable judges are drawn from the national courts; some are from the courts of appeal and the supreme courts of the respective states where they implement different rules of practice and procedure, which are not related to what they are going to do here.

We must take into account the fact that this is not an appellate court as of now. It is in fact a trial court. These judges are going to hear witnesses and take evidence. Some of them have not done so for the past twenty years or so. Some of them are jurists who have never sat at a trial. They have never been magistrates at all and they need to be trained. Aspects of arbitration are a speciality in itself. They need to be trained and I believe that the US\$5000 allocated to them is just too small.

As my colleagues have repeatedly said, we need to invest in the development of the community. At a time when we are trying to expand the jurisdiction of this court into an appellate court, the capacity of the judges must be sufficient so as to deal with the work that is coming before them in the very near future.

Litigation is just about to commence. Now that trade is going to take place at the customs, people are going to quarrel with the Secretary General because of contracts, and traders will quarrel among themselves. It will be the duty of the court to resolve those cases. Now that the court has not commenced its operations, this is the right time to give them sufficient training so as to be conversant with the work that is ahead of them. It will be too late to take them for training when there is a pending case before them.

Before cases are filed -and we know that they will soon be filed- let them visit other courts like in other parts of the world so that they talk with their colleagues and learn. If we have visited places, why can't the judges do the same?

Mr. Speaker, Sir, I hope those who decide on the budgetary allocation for each of the organs of the Community will actually have audience with the judges themselves and learn from them what they want.

There is a habit where Treasury officials in our national governments take a lot of delight in slashing down funds. They just enjoy slashing down budgetary proposals. Those officials reduce budgets without knowing the implications. Why is this situation arising? It is because of the absence of resident ministers to closely supervise the affairs of the Community.

One of my honourable colleagues said yesterday that the Council of Ministers has left its work to the bureaucrats. I sympathise with the honourable Members of the Council because they are so busy handling Burundi, Rwanda, Somali, Sudan and DRC conflicts. There is a lot that they are required to do. We hope that the HANSARD reports for this Session will be delivered to the Summit in June so that they can read what the members of this House said with regard to the resident ministers for the Community.

I am sure the honourable Secretary General would like to have a politician whom he can turn to very quickly. We need to have somebody who can take charge of political responsibility for the day to day running of the Community. Fortunately, we have made this point clear to all the Presidents of the three Partner States.

They are aware and what is remaining is emphasis by the Council of Ministers. I hope you are not feigning any fears to be deprived of this docket from your busy work – (*Interjection*).

Mr Wapakhabulo: Mr. Speaker, Sir, Is the honourable member on the Floor in order to impute improper motives on the part of the Members of the Council?

Mr Mabere Marando: Mr. Speaker, Sir, I withdraw that reference. I now want to comment on the headquarters of the Community.

I read in the chairman's speech that the Secretary General has done a good job by soliciting funds for the study on the development of the headquarters of the Community. That is commendable, and he should continue doing that but I have a little reservation on the expanse of land allocated for the headquarters of the Community. I think it is rather small for our purpose. But the most important thing is not to hurry on this matter. I believe that when we reach a stage where we get into the East African Federation, as we are very likely to be, we shall need the federal headquarters of East Africa.

If we are going to build a huge beautiful headquarters of the Community on a 9-acre piece of land within Arusha Municipality and then when we reach the federal stage, we look for another land to build the federal headquarters - we should request for 200 acres from the government and the Mayor of Arusha so that when we start expanding, the Community headquarters will be at the proper place, and other developments will come to that place, instead of building it here in Arusha and later on move it to Katiti! I do not think President Mkapa is adverse to that. I

am sure that he will readily provide land for the federal headquarters of East Africa. As Hon. Kanyomozi said yesterday, this should be the long-term thinking for the Community.

Mr. Speaker, Sir, some of us are already thinking about forming an East African Federation Association so as to mobilise the people of East Africa and to sensitise them to complement the work of non-governmental organisations.

With those remarks, I feel hesitant to support this Budget because there has been a breach of our Rules. Thank you.

Mr Daniel Ogalo (Uganda): Thank you very much, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion.

I want to take this opportunity to commend the Chairman of the Council for the Budget Speech he presented to the House, and also to congratulate Hon. Musyoka for attaining that high office, and also for the words of encouragement in his maiden speech. We are greatly encouraged by what you said. In fact the body language seemed to suggest that you have commitment to the cause of the Community.

Mr. Speaker, Sir, this financial statement should reflect the vision in the Treaty. It should be able to address the aims and objectives of the Treaty, and point out how far we have gone, what problems we have and what we hope to achieve. I say so because I took this from the words of President Mkapa when he addressed our seminar at Lake Manyara Lodge on 1 December 2001.

He said: "Mr. Chairman, the Legislative Assembly will, among its

other functions, legislate for the Community. That means we now have a body, which will make laws, which will touch and affect all East Africans for better or for worse. All this, obviously, is the task of immense potency and importance to the evolution of the East African Co-operation from its present stage, through a Customs Union, Common Market, Monetary Union and eventually a Political Federation. Your task will therefore involve translating into law the political will and aspirations of the people of East Africa for greater and faster regional integration and co-operation.”

Mr. Speaker, Sir, all our budget speeches are a sheer ritual of lamentations and wailings about no money. After President Mkapa told us what we were supposed to do in respect for those four areas: Common Market, Monetary Union, Customs Union and Political Federation, the then Chairman of the Council, Hon. Jakaya Kikwete said:

“On behalf of the seminar, I want to thank you most sincerely for your great speech. Indeed, you have lived up to our expectations. In fact, you did a little more than we had expected. You have presented an important paper on the East African Co-operation, and we will use it here and elsewhere. You have given us proper guidance and marching orders on the Customs Union, Monetary Union and the other two.”

How far does the minister’s speech reflect this vision? He told the President that we were not going to let the Summit down, but have we lived up to that? How far does the minister’s speech reflect this vision? Have we lived by that? I will leave that for the

honourable members to judge for themselves.

There is nothing in the Financial Statement on the Common Market, the Monetary Union or the Political Federation. It is mainly on the Customs Union, whose Protocol will be signed in November. But the way things are going, I am not sure that after the Presidents append their signatures, it will be actualised. It is one thing to append the signatures and another to operationalise the Customs Union. Will it take us another five years? *(Interjection)*

Mr Kanyomozi: Mr Speaker, Sir, I would like to inform the honourable member on the Floor that, in fact the Development Strategy 2001-2005 stipulates that the conclusion of the Protocol and the rules governing the Customs Union would have been completed by December, 2001. So, we are already two years behind schedule.

Mr Ogalo: That goes to emphasise my fears that after signing the Customs Union Protocol in November this year, it is likely that it will take us not less five years to see it work.

Mr. Speaker, Sir, the roadmap of the Community is very important, and I hope that in future statements by the Chairman of the Council of Ministers will address all these issues.

With your permission, let me quote again from President Mkapa’s Speech: “You will require studious self-application to your various tasks and in the case of the Assembly, to represent the will of the people of East Africa to determine their common destination. What is happening now, in my view, is the most powerful and far-reaching change in East Africa. National and regional reforms can only be sustained

by political will, and you are in the responsible adjunct to that political will in all our three countries. I ask you to advocate for greater political will so that we attain greater heights in our co-operation. There rest of us, and especially the leaders of the three member states will follow your deliberations and decisions very closely.”

Mr. Speaker, Sir, it is clear that the heads of state gave us notice, and they will ask us what decisions we have made. With this kind of Budget, we shall have nothing to show for our presence here! No one will come up again here and say the Summit did not work! They gave us all the instruments and they blame us for failing to discharge our duties. The Assembly will fail solely because of the bad processes of budgeting. The Council of Ministers must address the process of budgeting. In fact, those who came to address our seminar at Lake Manyara about financial support from the Partner States warned us.

Let me quote what hon. Majela, a minister in the defunct Community said: “We saw all these things coming, and I assure you, honourable Members of the EALA that you are going to meet such problems. Sometimes you will come and discuss something which you think is for the good of East Africa, but when you go to the Partner States, they will tell you, “aah, aah! *Ngoja kwanza*”. This is what happened in the then East African Community.”

We were warned that this was coming. We look up to the Council of Ministers to address this situation. Let me quote what the Secretary-General of the defunct East African Community, Mr. Charles Maina said: “I do hope that the establishment of the East African Community for the future will go

deeper than it is, to make it possible for the Community to operate without having to go on their knees to the different Partner State governments begging.”

That is what it has come to now. We are now starting to beg! We have not addressed the budgetary process; it has been left to the gentlemen and ladies, who hon. Marando said are interested only in cutting the budget!

I had the opportunity to interact, in Kampala, with some junior officers who come to Arusha to discuss the Budget, and we got into arguments about our budget. I saw what was prepared by the Secretariat. It really reflected what the Community needed to function, but when you look at what has now come out and compare with what the Secretariat has prepared and presented, you cannot believe that somebody with senses can do that! That is what it has come to, begging, because we have not addressed the budgetary process. It has been left to the gentlemen and ladies whom hon. Marando said are only interested in cut, cut, and cut! (*Applause*) The Council of Ministers must take charge of the budgetary process - (*Applause*).

Let me digress a little bit. The Chairman of the Council of Ministers has the capacity to assist us in this matter. I say so because he has gone through this before. Not here, but in another Parliament. He was the Speaker of the Parliament of Uganda at a time when junior officials in the Ministry of Finance dealt with the budget of the Ugandan Parliament. But he changed all that. After we passed a law preventing those junior officials from preparing the budget, he said, “from today, no junior official will cut the budget of Parliament” and we

prepared the budget from then on -
(*Applause*).

I was privileged to serve as a Member of Parliament under his chairmanship of the Parliamentary Service Commission in Uganda. During that period, the Chairman of the Council of Ministers told the Minister of Finance of Uganda that yours is not to deal with our budget, but to transmit it to the President only - (*Applause*).

I was in the House when the chairman gave interpretation of the law. He said that even the President of the Republic of Uganda had no right to interfere with the budget of Parliament, and that the only person who would change the budget of Parliament would be the plenary, after having been prepared by the Parliamentary Commission, which he chaired - (*Applause*).

In doing this, the Chairman of the Council of Ministers was not doing it as a personal thing. He was not doing it because he wanted to belittle the President or the Minister of Finance. There is nothing personal in it. It is a question of how we work effectively. The friendship of the Chairman of the Council of Ministers and the President is well known, but because he wanted an effective Parliament, he said he wanted Parliament to work, their friendship notwithstanding. Mr. Chairman, we want this here - (*Applause and Interjection*).

Mr Wapakhabulo: Mr Speaker, Sir, is the honourable member holding the Floor in order to reveal to this House national secrets? (*Laughter*)

Mr Ogalo: Mr Speaker, Sir, all we are saying is that the Council of Ministers should take charge of this budgetary process. If you do so, we shall not have the annual ritual of wailing and

lamentation. We shall be able to do what the presidents have been telling us. But as long as some junior officials determine the budget, things will be done in a haphazard manner. So, I would appeal to the Council of Ministers to take charge of the budgetary process.

If the budgetary process is within our control, we will then be able to deal with the problem of staffing. Hon. Musyoka mentioned that the Secretary General was also lamenting over the question of staffing because he does not have money to employ. The Chairman of the Council of Ministers knows very well that by the time he left the Parliament of Uganda as Speaker, Parliament was employing its own staff because it could get its own resources. That is the only way we shall effectively make sure that we do our work.

What does the speech reveal? On page 4, you find that the Heads of State designated the Lake Victoria Basin as an area of common economic interest, and a regional economic growth zone. They have directed that a co-ordinating body should be established for the overall management of that region. They did that in 1999. When do you see money flowing into this directive? We are seeing it in 2002, not even from the Partner States. We are seeing it coming from Johannesburg, when the Prime Minister of Sweden announced that his government had committed money to this project. This is something the Heads of State wanted done in 1999, and by 2002 they had not even put money into it. This is because we do not have budgetary control of the system!

In July 2001, again on the minister's speech, the Tanzanian government donated to us land. Since then up to

now, the Partner States have not found it fit to put any money into this project to build their own home! It takes our Secretary General to go knocking on foreign capitals, asking for money for a study to build a house for us! *(Applause)* This is demeaning; it is dehumanising. It is making the Secretary General really look like a beggar. Surely, he is the highest-ranking civil servant in East Africa. But he will go to foreign capitals telling foreigners he wants a study on how to build a house, could you give me money! *(Laughter)*

We should not open our highest-ranking civil servant in East Africa to this kind of indignity. We must also walk with our heads high. Partner States must put in at least building their own house. Even if they cannot build the house, at least do the study. All this will be possible if we take control of the budgetary process.

This budgetary process has actually impacted on our working. In the chairman's speech, he talked about how we should work as a block. The Committee on Natural Resources has taken up this matter. Professor Kamar, who is the chairperson, has been begging for money for the committee to sit so that we can recommend to the Council of Ministers the best way forward. Since July last year, she has failed to get money for that purpose! *(Interjection)*

Mr Ochieng-Mbeo: Mr Speaker, Sir, may it please the honourable member on the Floor to note that while Professor Kamar was looking for money for her Committee, the East African ministers in charge of Water were sending delegations to Japan to discuss River Nile and Lake Victoria. Look at how much money was being spent on those delegations.

Mr Ogalo: Thank you for the information. You can see what happens because we do not control the budgetary process. Nine members of the Assembly cannot sit but delegations can fly to Japan to discuss there what we would discuss here, and at least recommend to the Council. It is only the Committee on Natural Resources. It is across the board. The Accounts Committee, Pre-budget, Trade - in fact it has even reached a level where it is causing animosity. Other Committees are asking why the Legal Committee meets! They think the Speaker is favouring other committees. It is causing tensions, just because we do not have the money to do the work.

The House Business Committee in its wisdom felt that in order to have the linkage between the executive and the legislature, we should budget for the three ministers that make up the Council, the Secretary General and the Counsel to the Community. We sent these requests. What did the young men and ladies from the three capitals say? Cut, cut, remove, and remove, even for their own bosses! They have no shame! Really, where are we?

It brings to mind the fact that these young men and ladies could not be doing this without some pushing. I think, in my view, that they are misguided. I think there is that thought, as hon. Kanyomozi pointed out yesterday, which says do not hurry with integration. Go slow on it, build on the small you have!

Some World Bank officials told us when we had a meeting with them here, and I have heard it at least from two ambassadors that, "build on the small thing you have, do not rush the integration." Now, the donor community may not necessarily think

that integration is a priority. We know that they have a lot of say on our budgets. So, if these young men and women are saying “cut, cut, cut,” it is highly possible that it is because they are influenced by the thinking of the World Bank and the International Monetary Fund in the three capitals. These developed countries have not always wanted the best for us. Kenya did not get her independence by asking for it; they had to throw out some people! They have only come back in another form.

Mr Speaker, Sir, my time is up, but I want to point out that it is because of that thinking that even when the presidents direct that the three countries negotiate as a block, up to now there is somebody who can tell them we are not going to do it. It is very worrying. How can three presidents give a directive and one year later, it has not been done? Then who is in charge? If the presidents cannot have their way, I think we are in trouble!

The Community has expanded, and the Partner States must realise that things must be changed accordingly, and that when things go wrong, it will not be these junior officials or the Partner States who will be blamed. The blame will be put squarely on the Council of Ministers and us. We shall be the failures.

The composition of the delegations sent from Partner States should be upped. They are sending very junior people who come here with pre-conceived ideas. Some of them actually threatened people in the Secretariat that after all they are the ones who recommended their secondment. They hold our Secretariat at ransom. Unless the Council of Ministers takes charge of things, we

are likely to continue with these problems. We also expect from the Council of Ministers a legislative programme so that we can start enacting laws as it was reflected in the quotations I made.

Finally, on the question of the number of days we are supposed to sit, may I say the following: When you have a new document like this Treaty, it has to be operationalised. It has a lot of directives it gives. The Chairman of the Council of Ministers, sir, you served in the fifth Parliament of Uganda, the National Resistance Council. At that time, you needed only three months in each year. But you know that because of the Constitution, the new document that came into force in 1995, which Constituent Assembly you chaired, there was need for more time. We could not go on with three months. You were a Speaker in that House and you know that we shot from three months to ten months, because it was a huge document and there were many things to be done.

There are very many things in this Treaty to be done. We cannot do it with the proposed 60 days. Right now, there is work. For example, the East African Court of Justice Bill was supposed to be finished in this financial year but it is still pending in the Legal Committee. There is the Acts of the East African Legislative Assembly Bill and it is also pending because we do not have money.

In view of all these, and with due respect, I am unable to support the Motion - *(Applause)*

The Speaker: Honourable members, hon. Ogalo has revealed very important information. The Chair would like to consult with the Chairman of the Council of Ministers,

who is a former Speaker of the Ugandan Parliament, on how this Assembly can empower itself to have the budget without being questioned. I, therefore, want to give us a break of 15 minutes so that I may consult with the chairman – (*Laughter*).

ADJOURNMENT

The Speaker: Honourable members, it is now time for the interruption of business. This House is, therefore, adjourned for 15 minutes, and we shall resume at exactly 11.05.

*The House adjourned at 10.50 a.m.
and resumed at 11.05 a.m.*

(On resumption_)

[The Speaker in the Chair]

Ms Rose Waruhiu (Kenya): Thank you, Mr. Speaker, Sir. I want to take this opportunity, first of all, to pay tribute to the Chairman of the Council of Ministers. I would say that during both this sitting and the previous one, we have observed the commitment and the seriousness with which the minister treats the business of this Assembly. That is why we are even more hopeful that our contributions and comments on the motion on the Floor will receive his serious attention, and provide a way forward to solving the problems as my colleagues have defined.

Listening, not only to the hon. Ogalo, but also to the minister's oral answers to questions during the last sitting, one notices in the chairman a commitment to the Assembly, which is not accidental. It comes from his own working career as a very young person within the defunct Community and the Assembly, and as we learn now from our colleague, from the many

opportunities and positions of leadership that had been accorded to him in parliamentary work in his country, Uganda. We therefore feel that we he will read the mood of the Members of the House and he will understand it.

I will make my comments very briefly in a while on only two or three issues. But before I do it, I would like to join my colleagues to congratulate the hon. Kalonzo Musyoka, and to welcome him to the Assembly. I also want to add to what my colleagues said that he would join a team that will face the challenges that the Council has to deal with, with the spirit that this House expects.

I said I would not say much because the contributions of my colleagues since yesterday have covered the ground very well and very thoroughly. But I do want to be on record as having spoken on this particular motion. In the first place, I am a member of the General Purpose Committee, and I can bear witness to the efforts we have made, as explained by the Chairman of our Committee this morning, since April 2002, and the record is there in our minutes of at least four meetings when we sought and waited in the Committee Room to deal with the issue of the budget.

The first meeting was in April 2002 in Uganda. We were told that it was rather late in the budget cycle to bring in the committee to factor in our views into the budget. I think that has been very typical of the first year of this Assembly. We were asked to be patient because there were some teething problems, and that we would take some time to agree on a working method that would involve the Assembly appropriately. But when it came to the budget for this year, we

really cannot say that that excuse holds. We had three meetings during the last sitting in this building here, but we were unable to get any information to help the Committee on General Purposes to perform its pre-budget role.

With my very limited knowledge of economics - I read economics but I cannot say I understand budgeting that much. However, all of us as public officers know that a budget is an assignment of money to activities that you have agreed to undertake. It is therefore very difficult for Members of the Assembly to arrive in Arusha and within a few hours of getting a document, to say that they can support it without any prior information.

The reasons behind our current common views on the budget are based on the experience of the last one year. We have spoken many times on the Floor of this House on our own sense of embarrassment. You are in your home country and everyone you meet asks you, "Oh, you are here? Doesn't your Assembly meet? When are you meeting? Are you on recess?" I think that issue has come up in every sitting we have had in this House. This is why we do not now, after one and half years, want to be seen to be compounding an error. It is an error we have recognised.

In the first year we had to overlook it on the basis that it was a teething problem and the cycle was halfway gone before we came. So we were asked to overlook it. And at that time, we were informed that we would get supplementary estimates, and I hope that is not what the minister is proposing to tell us again today because we have no faith in that programme. We feel that once beaten twice shy.

Mr. Speaker, Sir, because the minister might be distracted a little bit, I believe that his heart, body and soul is with this House – (*Interjection*).

Mr Ogalo: Mr Speaker, Sir, is the minister in order to completely ignore a member on the Floor when she is specifically raising issues for his concern, and to continue in some discussions rather than listen to the member? (*Applause*)

Mr Wapakhabulo: Mr. Speaker, Sir, I take note of the concerns of hon. Ogalo, but I have the capability to consult while listening to the honourable member - (*Laughter*).

Ms Waruhiu: Mr. Speaker, Sir, I was actually very keen. I only wanted to state that this House believes that the minister is committed to the community heart, body and soul. In Kiswahili, that would interpret to *moyo, mwili na roho* – (*Laughter*)

I join my colleagues, and I feel that for the distinguished Members of this Assembly, which is obvious from their experience and their past positions and their contributions since they came, it is very embarrassing that we have to engage in what hon. Ogalo called "wailings and lamentations". When we were listening to him, somebody said that history is repeating itself, and I was sitting next to a very wise man here, who quipped that history does not repeat itself, but that it is only fools who repeat their mistakes. I cannot imagine there are any fools among the members of this House - (*Laughter*)

Mr. Speaker, Sir, I want to cite three examples here: First, the report on the budget speech talks about the amounts of money and the number of development partners we have been able to persuade to give us money. As

most of us are losing our sleep worrying about what it is we do here, it occurred to me that if in fact it is possible for a Partner State to sit with foreigners who do not have a commitment to this Community and be able to amass all these amounts of money, what language is it that they use on foreigners, which they cannot use on our own governments? Why is it easier to persuade a foreign government to give you money and the same officer cannot persuade a Partner State to give us the money?

I have understood the way the budget process is explained, and what we have been told is that the annual increment has some ceiling. The increment has a base. In other words, the provisions you make on year one, if they are wrong, you cannot use those arguments to say that we cannot go beyond the 10 percent or 20 percent if in the first place the provisions were wrong. So, I am asking that this whole Community must be recreated.

Hon. Ogalo has a bible of our first seminar. It was a miserable introduction to the Community for all of us. We were horrified. We made a very poor start and it is a tribute to members that they have retained their spirit and dignity. We have kept quiet on a very personally humiliating way of living. We feel that the assumption from the beginning, even before we came, was that we were going to be an ad hoc, or a temporary body, which did not have a lot of work. I wish this could answer once and for all.

I do not recollect the exact speeches now as read by hon. Ogalo, which brought that assumption, but the arrangement that we shall have a small Parliament that will not meet regularly, and shall not have a lot of work, seems to have been a cancer, which we were

supposed to accept. What I am saying is that in our one year of work, we are rejecting this.

Article 140 of the Treaty talks about the transition provision, and paragraph five reads, "Until the Assembly is elected at a time to be determined by the Summit and first meets, the functions of the Assembly in respect of the approval of the budget of the Community, consideration of annual reports on the activities of the Community and annual audit reports of the Audit Commission, shall be performed by the Council." I think there is some explanation that has not occurred.

When was this transition supposed to happen? This House has been sitting and we can say very openly that we have not been able to deal with annual reports of the activities of the Community because they have not been provided to us, and neither have we taken over our role to deal with the audit reports of the Audit Commission. So, we feel it is irresponsible on our part to continue to be part of a flawed process. I am speaking to the background because my colleagues have elucidated quite a lot on the issues.

Mr Speaker, Sir, I do not know whether it is our business to worry about the consequences of our current decision not to support this motion. When we come here, we have little else to do and we tend to work round the clock on our main programme of legislation. So, it reminded me, in the middle of losing sleep, of a worse tragedy I dealt with when I was very young. And it comes from Shakespeare. If I may quote,

"There comes a tide, in the affairs of men, which taken as a flood, lead on to

fortunes omitted. All the voyage of their lives is bound in shallows and in miseries. On such a sea are we now afloat, and we must take the current when it serves or forever lose our ventures.”

I think this House feels we must put our money where our hearts are.

Mr Jared Kangwana (Kenya): Thank you, Mr. Speaker, Sir, for giving me the opportunity to contribute to this Motion. Like my colleagues have done, I would like to also take the opportunity, firstly to thank the Chairman of the Council of Ministers for presenting this next year’s financial statement to this House, and to also congratulate him for eloquently reading through it in circumstances, which appeared to be very difficult.

Secondly, I would like to congratulate hon. Kalonzo Musyoka for joining this august House as an Ex-Officio Member. In a personal capacity, I have known hon. Musyoka for a long time, and I know he brings to this House competence, integrity, honesty and a vision. So, I would like to join my colleagues in welcoming him to this House - *(Applause)*

Mr. Speaker, Sir, I may now have the privilege of commenting on the Budget Speech that was presented to us by the Chairman of the Council of Ministers. I note from page three, paragraph five, the last sentence leading on to paragraph six, he says: “In line with the development strategy and the indicative plan of action, areas of priority and focus on projects were identified with a view to rendering the greatest impact on the on-going implementation of the Treaty.

The five identified areas of priority were the formulation of the East

African Customs Union, co-ordination and promotion of development activities in the Lake Victoria Basin, intensification of the outreach programme of the Community, strengthening of relations with the development partners and institutional development.”

Mr Speaker, Sir, I have read the contents of the budget speech in relation to those five priority areas. I would like to support the members who spoke before me on their feelings that the contents of the speech in relation to those five priority areas leave a lot to be desired. Why do I say that? I say so because there is no vision about the future of the Community revealed in the Budget Speech. What has been detailed in the Budget Speech is also shallow: It does not give us a detailed comment on what has happened in the past, the difficulties that have been encountered and where we are going to in the future, what problems we expect to encounter and how those problems will be addressed.

Examples have been given, for example of the Court of Justice. All that the Budget Speech and the estimates have attempted to do is to allocate money for personnel. There is no vision about the future of the Court of Justice. For example, is it going to grow into the Court of Appeal for East Africa? Are we going to establish a human rights court in future? Are we going to establish an East African commercial court in the future? That is what we call vision!

It is not vision to tell us that you are going to pay the Court of Justice judges US Dollars 250 as Per Diem; that is not vision. On the Secretariat itself, there are no details on what the Council plans to do about the growth and development of the Secretariat in

terms of capacity building, personnel management and new areas that need to be tackled for which specialised or qualified personnel will be required. There is nothing on it. So what is happening here is that facts and figures are being regurgitated, and that does not point a way forward for us as a Community.

I looked at the details concerning the East African Legislative Assembly. Again, it is an issue of figures. What is this House supposed to do? There is no mention of what the Council expects this House to do, this year or the next year. There is no programme of work that shows the priority areas that we need to legislate on. So we are left merely as a rubberstamp, to pass the budget and give the impression of the existence of the Community, which in my view, under the current circumstances, is an un-effective, stillborn baby.

I would like to refer the House to the functions of the Council of Ministers as detailed in the Treaty in Article 14. Mr Speaker, Sir, I hope you will allow me to quote because this is the bible of this House. Clause 3 says:

“For the purposes of paragraph 1 of this Article, the Council, which is the policy organ of the Community shall:

- (a) make policy decisions for the efficient and harmonious functioning and development of the Community.”

Mr Speaker, Sir, is there anything in this Budget Speech, or in the estimates to indicate the intentions and plans to spell out the policy, to give the vision of the Council, about this sub-clause (a) of Clause 3? When I looked at the development strategy, the nearest we come to in terms of giving the details

is when we talk about the 9.5 acre plot, and that money is being sought. To quote hon. Ogalo, “money is being sought to allow us to know how to build our own house.” I think that is disgraceful!

Clause 3 (b) says the Council is supposed to initiate and submit Bills to this Assembly. I have looked very carefully through this document, and there is no item on the Bills that the Council intends to bring to this House for discussion, not only for matters that have already gone by, but also for the matters that they anticipate the Community to be involved in. As I speak, it is a well-known fact that after one and half years of existence of this House, the Council of Ministers has not brought a single Bill to this House - *(Applause)*.

There is even a request by the Chairman of the Council, asking this House to allow a reallocation of some expenses. My understanding is that we passed the budget last year for this current financial year, but this House has not authorised any expenditure. So, if this House has not authorised any expenditure, where does reallocation arise? *(Applause)*

There was an attempt by this House to remedy that illegality because a private Members’ Bill through the appropriate house committee was brought to this House. That was the Appropriations Bill. But I understand that Council hijacked that Bill. It was supposed to be brought to this House by Council, and as we talk, it has not come - *(Applause)*.

We have been told that the Customs Union Protocol is likely to be signed in November this year. The development plan of the East African Community, as hon. Kanyomozi said earlier,

already says that is a past issue. We should be at implementation stage. I would have thought that the Council would have brought to this House a legislative programme about what should be done in connection with the possibility of the Customs Union Protocol in terms of a legislative programme because there is a lot that we need to put in place. We do not have anything like that in this Budget Speech, and there is no provision for it in the estimates. My feeling in relation to this particular sub-clause is that this House is being rendered impotent - *(Applause)*.

Ms Waruhiu: That is a man's thing in gender - *(Laughter)*.

Mr Kangwana: Mr. Speaker, Sir, I will not deal with the accusations, but I have always understood that a Parliament like this one had powers to do everything except to turn a woman into a man. We have been rendered impotent - *(Laughter)*.

Sub-clause (c) of Article 14 says: "Subject to this Treaty, the Council shall give directions to the Partner States and to all other organs and institutions of the Community other than the Summit, Court and Assembly." I was listening very carefully to hon. Waruhiu's contribution. She gave the impression that some junior officers whose only vision is slash, cut, shred and mutilate have been giving this to ministers. This clause is very clear. The Council shall give directions to these junior officers. Have they surrendered their responsibilities to the junior officers? *(Applause)*

We need to know what the Council has given to these junior officers, to other organs, to other institutions concerning the development, growth, vision and

policies of this Community. I think given the calibre of men and women in this Assembly, it tries for us to sit here and debate a document like this.

Mr Speaker, Sir, I would like to refer the House to sub-clause (d) of the same clause, which says that the Council shall make regulations, issue directives, take decisions, make recommendations and give opinions in accordance with the provisions of the Treaty. We are looking into this important organ called the Council to breathe life into the Community through the directives, decisions and through regulations that they issue. Those should be reflected in documents of this kind. There is no more important an occasion that the debate of the budget to give those directions and regulations. I would have expected that the Council would have seized the opportunity to do just that.

Sub-clause (e) says, "The Council shall consider the budget of the Community." The Council has not done so, if hon. Waruhiu and hon. Ogalo are right in what they said in their contributions. They said that the Council said they were given ceilings. So, it contradicts the powers given to the Council to consider the budget. I believe the Council of Ministers will have an opportunity to comment on that, but I would hate to know that they have not considered the budget themselves. It will be an abrogation of this Treaty.

Sub-clause (f) says, "The Council shall consider measures that should be taken by Partner States in order to promote the attainment of the objectives of the Community." Again, there is nothing in the Budget Speech or in the estimates to indicate where we are going. I think, to be harsh, this Budget

Speech and the estimates are visionless.

We have documents before this assembly that have no vision of the Community. They do not tell us which way the Community is going into the future. We keep repeating what is contained in the Treaty about Customs Union, the Common Market, Common Currency and ultimately a Political Federation. Everybody can say that, even a kindergarten kid can do that. But you know, it takes more than that to achieve those objectives.

We have to sit down and do serious work. That serious work should have come in this document, but I do not see it. I challenge the Council to live up to its responsibility and to live up to the expectation of this House, the Community and East Africans, and bring to this House programmes and policies full of vision, full of life, that this House can look at, deal with and facilitate the growth and development of the Community for the benefit of East Africans.

Finally, I would like to add my voice to the previous speakers' views concerning the lack of facilitation in the work of this Assembly. It is in the Hansard that we have had no annual reports brought. I found one in my pigeonhole, which relates to a period we were not born. I have scanned through it and it is a regurgitation of economic facts and figures of what pertains in Tanzania, Kenya and Uganda. It does not tell us anything more than that.

It is a waste of money that the Community should produce a document like this. All they have done is that they have collected the figures from existing statistics and put them in a document like this. We can access

those figures and data. We do not need a document like this. We need an annual report that tells us where we are going. None exists up to this moment in time.

I also happen to be a Member of the General Purpose Committee. We have met on many occasions, and specifically, we have discussed the issue of our pre-budget function. The first thing that struck us as members of that committee was the ignorance on the part of the members of staff of the Secretariat about the role of this House in pre-budget preparations, and subsequent budget preparations. They had no idea that the House was supposed to be involved. That is an injury. But to add insult to injury, it was agreed that this year, the General Purposes Committee would be fully involved in the preparation of the budget.

The minutes of the proceedings of that Committee are available to the Secretariat. Either they have not read it, which is very bad, or they have read and ignored it, which is very serious, or a combination of both, which is unforgivable. I think all Committees of this House must be given the seriousness that they deserve. They must be given the funding to do their work.

Ultimately, what is my position on the budget? There are fears that the House's mood is against the budget. I can read that by listening to what members have been saying. I think the views of members must be taken very seriously. Their contributions are not coming out of their selfish and personal desires. Their contributions are based on what they think is best for East Africans - (*Applause*).

I have this feeling that the Community, as it exists now, is non-functional in the sense that it is just going round and round. I do not want, as a person and my conscience will not allow me, to be involved in being sucked into a circus because it does not take us anywhere.

With those remarks, I would urge the Council of Ministers to move very fast, even before the conclusion of contributions by members, and take a position that can assist this House and the Community at large to address the issue of funding, and to incorporate those into the budget as quickly as possible and bring it back to this House because failure to do that, I foresee very serious consequences. Speaking personally, I would like to be in the front line in facing those consequences. What I am saying is that if the price of ensuring that this Community functions, grows and develops is for me to go home, that is a sacrifice I am prepared to make - *(Applause)*.

Mr George Nangale (Tanzania):

Thank you, Mr. Speaker, Sir. First of all I would like to congratulate the Chairman of the Council of Ministers for his Budget Speech, which I found enabling and disabling at the same time. I would also like to take this opportunity to welcome the new member of the House, hon. Kalonzo Musyoka, for being elected a Member of Parliament in Kenya and eventually a Minister for Foreign Affairs and an ex-officio member of this House.

The Chairman of the Council of Ministers in his speech told us that in this financial year, he is going to finalise and implement the overall marketing strategy and plans for tourism, for implementation. I would like to commend this initiative, which I think is long overdue. I am saying so

because tourism should in fact be the number one common market strategy for East Africa. So, I want to commend the minister for his initiative to ensure that this particular strategy and plan is going to be implemented this year.

In general, the budget does not reflect a genuine commitment on the part of the governments in seeing that East Africa integrates into a Community, which we have envisaged. I will cite few examples, starting with the training budget.

Last year I decried the meagre token that was given on the training aspect of the budget, but obviously I was not listened to. Again this year, the budget does not reflect the seriousness of funding training for all the three organs of the Community. Last year, it was US Dollars 10,000 for the Secretariat and the Assembly, it remains so this year. It was US Dollars 5,000 for the Court of Justice and it remains so this year. So this does not reflect seriousness.

If you look into the competitive nature of the world now, how do you expect the more than 25 professionals at the Secretariat to fare in international negotiations? They need to be equipped with knowledge and skills that are changing everyday! How do you expect the staff and the members to make sense of the numerous studies that are done everyday using millions of money and which need interpretation, if we are not financing training to enable the staff and the members to do this work?

On the issue of the number of days we sit in the Assembly, I sit in the Accounts Committee and the Committee on Trade and Investment. My personal estimate is that we would need 30 days a year to sit in the

different committees. I would need 30 days in the Accounts Committee and 30 days in the Trade Committee, and that makes 60 days. So, the 60 days allocated for us are already over. So, when shall we sit for Plenary? I would like to call upon the Council of Ministers to immediately uphold the 120 days stipulated in the Rules of the House so that we do our work to the expectation of the people of East Africa.

I would also like to talk about the issue of reviewing the Treaty. The Treaty is not the Holy Bible or the Holy Quran. It needs to be reviewed from time to time. We have seen, after these one and half years, that there are a lot of flaws that need to be addressed. I would recommend that we establish a treaty review committee to look into this aspect so that from time to time the Treaty is reviewed so that it can keep in pace with the times.

With those remarks, I am *unbwogable*, and I do not support the Motion - (*Applause.*)

The Speaker: I will ask honourable members to be brief because. Many members want to contribute to this debate.

Captain Richard Ddudu (Uganda): Thank you, Mr. Speaker, Sir. As usual, I will be brief - (*Laughter*). This is because my contributions are always bordering towards objectivity and avoiding subjectivity.

I would like to thank the Chairman of the Council of Ministers for presenting the budget. I would also like to apologise to this House for having interrupted debate when I came in. Thirdly, I would also like to add my voice in welcoming the Member of the Council of Ministers from Kenya, hon.

Kalonzo Musyoka. I would like to assure him that his maiden speech was very inspiring and it gave me a lot of hope, although speaking objectively, at the end of his speech I think he misled the House about his predecessor. I think his predecessor attended this House once and to the best of my knowledge, that is very poor performance. It must be put on record that his performance was absolutely poor.

Mr. Speaker, Sir, the budget is inadequate; there is no doubt about that. If you have a budget that does not reflect the situation on the ground, year in year out, and you have lean staff on the ground, that means expressly that you are stunted and we are now running a stunted Community against the aspirations of the people of East Africa. The people of East Africa are unanimous about one thing; they all want development and we are their representatives. We have to do something about it now. We have to make decisions without fear of the consequences.

What is the situation pertaining on the ground now? There is insubordination from the top. The officials were directed by the Summit to take joint action in foreign engagements, and up to now they have not done it. That situation has no other name but insubordination. Somebody should have been sacked!

Furthermore, the process of determining the external tariffs has got stuck. It has now been pushed to the Summit. You see the seriousness of the situation? All our experts with their archaic theories have failed to agree between 20 and 25 per cent. We could even get the average and move on. Why do you fear to fail or succeed in a big way? We have gone through so

many economic difficulties, but we are still here. For example, in Uganda, former President Idi Amin destroyed the economy completely, but do we not still exist? Why do you fear to take concrete steps and move forward?

The Council has also failed to bring Bills to the House. This is a situation of impotence. I would like to differ from the suggestion that this House may be impotent, but I think it is the Council of Ministers that is impotent, and in this case they need *Viagra* - (*Laughter*.)

There is a problem on the ground in that decisions cannot be made because the decisions as per the Treaty are supposed to be made by consensus. Now, according to me, consensus is a clear excuse for making no decisions – (*Interjection*).

Mr Kalonzo Musyoka: Mr. Speaker, Sir, much as I hate to interrupt the honourable member on the Floor, may I be in order to seek the Chair's indulgence with regard to interpretation of language that may be deemed un-parliamentary. The Member has just said that the Council is impotent.

The Speaker: I think the Council is not what it is alleged, and it does not need what has been suggested - (*Laughter*).

Capt. Ddudu: Mr Speaker, Sir, I will withdraw those words – (*Interjection*).

Ms Ovonji-Odida (Uganda): Mr. Speaker, Sir, I believe the member on the Floor mentioned that a particular organ of the Community is impotent, and I do not think any of us can take issue with that - (*Laughter*).

Capt. Ddudu: Mr. Speaker, Sir, I have now seen that I am adequately protected - (*Laughter*). I was referring to the Treaty having been defective in some parts, especially on the decision-making. We cannot, and we will never move because the requirement of unanimity in decisions is a big obstacle to us. This is tantamount to saying that the Partner States have veto powers. They can keep quiet without saying no or yes, but they have stalled everything. So, that part of the Treaty must be changed so that in future we do not get into problems that are insurmountable.

We have also seen that there is refusal to make adequate budgetary allocations to the development of the Community and its people in general. This is a question of will. We have on many occasions said that we have the goodwill of East Africans. But I would like to differ. Much as we have the will as we say, which I doubt, it is not enough. It must be matched by our behaviour and actions taken. If we insist we have a will and all our actions do not show that, then we are not taking any steps.

There is stagnation in staffing. You cannot have the same staff year in year out and at the same time you have also stated here that there is an increase in the activities of the Community. The two do not go together.

We need the budget to change now. We have walked that road before. Maybe because we leave these issues to junior bureaucrats, and then we do not get anywhere! These officers have also got that problem of making decisions unanimously. For example, at times Uganda sends one officer, Tanzania sends 14 and Kenya sends 16 and they are supposed to sit in a meeting and make a decision. This one

from Uganda may even be a junior officer and so he will make no decision. The net effect is that there will be no decision made. So that is the situation we have to address.

The issue of lack of will is an old issue, and it is completely reflected in our actions. I would like to bring forward a bigger issue. I think all these things are happening because of the lack of a federation. In a federation, we would have only one leader who would make decisions that are binding. I therefore disagree with this gradual movement to a federation. If we had a federation now, these problems would not arise. Therefore, if the lack of a federation is what is causing all these problems, we must take concrete political action, otherwise we are just dilly-dallying.

I want to put it to the Council of Ministers that a budget that is brought like this will never take East Africa ahead. So, what do we do with such a budget? We simply withhold our approval of it and wait for the consequences. If one of the consequences is that we go home, so be it - *(Applause)*.

This is because we have tried the other option. After last year's budget, the Council said they were going to bring supplementary budget. Did they come? So, we are indulging in a situation of demagoguery. The Chairman of the Council stood up and told us these things would happen, but they never happened. How do you expect us to believe them this time? Let us throw a very big stone into this bush and see what type of animal will come out of it, for even a bee can kill an elephant - *(Applause)*.

With those few remarks, I reserve my support for this Motion.

The Speaker: Honourable members, the Chairman of the Council of Ministers would like to make a contribution to the debate. He will still get time to respond to issues raised by members later on.

Mr Wapakhabulo: Thank you, Mr. Speaker, Sir. I am not winding up the debate, but I am only indulging in dialogue.

Mr. Speaker, Sir, my colleague, hon. Musyoka and the Secretary General have been listening carefully to members' views concerning the budget. It is becoming very clear that it is necessary that we intervene at this stage to clarify, and also to seek to guide the House as we continue debating this very important matter.

As the trend is going, apart from the Seconder, there has been scanty, if any, support at all, for the budget proposal before the House. But at the right time, I will, as the Mover of this motion, canvas all the points that have been raised and respond to them one by one so that the issues are clarified and we all move as one. But I would like to only say one or two things at this juncture.

I wish, first of all, to reassure this House that the Council, in accordance with the mandate it has, remains steadfast in not only supporting, but also effectively attempting within the confines of our difficulties, to facilitate the House and other organs of the Community so that they perform and discharge their respective functions in the process of seeking regional integration.

The point here is that the Council is not reneging from its responsibility. The Council is mindful of the need to ensure that this House is appropriately

facilitated. Of course the problem we have is that that facilitation of the House and the extent of that facilitation is governed by a number of factors.

First of all, there must be the workload. That one, Member after Member has stated that the workload of this House goes beyond merely two months. That has been the basis for budgeting. This Assembly, being the mouthpiece of our people in East Africa, we need to identify that fact and also put sufficient resources at its disposal to enable it discharge its responsibilities and contribute to the realisation of the objectives of the Treaty establishing the East African Community. It is therefore imperative that this important organ of the Community is given sufficient time and resources to carry out its legislative programme as well as the programme of oversight and related roles that are spelt out in the Treaty.

The 60 days provided for in the budget today has become controversial to the extent that honourable members have said it is a clear gross breach of the Rules of Procedure of this House. I think members have fallen short of calling for the expulsion from the House of certain Members of this House on account of alleged gross misconduct and contempt of the House.

I want to assure the House that Members of the Council never and will never at any time maliciously or deliberately try to commit contempt of this House. We respect the honour and status of this House. We did carry out our actions in Council and if in doing so, we inadvertently breached the Rules of this House, we would like to apologise - (*Applause*).

It was not intended to do so. We were acting in good faith. We took into account, when arriving at 60 days, the capacity of the Partner States who are subject to very serious budgetary constraints, in addition to the points we have already made with relation to the workload. But from the debate on the Floor, it is becoming very clear that the question of the time frame must be revisited - (*Applause*). The only problem we have is the constraints also of time. Why do I say this?

The budgetary cycles of the Partner States start later in the year and by May, they are more or less concluded. In fact there is a constitutional requirement in Uganda that the budget must be read not later than 16th June of each year. That being the case, the ministers of finance who consult and by agreement bring down the budgets on the same day, I am sure, have already consulted and agreed as to when the budgets are going to be read.

Because of that constitutional limit, the ministers have already processed their budgets through the various national institutional organs, and now I think they are more or less just briefing the presidents so that they may go to the printers in preparation for the budget day. We had therefore worked on the budget on the basis of 60 days, and it is on this basis that the Assembly facilitation is reflected in the national budgets.

Therefore, I wish to appeal to the members of this House to have trust when we say and undertake, as members of the Council, notwithstanding the fears that have been expressed, more so by the last speaker, that we will, as soon as the situation allows, prepare and process, through the Council, a supplementary

that will embody a review of the sitting days.

Honourable members, I would like to appeal to you this way; that in processing this budget, we must do so in a spirit of give and take. We are making a commitment as members of Council - two ministers here and the Secretary General, who is the Secretary of Council, under the chairmanship of the Speaker himself - that we will process a supplementary on the basis of a review of the days, not to bring them down but up. That supplementary will be brought into this House.

I know that there was a supplementary promised last time, but circumstances did not permit for us to come early. And you know what the problem was. There was the question of not knowing whether a decision on adjusting members' allowances had been finally concluded. But when that situation was reached, although it is not a supplementary, the Council has honoured its position on that one by including that provision in the present budget, and that we are proceeding to place the same before the members of the Summit with a view to giving official approval. So, to that extent we have performed, of course maybe late, but the decisions and actions have been taken. Therefore, I would like to appeal to members that you place faith in us.

You have just been given my curriculum vitae by hon. Ogal. We have singular honour of being some of the founders of this Assembly, with the hon. Kalonzo Musyoka as the Minister of Foreign Affairs of Kenya. When I, as Speaker of the Parliament of Uganda, together with my two colleagues from Kenya and Tanzania, read the draft Treaty and found that

everything had been included except a chamber for the people of East Africa to be able to exercise legislative oversight to exercise their power through elected representatives, we held a meeting here in Arusha. I was accompanied by hon. Med Kaggwa and seven other Members of Parliament.

Hon. Kaggwa will testify that we sat in Arusha and insisted that the Summit do include the Assembly in the arrangement of the Treaty. Therefore, I am at least, to that extent part of the originators of this Assembly. With those credentials, I would like to ask the House to put trust in our mobilization capability. I am sure hon. Musyoka's mobilization capabilities are well known - (*Laughter*).

So, I am urging the House to make a strong statement, like you are already making, to establish a strong case, as you have already done, and clothe us in Council with the capacity and will to go and argue the case, and we have no doubt that whoever is going to listen will listen because, of necessity, the workload of this House is going up.

On the question of the Customs Union, it is not correct to say that we are saying we must wait until November in order to sign it. That is not what we are saying. In fact, our wish is that after the 16th of June in Nairobi, what will be left will be processing documents for ratification of the Protocol, so that long before the end of the year, we shall have the Protocol on the Customs Union in place - (*Applause*).

If Members look at my speech, notwithstanding the less than complimentary statements that have been made, there is information, which says that a study has been concluded on the administrative structures and

proposals as to how we shall structure the Customs Union, and it is already with the Secretary General. Therefore, we envisage, within the financial year, that we shall have, not only a decision on the Protocol, but also we shall have to come to this House for legislations of various types, which will give effect to the Protocol on the Customs Union.

That alone will have given a situation of obviously increased amount of work within the hands of this Assembly and, therefore, no person can argue that adjusting the number of days of sitting, both in plenary and in committees, will not be necessary - (*Applause*).

Armed with that, and with my colleagues in Council, we shall be able to put, not only a strong case, but also an imperative case. So, on that basis, I urge members to continue exercising their right and power to debate and present arguments. These are the arguments that will strengthen the hand of the Council in arguing with the powers that may be to seek increased funding for the East African Community.

As I said, some of the things are imperative. Should we embark on the project of implementing the Customs Union, we will not do it with the number of staff in the hands of the Secretary General as matters do stand now - (*Applause*). We shall need more staff, and that will come by way of supplementary estimates because we are not going to sit here and wait until 2004/2005 financial year.

In other words, what I am creating as a picture is that imperative circumstances do exist for an increased legislative programme. Imperative circumstances will exist that will dictate increased numbers of staff. All those will not have to wait until

2004/2005 financial year. These are matters we must implement almost immediately.

The mission that the Secretary General and I are embarked on in visiting the three Heads of State starting Friday is that we do not want the 16th of June to be a negotiating session. We want it to be an endorsement session of the Summit - (*Applause*).

So, we want, upon directives of Council that the chairman and the Secretary General should actually sort out these matters with the presidents before the meeting in Nairobi, and that is why we shall be going round. Therefore, we hope that come 16th June, a decision will be conclusively made regarding the common external tariff. Since the internal structures have already been agreed, the rest will be processing and not arguing.

With these remarks, I wish to encourage members to continue to debate freely and to bring out the points as they have already done and to emphasise them so that we are armed. But at the same time, I wish to ask members to place trust in us as people who have come here. And I am making this pledge, not in my personal capacity alone as chairman, but with my colleagues so that the Community continues undisrupted.

For us in the Council, we shall process the instruments and decisions that will give rise to a Customs Union as soon as possible, and which inevitably is going to lead to a supplementary budget during this financial year. With that promise and trust, I hope we shall be able to proceed without disruptions, which we would suffer if members were to reject the budget proposals now before them.

I thought I should make this clarification and this statement in urging members as they debate the budget. Thank you.

Ms Sarah Bagalaaliwo (Uganda):

Thank you, Mr. Speaker, Sir. I wish to commend the Chairman of the Council and his colleague for having found time during our session today to record their longest presence with us - *(Applause)*.

I also wish to join my colleagues in congratulating hon. Musyoka on his very invigorating maiden speech. I hope we will continue to have his active participation and invigorating spirit in practice. That notwithstanding, I would also like to appreciate on record, the presence of more members of the Secretariat in this session.

I would like to make my first observation on the statement by the Chairman of Council in respect of the East African Legislative Assembly, and the proposed consideration of a review of the days that we have to sit here.

We note from his statement that he only mentions that this House came into being in 2001, and there is no reflection of any activity of this House for 2001/2002. I would therefore find it very difficult to be convinced by the Council that they will have any arguments to put forward that we are justified to sit for more than 60 days without an amendment of this reflection in the statement made by the chairman of the Council - *(Applause)*.

I know it has always been the response from the Council that our countries are constrained in funding the Assembly and other organs of the Community. We will appreciate the constraints our various states are facing, but I think,

honourable members will realise that one of the cardinal operational principles of the Community in the Treaty recognises the principle of variable geometry in which we are allowing the different states to come in at their different levels.

It is my humble submission that this provision can be invoked by the Council to allow participation of the different states at different levels. In so doing, the constraints of funding will be limited if countries would be contributing according to their speed of growth.

When we met the President of Kenya, hon. Mwai Kibaki, he stated that we couldn't expect a person who built his house 30 years ago to be at the same footing with one who is just starting. I am sure this principle of variable geometry can operate with that reality.

I would also like to note that the vision of the people who wrote the Treaty was not out of reason. They visualised that a customs union would be coming in place before any other process of integration. It is my belief that the vision to have a customs union in place was a mechanism to see that there is established funding for the other areas of the Community before they came into place. Unfortunately, this vision seems to have been lost with time because nobody is putting any importance on the establishment of the Customs Union.

We have heard from the Chairman of Council that they think that the next meeting of the Summit will not be a negotiating process. But there is nothing to guarantee that it will be a negotiating process. We have no confirmation that the position is agreed. Therefore, we cannot logically

believe that it will not be a negotiating process.

Many speakers before have laboured on the area of vision. We are the pioneer House, and we should also be challenged as to what is our vision to put the integration process in place. I, for one, would like to submit that maybe it is time to think of expanding the membership of the Community by inviting Rwanda and Burundi to join, and maybe we shall be visionary there, thinking of growth and at the same time of increasing our funding.

I would also like to mention something about the matrix that we have all been alluding to. I would like to commend Mr Muthaura for having been very foresighted many years ago. But a matrix or a strategy is never static. It was a document to guide the process of putting in place the various institutions and organs of the East African Community, and I believe it is a document that should have been reviewed every year to check on the progress made, the blocks that have been faced and the way forward.

We cannot continue relying on the matrix as though it is the bible of the Community! I think that much as many of the areas in the matrix have been delayed, so can they be enhanced. Nothing is so static as to say that a customs union must be in place by November. It could have been in January and no one other than the Council was supposed to see this is in place.

I would like to call upon the new members of the Council who have show their dedication in joining us for a very long period today, to also show that commitment in seeing that the process of integration is made more meaningful by revisiting the vision of

those who came before us to see what should be put in place before the other organs are there.

The Speaker: Honourable members, before I adjourn the House, I have two announcements to make. The two ministers will be leaving this afternoon for some urgent matters. Therefore, the debate and the processes of the budget will continue next week in their presence again - (*Applause*). But we will suspend the House and reconvene again at 4.00 p.m. to continue with the debate - (*Interjection*).

Dr. Harrison Mwakyembe (Tanzania): Mr. Speaker, Sir, taking into account the fact that the two Members of the Council will not be with us for the afternoon session as you have just announced, and taking into consideration the general mood of the House, which warrants the direct presence of the Members of the Council so as to appreciate our concerns first hand, and not through their assistants, and also, acknowledging that eventually the Members of the Council will have to address themselves to all the salient issues that are being raised by the members here, would I be in order to move that this House adjourns until Tuesday, 20th May when the ministers will be present?

The Speaker: Let me clarify: We will continue on Thursday with other activities but the budgetary process will resume on Tuesday. However, I will go ahead and propose the question on your Motion.

(Question put and agreed to)

ADJOURNMENT

The Speaker: Honourable members that concludes our business today. The House is, therefore, adjourned until Thursday, 15th May at 9.00 a.m.

(The House rose at 12.40 p.m. and adjourned until Thursday, 15 May 2003)