



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

112TH SITTING - THIRD ASSEMBLY: SECOND MEETING – FOURTH SESSION

Wednesday, 14 October 2015

The East African Legislative Assembly met at 11.30 a.m. in the Senate Chamber, Parliament of Kenya in Nairobi.

SPECIAL SITTING

PRAYER

Kenya National Anthem

EAC Anthem

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

(The Assembly was called to order)

The Speaker: Honourable members, amidst us today is His Excellency Uhuru Kenyatta, the President of the Republic of Kenya. I have, in accordance with the provisions of Article 54 of the Treaty, invited him to address this Assembly.

I now would like to make the following proclamation to welcome his presence in the Assembly.

“WHEREAS clause 1 of Article 54 of the Treaty provides that the Speaker of the Assembly can invite any person to attend the Assembly, notwithstanding that he or she is not a member of the Assembly if in his or her opinion the business of the Assembly renders his or her presence desirable

WHEREAS in the opinion of the Speaker the attendance and presence in the Assembly of the President of the Republic of Kenya is desirable in accordance with the business now before the Assembly

NOW THEREFORE it is with great pleasure and honour, on your behalf, honourable members to welcome the President of the Republic of Kenya in this Assembly.” (Applause)

ADDRESS BY HIS EXCELLENCY UHURU KENYATTA, PRESIDENT OF THE REPUBLIC OF KENYA

WELCOME REMARKS BY THE SPEAKER OF EALA

The Speaker: Your Excellency Uhuru Kenyatta, President of the Republic of

Kenya, the Chairperson and members of the EAC Council of Ministers, honourable members of the East African Legislative Assembly and Parliament of the Republic of Kenya who may be around, the Secretary General represented, the Speaker emeritus and former members of the East African Legislative Assembly, excellences, ambassadors and members of the diplomatic corps, distinguished guests, ladies and gentlemen, good morning.

Your Excellency, I take this opportunity to thank you for gracing us with your presence at the Second Meeting of the Fourth Session of the Third Assembly, which commenced on October 4, 2015.

I wish to thank your government and the Parliament of the Republic of Kenya for making our stay here comfortable for the last one week. The Speaker of Kenya Senate, Rt. hon. Ekwee Ethuro officially set the ball rolling by opening the session last Tuesday October 6, 2015.

However, Your Excellency, we are more than privileged to have you deliberately set aside some time despite your busy schedule to interact with the Assembly. *Asante sana Mheshimiwa raisi. Mimi na wabunge wenzangu na wafanyakazi wote wa bunge tunakushukuru sana – (Applause).*

Your Excellency, since the session begun, we have successfully debated and enacted the EAC Electronic Transactions Bill, 2014. This is a key Bill, which paves way for the growth of e-transactions in the region by enabling the corporate world and the public sector to transact business using the digital means in a safe and secure environment.

A key report on the good will mission of the Assembly to Burundi refugees in Kigoma, Tanzania and Rwanda was also debated and passed, Your Excellency.

Before we conclude, we hope to pass the East African Forest Management and Protection Bill, 2015 and the EAC Disaster

Risk Reduction and Management Bill, 2015 and to pose key questions to the Council of Ministers.

In between the sittings, the Assembly has held consultations with stakeholders from the private sector and the civil society as mandated by the Treaty. Yesterday Your Excellency, the Assembly had a cordial meeting with the private sector under the umbrella organisation of the Kenya Private Sector Alliance. Arising from the consultations, EALA shall forge further areas of collaboration and enact legislations key to creating a conducive environment for the sector to thrive.

Ideally, governments and Legislature can create conducive environments for investments. It is thus necessary for the EALA Committee on Communication, Trade and Investments in consultation with the private sector to make this call a reality.

Your Excellency, ladies and gentlemen, whereas there is political good will and commitment to strengthen integration, citizens in the region continue to demand to see the tangible benefits. Somewhere along the way Your Excellency, there is always some disconnect of some form.

As politicians, we sometimes see the technocrats in government as the persons hindering progress by instigating red tape and unnecessary bureaucracy in our work and there is some evidence to this.

Permit me to quote a regional enthusiast and the fourth President of the Republic of Kenya, His Excellency Uhuru Kenyatta who at a state banquet in Kampala, Uganda in August 2015 said, “We were chatting at our bilateral way forward with Uganda when bureaucrats started telling us about the legal aspects as concerns movement of certain goods and services. I reminded them that if you go across to Busia or to Namanga at the border with Tanzania, those people do not recognise what you are doing in

Nairobi and in Kampala but rather they are moving and doing business very freely.”

That was a statesman speaking, a person with unwavering commitment. This shows how committed our people are to see full integration but that bureaucracy hampers the speed and spirit of integration dispensation.

It is vital for policies that promote integration to be espoused as opposed to those that hinder integration. It is necessary that procedures are followed, but such focus should be facilitative in nature. Let us see goods move freely within the ambit of the Customs Union Protocol. Let us in the same vein see the full implementation of the Common Market Protocol undertaken in earnest form.

We recognise that though the signing and the coming into force of both protocols signified good tidings for the region, their implementation has been way below expectations.

There are significant examples that can be highlighted and one is in the sugar commodity which more often than not, connotes a political agenda even when the Customs Union is fully fledged and we are ostensibly expected to be promoting inter regional trade.

Your Excellency, this Assembly is firmly behind you and your position on this matter. You can always count on us to take the struggle further than where we would have ended.

The second is with regard to several barriers especially that of the movement of persons in the region in search for opportunities and or do business in neighbouring Partner States. Such includes hindrances and obstacles faced in acquisition of work or resident permits owing to the delay in the standardisation and harmonisation of the same.

The occurrence of non-tariff barriers and slow implementation of ... passed by the Council of Ministers. We as an Assembly plead that a divide between politics and integration be waged and that citizens be accorded the opportunity to enjoy the fruits of integration.

Your Excellency, at the special sitting with the Right Honourable Speaker of the Kenya Senate, I mentioned to him three major areas that call for the attention of the Heads of State. At the risk of sounding as if I am repeating myself, Your Excellency I beg that I repeat them.

The first is the desire by stakeholders to see the EAC Treaty amended to reflect the status of implementation. There is already some work in this direction but EALA pleads on behalf of the stakeholders that this process is speeded up to reflect the current situation and the relevance of the integration process.

Secondly Sir, the issue of full autonomy of this Assembly. At the moment, the Assembly is semi-autonomous in its operation. The ideal scenario would be full autonomy including direct funding by the Partner States. This is necessary for the betterment of the EAC and our integration process.

Your Excellency, this is a call that the Assembly has been at for decades and we look unto you, with your leadership style, that this shall come to conclusion.

Thirdly, an area where we have already received approval from His Excellency Yoweri Museveni at the recent sitting in Kampala of the First Meeting of the Fourth Session of the Third Assembly is that of assent to Bills. EALA has proposed a change in the mode of assent that we should take advantage of the Summit sittings as opportune moments for the EAC Heads of State to exercise their mandate of assent to Bills as stipulated under Article 63 of the Treaty of the EAC.

Such a move would help reduce the time taken and logistical mode of moving the Bill from one Partner State to another. We look forward to a time when the Summit shall make pronouncement on this proposal.

Fourth Your Excellency is the chronic cancer eating away the very fabric of our integration by reducing the ability of the EAC Secretariat to function negatively or weakly. This is none other than the institutional review, which has been on the cards for the last six years and has cost taxpayers an estimated yet astronomical figure of \$ 2 million.

The process has been through a full round in circles, much to the detriment of the EAC. On the other side, the Secretariat and the Organs remain under capacitated and underfunded. On the other side, the EAC is unable to realise its full potential.

I appeal to you, Your Excellency and the Summit that through you, this exercise must be concluded immediately to allow efficiency.

Your Excellency, concerning Kenya, we are proud that the country continues to record some economic growth. The East African Community is proud of the several major development projects in Kenya including commission of the World's biggest geo thermal energy plant in Naivasha last year whose additions of 140 megawatts to the national grid will effectively bring down electricity costs, empower citizens, create employment and combat social ills.

Your Excellency, we would also like to salute you and your government for undertaking to reduce the cost of citizens connecting to the main grid. We salute that effort.

We also congratulate you for the ground-breaking initiative following the launch of the standard gauge railway running from Mombasa to Uganda, South Sudan and

Rwanda. This is a transformation, which is bound to open the region and promote intra-regional trade.

With regard to youth empowerment, the government has supported establishment of over 20,000 youth enterprises, trained over 200,000 entrepreneurs and set aside a program supplemented by a new policy that ensures allocation of 30 per cent of all government procurement to enterprises owned by the youth, women and persons with disability.

Such commitment to see the youth aspire to move out of the poverty bracket is commendable.

Further, under your able leadership, the Republic of Kenya has contributed tremendously to peace initiatives in the Democratic Republic of Congo, South Sudan, Burundi, Somalia, among others.

As EALA, we are concerned about what is happening in Burundi and request the Summit to critically assess the situation and provide further guidance and leadership.

On this note Sir, I would like to salute you and your government for the ratification of the Peace and Security Protocol, which was done last week.

Your Excellency, I wish you good health, abundance, and prosperity as you lead this country to greater heights.

On a lighter note Your Excellency, let me take this earliest opportunity to wish you a happy birthday in the next 12 days to come. But, for good measure, I will refrain from putting on record your youthful age.

Before I invite Your Excellency to address this Assembly, may I briefly introduce to you some of the dignitaries who we have invited to grace this occasion. I would like to take this opportunity to introduce to you the Rt. hon. Abdilrahin Haither Abdi, Speaker emeritus of EALA.

Your Excellency, it is not easy to lead an institution, come back, and receive such kind of applause. I am still on my knees that I will be invited and I get the same.

I would like to introduce hon. Gerard Benson Kangwana. Your Excellency, hon. Kangwana is special to EALA because he hosts us when we are in Nairobi. We thank you.

I would like to introduce hon. Gervase Akhaabi, hon. Safina Kwekwe...Hon. Safina served as the Chairperson of the Committee on Agriculture, Natural Resources and Tourism. I think she is now serving in the county government in the coastal province.

I would like, in a special way, to introduce hon. Augustine Lotodo. We had invited other members of the First and Second Assembly who come from this republic but they have not yet made it here but we welcome all of you.

In a special way, Your Excellency, we also have special guests from the national Parliament of Uganda from the Committee of Local Government who have come to benchmark with EALA and the national Parliament of Kenya.

I would like to take this opportunity to introduce hon. Akora Maxwell, leader of the delegation, hon. Osegge Angelline, hon. Makhoha Margaret, hon. Kafuda Boaz and all the other members of the committee who are around including the two support staff Miss Namubiru Justine and Mr Angura James.

I thank you for honouring my invitation. Your Excellency, it is now my singular honour and privilege to invite you to address this Assembly. Thank you so much - *(Applause)*.

The President of the Republic of Kenya (Mr Uhuru Kenyatta): Thank you very much, Mr Speaker. Mr Speaker, honourable members, let me begin by saying that it is a

pleasure, as always, to visit with this Assembly and indeed to see so many of our distinguished EALA members in attendance.

I would also like to take this opportunity to welcome the East African Legislative Assembly members that are from our neighbouring countries and to say *karibuni nyumbani*.

Mr Speaker, for almost a decade, I had the privilege of representing my home constituency of Latundu South in the National Assembly and let me say the discussions in the House were always intense and incisive and indeed it taught me the importance of Parliament in a democracy and in shaping the destiny of a nation.

Indeed, it is Parliament that determines the rules that govern the life of a nation, and without a doubt, we must call that that is indeed a very high calling.

Let me say that it is especially higher when an Assembly must consider rules that will bind an entire region, which is the task that has been put before you. The weight of your responsibility is only magnified by East Africa's history and the prospects and challenges that lie before us as a nation. Indeed the heroes of our past won us our freedom but we who stand in their wake would dishonour their sacrifice if we also did not add to that inheritance.

To do that, and the only way we can achieve it, is by standing together as a Community. Our unity is a vital precondition for the prosperity and the security of our hard won freedoms.

That unity is not a matter of interest only to those who live in our region because we all know that given our strategic position and the gifts that God has given us of our people and resources, East Africa is an important part of the global world. It should be clear then that you especially bear exceptional obligations.

As I have already said, yours is a deliberative body and let me begin by saying that as an East African and indeed as an interested observer in your debates, allow me to take this opportunity Mr Speaker to share some thoughts with you.

I would like to begin first and foremost by repeating again to this Assembly my government's complete commitment to the East African integration process. I know that the future of each of us in this region is bound up with the fate of all the rest of us. Leaders must create the laws, the institutions, and the framework that will help us face that future together. We in Kenya stand ready to play our part in that great task.

The second point I wish to make is that we who are convinced of the imperative of integration must communicate this message of integration much better to our people. Too often, the integration of East Africa is taken to be merely a political matter a job for politicians but not for the ordinary people.

Indeed, it is true that leaders must lead but we also have a responsibility to spark the imaginations of East Africans when it comes to integration. As you have correctly said Mr Speaker, those who live along our common borders do not see those boundaries.

Recently I had the opportunity to host President Kikwete in Taveta where we were launching the Mwatate Taveta Moshi-Arusha road and indeed it was quite telling that as much as we were in Taveta on the Kenyan side, there was no doubt that half the people we were addressing were from Tanzania and they did not have passports; they were just there doing their business and moving about with their lives. They were surprised to see their President; they did not expect to see him there.

Let me say that some might say that it is not really a problem for integration but I

believe that it will be quicker if we involve our people. We have to avoid division by giving East African citizens a much more direct say in the task of integration. It may be that we shall have to modify treaties and laws but that is best left to your judgement.

What cannot be doubted is that the job of winning our citizens' complete trust in this project of integration must start now, and it must start with our leadership and us involving the people directly?

The third point Mr Speaker is also the performance of this Assembly and as you have said the number of challenges that you have spoken on. Indeed, let me say that I want to congratulate you as an Assembly for having overcome the challenges that you had and that took up a lot of your time but congratulations, you have found a way forward.

In the last few months under the wise leadership of your new Speaker Kidega, you have done much. New Bills, reports and resolutions have flowed at a steady pace and if I may say so myself, the most important thing I would say is that as the mandate of this Assembly comes to an end, we would all like to see you leave a legacy, a set of measures that will be remembered as long as our Community lasts.

Indeed Mr Speaker, if I may say so, I strongly believe that the best way to do this and to leave a legacy that will ensure that this Assembly is remembered is to hasten the process of legislating the common Market Protocol and anchoring the right to freedom of movement.

I know that there has already been work done in these areas and I am sure that in the remainder of your term, you will want to finish this job.

Mr Speaker, the fact is that our union and in order to strengthen it and entrench it in our people, our union needs the free movement of goods, people, capital and services. We must allow our people to take their skills

and capital wherever they will be best rewarded. Why confine the energy and innovation of our young people to small boundaries?

I consistently tell Kenyans here that the fact that we have a new constitutional dispensation with counties does not limit the ability of people to move from county to county to reside where they wish and to do business where they wish and to farm where they wish. That is the process of integrating and developing an economy.

If our economy as East Africa is also to grow and strengthen, we must allow our people the ability to move and to do business as they see fit rather than restrict them. We must give them that freedom. We must allow the innovation of our young people to take full effect.

In any case, given our union, how do we ever expect to achieve the long-term objective of political union if we will not even allow our people to move freely and trade amongst themselves? That must be the beginning.

All the same, it is a pleasure to note that even as we look to you to fast track this process, there has also been rapid progress in the infrastructure that should facilitate this free movement. Indeed Mr Speaker as you have said, we have worked together with my brothers in the region and have partnered together when we started the standard gauge railway. We shared the platform together. As I have just said more recently with my brother President Jakaya Mrisho Kikwete of Tanzania who visited Kenya recently and we jointly commissioned the Taveta_Arusha road.

These projects are representative of the hard work that has gone into knitting the nations of our Community together by road, rail and air. The rewards of this are already apparent. We see much shorter travel times; we see much more investment in the region, intra-regional investment and trade. It

therefore remains for us to encourage you to play your role in these developments. For my part, I will do what I can to achieve the cause of infrastructure at this weekend's Northern Corridor Summit.

There now remains the matter that you just mentioned Mr Speaker; the issue of sustainability. It has been proposed that Partner States of the Community show their commitment to your goals by funding you directly. Direct funding would strengthen the capacity, I believe, of the Community to deliver its mandate.

It would also hasten the day of complete integration I want to assure you, Mr Speaker that this proposal has my complete support and I will be happy to consult and work with you and my brothers in the region to see it introduced quickly and effectively.

Mr Speaker, I am also in concurrence with your proposal that we need to change the manner in which Bills are assented to. This issue of moving them around and there are thousands of copies or hundreds takes forever and sometimes delays assent of Bills that are critical to our Community so I want to assure you of my support.

In fact, I would go a step further and say that as we try and simplify that process and maybe have major Bills signed together at the Summit and reducing the number of copies because this is a bigger problem- I also believe that I see no reason for example why you should not introduce a proposal where the Appropriations Bill which is essential for your operation should not require the signing and consent of all of us. The Chairman alone of the Summit can sign the Appropriations and move the business of the Assembly ahead and then the other Bills can wait for the Summit so that we do not delay your ability to do the job and the task that you were set out to do.

Mr Speaker, let me conclude by saying that we could say more but really it is for you to

deliberate and before I conclude, because I do not know whether I will be able to address you again before your departure, I would like, before this Assembly, to recognise the Secretary General of our Community whose term is drawing to a close and to state before you that under his leadership, his commitment to the union has been absolute and I wish before you, to thank Dr Sezibera and to wish him well in the future.

As I close, I also take this opportunity to wish our brothers and sisters of Tanzania the best of success in their elections. We wish them a peaceful election that will result in a new government that will continue the same sense of commitment to our Community as has been and we have seen in the past.

Let me also close and thank all our members from our neighbouring countries for your visit and all you members of this Assembly for your commitment to the great task of integration. May God bless you and may God continue to bless our union. Thank you very much. (*Applause*) *Asante sana*.

The Speaker: Thank you so much, Your Excellency. You are the leader the region has been waiting for. I thank you so much for your wise counsel to this Assembly, your support to us as an Assembly and the policy guidance.

Your Excellency, in our minds is still fresh the fresh breath of your support to our welfare while you were Chair of the Summit. Your support to this Assembly is not mere words of mouth, it is tangible and we are grateful.

I cannot express enough, on behalf of you, our appreciation to His Excellency and the people and government of Kenya for the support, and for what we have enjoyed here.

Allow me, Your Excellency to invite hon. Martin Ngoga to express our appreciation to you.

Mr Martin Ngoga (Rwanda): Thank you, Mr Speaker. Maybe I should state from the outset that I may not as well be able to express enough gratitude to His Excellency the President, but I will just make an attempt.

Your Excellency Mr President, the President of the Republic of Kenya, Rt. hon. Speaker of EALA, Chair, Council of Ministers, honourable ministers, honourable members of EALA, Rt. hon. Speaker emeritus and ex-members of EALA, distinguished guests, all protocol observed, we are enormously honoured Mr President by your presence today and I am personally grateful to the members who have afforded me the opportunity to speak on their behalf.

We will not be able to express enough how much we appreciate your presence here today. Thank you, Mr President for reminding us about our obligations, for reminding us of our marching orders. Thank you for your advice but we do not only need to involve our people in our processes but we have to walk at their pace because the impression and I believe this is a fact, our people are most likely walking faster than we are so we have to catch up.

Mr President, none of this comes as a surprise because the honourable members of EALA and people of East Africa across the region have a very good understanding of you. They know you very well, they know your positive attributes, and they know you as a man of enormous simplicity and humility. They know you as a leader who has extra ordinary ability to interact with people of all social levels from making time to share breakfast with schoolchildren to meeting CEOs of very successful businesses and being able to deliver the right message to each group you meet.

This House understands abundantly those positive attributes of yours as a leader and that is why none of what you have shown us is a surprise to us.

Mr President, on behalf of my colleagues, we thank you for what you are doing for the people of Kenya; the very positive policies you are implementing, your prioritisation of education because you realise, and rightly so, that in order to deal with poverty, in order to emancipate our families and get them out of poverty, we have to not only educate their children but we have to give them the right competitive education and that is precisely what you are doing.

Your policies on education, your introduction of IT skills right from the lower levels of education is something that cannot go without the right appreciation not only from the members of this House but also from the entire region.

This House is also abundantly aware of what you are doing to promote our common agenda as East Africans. You have restated your commitment to integration. Empirical evidence is such that you are a staunch supporter of this. We thank you for standing on the right side of our integration agenda, even when the subject attracts heated political debate – (Applause).

With due respect to whoever intervenes on contentious issues and without prejudice to the space that must be there for people to debate these contentious issues, we applaud your choice to stand on the right side of the Common Market Protocol. We thank you for not choosing the simplistic way of being a momentous politician who goes for populist choices – (Applause).

This House stands with you and we are together in remaining focused on what we set out to achieve as a region.

Mr President, we thank you for putting up a good fight against terrorism. We have been here for a week; we have been to every corner of this city and, indeed, *hakuna*

matata. By the way, my Kiswahili is much better than Rt. hon. Speaker's. *Hawa waheshimiwa wana kwenda kila kona ya Nairobi na wamefurahia usalama*. Thank you for leading the people of Kenya in the right direction not to succumb to the challenge of terrorism but to put up a good fight – (Applause). We stand with you in your efforts and we support what you are doing.

Mr President, the saying goes that behind every successful man, there is a strong woman. Please allow me, on behalf of the members, to, for once, give instruction to the President. Please tell the first lady, Margaret Kenyatta that we applaud and salute her efforts in what she is doing for the rural Kenyans, in her efforts to curb maternal mortality rates, infant mortality – There is ample evidence that she is saving millions of young Kenyans who are the future of this nation. Her efforts cannot go unnoticed, this House salutes that, and we sincerely request that you deliver this message – (Applause).

Mr President, going over your personal attributes and achievements, as a leader is not something that we can take for granted. One may think it is obvious, because after all this is how leaders should be, but that is not the fact or the reality. Not, especially, when it is from someone who was born and who grew up in the State House. Therefore, it is not very common. We think that you are a very distinguished leader. You have that track record, not just as a President, but even before from the time you stepped in to save the failing tourism industry of this country, from the time you stepped in to lead the process of sending resources to where they belong in the local governments, something that you did as a Minister of Local Government and what you continue to do today through your devolution policies.

Thank you, Mr President, for putting up a good fight against corruption. Before I was elected a member of this House, I was

Director of Public Prosecutions in Rwanda, and I am very nostalgic about those days when I was helping President Kagame to fight the vice. On behalf of the members, I applaud your efforts to deal with the vice of corruption. Every other day we hear about suspensions of senior government officials, we hear about prosecutions and that is the way to go. Thank you for that – *(Applause)*.

Mr President, your policies of devolution is sending resources where they belong and assisting people from where they live. I hesitate to say people at the grass roots because really, that is not the proper definition but where people are and where resources should be properly spent. That is what you are doing. So Mr President, *nina muda ambao hauwezi kutosha kueleza kila – ambacho ningependa kusema lakini kwa niaba ya wenzangu tuna kushukuru sana* and we are proud of your leadership *na tumechukua maelekezo yako*.

We have taken your instructions. You have tasked us to preach the gospel of integration and we are ready. The Members have started, but allow me a moment to state that a certain obstacle impairs us. Members of this House are not properly facilitated in terms of transport. We are hopeful that some time in future, you may be seized with a request to deal with this aspect and members are banking on your support. It is not a wishful request, it is not unrealistic, it is not irresponsible, it is not indifferent, and it is simply practical that members of this House need to be facilitated.

Nakushukuru Sana Mheshimiwa raisi and thank you, honourable members for allowing me to speak on your behalf. *(Applause)*

The Speaker: Thank you so much, Your Excellency. This is how we do it in EALA. Thank you, hon. Ngoga for the expressions on our behalf. We are like the other person in the other book called Oliver Twist. We need another fresh breath of transport facilitation.

We are very grateful for your gracing this occasion. Honourable members, I have a few announcements to make before I adjourn. From here, we will be going for a photo session that shall be guided by the Sergeant-at-Arms with our dear guests. Afterwards we shall proceed for some little refreshments at the parliamentary grounds with our guest who has graciously given us some time. We are very grateful, Your Excellency.

With those announcements, I now adjourn the House to this afternoon at 2.30 p.m. The House stands adjourned.

EAC Anthem

Kenya National Anthem

(The House rose at 12:26 p.m. and adjourned until 2.30 p.m. in the Afternoon)