



## EAST AFRICAN COMMUNITY

---

### IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

#### 167<sup>TH</sup> SITTING - THIRD ASSEMBLY: FIFTH MEETING – FIFTH SESSION

Tuesday, 14<sup>th</sup> March 2017

*The East African Legislative Assembly met at 2.30 p.m. in Chamber of Deputies,  
Parliament of Rwanda in Kigali, Rwanda*

#### PRAYER

*(The Speaker, Mr. Daniel Fred Kidega, in the Chair)*

*(The Assembly was called to order)*

---

#### PAPERS

The following Paper was laid on the Table:-

(by the Chairperson, Committee on Communication, Investment and Trade (Mr. Fred Mukasa Mbidde) (Uganda)

The Report of the EALA Committee on Communication, Trade and Investment on the Oversight activity on the One Network Area (ONA) in East Africa.

#### MOTION

**FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE EALA COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION**

---

#### ON THE PUBLIC HEARING IN THE PASTORAL COMMUNITIES OF LONGIDO IN TANZANIA AND KAJIADO IN KENYA ON THE IMPLEMENTATION OF THE COMMON MARKET PROTOCOL PROJECTS

**The Speaker:** Thank you very much. I am reliably informed that the Chairman of the Committee on Regional Affairs and Conflict Resolution, hon. Mwinyi, has delegated the Chairperson Emeritus, hon. Mike Sebalu to present the Report.

**Mr. Mike Sebalu (Uganda):** Thank you very much, Rt. Hon. Speaker, sir. As you have rightly indicated, I am using delegated authority to move a motion that the Report of the EALA Committee on Regional Affairs

and Conflict Resolution on the Public Hearings in the Pastoral Communities of Longido in Tanzania and Kajiado in Kenya on the implementation of the EAC Common Market Protocol Projects dated 19<sup>th</sup> to 22<sup>nd</sup> 2017, be adopted.

**The Speaker:** Let it first be seconded.

*(Hon. Tiperu, Dr. Martin, Hon. Ole Nkane and Hon. Kalinda seconded the Motion)*

**The Speaker:** Hon. Mike Sebalu, proceed and present the report.

**Mr. Sebalu:** Thank you very much for your guidance. Rt. Hon. Speaker, as indicated, that is an activity that was undertaken by the Committee as per its mandate. Page 2 has the table of contents. Page 3 has the introduction.

#### INTRODUCTION

Pastoralism has been a viable livelihood for a considerable population of East Africans for over a century now. However, pastoralists have suffered prejudicial treatment, reinforced by discriminatory laws and state policies. Developmental interventions in pastoral areas have been characterized by ignorance about pastoralists and the pastoral system. Many developmental projects have failed in pastoral areas because of stereotypical views held by those in authority (development agencies, NGOs and CSOs). The above history explains why pastoral areas today are characterized by poverty, lack of economic opportunities, conflict, low education and poor infrastructure.

The Committee on Regional Affairs and Conflict Resolution (RACR) is mandated, according to Rule 81, Annex 5 (E) of the EALA Rules of Procedure (2015) to, among others, review legislation and oversee the implementation of Chapter 17 of the Treaty for the Establishment of the East African

Community (EAC) with regard to the implementation of regional programmes on movement of persons, labour, services and rights of establishment and residence.

#### JUSTIFICATION

It is on the strength of the above that the East African Legislative Assembly's Committee on Regional Affairs and Conflict resolution (RACR) undertook public hearings in the pastoral communities of Longido in Tanzania and Kajiado in Kenya from 19<sup>th</sup> to 22<sup>nd</sup> February 2017, in the context of the Common Market Protocol, which was ratified by the Heads of the EAC Partner States in 30 November 2009, and entered into force on 1 July 2010. The assessment was a follow-up of the fact-finding mission earlier conducted by the Committee on the pastoral communities of Kapenguria and Kacheliba in Kenya and in Nakapiripirit in North Eastern Uganda, in May 2012.

#### OBJECTIVES

In line with the Common Market Protocol (CMP), the objectives of the exercise were as follows: -

- (i) To examine the free movement of persons in the pastoral communities
- (ii) To seek to understand the level of Security among pastoral communities
- (iii) To identify the challenges faced by pastoralists in the context of the Common Market Protocol; and,
- (iv) To seek to address the problems of pastoralists from a regional perspective.

#### EXPECTED OUTPUTS

The expected outputs of this exercise were as follows:

- (i) Extent of free movement of persons in pastoral communities assessed
- (ii) Pastoralism as a viable livelihood understood and the EALA Members

lobbied to appreciate pastoral issues with a view to enacting laws that are sensitive to pastoral needs

- (iii) Challenges facing pastoralists understood and mechanisms to address them sought
- (iv) Report produced and submitted to the House for consideration and adoption.

#### METHODOLOGY

In carrying out its mandate, the Committee employed various methods, which included the following:

- (i) Review of literature on the Common Market Protocol
- (ii) Review of media reports, including radio, print and electronic, as well as written memoranda
- (iii) meetings and interactions with various stakeholders at the two pastoral border communities of Longido in Tanzania, and Kajiado in Kenya
- (iv) Field visits to the selected pastoral border communities in the two Partner States.

#### FINDINGS AT THE PASTORAL BORDER COMMUNITIES VISITED

During the two-day public hearings, the Committee observed the following general and specific challenges, concerns, fears and emerging issues with regard to the provisions on the free movement of labour, persons, goods and services, as well as on the provisions on the right of establishment and residence. It must be noted that these provisions, though they are separate, are all inter-connected and that they form the overarching framework of the legal provisions that affect the implementation of the Common Market Protocol.

#### GENERAL FINDINGS

- (i) The Committee noted that in both pastoral border communities, there was overwhelming support of the integration

process, but there was a call for their concerns to be addressed.

- (ii) The two cross border pastoral communities of Longido on the Tanzanian side and Kajiado on Kenyan side are interrelated by blood, and through inter-marriages between the Maasai communities of the two EAC Partner States.
- (iii) The Masaai people who are found at the Tanzania and Kenya borders share a history that predates the colonial era. One of the negative impacts of the Berlin Conference was the interference in and interruption of family and cultural ties of the Maasai that occupy the Longido and Kajiado plains. The Committee on Regional Affairs and Conflict Resolution made an oversight visit to the Maasai communities living on both sides of the Namanga border between the United Republic of Tanzania and the Republic of Kenya under this historical context.
- (iv) Historical land claims arising from this history has continued to colour the relations of the communities on both sides of the border with neighbouring communities, as well as with governments and government agencies in both Tanzania and Kenya.
- (v) It was apparent that the majority of the people did not have adequate knowledge on the operations of the EAC Common Market Protocol. Their main concern was the non-removal of barriers (tariff and non-tariff) at customs and along the borders.
- (vi) The majority of the stakeholders' discussions centred largely around challenges in cross border livestock marketing and trade, market information, disease control policies and strategies, marketing infrastructure, livestock movement and stock routes, and requirements for delivering slaughtered

stock to both Tanzania and Kenya market centres.

Stakeholders identified key issues that constitute impediments to cross border livestock marketing. They include -

- (i) illegal cross border livestock movement, whether for trade, grazing or translocation; cumbersome and costly procedures for obtaining livestock import and movement permits;
- (ii) lack of harmonization of export / import regulations and other protocols;
- (iii) inadequate linking of both Tanzania and Kenya Market Centres and other markets to producers and traders;
- (iv) insufficient policy and legislation support; poor enforcement of disease control regulations; inadequate and poor marketing infrastructure and limited market information access.

Concerns were raised about differences in the land tenure systems between Tanzania and Kenya, and the loss of land due to free movement and right of establishment within the two countries. The fear of loss of land arises out of varied population densities between Tanzania and Kenya, which continue to disadvantage some sections of the population. Similarly, the two Partner States have different land policies and laws, and land management systems modelled against the traditional and colonial systems at independence. The land tenure systems range from customary law, statutory land law offering various forms of ownership such as communal, freehold and fixed term leasehold or right of occupancy.

Stakeholders from both pastoral border communities were concerned about the increased rate of school dropouts in Longido on the Tanzanian side who are engaged in child labour activities in Kajiado on the Kenyan side at the expense of their education.

The Committee noted that most of the challenges that the pastoral border communities raised are not anchored in the Partner State policies. The shared environment and ecosystem covering part of the Arusha Region and the Kajiado County, which is home of the Community under review, have various challenges, including complications arising from environmental degradation, tensions arising from different policies on land, environment, tourism, pastoralism, agriculture, different production systems including support systems such as extension services and so on.

Given that this geographical region also covers several game parks and other wild animal sanctuaries, concerns were raised on poaching, illegal trade in wild animal products, as well as human and wildlife conflict.

#### SPECIFIC FINDINGS AT LONGIDO, TANZANIA PASTORAL BORDER COMMUNITY, MONDAY 20 FEBRUARY 2017:

Poor communication between Longido and the Ministry of Foreign Affairs and East African Community Cooperation in Dar-es-Salaam was noted, as Longido received a letter from the Ministry to notify them of the Committee's visit on Monday morning on 20 February 2017.

It was obvious that the majority of stakeholders on the Tanzania side lacked sufficient knowledge on the operations of the EAC Common Market Protocol. Most of them thought of the existence of a big market under one roof where people meet for trading purposes.

Stakeholders at Longido on the Tanzanian side expressed concern about the issue of special passage fee charged per head of cattle transiting on private parcels of land and at

boreholes while taking them to market in Kaijado County on the Kenyan side.

It was observed that the majority of the pastoral border communities lack sufficient knowledge on the laws and regulations guiding the EAC Common Market Protocol. They think it is a free zone and their main concern is non-removal of barriers (tariff and non-tariff) at customs border posts contrary to what they thought the Common Market sought to eliminate.

It was reported that many school going children drop out of school to go to the Kenyan side where there are more employment opportunities than on the Tanzania side.

Stakeholders appreciated the Government of the United Republic of Tanzania for opening an Immigration Office at Longido for issuance of temporary travel documents, hence easing free movement at the border.

**SPECIFIC FINDINGS AT KAJIADO, KENYA PASTORAL BORDER COMMUNITY, (TUESDAY FEBRUARY 21<sup>ST</sup>, 2017)**

Stakeholders expressed concern at the increased cases of donkey theft since the introduction of two slaughterhouses in the Rift Valley last year. Stakeholders are thinking of closing the private abattoirs, saying their continued existence would wipe out donkeys. In Kajiado County alone, hundreds of donkeys have been stolen in the past year, leaving owners to wallow in poverty, since they rely on their animals for a living. What shocks stakeholders most is that the thieves are not interested with the meat; they are only after the skin, liver and genital parts of the animals only.

Stakeholders on the Kenyan side expressed concern about the issue of fees and levies

allegedly charged by the local authorities for pasture and water on the Tanzania side.

Stakeholders and pastoral communities on the Kenyan side lamented about the challenges encountered, including high population growth rates, encroachment of crop farming on grazing lands, restricted mobility due to sedentarisation of settlements, privatization of rangelands, and the resultant land grabbing, insecure land tenure, and environmental degradation. Other challenges include conflicts (violence/arms), climate change and variability, unsound development and trade policies biased in favour of crops, and cheap cows and or beef from Tanzania leading to distortion of prices, ineffectiveness of pastoral traditional risk management strategies, increased food insecurity and high poverty levels among pastoralists.

Stakeholders on the Kenyan side expressed concern about the barriers they encounter when transiting their livestock and goods to Tanzania, including being subjected to unofficial multiple fees and levies.

**RECOMMENDATIONS**

1. There is need to conduct as many joint meetings among pastoral border communities as possible to sensitize and enhance their understanding about the EAC integration
2. There is need for EAC to work closely with cross border pastoral communities to ensure proactive measures are employed in responding to conflict such as providing rapid response, investigation and dispute resolution at the community level
3. Effective operationalization of the One Stop Border Post (OSBP) will ease trade in both Namanga in Longido, Tanzania,

and Kajiado in Kenya borders. The Namanga OSBP did not make provision for livestock trade and it still restricts trade in livestock.

4. There is an urgent need for EAC Partner States to balance security of tenure on one hand and land as an asset/resource for economic development of the cross border pastoral communities.
5. There is need to rationalize/decentralize issuance of import/export permits so that they can be obtained locally in the district, region or county where the animals are originating from.
6. There is need for creation of common border livestock markets and inspection points.
7. There is need for the empowerment of market players through capacity building, better market information access, formation of advocacy groups/associations, and linking them to markets.
8. More education and awareness creation on the importance of observing disease control regulations on both sides of the pastoral border communities is needed.
9. Marketing infrastructure such as stock routes, holding grounds, roads and communication need to be improved.
10. Dialogue with policy makers and other relevant stakeholders should be pursued with a view to enhancing legal and policy support for cross border regional livestock marketing and trade.
11. There is a need for pastoral border communities to become more involved at the level of local governments, and to

provide them with information and training about pastoralist livelihood systems in order for local government institutions to understand and value what pastoralists are doing. This includes documenting how the pastoral management systems and practices, which have traditionally been able to cope with and adapt to changing climatic conditions are now threatened by the fragmentation of rangelands, which has reduced the mobility of pastoralists and their access to natural resources.

12. Rights of children and particularly relating to education and child-labour will have to be addressed on both sides of the border. Child departments or agencies in both Tanzania and Kenya may need to develop harmonized and coordinated approaches to safeguard the rights of children and to ensure that the children amongst pastoralist communities at this border and neighbouring regions attend school, and that their rights are respected. Special attention needs to be directed to addressing the problem of children crossing the border as “hired herders”. The Committee received concerns on both sides of the border that children from Tanzania are especially vulnerable to this illegal and exploitative practice.

#### ACKNOWLEDGEMENTS:

Rt. Hon. Speaker, as I conclude, the Committee would like to thank the following personalities and institutions for having facilitated the on-spot assessment in all the EAC Partner States:

- (a) The Rt. Hon. Speaker of EALA for using your good office in facilitating and making sure that the Committee got the funding on time to enable it carry out this oversight function effectively in all the five EAC Partner States;

- (b) The Ministries for EAC Affairs in all the Partner States for the coordination, warm reception, hospitality and courtesies extended to the Committee throughout the exercise, in all the selected border posts;
- (c) Various stakeholders in the border posts visited for turning up in large numbers to share with the Committee the challenges in implementing the Common Market Protocol on the ground; and;
- (d) The Office of the Clerk for ensuring that all logistics were in order prior to the on-spot assessments in the respective EAC Partner States.

Rt. Hon. Speaker and honourable Members, I beg to submit. *(Applause)*

*(Debate on the Motion for the Consideration and Adoption of the Report of the EALA Committee on Regional Affairs and Conflict Resolution on the Public Hearing in the Pastoral Communities of Longido in Tanzania and Kajiado in Kenya on the Implementation of the Common Market Protocol projects, was interrupted)-*

### ANNOUNCEMENT

VISITING DELEGATION OF STAFF MEMBERS FROM THE NATIONAL ASSEMBLY OF KENYA

**The Speaker:** Honourable Members, before I proceed, allow me to recognize our guests who are in the gallery. These staff members from the National Assembly of Kenya. They have come to work with us. These are special visitors. They have not only come to visit us but also to work with us and also know how we do our business. They comprise of the following: -

1. Mr. Abdi Salat – Senior Administrative Officer
2. Ms. Alice Mwendu – Administrative Assistant;

3. Ms. Pauline Kigera – Administrative Assistant;
4. Ms. Sheila Sitati – Administrative Assistant
5. Ms. Pauline Nyambura – Administrative Assistant; and,
6. Mr. Adams Onyango – Support Staff.

Thank you so much for coming and for working with us. *(Applause)*

**MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE EALA COMMITTEE ON REGIONAL AFFAIRS AND CONFLICT RESOLUTION ON THE PUBLIC HEARING IN THE PASTORAL COMMUNITIES OF LONGIDO IN TANZANIA AND KAJIADO IN KENYA ON THE IMPLEMENTATION OF THE COMMON MARKET PROTOCOL PROJECTS.**

*(Debate on the Motion resumed)*

**The Speaker:** The Motion before the House is that the report of the Committee on Regional Affairs and Conflict Resolution on the Public Hearing in the Pastoral Communities of Longido in Tanzania and Kajiado in Kenya on the Implementation of the East African Common Market Protocol, be adopted.

*(Question proposed)*

**Ms. Dora Byamukama (Uganda):** Thank you Mr. Speaker, sir. I would like to thank our Chairman, Emeritus, hon. Sebalu for presenting this report.

I would like to declare that I am a member of this Committee, and that I fully attended this activity. Maybe what may have been omitted is to report that for most part, in our meetings, the language we used was Kiswahili, and that we did not need to use interpretation. *(Applause)* I think that this is very good for

the records. Following the presentations, some of us who are supposed to be in the *chekechea* class were able to express ourselves very well.

Secondly, I would like to highlight some three points. The first point is to congratulate the Republics of Kenya and the United Republic of Tanzania for the cross border infrastructure. There is a lot of improvement, especially at Namanga, where a lot has been done. I believe that in the near future, this issue of cross border movements will be made even easier because of these structures, and because of the presence of officials.

It has been noted that there was poor coordination, especially in the Longido area. However, I would like to say that within less than one hour, we got many stakeholders. That shows the mobilization capacity of the leaders in that area.

My second point is to take note of what was repeated on both sides of the border. Both communities acknowledged the deep relations they have with each other. Not only do they share customs, but they also share many other things, and they intermarry. We found this to be a very good foundation for these two communities to work very closely and to overcome other challenges. What we have included in this report such as permits, more meetings for them to be coordinated and to get information is really on our part. However, the people there are already moving and integrating. Therefore, we need to do our part and raise awareness.

Finally, I would like to say that in the next Assembly where we shall not be, we hope that those who will be there will continue with this activity of following up on the pastoral communities. We have cattle corridors in the Community and these have peculiar and specific, as well as unique challenges, which need to be addressed. I want to thank this Committee for having

addressed, for example, the area of Nakapiripirit, which is found in the Karamoja region in the north-eastern part of Uganda, which shares a border with the north-western part of Kenya. I would like them also to look at the Pokot as a community because when you go to this area, you will find cattle herding across the two borders.

The other aspect I want to bring out on the pastoral communities is that they could also look at the area of western Uganda, especially the one of Isingiro, which neighbours Tanzania. As I said, they have their own peculiar challenges and, therefore, these are other areas, which they could look into, if they have the time.

Mr. Speaker, I want to thank you for enabling the Committee to do this activity. I would like to express this on the Floor of the House. I think we need to spend more time out there with the communities rather than meeting indoors because we had a very good time. We were very much appreciated. I hope that this activity, as well as activities like sensitization, are fully supported by the EAC. I support the Report fully.

**Mr. Martin Ngoga (Rwanda):** Thank you, Mr. Speaker. I too am a Member of this Committee, and I participated in the activity. Therefore, I support the Report. I would like to start from a positive note.

The communities that we visited on both sides of the border are implementing almost everything in our Common Market Protocol, except that they know very little about the Common Market Protocol. This is one area where the political decisions that we make are already endorsing what is already happening. We are trailing in what our people want, which is deeply based on historical relationships and intermarriages that have been taking place. It is until you visit the communities that you realize how much we were robbed by the borders that were brought



by colonialists. There is a lot of movement going on and a lot business happening amongst these people. There is a lot of mutual support for one another. I remember that in one of the meetings, we had citizens acknowledging the challenges their counterparts from the other side of the border were encountering. There is a lot of understanding among the people of the two Partner States in these two communities that we visited.

In our future planning, we need to think about joint sensitization programmes and joint on spot assessment. Instead of visiting one community on one side of the border and crossing to the other side, we can bring these people together so that we get to understand and to appreciate their issues, and to promote the spirit of integration.

We had an activity in Longido and the following day we had an activity in Kajiado. These people are the same. In future, our planning should encourage joint sensitization and joint on-spot assessments instead of doing it the way we have been doing it.

Mr. Speaker, let me not forget to mention that I was encouraged by the way our citizens are willing and ready to confront their leaders in their presence. They were speaking about what they thought was not being done right. The leaders attempted to contest - and this is another very positive development because the citizens know that it is within their rights to raise these issues, to hold the leaders accountable, and for the leaders to take it in a very positive way. We noted these on both sides of the border that we visited.

What needs to be fixed in future is joint planning on the part of leadership. All the issues that we found out, and which are highlighted in the report as the challenges that these communities continue to face, are not based on any policy position of any

Partner State. These issues are based on practice and informal talks.

There is poor planning, where, for instance, one side has taken measures to prevent certain diseases that attack livestock while the other side has not done it. You may also find that one side is doing better in terms of school enrolment, but it encourages free movement of children from one side to the other, which causes a problem of child labour. We need to do a lot more in terms of joint planning. If we continue to plan separately and yet we are planning for people who do not consider themselves different people, this will be an exercise in futility. These people are the same.

There is one *mzee* from Kenya who told us that when the dry season is approaching, he crosses the border because his relatives in Kilimanjaro are already informed about the situation, and they are ready to receive him. This *mzee* is not connected with any leadership anywhere. He is doing this in his own way.

Communities are doing things their own way. Therefore, I think the administration must keep with the pace of the people. They should plan together. If it is about the immunization of animals or ensuring that children stay in school instead of taking care of cattle, this should be noted under joint planning. I noted that problem. I noted that there is a problem because planning is not yet joint, but people are the same. People are interacting with each other. The administration told us that they hold joint meetings, but I think a lot more needs to be done to make sure that we keep the pace. We should help the people in whatever they are doing.

Mr. Speaker, some of the problems we noted are based on different policies, for example, on land. When you are on the Kenyan side, individuals own land. Therefore, if there were movement of livestock, the livestock

would be trespassing in someone's land, who will want some form of compensation.

In Tanzania, land and infrastructure are largely public. Therefore, there is no taxation on the Tanzanian side. That is a problem. I am not saying that having those polices is a problem, but the problem is how we can make sure that different systems that apply on land ownership do not inconvenience the movement of these people, who will continue to live together and to interact as they have done for centuries. They are the same people and there should be no policies that separates them.

Lastly, we should treat this Report as a sample of what could be happening in all border communities. You do not find any border in East Africa where people are not the same on either side. Whichever point of the border that you pick, you will find that people are the same. I do not want to sound tribalistic, but because there is an element of cultural engagement, we cannot ignore that. We need to consider activities in other border communities as well to see the situation and to realign it with political decisions that we have taken. In this case, the implementation of the Common Market Protocol.

Thank you Mr. Speaker. I support the Motion. (*Applause*)

**Ms. Susan Nakawuki (Uganda):** I want to thank you so much, Rt. hon. Speaker. I also want to appreciate the Committee on Regional Affairs and Conflict Resolution for a job well done. In fact, the Committee did a good job in representing all of us.

I have served this Assembly for nearly five years, but I had not had a chance to interact with any of the border communities. In fact, this is a challenge, and I want to agree with my colleague, hon. Dora Byamukama, that we should all go out there and do on-spot assessments. Learning never stops. That is

how we will get in touch with the reality on the ground and appreciate the challenges that the people in the region face.

I know that the border communities are key stakeholders, and therefore they need to be kept abreast with the issues of integration. I understand that the border communities have practically integrated ahead of us in the way they live their lives on a day-to-day basis. They move and graze, although sometimes this comes with a few challenges here and there.

I want to agree with the Committee in making provision for sensitization as recommendation number one. I know that it is only through sensitization that the benefits of integration, and in particular the Common Market Protocol, will trickle down to the grassroots level. I know that the many challenges they face can be resolved through these constant interactions with lawmakers and other key stakeholders.

Rt. hon. Speaker, I have one key concern when it comes to the pastoral communities. For example, between Uganda, Kenya, and our neighbours in the north, South Sudan, there has been an issue of disarmament among the pastoral communities. In Uganda, the Government did a good job in disarming the Karamojong of Uganda. However, this is something that took place on one side and not on the other side. It so happens that other communities, like on the Kenyan side, are armed. There are occasions when there is cattle rustling when one group is armed while the other one has been disarmed. It is my humble plea, through this august House, through you, Rt. hon. Speaker and the Council of Ministers, that you do a joint disarmament programme of the pastoral communities. At the end of the day, when conflict begin, there are many deaths that occur and many cattle rustling takes place. With this situation, we cannot have the social

cohesion that comes with the integration process. We need to arrest this situation so that our people fully enjoy the benefits, freedoms and rights enshrined under the Common Market Protocol.

My other area of concern is that we all appreciate that these areas are mainly remote. In general, the border pastoral communities live in remote areas. Many of them feel as if they have been forgotten. If you look at the level of infrastructure development in other parts, you will see that it is not the same with that in the pastoral areas. The access roads in these areas are very narrow such that you cannot access the areas with vehicles. When you look at their schools, you will find that many of the children study under trees since they are always on the move, anyway. We need to devolve infrastructure and give these people the same attention as we have been giving to other communities. If our governments wake up and give these people this kind of attention, they will settle down.

We are complaining about children being out of school. However, where are the schools? Under the tree shades? This is very critical. We are concerned that the Committee has pointed out that children are now the key herders since they provide cheap labour. If you go to any pastoral community, you will find that the herders are children, whether you like it or not. They have to graze and to take care of their cattle. With the issue of climate change, this is the first thing we must address. We have been seeing, on social media, carcasses of animals because of climate change. There is neither water nor pasture.

I was reading somewhere that the drought in Kenya has been declared a state of emergency because it has hit them very badly. This is because of the environment that we have failed to jealously guard. Probably this will be a wakeup call that we

need to guard our environment and ensure that in future, our children will enjoy the climate we used to enjoy before it became bad.

Finally, my other point concerns the fragmentation of rangelands, which was highlighted by the Committee. I personally feel that this is an issue that we need to give urgent attention. The issue of land fragmentation is not only a problem in the pastoral areas, but it affects all other areas. We are fragmenting the land, and at this rate, our people will have nowhere to graze cattle. Maybe they will have to forget about this cherished practice, if we continue to subdivide the land.

Apparently, these people graze through Kenya to Tanzania and to Uganda, and they have largely lived amicably with it. They take care of their animals and they are proud of it. However, we need to curb the problem of land fragmentation as we go forward.

I beg to support the Report of the Committee.  
*(Applause)*

**Ms. Sara Bonaya (Kenya):** Thank you, Mr. Speaker, for giving me the Floor. I also want to declare my interests. I am a Member of this Committee, and I come from a pastoralist community in northern Kenya. I was happy to be part of this team to attend to this marginalized group in our region.

I got an opportunity to work with some elders from pastoralist communities who were working on issues of peace and security and their fragile lifestyles. We launched a document in Addis Ababa in 2007 to recognize elders from these communities to be involved in decision-making. I also had an opportunity, once, to bring them here to visit the Speaker of the EALA, and to visit the EAC to bring their agenda on the table. I appreciate that in the EAC there is a department that deals with livestock. This

department is under the AU. This Committee also needs to follow up and ensure that that department is properly mainstreamed. We know that most of our important sectors are donor-funded and our Partner States hardly take keen interest in providing the necessary budgetary allocation to attend to such key sectors.

Most of the issues have already been raised by other Members who have contributed to this important report. One key area I observed as we did our oversight activity is that there were very few women involved in our meetings. As usual, women in these communities are left behind because they have many responsibilities to fend for their families. This leads to women being left behind in development in these areas. These areas are marginalized, and they lack infrastructural development in key sectors that would improve the livelihoods of the citizens.

Fortunately, in Kenya we have devolution in place. The devolved governments are working with the communities to attend to key areas or needs of these communities. I was very impressed to see the communities in Kajiado who are well versed in the issue of value addition to their livestock, which is the mainstay of their livelihood. They had good knowledge of veterinary services, good livestock breeds, and good market opportunities. However, they complained a lot about cattle coming in from Tanzania and flooding the market. There is need for the two ministries concerned with livestock to work together so that they improve the livelihoods of these communities because this is the mainstay of these communities.

These communities also need to diversify their sources of livelihood because with time, the vast lands that they occupy will not be reliable any more. Investors are now coming into our countries, and even the locals who

have money to invest. We have seen skyscrapers coming up even in those areas. Slowly, these communities might find it difficult to sustain the free range of livestock keeping that they are used to. There is need for them to have diversified incomes from other sources. In Kajiado, the residents there have a challenge with finding a market for skins and other livestock products. Cottage industries and other industries, which can provide value addition for these products, are critical.

The other major issue is that of security. Both physical and food security are important. These communities need physical security because they occupy expansive porous borders. With the modern trends of insecurity in our unmanned borders where citizens move freely, especially young people, we do not know where this will take us as a region. We do not keep track of where they are and we do not keep track of how they cross the borders. This will ultimately turn out to be a major challenge if we do not attend to it by educating the young people and creating jobs. If we allow them to move freely across the borders, we will not know who has entered and who has left at what point. That is also a major challenge.

There is also an issue of joint border committees. We have seen joint border committees in most of the border points. Unfortunately, these border communities are not benefiting. We need governments from both sides to form special committees to deal with border communities and not only border posts and issues of immigration. Border communities are unique, and have special needs and challenges that they face. They need to be given special consideration.

We need to ensure that these communities do not lose land. Most of our countries have land laws and policies that are not very clear, especially regarding community land. I know

that land tenure in Tanzania is different from the one in Kenya. Most of the land belongs to the state. When investors come and hive off big chunks of land, these communities are displaced. Therefore, we need to have sustainable solutions to attend to these communities.

Thank you, I support the report.

**Mr. Abubakar Ogle (Kenya):** Thank you Rt. hon. Speaker. I am also a Member of this Committee, and I fully participated in the proceedings of this activity. The Members of the Regional Affairs and Conflict Resolution Committee will also attest to the fact that in the course of this activity, some of us were exposed to some very awful experiences. I do not want to give details of that, but this was tantamount to an attack raid by some *Imbonerakure*. However, I will handle that appropriately at another level.

Rt. hon. Speaker, I am also concerned about the way - (*interruption*) -

**The Speaker:** Hon. Ogle, as you know, you should stick to the Motion. That nasty occurrence in the bus is being handled administratively.

**Mr. Ogle:** Mr. Speaker that is why I said that I would pursue the matter at the appropriate levels some other time.

I was concerned about the planning of this particular activity. The Commission, in its wisdom, organized this activity to deal with the pastoral communities between Kenya and Tanzania. I thought that for us to have a more fair representative perspective of this issue, it would have been prudent if we also handled the activity in conjunction with the pastoral communities between Kenya and Uganda.

**A hon. Member:** And Somalia

**Mr. Ogle:** No, Somalia is not a member of the Community. (*Laughter*)

The Karamojong of Uganda, the Turkana, and the Pokot on the Kenyan side would have given us a true and fairer picture of the issue we were looking into as the Committee of Regional Affairs and Conflict Resolution.

Secondly, it would have been prudent, perhaps, for us to have a more balanced position of this activity, even if it was between the Kenyan and Tanzanian Maasai. The two communities should have been brought together at the same place at the same time.

Honestly, what we had in Longido was a complaining community. This community was complaining about what they were referring to as the “excesses” of Kenyans. This is the paranoia of punishing everything that is enterprising and innovative about Kenyans. Kenyans are enterprising and innovative, and people out there complain about Kenyans having done this or that. Those are the kind of complaints we had in Longido.

On the Kajiado side, the Maasai Community there was very receptive. In fact, they understood and appreciated that there were common problems between the communities. There was a *mzee*, Lawrence, a very good old Maasai man from the Kenyan side, who admitted that there should have been no need...He told us a story that once he was travelling with some Maasai from Tanzania. After they had travelled about five miles into the Kenyan territory, they were stopped by some police officers for immigration checks. The police and immigration officers asked them for documentation. The Maasai man from Kenya told the officers that no, these are my brothers. They are my in-laws. You cannot ask them for these documents. He told the officers that if they were going to apprehend or arrest the Tanzanians, they should also do the same to him. So, he had to spend time in jail with them. He told the

officers that they could not just return the Tanzanians simply because they are Tanzanians because they were his in-laws, and for that matter, brothers.

However, we did not hear that kind of reception from the other side. They were literally complaining; from point one up to the end. They said that whenever they took their cattle there, Kenyans do not allow them to graze; Kenyans charge them, Kenyans are too much; and Kenyans are this and that. This is not fair. That is not what the Common Market Protocol was intended to achieve.

However, by and large, I am a Member of this Committee, but I feel that the Report is incomplete. For us to have a more representative view, the next EALA should handle the pastoralist communities between Uganda and Kenya. Only then can we give a proper perspective of this Report.

Thank you Mr. Speaker.

**Dr. Kessy Nderakindo (Tanzania):** Thank you Rt. hon. Speaker. Mine is very short. On Page 9, paragraph 41 says that special attention needs to be directed to address the problem of children crossing border as hired herders.

Once children are working, that is considered as child slavery. Today, 14 March is a special day set aside by the Cable News Network (CNN) to focus on child slavery in the world. In East Africa, I think Kenya was chosen to participate in this activity.

I, therefore, request an amendment to insert the following words “child slavery” instead of the words “hired herders”. We have to call a spade a spade. That is child slavery. If you write it that way, anyone who is reading the Report will understand rather than what has been written – “hired herders”, because not everyone understands what that means.

Thank you Rt. hon. Speaker. I have already submitted my amendment to the Chairperson.

**The Speaker:** Thank you so much hon. Kessy – (*Interjection*) -

**Mr. Ngoga:** On a point of clarification, I wanted to clarify something before hon. Nderakindo left the Floor. There was debate in the Committee about this issue, and we decided that the Committee had not done enough investigation to come up with that kind of qualification. Therefore, we decided to remain within the safe margins of what we saw within the time we had. This was a deliberate decision not to use certain expressions because these are legal expressions. There are conditions we must meet to arrive at that conclusion, and the Committee did not have enough time to engage in that exercise.

**Ms. Byamukama:** On a point of further clarification, when you look at the different legal regimes in the EAC, you will see that the employment of children takes different forms. There are certain ages, for example, where you can employ a child from as old as 14 years to about 18 years under supervision. When you talk about slavery, we are already assuming that there is no form of pay, and that the condition are dire, if I may give it that name. That is why the Committee was a little bit cautious. However, I agree with hon. Kessy that this could be a form of slavery, and it is an area of further interrogation.

Traditionally, as you know, children do cattle herding from a very early age. Therefore, to distinguish as to when it is slavery and when it is actual routine house help, that needs further interrogation. However, I do appreciate what she is saying.

**Dr. Nderakindo:** Thank you Rt. hon. Speaker. I appreciate the enlightenment they have given me. However, here in this sentence, they talk about children being hired

as herders. Today, I heard on the CNN a child in Kenya defining what freedom means to her. She said that freedom to her is being able to go to school.

Here, we have some of the children who do not go to school because they are doing this kind of work. There is some kind of contradiction here when we talk about hired herders. Hon. Dora tried to explain and said that maybe they are under supervision. If they are under supervision, then they cannot be hired herders. We have to be clear here on whether these children are hired herders. If we say that they are hired, that means that they are paid. If they are paid, that means that they are under slavery. *(Interjection)*

**Mr. Ogle:** On a point of information, I thank you hon. Kessy for giving way. I think *Mheshimiwa* Kessy needs to understand the context of this issue. There is no possible apprehending of these children. They are doing so at their own volition. They cross the borders in search of work because of their environment. I do not think this situation fits into the child labour, and children rights and freedoms that she is talking about.

**Mr. Ngoga:** On a point of further information, Mr. Speaker, the word “hired” was included because we were satisfied as a Committee that, that was a factual situation. It is a statement of fact. However, there was no attempt to endorse the practice on the part of the Committee. We appreciated that issues of child labour or slavery are quite weighty and, therefore, they cannot come as a by the way, in terms of what we were doing. Hon. Dora has clarified that. This should have been in the report; I think it was an oversight.

We could have another activity to interrogate that specific matter. We avoided making conclusions on a matter that we had not fully understood in terms of context. We know that children are hired, paid and moved from one side of the border to the other. There is even

some form of organization for their movement. This is a matter of concern on the part of the parents. However, we did not want to rush to conclusions. However, I believe that in future the Assembly could set time for this as a standalone activity.

**Dr. Nderakindo:** Mr. Speaker, as lawmakers, it sounds contradictory for lawmakers to use the words “hired”. And as my colleague has observed, they are paid and there is a formal kind of arrangement to cross the border. For us to come to an agreement, maybe we should remove the word “hired” which means that they are paid. If they are, however, under supervision and are sent by their parents, that means that they are not paid, and therefore they are not hired. The word “hired” goes against what we believe in, regarding children working.

**Ms. Mumbi Ng’aru (Kenya):** On a point of information, hon. Speaker, the information I want to give my sister hon. Kessy is that the issue of hiring herders is not different from that of the maids that are underage, and who are employed in our homes. Therefore, I agree with the recommendation of the Committee. The Committee should be given another chance to interrogate this matter further. By the time that we use the word “slavery”, we will also know how to qualify it.

**The Speaker:** Hon. Kessy, conclude.

**Dr. Nderakindo:** Thank you Rt. Hon. Speaker. For that matter, I recommend for us to add another recommendation, which will be paragraph 42, which read, “*the Committee requests to hold another activity to investigate the issue*”. This is a request.

**The Speaker:** As per our Rules, the Chair of the Committee will have the final say. Hon. ole Nkanae, do you want to say something? I respect your commitment to this kind of report.

**Mr. Saole ole Nkanae (Kenya):** Thank you Rt. hon. Speaker. I do not know whether the Committee interrogated this matter to know whether the children are paid. Under normal circumstances, those children are the owners of the animals. Their fathers allocate them the duty to look after the animals, and they are not paid.

Children who are not going to school are given the responsibility to look after the goats, particularly the kids, but the older ones, those above 12, look after the cows. If there is someone else looking after the animals, then that person is hired or employed, but not the children.

**The Speaker:** Honourable Members, as it has been mentioned here, I will implore this Committee, or any other relevant Committee for that matter, to look into the plight of the children in pastoral communities as a very important activity because those children have rights.

**Mr. Sebalu:** Thank you Rt. hon. Speaker, Sir for your guidance on that matter. I would like to recognize the interventions made by colleagues. Hon. Dora Byamukama, hon. Martin Ngoga, hon. Susan Nakawuki, hon. Sara Bonaya, hon. Ogle and hon. Kessy. *(Applause)*

I will respond to a few issues that have come up. The majority of my colleagues were clarifying issues, which makes my work a lot easier, but allow me to emphasise the issue raised by hon. Dora regarding how Kiswahili was put to very good use during this activity.

As you will all appreciate, our integration process is people-centred. Therefore, we need to connect with the people. That brings in the lead advocacy of my honourable sister, Shy-Rose, who is an advocate for Kiswahili, among other things. The more we get Kiswahili compliant, Members, the more we shall connect with the wider population.

When we were in those meetings, we rather elevated our capacity to a level where we did not encourage any interpretation. Those people would make their submissions and we would answer them straight - *(Applause)*. There was serious connection – *(Interruption)* -

**Ms. Nakawuki:** On a point of information, I would like to inform hon. Sebalu that we will communicate in Kiswahili if we have more sessions in Zanzibar during the Fourth Assembly. Otherwise, it will be unpractical.

**The Speaker:** That is very good. Since you are a Member-elect of the Fourth EALA, that is your business.

**Mr. Sebalu:** And there is evidence that whenever she visits Zanzibar, her Kiswahili improves. Definitely, that is a good observation. Those who have an opportunity to be part of the Fourth EALA, a lot of emphasis needs to be put on capacity building in terms of usage of the Kiswahili language so that we connect with the people.

There were people like hon. Martin Ngoga who are very proficient in Kiswahili. However, when he mentioned his name and said that he was from Rwanda, you could see the Maasai smiling. This is something that our people appreciate. Whenever they heard those of us from Uganda getting our vocabulary right, you could see them connecting with us. Therefore, let us put emphasise on Kiswahili as a medium of communication with our people. That way, we will gain more mileage.

Rt. hon. Speaker, I also agree with the honourable Members when they talk about getting integration out of air-conditioned boardrooms to the countryside where the people are. These exercises give us a lot of mileage. They make integration real. People get to feel it, to appreciate and own it. So, again, let us appreciate that those of you, like



hon. Mbidde, hon. Chris Opoka-Okumu and hon. Nakawuki, who have already transited, will lead that crusade to ensure that we get more fieldwork done.

Rt. hon. Speaker, definitely, people are already integrated. Hon. Ogle has brought out a very good example where one of the Maasai said that if his colleagues were refused to move along with him, he would also stay behind with them. That was a practical demonstration, and he said it with a lot of pride, indicating that there was no way he could leave his fellow colleagues behind just because they are from the other side of the border. That is a clear indication of the people themselves being ahead of us in terms of implementing some of the provisions that we have on our statute books.

Regarding the issue of disarmament, which was raised by hon. Nakawuki, I just want to say that the activity of EALA that involved Kapenguria-Kacheliba in Kenya and Nakapiripirit in Uganda addressed that issue. Actually, there is a recommendation to do with joint disarmament arrangements. Already, the two countries have had discussions on the same matter because the Ugandan experience was taken as a best practice that is being mainstreamed. The Kenyan authorities have had numerous discussions with their Ugandan counterparts to ensure that they take that model. Therefore, the Committee has already made such recommendations, and there are activities along the way in that regard.

Hon. Sara Bonaya indicated the minimal presence of women. That is correct. However, one thing that I would like to appreciate is that even the few that were there participated and made their views known. Some of them took the floor and made their submissions, which is something to write home about.

I agree with hon. Ogle's view in terms of scope and coverage of these communities so that the recommendations we make are more impactful, other than dealing with isolated aspects of it.

Finally, is the issue raised by hon. Kessy. We really did not want to go into statements that could cause bad blood. We are also sensitive that this is a diplomatic activity. We are in the Community together. Making statements without deep and thorough investigations may be defective. These were observations that came up from those members that we interacted with. We felt that such a conclusive statement needed to be preceded by a thorough activity where this issue is investigated fully with good scientific evidence. That is why we took it to the level that we did because there was clear evidence.

I want to answer hon. Nkanee that the evidence was there. These children cross over and work as herdsmen. Whether this is a form of motivation, is something that needs further engagement. Besides their domestic engagements, it was indicated that they help in family labour in terms of herding the animals.

The most important issue we wanted to raise here, which is very critical, is about the children abandoning school. On either side, there is provision for school. On one side, they go to school and the children from the other side go to fill the gap. So, the idea of denying children school within our Community and our region is something that is serious and we needed to raise it. This disadvantages one group against another. That is the main point.

When we talked with the different stakeholders, we encouraged that parents on the other side should help to get the children back home so that we empower the next generation of East Africans without disadvantaging anyone. Therefore, the main

issue was not so much about the work. Abandoning school was a much bigger point on our side to raise so that the authorities on either side take it seriously.

Finally, we experienced seeing a security officer who is still in the old order of sovereignty and roadblocks. He came out with a lot of pride, indicating that roadblocks must be there and that they must be put up. He went to an extent of advising travellers to budget and provide time for roadblocks. If you want to take your goods and be in time for the market, leave much earlier and put in contingency plans for the roadblocks. However, we were able to put that right, and one of the senior officers on the Kenyan side assisted us.

We do not want to see non-tariff barriers like roadblocks being put up. They can only be arranged to cater for specific security needs where different security points on either side have information of criminals and wrong doers. The reception of the *wananchi* regarding the position of EALA for that matter was overwhelming, and that security officer remained isolated and paralysed with his retrogressive ideas.

Rt. hon. Speaker, those are the comments that I wanted to respond to. I would like to thank all the Members for their interventions.

Once again, I beg to move that we support and adopt this report so that it is implemented by the competent and relevant authorities of the communities.

**The Speaker:** Thank you so much, hon. Mike Sebalu, Chair Emeritus, standing in for the Chair.

The Motion before the House is:

“That, the Report of the Committee on Regional Affairs and Conflict Resolution on the Public Hearings in

the Pastoral Communities of Longido in Tanzania and Kajiado in Kenya on the Implementation of the East African Community Common Market Protocol Projects, be adopted.” (*Interjection*)

**Ms. Nakawuki:** On a point of procedure, Mr. Speaker, I rise under Rule 12 of our Rules of Procedure regarding the issue of quorum, which requires at least a third from each Partner State.

Is it okay for us to go ahead and vote on this matter?

**The Speaker:** Honourable Members, you know the way our Rules are. When a procedural matter is raised, no other thing goes on. The Speaker must ascertain whether there is quorum or not – (*Interruption*) -

**Mr. Ogle:** On a point of procedure before you proceed on that, I had a discussion with hon. Nakawuki on this matter earlier, and I told her that this situation was very understandable. Some of our Members, especially from a particular Partner State are missing. This is very understandable. The fact that she has concluded her matter does not criminalise others who are in the thick of campaigns for re-election. I think she should understand and withdraw her point of procedure. (*Interjection*)

**Ms. Nakawuki:** On a point of order, Mr. Speaker, is it in order for hon. Ogle to impute improper motive on my part? Is it in order for him to infer that this is about my re-election and about other people not being elected? This is about doing things right. We are about to vote on an important issue when it appears that we do not have quorum. Is he in order to impute that I am doing this in bad faith?

**The Speaker:** Honourable Members, our Rules are clear. When a Member feels that we do not have quorum, he or she should raise

the matter. Once the matter has been raised, the Speaker must ascertain that there is quorum.

Sergeant-at-Arms, could you ascertain the quorum? You should also ensure that honourable Members who are within the precincts of Parliament come in.

**Mr. Bernard Mulengani (Uganda):** On a point of procedure, Mr. Speaker, I want to respect your ruling that the Sergeant-at-Arms should take stock, but procedurally, Parliament rings a bell to call Members who are out in the corridors to come back to the House. We were taking tea but we did not hear any bell. Could I kindly request your indulgence that the bell be rung before we proceed?

**The Speaker:** You must have been informed that when hon. Nakawuki raised the issue of quorum, I asked the Sergeant-at-Arms to go and inform those Members who were in the precincts of Parliament to report immediately. That is how the information met those of you who were outside.

Our Rules provide that once the Speaker announces that those who are outside should come in, then the ascertainment is undertaken. If there is no quorum, I have to adjourn the House for fifteen minutes. *(Interjection)*

**Mr. Ogle:** Rt. hon. Speaker, notwithstanding your ruling, now and before, and further notwithstanding the physical counting being done by the Sergeant-at-Arms as per your instructions, I want to move a Motion under Rule 84(1).

**The Speaker:** Hon. Ogle, the Rules tie my hands that once a question of quorum has been raised, no other business can ensue until that business is disposed of – *(Interjection)* -

**Mr. Ogle:** But we can suspend that.

**The Speaker:** Let me first ascertain quorum and then you can move your Motion.

Sergeant, please, proceed.

*(The Sergeant-at-Arms ascertained quorum by counting the Members present in the House)*

**The Speaker:** Honourable Members, the Sergeant-at Arms has ascertained the number of Members present in this sitting as follows:

Republic of Kenya	– 6
Republic of Uganda	– 8
United Republic of Tanzania	– 2
Republic of Burundi	– 3
Republic of Rwanda	– 8

Going by our Rules of Procedure, quorum is constituted or the House is fully and well constituted when we have at least half of the elected Members from the Partner States, and within the half, there should be at least three from each Partner State. We have only met part of the provision for quorum, and part of it we have not met because we have only two Members present from the United Republic of Tanzania.

*(Mr. Ogle stood up in his place)*

**The Speaker:** Hon. Ogle, as I have always stated, this is a rule-based institution. It has been brought to the attention of the Speaker that there is no quorum. The Speaker has checked and found there is no quorum. I do not have any other thing to do but to suspend the House for 15 minutes.

The House is suspended for 15 minutes.

*(The sitting was suspended at 4.05 p.m. and resumed at 4.25 p.m.)*

*(On resumption\_)*

**The Speaker:** Honourable Members, I welcome you back from the short break of 15 minutes. My office has worked with the Office of the Sergeant-at-Arms, and we have found out that for us to have full quorum, Members of the United Republic of Tanzania should be present. Hon. Taslima and hon. Makongoro are within the precincts of Parliament. However, I cannot hold the House waiting for long.

As you may know, the Members of the Committee on Legal, Rules and Privileges have an urgent matter that is supposed to be concluded during this meeting. We had already communicated and I had said that I would adjourn the House in time to allow the Committee time to transact that business. Based on that, I instruct the Clerk to the Committee on Legal, Rules and Privileges to constitute the Committee, and all those Committees that had requested time to have meetings to do so immediately.

#### **ADJOURNMENT**

**The Speaker:** I now adjourn the House. The House stands adjourned until tomorrow, Wednesday, 15 March 2017 at 2.30 p.m.

*(The Assembly rose at 4.30 p.m. and adjourned until 2.30 p.m. on Wednesday, 15 March 2017)*