



## **EAST AFRICAN COMMUNITY**

### **EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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

#### **14<sup>TH</sup> SITTING- FOURTH MEETING—FIRST SESSION – FOURTH ASSEMBLY**

**Thursday, 19 April, 2018**

*The East African Legislative Assembly met at 2:30 p.m. in the Pius Msekwa Hall, Parliament of Tanzania, Dodoma, Tanzania.*

#### **PRAYERS**

*(The Speaker, Mr. Martin .K. Ngoga, in the Chair.)  
The Assembly was called to order.*

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#### **COMMUNICATION FROM THE CHAIR**

##### **RESCHEDULING OF TREE PLANTING EXERCISE AT UNIVERSITY OF DODOMA**

**The Speaker:** Honourable members, as you are already aware, we have been in Dodoma for the past two weeks. As I communicated to you yesterday, our outreach activity earlier planned for Friday 20 April, 2018 has been rescheduled to Saturday, 21 April 2018 at the University of Dodoma.

Arising out of the change of programme, we shall treat tomorrow, Friday 20 April 2018 as our weekend in compensation for Saturday. This will also allow our Muslim colleagues to meet their obligatory duties in faith.

The Rt hon. Speaker of the Parliament of Tanzania, through my office, has invited the EALA football team for a friendly match with Tanzania Bunge FC as part of the activities to mark the Union Day celebrations on 26 April 2018.

Those whose fitness is in doubt, please start – *(Laughter)* But you can be very sure that I am not part of that problem.

For purposes of preparation, our hosts; the Parliament of Tanzania have identified a football pitch at Dodoma Secondary School and due to the short notice, I propose that the training session begins tomorrow Friday, 20 April 2018 from 9 a.m.

This is without prejudice to my announcement of Friday being a weekend. All members who wish to participate in this friendly match are requested to register with the Office of the Clerk for logistical arrangements for the said training.

VISITING DELEGATION OF  
TRAINEES AND RESOURCE  
PERSONS  
OF THE WOMEN LEADERS; POWER  
OF CHANGE  
PROJECT/TANZANIA

Honourable members, I also want to recognise the presence of very important visitors. I want to appreciate the efforts by some of our colleagues who continue to invite East Africans to come here and grace our proceedings. In this particular case, thank you, hon. Josephine Lemoyan who has invited a group of trainees and resource persons of the women leaders; Power of Change Project, which is funded by European Union and implemented by Hanns Seidel Foundation, in partnership with Tanzanian NGOs, one of them being the Centre for Good Governance and Economic Development.

They are here already, could you please stand up for recognition? *(Applause)*

The request to recognise them was brought to me by hon. Josephine Lemoyan in collaboration with hon. Happiness Lugiko and hon. Dr Woda Jeremiah. Thank you, Dr Woda for very quickly integrating with people in Dodoma. Thank you very much, we appreciate your presence today.

*(The members of the delegation stood up  
in their  
places for recognition)*

**Mr Paul Musamali Mwasa (Uganda):** Thank you, Mr Speaker, for giving me this opportunity. I rise on a point of clarification arising from your communication in as far as football is concerned.

I just want to inform the House and you, Mr Speaker, that so far I am ready. I play number seven and numbers three and two. I am multi-purpose and when I am in the football pitch, you will see how I dribble the ball.

Why I am rising up is to seek further clarification. Given the fact that we were not prepared for football, we do not have the attire. I do not know how we are going to cater for that, Mr Speaker. Thank you.

**The Speaker:** Thank you, hon. Musamali. First, the few times I play, I play number seven. As such, you have a formidable competitor on that position and you may wish to concentrate on the remaining positions. Regarding the kit, it is already here. It was brought a few days back from Arusha so when we report for training- or maybe those who are concerned will consider distributing the kit ahead of time and we are working on the list to know where you stay and when to come and pick you in the usual way we organise our transport. Therefore, we are well prepared in terms of the logistics we need.

Honourable members, I also understand that I put on the Order Paper two items that seem to be competing on the order of importance, there is a debate that we did not conclude yesterday which is very important. There is also a Bill that I know many Member want dealt with today.

Therefore, in my view, we can do both. This report on the on spot assessment is yours; it is not a strange document to you so we can minimise the time of debate on that one so that we have time to deal with the Bill. Is that okay?

I would not feel comfortable stopping you but you can spend your time responsibly and make it as short as possible because it is our report. It is not one of those reports that we see for the first time here. We have all seen the report before it was brought.

#### PAPERS LAID

#### REPORT OF EALA DELEGATION TO ECOWAS: 12-15 JAN 2018

**Ms Gai Deng** (South Sudan): Thank you, Mr Speaker. In accordance with the provisions of Rule 89 of the Rules of Procedure of this Assembly, I beg to present a report of the EALA delegation to the ECOWAS opening forum on issues and challenges of free movement of persons and goods within the ECOWAS region and to migration held from 12-15 February 2018 in Dakar, Senegal. I beg to move to lay the report on the Table.

**The Speaker:** Thank you, hon. Gai Deng. Honourable members, we made a decision in the Commission to comply with the rule that was often ignored that those who go out to represent us in different engagements out of our duty station should always report back to the House about those engagements.

It is in that respect that this report is laid on the Table. All those who have had an opportunity to represent us in any international engagement should also be prepared to report back.

#### REPORT OF GENERAL PURPOSE COMMITTEE ON EAC MONETARY INSTITUTE

**The Chairperson of the Committee on General Purpose (Mr. Omar Abdikadir Aden)** (Kenya): Thank you, Mr Speaker. In accordance with Rule 68 of the Rules of Procedure of the East African Legislative Assembly, I beg to present a report of the Committee on General Purpose on the East African Monetary Institute, 2017 for

consideration and adoption by the House. I beg to move.

#### MOTION

#### REPORT OF ON-SPOT ASSESSMENT OF THE EAC CENTRAL CORRIDOR, EAC NORTHERN CORRIDOR, EAC INSTITUTIONS, PROJECTS AND FACILITIES BY THE EAST AFRICAN LEGISLATIVE ASSEMBLY

*(Resumption of Debate interrupted on  
Wednesday,  
18 April 2018)*

**The Speaker:** Honourable members, you may recall that by the time we interrupted the debate yesterday, hon. Francine had been appointed to take the floor. Hon. Francine, proceed with the debate.

**Ms Francine Rutazana** (Rwanda): Thank you, Mr Speaker, for giving me this chance. First, I would like to congratulate the sub-committee for a job well done. When we were on our tour of the on spot assessment, I observed some issues, which somehow are the source of the problems that we are experiencing at the one-stop border posts (OSBPs).

I observed that there are sensitive political issues and differences within Member States that still exist and there are historical internal conflicts, which are still burning within our hearts. These issues, conflicts and problems are the reason for the bad attitude of some of our officers in East African institutions.

In some of the committee meetings that we had, we discussed this and suggested that maybe the Summit, which is the highest organ of the East African Community, could be engaged to try to find a way of reducing these issues and conflicts that are still going on in our hearts and minds.

I would also like to humbly ask the Council of Ministers to also help us in this because

they are also a very good help in order to reach the Summit and make sure that we find a way of trying to solve these hidden issues and problems that we have.

Secondly Mr Speaker, whenever we went to the borders, we met the youth and women who complained that before the beautiful building of OSBP was built, they were doing business, integrating and going either side without any problems because we believe we are relatives. We are more than neighbours, we are relatives.

However, after the formal building of OSBP, the people within the East African Community have experienced boundaries and are no longer integrating easily.

Maybe this august House could find a way of trying to organise women and youth of both sides-, maybe we could have groups of women and youth who can try to identify the problem that they are experiencing and try to find solution. Somehow, they can easily adapt to the new format of OSBP and them getting into the process without complaining so much and without feeling that they are being left out of the development that we are trying to achieve.

Thank you very much, Mr Speaker. I would like to support the motion.

**The Speaker:** Thank you, hon. Francine.

**Ms Florence Jematiah Sergon (Kenya):** Thank you, Mr Speaker, for giving me the opportunity to support this report even though I will probably put some amendments here and there. I would generally want to congratulate all of us who participated; it was a very good start for the Assembly.

Personally, I think it was one of the best exposures within the region because it was the longest time for me to have ever travelled in a bus for a long time. It was quite an experience.

Mr Speaker, I would like to speak about the Kiswahili Commission. If you read the report clearly, you will see that the Kiswahili Commission has faced challenges in many ways. From what we found out, they have challenges of under staffing. They feel like they have been pushed to the wall and have not been able to be part and parcel of the Community in how they were conducting their business.

However, when we were sitting in their offices, one thing that struck me was the attitude of the Chair of the Commission and I kept telling members of Parliament in the group that much as we had problems in how we were understaffed, the way the Chair of the Commission was giving us a report was very unfortunate. This is because, in my view, he was presenting a very negative attitude towards even developing the Commission itself.

He gave us a report of the loss of the money, which was later anonymously returned to the Commission. We asked him, who returned the money or who was liable to stealing and returning without letting us know? He said, he does not know. Mr Speaker, we are dealing with institutions that we fund through Parliament and through serious investments in the region. When a senior member of the Commission is not even able to tell us how the money got lost and how it was returned, it becomes a problem for us because maybe other monies are always getting lost and they are not able to get it.

Secondly, on the issue of his attitude, when we asked him whether he is able to do better for this Commission to enable it to grow, he said that even if he was given another opportunity, he was not even willing to take that job again.

Apart from employing workers in the Commission, we also have to look at whether these people are actually interested in doing the work. You can have the best

papers or probably you are doing it only for the money but if you do not have the right attitude to do the work, people are not going to be treated well. That is one of the considerations that going forward, those people who are given the task should also consider. Some of these basic things may not be written down like work attitude but they should be considered so that we are able to work going forward and build the Community and probably these commissions.

Generally, I support this report and I am saying that apart from other challenges, I hope the Council is going to help and give us positive results through the recommendations that we have forwarded to you. Thank you.

**The Speaker:** Thank you, hon. Florence. I think I need to give some background information on the issue of the Kiswahili Commission and the account.

The CTC is free to complement me on this. The Third EALA tackled that problem. The situation is that some money disappeared from the account of the Kiswahili Commission and I think that person is the one who reported that, if I am not mistaken. A few weeks after, money reappeared. We put a question to the Council, which is pending and I hope today they are going to be in position to tell us what took place.

It defeats logic to tell us that you do not know who had taken the money when you know who returned the money. It is as simple as that. Money disappeared and reappeared after issues were raised so if the question is to know who had taken the money, start with the one who returned the money.

I think this Assembly needs to be tough on this because this matter has been pending for one year. This is the money that is a contribution of our Partner States and we have a right to question who had taken that

money. The simple answer is who returned the money? Council should be prepared to tell us. If they are unable to do so, tell us who we should pursue from today because this is outright theft. If we are an Assembly that is not able to deal with this simple question then possibly we do not know what we are doing.

Money disappeared from the account. When issues were raised, the money reappeared. Who had taken that money? It is as simple as that. Council, please get ready to give us answers.

**Mr Dennis Namara** (Uganda): Thank you, Mr Speaker. I would also like to thank the Rt hon. Speaker and the Commission that was able to allow us, for the first time, to traverse the whole of East Africa via the Central Corridor and Northern Corridor and to see for ourselves what is happening on the ground and also integrate with the people in the Community. Sometimes you are leaders at this level but you do not know what happens in some areas.

I remember when we reached near Ngara, we were even able to take the pressure because there was no water for bathing. However, we said, since we are legislators, we wanted to see what happens.

I am a member of the Accounts Committee and when I was swearing in, I was very clear to defend the Treaty. The reason I am in the Accounts Committee is to ensure that there is value for money. Therefore, I will need very serious clarity from those who are responsible; the Council and from the Secretariat because the head of the Kiswahili Commission was categorical that he is extremely frustrated that those who are responsible for investigation have either intentionally or by omission, refused to come to the logical conclusion of this matter.

We want to know how US\$38,000 disappeared from an account and by which

methodology after some noise about it, the same money reappeared on the account. You want to tell us that you do not know who is culpable – That the Council and the Secretariat do not know who is culpable is criminal. Covering up for fraud and theft is criminal and some of us who work so hard to convince our countries to get the little taxpayers' money and contribute to the Community will not accept it.

Therefore, Mr Speaker, I request that before this plenary ends, we must get answers from the Council and the Secretariat. You cannot investigate forever. It has taken you over a year. If I had the authority on the Accounts Committee, this would be a matter of writing to the bank and finding out who actually returned. You do not even need to see who took the money. Find out who returned the money and you will know who took it in the first place because the one who took it resent it.

Mr Speaker, I support this report but before the end of this plenary, I want to get an explanation as far as that issue is concerned. I thank you.

**The Speaker:** Thank you, hon. Namara.

**Mr Victor Burikukiye** (Burundi): I stand to support the report. Mr Speaker, in yesterday's debate, one member raised the issue of sessions held with the media during our tour. I recall that in Bujumbura, we had a press conference in the Ministry of EAC headquarters where members witnessed, attested and reaffirmed the fact that the Republic of Burundi is safe and peaceful. They said this after crossing the country from East to West and after socialisation with people in Bujumbura during their three days' stay.

During this press conference, members called upon investors from the four corners of the globe to bring their capital and invest in the country. Trade is a limestone of integration in EAC. I would like this statement from members to transpire and be

mentioned in this report. I thank you, Mr Speaker.

**Ms Fatuma Ibrahim Ali** (Kenya): Thank you, Mr Speaker. I would like to join my colleagues to congratulate the two teams who went through the enduring trips to our Partner States. It was long but very useful and important and it has given many of us opportunity to appreciate the fastness, the beauty and the hospitality of our people. It was a great moment for many of us although it was unfortunate that some of us have not travelled in a bus for almost 20 years. However, we managed.

Mr Speaker, I would also like to congratulate our team leaders, the team members and our staff. They were a great team and we supported each other.

Mr Speaker, I would like to speak about the East Africa Kiswahili Commission. In particular, I would like to speak about the money which was stolen and returned. I am glad that our ministers are here. We need to protect our East African Community institutions from the culture of impunity. When you hear that money has been stolen and when somebody raised the alarm, the money was returned, it really shocked me. When I asked the CEO of the Commission, he said that his life was under threat because of exposing and raising the alarm.

The ministers are here. I think we need to prevent our institutions from becoming rogues because stealing and returning money is a culture we should not entertain. Mr Speaker, we want to conclude this matter and we want to see who the culprits are. We cannot make alarming statements and no action is taken. I do not think anybody is above the law in these institutions. Everybody is accountable and must answer. Therefore, hon. Council of Ministers who are permanently with us and committed to us, we need a conclusion on that.

One other thing I need to appreciate is that our on spot assessment was not sufficient. It was a quick visit to those areas to familiarise ourselves with what is happening and that on spot assessment cannot provide us with extensive and intensive understanding. Whatever we have presented here is our quick assessment and we cannot make a factual report.

Therefore, Mr Speaker, one area I want to tell you is when we visited the border post for Kabanga and Kobero in Tanzania and Burundi, those two border posts have different standards. I do not know whether East African Community had a checklist for every border post to look identical, to be the same in terms of the facilities and services and not comparable to each of the border posts.

Therefore, I think some of the questions we needed to ask could be what are the standards required in those facilities? They are not the same, some are lagging behind. The one of Kabanga is of a high standard while the one of Kobero is of a different standard.

When we visited Teruhiwa border post, we stayed there for 30 minutes. That could not have given you a clear picture of the situation because we were worried of the distance to travel to Kigali. We were more concerned about the distance than knowing the facts and actual reasons as to why that border post is not operational. We did not get into the details of the core issues. Yes, there are contentious issues but we cannot give a conclusive position of what the underlying constraints are.

If some border posts cannot be shared, I think the East African Community must be open to each border post to have their one stop border post, if possible. That will cure some of the tensions because one investment was done was a very elaborate staff quarters on the Burundi side. However, the people on the Rwanda side

cannot utilise those houses on the Burundi side for the reason that they fear for their lives. Life is precious, they are worried and somebody cannot be penalised as to why they are worried about their life because your life is paramount to yourself than anything else.

Mr Speaker, my view is that we do not have the real cause of the problem. We need better understanding and a better report.

Mr Speaker, the other issue is about the East African institutions. Many of the institutions we visited in Tanzania, Burundi and Rwanda had one problem; that the laws are not sufficient to effectively operationalize them. Mr Speaker, I think we need to look into this as one of the recommendations: the laws that are hindering institutions from working.

We also observed that the hosting countries – I do not know whether sometimes they are given sufficient support.

One other problem we realised in Rusumo is the domestic laws of Partner States are not quickly amended to conform to East African Community laws that have been assented. I think this is something that is hindering major projects like Rusumo Hydro power project where technical teams from other countries cannot access the project because of permits.

Our recommendations are extremely good but they are not time bound. We need to refine them and make them implementable based on a specific time frame. If we are recommending this one, it has to have some periods so that we are able to follow up, monitor and inquire whether those things have been implemented.

I would like to conclude by alerting the House that members of the delegation of the Central Corridor – I think sometimes members are not sensitive to security situation in the many places we go. We were travelling very late in the night and I

do not know whether it is the regulations of EALA to travel very late. In our other experiences, you are not supposed to travel beyond 6 o'clock but we were travelling up to 11 o'clock or midnight. Is that appropriate for the protection and security of both the MPs and the staff?

Mr Speaker, general security for members of EALA must be strengthened because I think we are not serious with our security and we need to have some safeguards so that whoever is beyond the culture and practice expected, it is at their own risk and not the risk of the institution that is facilitating.

Thank you, Mr Speaker.

**The Speaker:** Thank you very much, hon. Fatuma.

**Ms Sophie Nsavyimana** (Burundi): Thank you, Mr Speaker, for giving me this opportunity to express my ideas. I would like to make comments on this part of the report on page 20, the fourth paragraph where it is said, each vehicle entering the United Republic of Tanzania is given a maximum of seven days stay in the country. Any over stay is charged US\$20 per week.

**The Speaker:** Hon. Sophie, just a moment. I would request members not to use more than four minutes each and I will be switching off when I notice that you are exceeding the time.

**Ms Nsavyimana:** Thank you, Mr Speaker. When I was reading this part, I wondered whether this concerns those vehicles which are imported from abroad. Finally, I found that these foreign vehicles also include those, which come from the region.

In this case, I found that we get problems talking about integration. Since we know that the main objective of the Community is to integrate and facilitate people in free movement of people and goods, this is a big

challenge. For example, if there are people who come from Burundi or another country within the region and they want to do business here in Tanzania. This is a big challenge.

My question is what should be done in order to reduce these charges and if possible, to abolish them for fear that this can contaminate other regional Partner States in which this behaviour is not yet observed? Thank you, Mr Speaker.

**The Speaker:** Thank you, hon. Sophie.

**Mr Lawrence Aburi Mpuru** (Kenya): Thank you, Mr Speaker forgiving me this opportunity. Let me congratulate the committee but before that, I have some information.

When we went to Mombasa, there were a lot of problems between Tanzania and Zanzibar.

**The Speaker:** But Zanzibar is also Tanzania.

**Mr Aburi:** No, it is about the goods that come from Mombasa – *(Interruption)*

**The Speaker:** Hon. Aburi, if you take information, it eats into your time.

**Ms Fancy Haji Nkuhi:** Mr Speaker, I would like to inform hon. Aburi that there is Tanzania mainland and Zanzibar. Zanzibar is part of Tanzania but it is an island.

**Mr Aburi:** Thank you for your information. That is where the pulling was because the side of Zanzibar says that they charge a lot of money the other side and they want their goods to go to Zanzibar.

Mr Speaker, we went to Moshi from there and then Namanga. The people in Namanga were crying seriously saying that if somebody is sick and they want to cross the border to get medicine the other side, they



are not allowed. They told us that there are two people who died at the border because of being prevented from going the other side to get the medicine.

I would like to say that we should send our ministers to the Heads of State and tell them that the members of Parliament of the East African Community are very much together. However, on the ground, there is a problem between our people and the other side.

Mr Speaker, if for example Kenyans want to buy food from Uganda and Tanzania, they come all the way from Kenya to buy the goods here in Tanzania. However, unless you get a broker to give money so that he can buy food for you, you cannot come and buy it yourself yet on the side of Uganda, we are very okay.

If you go to Germany, you will get caves where people smoke opium. If you go to Amsterdam, it is the same. If you go to Denmark, it is the same thing. If you go to Kenya, you find kids smoking. If you come to Tanzania, you cannot get someone like me –

**The Speaker:** Thank you. It is too late to give information because his time is up. I happened to attend an event at hon. Aburi's hometown and citizens were advocating for me to advocate for a certain product.

**Mr Aburi:** Allow me to finish, Mr Speaker. What I am saying is sit down with the Government of Tanzania, tell them that we Kenyans –

**The Speaker:** Hon. Peter Munya wants to give information.

**Mr Munya:** Mr Speaker, I would like to inform the House that part of the problem you see with hon. Aburi sometimes coming late is because he has a challenge. He depends on *miraa* and it is not available here and yet *miraa* is a product of East

Africa and we have the free movement of goods and services here.

Mr Speaker, it is high time the House considered looking at that very important crop so that it is sold across East Africa.

**The Speaker:** Thank you. The member who was substantively on the floor is no longer on the floor so you cannot provide information.

**Mr Fred Mukasa-Mbidde (Uganda):** Thank you very much, Mr Speaker. I have got just one point to make but before that, I think we have not laid the best basis for the activity.

The basis of this activity which is new within the life of the Assembly; the activity of on-spot assessment of these projects dubbed Central and Northern – I think we need to give credit to this Assembly under your leadership for this very new activity that took place.

For an Assembly of this nature, which has existed for some time to bring up a new matter, takes the courage, judgemental and virtuoso leadership of a Speaker of your calibre. Therefore, I really think we must thank you. Mr Speaker, even when you board an aircraft they tell you that they can have a problem where the aircraft could run out of oxygen. However, they tell you that if this happens, you will see oxygen masks coming. However, they say, you must take care of yourself first before you serve the child you are carrying.

Therefore, Mr Speaker, our child is this Assembly and we must give credit to this Assembly for having done this. Central and Northern Corridor have not been very safe going by the utterances. I mean very safe proximate references to these projects. I know that the Council of Ministers also have record over the same problems to the extent of even arriving before courts of law for interpretations as to whether this does

not constitute a coalition of the willing. I remember reference no. 1 of 2008.

Therefore, when this Assembly does something better, I think credit needs to be given.

My one point is, what are we dealing with? My friend, hon. Kasamba calls it mental roadblocks. I call them mental barricades; palisades and bulwark. We are dealing with people whose capacity to integrate is tainted with those roadblocks.

When you look at the report, I think this Assembly has got a lot of work to do. This Assembly passed the law for civic education; the East African Community Civic Education Act of 2015, I think. This has to be implemented. When you look at the recommendations made under the report – I have looked at recommendations (d), (n) – Integration is anchored on the objectives established under the Treaty for the establishment of the East African Community and particularly Article 5 of the Treaty, which is very emphatic. You develop policies and programmes for deepening integration. This cannot be done in tandem with the barricades apparent.

Therefore, civic education is extremely important. However, funding of this Community is becoming a problem. Members have cited avenues where the funds themselves obtained trickling down by way of utmost buntingism are equally being stolen but we are talking about even the failure to have the funding itself.

I have access – (*Interruption*)

**Mr. Abdikadir Omar Aden (Kenya):** Mr Speaker, very quickly, my good friend, hon. Mbidde, time and again has used very big words. Not everybody might be as educated to his level as it is. Can he clarify the meaning of bulwark and the many other words that he has used? I tried to run my memory of English and I cannot pick any meaning of those words. Parliament is a

House of record and everything we say must have meaning. What are these words and it is not the first time that I have heard my good friend use very big words? Could he be kind enough to clarify or speak good English that we understand?

**The Speaker:** Or do they exist anyway?

**Mr Mbidde:** Thank you very much. Mr Speaker, I come from a country that sings its national anthem in English. Therefore, when we are speaking, you know we were a protectorate- protected for so long that we even forgot to establish our own national language. These are some of the problems that need to be worked on. Sometimes we must use our own examples of the challenges existing within the Community for purposes that solutions should ensue. Bulwark, palisades, and barricades mean the same. I wanted to make sure that a variety is produced for anybody to pick what they understand.

Mr Speaker, I have been looking at the matrix - and this is extremely key – of remittances from Partner States of funding that will eventually culminate into this Assembly doing its activities or not.

I also know that we have an Assembly coming in Nairobi but it will not take place except if this matter I am talking about is addressed between now and 27<sup>th</sup>. Honourable members, you need to understand. Look at this matrix of Partner States' remittances. Let me begin by making sure that we thank the United Republic of Tanzania for being 100 per cent paid up as a Partner State.

It was again a wise ruling that we hold this session here. Let us look at Partner States and thank the Republic of South Sudan for having attempted to commence payment even when they are just new; they have delivered something. The rest of the Partner States – we need to work a lot except the Republic of Burundi that does not pay.

Mr Speaker, I would like to know –  
(*Interruption*)

**The Speaker:** Do you take the information?

**Mr Mbidde:** He has given me very little time, although if it is anything that can be done in one minute particularly stating that you have paid, I will accept, Mr Speaker.

**Ms Leontine Nzeyimana** (Burundi): Thank you very much, Mr Speaker. I would like to inform my brother and all the members here that Burundi has paid. As you know, our annual budget starts in January. It is not like in EAC when you start in July. This is a constitutional issue and in the new constitution that we are amending, we will be starting on 1 July. Thank you, Mr Speaker.

**Mr Mbidde:** Mr Speaker, I am carrying a matrix effectual 26 March 2018 where Burundi is indebted from 2016/2017 budget. Except if the Budget is read after two years, that is when I can take that information as valid. Mr Speaker, we must be serious. I cannot come here and behave like one man who found two people quarrelling over different things and he told them that they are both right. When the third person came and told him no, it is impossible that two people quarrelling over different things –

**The Speaker:** Hon. Mbidde, your time is up. I will prioritise those who have not spoken since we arrived.

**Amb. Fatuma Ndangiza** (Rwanda): Thank you, Mr Speaker. Let me also start by thanking the chairs of the two committees for coordinating our teams but also the Committee for compiling the report that has enabled us to discuss this important item.

I would also like to thank the Speaker for the initiative. As hon. Mbidde said, maybe the on-spot assessment should be a flagship programme for EALA. At least twice a year

if we can get funding, the first time we have an on-spot assessment and the second time would be like a follow up. This has enabled us to understand the realities of our Community but also interact with our people and stakeholders.

I just have a few observations on the report, especially on page 61 on recommendations; 5.1.1.3 where we propose that the delegation recommends to establish a select committee comprising of some members to tour the Central Corridor and oversee the matter. I think here they are talking about the issue of Ruhwa. I would like to propose that we rather come up with another recommendation because I have a feeling that although we did not have sufficient time to stay there, both the Burundi and Rwandan side properly briefed us. Although we did not go into the details, I think we have enough information and I think what we need now is a solution.

I would like to recommend that the Council should follow up the matter urgently and search for solutions to address the outstanding issues so that there is resumption or normalisation of the operations of Ruhwa one stop border post. I think this is going to help us, if the Council can intervene because this border is very important to the people of Rwanda, Burundi and DRC but it is not functional.

In the same vein, I would also like to propose, under Rusumo one stop border post on paragraph (4) where we say, unlike for Ruhwa West with no CCTV ..., I think it is not fair to compare the two one-stop border posts. Rusumo is one of the model one-stop border posts while Ruhwa still has so many problems. Also, the issue of CCTV for those who went to Ruhwa, you know what it means. Therefore, I think this statement is out of context and I propose that we delete it otherwise; it can open other issues that we do not want to bring here in the report.

I do not have an amendment but I think it is out of order because it does not add anything. We can still talk about Rusumo one stop border post without comparing the two.

**The Speaker:** Try to conclude.

**Amb. Ndangiza:** The final recommendation I had is for the Council to look at two key issues that he faced; one is the slow implementation of projects especially of a regional nature like the Rusumo hydroelectric power project, which has stalled. The Republics of Burundi, Rwanda and Tanzania jointly own this project; they have contributed US\$1.3 million, World Bank has also funded the remaining part but unfortunately, due to bureaucratic issues, the project is not working. The steering committee that is comprised of Ministers of Infrastructure are not meeting to address issues and barriers in terms of getting permits and so many other contractual issues.

Therefore, I wanted to encourage the Council of Ministers to look into this.

Finally, there is the issue of various organs that we visited be it the Kiswahili Commission, the Health Commission and the – (*Member timed out.*)

**Ms Pamela Simon Maassay (Tanzania):** Thank you, Mr Speaker, for giving me this opportunity to add my voice to this report.

First and foremost, I would like to congratulate you, Mr Speaker and your team, for the good initiative you conducted to help us as members of this Parliament to conduct the on spot assessments so as to familiarise ourselves with what is happening in this region regarding institutions, projects and facilities across this region.

I just want to go direct to this report, which was presented. There were several observations presented and I am just going

to talk about the issue of institution establishment.

We know that these institutions were established under the EAC Treaty because they are there to support the Community to implement its mandate. By saying so, the institutions, which we managed to visit, for example the Swahili Commission, the East African Science and Technology Commission and many others- we can see that they are supposed to implement their functions to support this Community to move on.

However, from this report, we observed that these institutions are suffering from different challenges and we have this common fever, which is called under staffing and inadequate funding. When you go through what was being presented from these institutions, you realise that the staff who are employed in those institutions are not motivated because they are underutilised. I may take an example of the Kiswahili Commission. This commission is there but 70 per cent of the funds, which were provided, are being used to pay salaries. You can see that 30 per cent of the funds, which they are receiving, are the only monies that they can use to implement all the functions. That means that the functions of those commissions are not there.

If we talk about the issue of ensuring that these institutions perform their work so that the Community can reach its objectives, I do not think that we are moving in a good direction. I think we need a solution to this common fever. I know that the Council of Ministers have a responsibility under article 14(2) of the Treaty which mentions that, *“The Council shall promote, monitor and keep under constant review, the implementation of the programmes of the Community and ensure the proper functioning and development of the Community in accordance with this Treaty.”*

From our recommendations, which we have given here, you can see that in a lot of them are directed to Council. This is because they have a mandate and are obliged to do so. (*Member timed out.*)

**The Speaker:** We have to learn to manage time. When we go back to Arusha, you can be sure that the same methodology will apply.

**Dr Ann Itto Leonardo** (South Sudan): I hope that is not costing me. Thank you very much, Mr Speaker for the opportunity to make my contribution to the debate in the House and I am happy that Council members are here because most of our recommendations are directed to them.

On the onset, I would like to thank the two leaders of the corridors for their able leadership and for accurate representation of what we witnessed during our trip.

Mr Speaker, our tour was not just an eye opener but to me it was like increasing faith in me that one day and very soon, the East African Community will attain its objective of bringing development to all members of the Community.

Mr Speaker, I was also happy that most of the projects were strategically selected; both the infrastructure and the institutions like the East African Science and Technology Commission and the Inter University Council of East Africa.

However, knowing that these were strategically selected and they are inter-related, why have we allowed these projects to go for on for long without being checked? If we have checked, why have we not been able to address the problems that are glaring?

Of course, some of the projects have already started delivering results. For instance, the Mombasa and Malaba ports. However, others are really struggling. The

reason they are struggling is that they face a couple of problems. One is administrative and you could see this for Holili where relationships are very bad and it just takes a responsible officer to talk to another.

Another one is in Mombasa where you have staff from other member countries staying for two years without getting work permits. What is that?

Another one is funding and I think my colleagues have spoken very well about that. Look at Malaba where the buildings, which cost millions of dollars, are completed and then a small stretch of road, which costs much less, is not done and a shed not done. I am wondering whether there should not be prioritisation of how we deal with these problems. We know these projects are strategic and some are functioning. However, they requires very little attention and yet we do not do it. I think there is a serious problem and I am directing this to the Council.

There are other areas like legislative issues. The Lake Victoria Fisheries Organisation is a very important institution that serves five members. However, it does not serve one other member. All that is a problem is of changing the legislation and that may be the responsibility of EALA members, however, it is something that would actually create trust and a sense of inclusiveness for those who are not benefitting from these institutions. It is not only Lake Victoria Fisheries Organisation but there are many other institutions that are functioning and are benefitting some members but not all.

Harmonisation of internal laws and practices. We also discovered in Mombasa that South Sudan did not have the IT software to track trade and movement of trucks. I am not quite sure whether it is the responsibility of the Community or whether it is the member country that has failed. However, these are small things that the Council can sit together and sort out so that there is smooth flow of trade, especially

when there was a complaint that goods that claim to be going to - *(Member timed out.)*

**Ms Happiness Elias Lugiko** (Tanzania): Thank you, Mr Speaker, for giving me this opportunity to contribute my views on this report. I would like to limit my contribution to Dar es Salaam because I had to leave for other EALA related activities.

Mr Speaker, according to my observations in this report, we were informed that the Tanzania government is planning to construct a standard gauge railway line connecting the commercial seat of Dar es Salaam with the Capital City of Dodoma all the way to Mwanza.

We also noted that the standard gauge railway would connect to other regional countries such as Rwanda, Burundi, Uganda and Congo. This is good news for our region because this railway is going to improve business within our region. It will open up new opportunities and doors for business and will also reduce transportation costs and hence attract many traders within our region who use Dar es Salaam port because there will be reliable and quick transportation of their consignment since the new expected electric train will be travelling at the high speed of 160km/hr.

This standard gauge railway will start at the Port of Dar es Salaam to speed up economic development within our region. With this great and good project, I can see a very bright future for our region. Thank you.

**The Speaker:** Thank you very much.

**Mr Kennedy Ayason Mukulia** (South Sudan): Thank you very much, Mr Speaker. I just want to add my voice on this debate basically on one thing and specifically I will focus on the Lake Victoria Basin Commission. I want to declare to the House that I was a member of the great trek for the Northern Corridor and I was the timekeeper of our head of delegation, hon. Kasamba. I

was managing his time very well so I will also manage my time here well so that I do not encroach into other people's time.

Mr Speaker, when we reached the Lake Victoria Commission, especially the project on LVWATSAN at Nyamira, Kenya, we discovered that the project has a lot of disconnect. At some point, there was water pumped and it disappeared in the middle. We were taken to a latrine. When someone flushed, there was no water - the place is called Keroka.

We also proceeded to a health centre. When we tried to ask the users when they last saw water, they said three months ago. Actually, they have never seen water. That project cost the Community almost US\$120 million and that is a very big investment. When we tried to ask the Executive Secretary what happened, the answer he gave us was, if he had powers to fire the engineer, he would have done so.

I was wondering what powers were given to him if he was prohibited from firing an engineer that has made water to disappear in the middle. We are asking the Council of Ministers and the Secretariat to monitor some of these projects because this is an investment of the Community and things are going in a very bad way. We actually questioned him a lot and he said, he had no powers. What could he do? He even does not know the project design. The project has no sustainability clause which means after the project ends, it is going to die and this will mean we have done virtually nothing.

Projects that are designed for the Community should have sustainability clauses so that they can continue even when funding stops because some of them are donor funded. Those that are donor funded have a beginning and an end and therefore the Community should be able to take them up.

Thank you so much, Mr Speaker.

**The Speaker:** Thank you very much.

**Mr George Stephen Odongo** (Uganda): Thank you very much, Mr Speaker. My voice is hoarse courtesy of the East African weather.

Before I am cut off by time, I would like to add one recommendation, if at all it has not been captured already. That is, we need to meet all the heads of EAC institutions together with the Council of Ministers to share our findings and to get insight from them on how best we can help them function.

Mr Speaker, it would have been unfair for this report to pass without me adding my voice. This report has vindicated this Assembly in the sense that it has projected this Assembly as a serious one that is looking at the business of integration very seriously.

It has also demonstrated to us that we were not just in for a road concert but we were in to see the institutions that are meant to enhance project integration.

Mr Speaker, the last white elephant in East Africa died some weeks ago and was buried. It is not going to be the business of this Assembly or the business of the East African Community to create artificial white elephants, which seems to be the case for most of the institutions that form the infrastructure of our integration. I think that it is a shame for us, as East African Community, to continue to give birth to institutions that we cannot support.

Mr Speaker, I know that when we were being told about family planning, we were told that we should give birth to children that we can support. It seems that as East African Community, we are not heeding that advice and we continue to give birth too many children, some of who are stunted; others with kwashiorkor while others are

dying. It is time for us to begin to take the pill and begin to revisit our policies.

Mr Speaker, most of these institutions fall below the radar of our national parliaments and therefore, they do not come under the scrutiny of our national parliaments. That means that as an Assembly- and I would like to repeat the call by hon. Amb. Fatuma – we should make this a flagship project so that regularly, we visit these institutions and do our oversight function more effectively and report to Council.

Mr Speaker, there is no honour in creating institutions that do not work. There is no honour in creating white elephants. There is no honour in talking about structures that do not function. Let us begin to examine the possibility of allowing these institutions to work so that we can now talk about the functionality of East African Community.

My call, therefore, is that whatever we have recommended, let us take it seriously. There was somebody in Mombasa who told us that every time EALA members of Parliament go there, we tell them the same story but they do not see any feedback. I think there is a real test here. We have decided to commit ourselves by visiting these institutions. It is time that we did something different. This should not be business as usual. Thank you, Mr Speaker.

**Mr Pierre Celestin Rwigema** (Rwanda): Mr Speaker, thank you very much for giving me the floor. I will start by giving credit to this Fourth Assembly and to your leadership because of this activity. I thank you very much.

Considering this report, I support it. What I wanted to raise has been raised by hon. Ndagiza Fatuma. I want to focus on page 29 of the report where we recommend the creation of the committee. We have to make the Council of Ministers responsible to look into this matter because the issue of Ruhwa is a big issue beyond EALA. It involves two

independent and sovereign countries of Rwanda and Burundi.

I would like the Council of Ministers to look at it and make a recommendation to the Summit and even report back to this Parliament. This is very important matter. The Council of Ministers has to be given a deadline to report back.

Mr Speaker, you cannot dictate the composition of this committee. The Speaker is the one to propose with the approval of the Commission. I thank you.

**Ms Leontine Nzeyimana** (Burundi): Thank you very much, Mr Speaker. I will be brief.

First, I would like to thank you very much for having allowed us to have these tours. This was the first time ever to have such tours since inception of EALA. This allowed us to visit the countryside of our countries and do oversight, which is one of the mandates of EALA.

I am sure that most of us, Mr Speaker, have not been inside the country the way we did during the tour. We had time to appreciate the projects and programmes of the East African Community. My colleagues have indicated challenges; I will not come back to them.

Mr Speaker, I would really like to confess that I had missed Kigali. It is long since I was in Kigali. That was in 2015 and when I was a member of the Council. Through your leadership, I have been able to go to Kigali and my colleagues from Rwanda have been able to come to Bujumbura. This was very good. I really thank you very much for this and I hope that this will continue.

Another thing I want to appreciate is that we all have our ways of doing things. In the Council, they normally sit and discuss about projects and allocate money for

projects. However, sometimes we do not even know what is going on, on the ground. This time, we have been able to see how the taxpayers' money is being used on the ground, I am sure that the recommendations we have developed will be taken seriously by the Council of Ministers, and that we will have good feedback.

Mr Speaker, as I said, in the Third EALA, there was a time when EALA was not sitting in Bujumbura. I really want to come back on this and say that you have shown us that it is possible to sit in all Partner States. I am sure that soon, we will sit in Bujumbura.

I would like to say something that hon. Mbidde talked about, although he is not here. It is good to appreciate that South Sudan has tried to pay some of the contribution. We should also appreciate Burundi as well because we have been under sanctions since 2015 and yet the country has been able to conduct elections.

**Mr Paul Musamali Mwasa** (Uganda): Thank you very much, Mr Speaker. Just a quick one. On page 25 of the report, it was noted that the official we met in Burundi with the assistant minister is a personal assistant to the minister. – (*Interjections*)

**The Speaker:** So the agreement is, it was the assistant minister.

**Mr Mwasa:** Okay, thank you. In the team, Mr Speaker, I was the chief whip and that is why we produced a very good report.

**The Speaker:** The Speaker does not know what position that is.

**Mr Mwasa:** Three quick things, Mr Speaker. What I personally observed is that this project called East African Community, which is meant to integrate the East African countries to promote development and so on, is a good idea. However, it is suffering from a number of



problems. I have discerned three things, which I believe if we are serious, this Community should work on.

One, most of the projects have not been implemented. Therefore, the problem is about implementation as noted in the report. However, where does it emanate from?

It has been alluded to as a problem of funding. Chair, Council and members of the Council who are here, we want to put it to your attention that the facilities, which are lacking, the human resources that are not enough in our institutions will not be implemented unless we have enough funding.

There is already a proposal, which through my research is facing a lot of opposition. However, we need to come up with a permanent source of funding to the East African Community so that we do not rely on yearly subscriptions where member states are not paying on time. Council, please help the Community. If we are serious on this matter, we should come up with a serious and reliable source of funding to the East African Community and EALA and all the institutions will definitely work.

Secondly, some of the issues, which we noted, include the problem of harmonisation of laws. EALA has passed a number of laws and there are also protocols that have been signed. I will not go into all these details because of time. However, when you go down, you will find that these laws are not working and the problem is because they have not been harmonised and ratified in the Member States.

Therefore, we need Council to take it seriously that we are talking on behalf of the people of East Africa. We need to harmonise laws because these tariffs and non-tariff barriers, still exist because laws have not been ratified.

Lastly Mr Speaker, let me request that we add this as a recommendation. As East African Community, we need to come up with a permanent conflict resolution mechanism because conflict will always be there in families and communities. How about countries? Conflict will always be there and I will not go into it because we know about it: Rwanda-Burundi, South Sudan and traders in Uganda and Kenya has been having problems. Recently some cattle crossed from Kenya into Tanzania and that caused problems. Therefore, conflict will always be there.

Mr Speaker, I would like to request that we create a permanent conflict resolution mechanism and rely on it. We are part of IGAD and AU.

**Dr. Hasnuu Abdullah Makame** (Tanzania): Thank you very much, Mr Speaker, for giving me this opportunity to add my voice on this important report.

Mr Speaker, before I commence, I would like to first of all commend you and the administration of this Assembly for coming up with this noble idea of enabling the members of Assembly to go through the Community and see for themselves rather than just flying to Arusha and Kampala and not knowing what is happening on the ground.

Likewise, I would like to thank all the Partner States for hosting the EALA delegations that went to Partner States, for facilitating them and for the hospitality extended.

Members who went through this under the leadership of the Chair of the Central Corridor team Madam Wanjiku and the Chair, Northern Corridor, the former number one in East Africa, hon. Kasamba. That was a very good job done. The time spent until 2.30 a.m. the day before yesterday to complete the report showed how much these members were dedicated to ensure that we have some product that

will last and be an issue of reference in this august House.

Mr Speaker, one thing that I observed and will not talk about but has been referred to a lot is the issue of Kiswahili Commission. I think one member is making additional written recommendations. Therefore, I will rely on the recommendations being boosted to ensure that we become more strategically focused in our report on the issue of making the recommendations more robust.

Mr Speaker, the other issue was the one of the Republic of South Sudan not featuring very well in organs and institutions of the Community. The good thing is that in March, we were in Arusha and I was lucky to come across an honourable Lord Judge from the Republic of South Sudan in the East African Court of Justice. In the Assembly, we have nine members from the Republic of South Sudan and that means we are doing very well. Kindly let us applaud the members please. *(Applause)*

Mr Speaker, much as we have the Republic of South Sudan on board, what we need to improve in our organs and institutions and in the EAC Secretariat is to have members of staff of the Republic of South Sudan.

Let me just go to some specific issues; I will not spend much time but just issues that need clarification in the report. First is the issue of Vigwaza. The report comments that Vigwaza has to provide parking space for truck drivers because they drive for 12 hours and they need a resting place at Vigwaza. However, looking at Vigwaza, it is hardly 75 kilometres from Dar es Salaam and unless they are riding at the back of a sick donkey then it will take 12 hours to reach Vigwaza. Therefore, I think that one needs to be expunged from the report and recommendations because it has no value.

In addition, on the issue of stickers, it was agreed and it is an EAC project that all transit vehicles that are exiting Dar es Salaam port are fast tracked along the

Central Corridor and they are to stop along three weighbridge stations, the first one being Vigwaza and the others at Manyoni and at Nyakanazi. They are issued with stickers at the port. Therefore, Mr Speaker, if any truck driver is requesting for a sticker outside that arrangement, maybe that truck driver is the local traffic and not the transit traffic and wants to bypass the weighbridges. Therefore, we just have to be sure who was – *(Member timed out.)*

**The Speaker:** Thank you, Dr Makame.

**Dr Woda Jeremiah Odok (South Sudan):** Thank you very much, Mr Speaker, for giving me the opportunity. First, I would like to thank the Almighty God who really enabled us to carry out this very serious task. You know, it was not easy but by his grace, we finished it successfully.

I would also like to congratulate you, Mr Speaker and your team, on that wise decision. I would also like to commend the two-team leaders, the staff and the honourable members who really made this journey endurable and enjoyable.

I have two comments on the Central Corridor report and I think it is a general observation. These institutions have been handcuffed by the limited resources and under staffing. When the Chair, Council said that for the same reason let them not provide us with the annual reports, this means that the same **disease (the word disease to be expunged by order of the Speaker)** is affecting the Council. That should be rectified in my opinion.

The other thing is what my colleague, hon. Dr Makame has said; that we have realised and noticed that South Sudan is not well incorporated in this institution. As hon. Mnyaa was talking about amendment regarding promotion of the Kiswahili language, in my opinion, I think South Sudan should really be fast tracked because as a South Sudanese, Kiswahili is not

familiar to me. Today, I was not able to address those wonderful women except in English, which was translated to Kiswahili.

In addition, South Sudan should be fast tracked because the South Sudanese who know Kiswahili are a minority and if we want to promote Kiswahili to be a formal language, we should fast track South Sudan in that area. It is also a plea from me to my government to also include that but it is a request to the Council.

In addition, some of these institutions like the Health and Research institution in Bujumbura and the Science and Technology institution in Kigali are very technical. As such, they really need to be facilitated to carry out their mandate.

The other thing that I have observed personally is that these institutions are not known even in the Partner States where they exist. As such, there is a very huge job, which is upon the Council to carry so that sensitisation is carried to the East Africans to know about the existence of these institutions.

Regarding the Northern Corridor report, I really appreciate the recommendation, which says that the Lake Victoria Fisheries Organisation should be renamed. Indeed, the Community is expanding and we have other Partner States, which will not feel that they are part of this important organisation.

Lastly, I will quote from the report itself...

**The Speaker:** I am sorry, Dr Woda. Thank you very much except that I will exclude reference to disease from the record. The point will still be understood without using that term. Thank you. We will close this at 4.30 p.m.

**Ms Maryam Ussi Yahya (Tanzania):** Thank you very much, Mr Speaker, for giving me way. I will be very brief because all of us participated in this tour. First, I know I did not get a chance to give

information to my honourable friend hon. Aburi. I just wanted to give him information so that all know it as information. The use of miraa in Tanzania is actually illegal. Therefore, there is no way that he can find it here.

**The Speaker:** He actually understands that and he was advocating for the reconsideration of that. He understands that very well.

**Ms Yahya:** Thank you, Mr Speaker for that clarity. I do not think he is immune to do anything illegal in Tanzania even if he is an MP.

Anyway, I stand here first to support the report but also as my colleagues have said, to commend your leadership because we did not do this type of tour even in EALA Three. Therefore, we are thankful for the opportunity.

This exercise was for us to be able to find out about the achievements and challenges that we have in our institutions. As I said, I will be brief and one observation that I found which has not been highlighted much in this report is that almost all one stop border posts (OSBP) are very nice and good but lack facilities for the people who are crossing. We were seeing women and children crossing these borders but there were no sanitation facilities or bus stops.

For example, during the time of very heavy rain, if somebody crossed – we saw women and children crossing on foot and there are very few people who cross in vehicles – on either side, there is nowhere to wait for the transport and no sanitation facilities.

Lastly, Mr Speaker, I want to talk about the Namanga border because this touched me personally as a Tanzanian member. The issue of Namanga border has been there and there are challenges that people are facing especially Tanzanians when they are crossing into Kenya through Namanga. These challenges have long been

highlighted in EALA even during EALA Three. Therefore, I wanted to take this opportunity because today we have Council members especially the minister from Kenya. I would like to urge the Council, especially the minister, to look into this deeply because there were many queries. When Tanzanians cross to Kenya through Namanga, they face many problems.

I know there is political will by our leaders and it is not that our leaders are not willing to let these people move freely. I need to be understood here. We need to sensitise our staff at the borders so that they make sure that people from both sides move freely through these borders. The main reason we integrate as brothers and sisters is to benefit in terms of trade. We have been doing sensitisation in EALA Three and we had an incident where Tanzanian truckers with perishable goods were prevented from entering Kenya through Namanga for almost a week. They lost all their perishable goods.

Therefore, I urge and plead with the minister from Kenya that this is a challenge that we have been facing for a very long time. He should look into it and make sure that something is done. I thank you, Mr Speaker.

**The Speaker:** Thank you, hon. Maryam.

**Ms Rose Akol Okullu (Uganda):** Thank you, Mr Speaker, for this opportunity to speak to this report. First, I would like to thank you, Mr Speaker, as our leader and also thank the two leaders of both the Northern and Central Corridor and my colleague members of EALA for the resilience they demonstrated when we were moving through the on spot assessment of these projects.

Mr Speaker, all through when we were moving, there were definitely issues that kept recurring. We have talked a lot about underfunding and staffing. However, we

need to emphasise and do a detailed assessment on issues to do with non-tariff barriers and sensitisation of the Community regarding the existence of these projects.

On NTBs, right from where we started up to where we ended in Kigali, you could see issues of non-tariff barriers all through. At the border points when you spoke to the communities, these were the issues. Even when we were moving at the weighbridges, you would see a line of over 100 trailers waiting to be weighed. These are the NTBs that our traders always complain about. We need to focus on that area.

On the issue of the Kiswahili Commission and the LVWATSAN projects that we visited at Nyamira, these projects speak volumes to this Assembly and to the Council. A lot of work has to be done.

First, we understood very clearly that there is no monitoring that was being done at all. When we visited Nyamira, even the officer in charge was not aware of the issues that were at stake. This project was meant to supply over 54,000 people with water but is almost a white elephant. When we visited the communities at Keroka, nobody was aware that they were supposed to get this water.

Even the project design – the beneficiaries at Keroka were nine kilometres away from the source of the water. The communities around the water project were not beneficiaries of this project. How do you put up a water source nine kilometres away and the communities around are not beneficiaries and yet the water is theirs? The water is meant for the communities that are within the pumping site.

When we further interrogated the ED and the staff engineers of the project, they all seemed to be unaware of this challenge. When we visited the centre where the community of 54,000 people were, we found out that the trading centre did not

have water. The hospital, which they claimed was being supplied with water, did not have any and even when we talked to the women, they denied this. So, who are the beneficiaries? Is there water being pumped to these communities at all? Those are the issues we need to further interrogate.

**The Speaker:** Thank you, hon. Rose. We shall indeed interrogate. That was a good ending.

**Mr Omar Adam Kimbisa** (Tanzania): Mr Speaker, thank you very much for giving me the floor. First, I would also like to congratulate you for organising the trip. I know we did something but not on a committee level. It was not as intensive as this and it was not as organised as this one.

I would also like to congratulate the two leaders for putting up with different demands in different places. It really tested their capacity to lead.

Thirdly, I would also like to commend and congratulate all members who participated because how do you congratulate others without congratulating those who participated. So congratulations, members for participating in this very noble exercise.

Mr Speaker, yesterday in the presentation, I heard something about Partner States or countries belonging to one, two, or three economic or military groupings.

I will talk about something called the spaghetti ball. A spaghetti ball normally criss-crosses and you do not know which thread goes where and how. It is just a mess. This concept of a spaghetti ball refers to the countries belonging to many economic groupings. One Partner State for example belongs to EAC and at the same time SADC, COMESA, IGAD, name it. Those particular Partner States cannot be effective and efficient. Besides, our countries are poor and our people are poor. If you belong to three or four economic groupings – for

what? Eventually, they do not pay their statutory contributions because if you belong to so many of them, you cannot afford to pay.

Therefore, I strongly urge, especially in our region, that at least we belong to one or two economic groupings in order to have value for money. Otherwise, it is going to be too much, thinly spread and therefore we will fail to be effective and efficient and we will fail to help our people.

In order to have total commitment, I urge our countries to minimise the number of memberships in all these economic groupings. Thank you very much.

**Ms Mary Mugenyi** (Uganda): Thank you, Mr Speaker. I would like to add my voice to that of my colleagues to thank and congratulate you on this initiative. This has helped us to do our oversight function as a Parliament.

Mr Speaker, I would like to comment on the point mentioned regarding Kagera River, which is also shared by Uganda. On record, on page 31 where it says, “The waters of Kagera are shared by Tanzania, Burundi and Rwanda...” please add Uganda because I am a consumer of the waters of Kagera.

**The Speaker:** It is called Kagera in Uganda.

**Ms Mugenyi:** That is right; in my language. Thank you.

Lake Victoria Basin Commission in Kisumu and Lake Victoria Fisheries Organisation in Jinja – to me the mandate is not very different and that goes to what hon. Kimbisa has said about spreading ourselves thin. Quite often, we complain and agitate about lack of funding. I believe that it is about fisheries in Jinja and the fish live in water, which is about the Lake Victoria Basin Commission based in Kisumu. Why do we have to duplicate like that? I think we need to harmonise and bring together some

of these organisations so that we consolidate on the work, on the staffing and on funding in general.

My main point though today is about the Civil Aviation Safety and Security Oversight Agency (CASSOA) based in Entebbe. I think the report has depicted in the recommendations about the low quality of aircrafts operating in and out of Africa. Gone are the days and we must continue to object to being marginalised and subjected to facilities and services of low quality. In fact, in Africa, air services tend to be more expensive compared to North America, Europe and so on and yet if you fly for example from Tanzania or Kenya or Uganda and in the case of Kenya Airways for example, you go to Nairobi, the aircraft will be of poorer quality than from Nairobi to London and so on.

What makes it worse is that it is not only those European and foreign aircrafts and airlines that are doing this to Africa. You find that even our own domestic airlines are doing the same in Africa. We fly in and out of Africa in a poor quality facility in general. When you move on to the so-called first world, you actually enjoy better facilities.

I would like to appeal, for example, to our own airlines like Kenya Airways, Ethiopian Airways to really lift up the quality of services that is given to the African region. I thank you, Mr Speaker.

**The Speaker:** Thank you. Hon. Josephine is the final contributor to this debate.

**Ms Josephine Sebastian Lemoyan** (Tanzania): Thank you very much, Mr Speaker. I am aware of your kind consideration and I really thank you once again from the bottom of my heart for this special privilege to speak as the last person this afternoon. At the same time, this is a consideration at a time when we have visitors. These are our visitors. They are all

women and for a long time, they have been longing to come and visit our Parliament.

I will give you a one-minute background to who they are. Some of them have been candidates for the EALA posts, some are university teachers, and some come from the villages and are aspiring to be women village leaders. They are undertaking a leadership course known as 'Women Leaders: Power of Change'. It is being implemented by the Hanns Seidel Foundation supported by European Union across Tanzania.

A similar programme has been implemented for a number of years here and 50 women parliamentarians in the national parliament are actually a product of a similar programme that has been going on for a time. HSS has offices in Uganda, Kenya and Tanzania and we are discussing to see whether we can become friends of EALA. I should say to all women in the Parliament, thank you very much.

Mr Speaker, I am the last person to stand. So, most of the points have been exhausted. However, I have a few points that I want to underscore. One of them relates to what His Excellency President Yoweri Museveni of Uganda told us when we were in Uganda. He underscored the issue of people centeredness and this is what you captured, Mr Speaker, in your leadership. As a new Speaker, you wanted this EALA to be different and you started underlying the importance of people centeredness. You took us out of our comfort zones and made us travel by bus from different points all the way to Kigali.

On the way, I reflected and remembered the wise saying; "I hear, I forget. I see, I remember. I do, I understand." That is what happened to all of us from Dar es Salaam to Kigali and from Mombasa to Kigali.

Mr Speaker, this methodology brought us very close to the people and I want to share

what I experienced very close to Ngara where we stopped to wash our faces. We entered a household of an old woman who made us use her water and bathroom and we talked to her a bit. When she saw the flag and when we talked to her, she asked us why we talking long to integrate. She said people are ready. We are the ones who are making this integration slow. We want to calibrate things because of bureaucracy and because of our professionalism.

Mr Speaker, the issue of funding and resource mobilisation should not be that difficult because throughout the five or six organisations we visited, we met professionals; people with high calibre education; professors who can do fundraising strategies quite easily.

Mr Speaker, I have just a few recommendations and one is people's participation and stakeholders' participation in the planning, monitoring and reviewing some of these projects.

The second recommendation I have is, small is beautiful. I do not understand why we are missing budgets, why we cannot finance our plans. It is because we are over ambitious in planning. Since we have professionals in planning, I do not understand why we do not start with what we can chew. Why do we take such a big bite? Smart financing is something that we might want to pursue. Let us forge ahead with strategic alliances.

**The Speaker:** Thank you so much, hon. Josephine. For our visitors who have in the past attempted to join this Assembly, please keep it up. Next time you will be successful. Hon. Josephine, thank you for your generosity to invite even those who competed for the position you occupy. That is so generous.

Honourable members, we have to end the debate here. So far, we have more than half of members who have had an opportunity to contribute and this is a good ratio. As I said, this report is ours. The issues that are being

raised are ours; we know them so what was important was for you to conduct this tour and appreciate the situation on the ground. This is just a complementary process and the main issues are there in the report so what is remaining is what we know and what we need to do.

I will now invite the Council to make some interventions before I invite the team leaders to reply. There are two interventions that I do not want them to miss. One, please tell us where the money in Zanzibar is; who had taken that money. Two, this water in Nyamira – even before we started debating this report, the few times members updated me as you were conducting the tour, there is evidence of water being pumped out but there is no evidence of where it is going, not even evidence that it evaporates along the way. That is another situation that no one can understand. This is how you described it to me and this is how you have described it here; that there is evidence that water is pumped out but there is no evidence of any one being a beneficiary.

I am told you went to the hospital where it is said to be going in the company of the director and yet he could not show you anybody benefitting from that project. So where is this water going? Is it going back into the lake? What is going on? Please, Council –

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development (Mr. Peter Munya) (Ex-Officio):** Thank you, Mr Speaker. I join the other members in thanking you for this inaugural tour by the members of this House. The tour has enabled them to have first-hand experience in what is happening in East Africa.

Mr Speaker, I am told this was your brain child and I think it has done a lot of justice in terms of acquainting the members with the day to day challenges and opportunities and developments that have taken place in East Africa since the Community was

established. You deserve the thanks of the House and I have already heard the members saying, any opportunity that is available in future for them to do tours of other areas they have not gone, even the areas they have gone to access progress, would be very useful.

Mr Speaker, because of time, I may not respond to each issue but I want to assure the House that we have made notes. The *Hansard* report is there, the Council is seized of the issues raised here, and I will make sure that they are properly followed up and implemented.

Mr Speaker, as you have directed, there is no time to really go into each and everything. Some of the key issues relate, for example, to the visit of the members to the one stop border posts and the challenges associated with all of them; some of them doing better than others and others have infrastructural challenges, some even lacking toilets.

Mr Speaker, as a Council, we want to undertake that we will make sure that those challenges are addressed so that those border posts are useful to the citizens of East Africa. I know that many of them are being addressed because the relationship with the donors is still there. I know for example that in Busia, the parking area problems are being addressed. Even in Namanga, some of the challenges there are being addressed so the Council undertakes to follow up to make sure that those infrastructure connectivity problems, toilets, technology problems are all looked into to make those model one stop border posts that have made a big difference in transportation in East Africa are made even better.

Mr Speaker, turning to some of the specific issues that may have been raised and one is the issue of the challenges faced by the Kiswahili Commission, which is one of the specialised institutions of the East African

Community. There are those issues that are common to all the new institutions that have been started. These are issues of staffing, operationalization of those institutions – the Kiswahili Commission, the health Commission, the Science and Technology Commission among others.

Mr Speaker, in terms of those general challenges, I would like to say that again Council is seized of the matter and is looking into ways and means of having enough resources to address the staff challenges there.

Indeed, I know that in the coming Council already some recruitment of staff is taking place to increase staffing in those institutions. That may not completely solve the problem. What will eventually solve the problem of these new institutions is what one of the members talked about; the issue of a sustainable funding mechanism for the East African Community. That will address the challenges of staffing and all the other challenges that require money, including the challenges of this House not having enough staff that are required. Indeed Mr Speaker, I know in the 37<sup>th</sup> Council that is coming up, that is one of the issues to be addressed; the issue of agreeing on a sustainable way of funding the Community.

Mr Speaker, the challenge has been the issue of consensus. Some feel quality means also contribution. If you do not pay how then do you say you are equal? That has been one of the issues of interpretation. Different models have been proposed. In fact even an expert brought a report that the Council had commissioned to look into the funding model and I am sure Council will zero in on one model that will be able to help us during these problems.

For example, if you were to pick a levy on imports coming into your market, what would be the problem with that kind of funding because every Partner State imports goods? Therefore, nobody would



say he is contributing more than the other is. We would put a levy on the imports coming into the Common Market. After putting a small levy, you would have solved the problems of funding for East Africa once and for all. You would also solve the problem of governments struggling to raise this money directly. You solve the problem of issues of trade where goods are coming and flooding our markets and we are not able to deal with this. One way of dealing with them is increasing external tariffs a little bit to give us revenue to run the Community and at the same time deal with the problem of those goods that are coming to some of the countries that are shocking our market here.

These are some of the proposals that are on the table that the Council is going to deal with in the coming meeting to settle this issue once and for all. I would like to assure you that we will communicate the urgency of this matter and the feelings of this House to the Council. That this is one of the issues you would want dealt with forever so that the Community can move on, so that we do not keep talking about money day in, day out yet we can be able to resolve this matter and move on.

Coming to the specific issue of money that was withdrawn from the Kiswahili Commission account and the complaint that the money was returned and yet the culprit involved in attempting to steal or is it successfully stealing and then reversing the stealing – I do not know what to call it, Mr Speaker but clearly it was a fraudulent act. Council is properly seized of this matter. Complaints were made to the relevant authorities, investigations have been done what is left, from the report we have, is the Office of the Director of Public Prosecutions (DPP) to charge whoever was involved in stealing this money. The report is in the Office of the DPP and the Council endeavours to assure you that it will not rest until this matter is brought to a conclusion.

**The Speaker:** Could the Assembly also have access to that report? Is it confidential? Let us be clear about this. We have no problem- actually it is the best way. I was a DPP before so it is the best way to deal with people who engage in criminal activities. The presumption of innocence- I have that in mind. Indeed, the DPP is the best option you can have when you are convinced that a criminal act was committed.

However, these are public resources so how does it become confidential? This Assembly is tasked by law to know how public resources remitted to the Community are spent. How can any information be confidential to the Assembly? How does that happen? What is the legal basis for that? Could there be a situation where the Assembly is excluded from knowing what is going on as regards how the resources of the Community are spent? Legally, is that possible?

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker, we will communicate those concerns to the Council. You are raising concerns of whether this report –

**The Speaker:** The CTC can also tell us.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Yes but what we were told is that it cannot be released until whoever was involved is charged in a court of law. Perhaps the CTC should be able to respond.

**The Speaker:** What may not happen, honourable minister, is a *sub judice* process. If there is a process going on in a court of law, this Assembly may not be able to transact any other parallel process but information is a different matter and this is a law making body. Therefore, when we talk in this House, we must talk law.

**The Secretary General, East African Community** (Amb. Liberat Mfumukeko) (Ex-Officio): Mr Speaker, I think this august Assembly deserves to have more clarifications indeed. From the beginning what we have now are letters from the Kiswahili Commission to the Police, the Police response and letters to KCB. The EAC Secretariat has also written to Police and KCB and we have responses so these are not confidential documents.

The two letters we later received - one was a copy of a letter which was sent by the Police department to KCB and KCB gave us a copy. The Police department was informing KCB that they have completed investigations on the matter and that they would transmit their results to the DPP. The latest letter I received was, I believe on 26 March this year. This was our initiative as the Secretariat because we were not seeing anything between October of last year and now. So we wrote to KCB to have an update. They responded giving us a copy of a letter that KCB has sent to the Ministry of Justice and Constitutional Affairs asking them for an update since the Police obviously sent their findings to the ministry.

Therefore, we have been following up. We have letters; we know that the investigations have been completed. In the previous letters- (*Interruption*)

**The Speaker:** Can the Secretary General complete his response?

**Amb. Mfumukeko:** So in the letters, which were set last year, we have some indications and we still have some areas where we ourselves need to understand exactly what happened. For example, for the two withdrawals, a letter sent by KCB indicates clearly who withdrew the US\$ 6000. It gives a name and it is not someone who works for the Community. They precise it was a fraudulent transaction.

There is also the other transaction for the transfer and KCB indicates in a letter to us saying that it was a fraudulent transaction and that they have punished and even fired some employees. Therefore, these are the kinds of information we have. What we are expecting now is to have the full report of the Police investigation but the Police have decided to actually forward their investigation to the DPP which I believe is hosted in the Ministry of Justice and Constitutional Affairs. This is what we have but we do a regular follow up because we ourselves want to know what exactly happened.

**The Speaker:** Thank you. Honourable members, I think we appreciate the response. However, I want to remind the Council of Ministers that any matter becomes *sub judice* only when it is already filed in court. This House reserves the right to initiate a parallel process and this will depend on how members assess the seriousness with which this matter is being pursued. It has been there for more than one year so this House reserves the right to initiate a parallel process as and when these members will decide.

Honourable minister, I think we can proceed.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker, I just want to agree with you that an investigation on a specific matter where somebody is known- I mean there is no information to hide lest you want the information to protect somebody.

I want to join the House in saying that protection of property of the Community is a very serious matter because if you treat the property of the Community as if it is nobody's property then it brings a very serious dimension to integration.

I want to say that we are also at a loss given that individuals working for a bank are involved. I do not think it should be in the interest of the Council or anybody to protect those kind of people. Therefore, we will find the underlying cause of this matter. The Council should insist on this matter and I think it is a matter of time that whoever as involved in this very bad, dubious incident has ramifications.

We do not want to reach a situation where impunity is allowed to thrive when it comes to dealing with property. Therefore, Council will be able to resolve it and of course, that does not bar the Assembly from exercising its legislative and representative role in pursuing this matter and contributing to the pursuit of resolving the matter.

Mr Speaker, as I said from the very beginning, we have made record of all the issues raised in this report and I really do not want to belabour them. However, I also wanted to say that on the issue of the development of Kiswahili, not just as a *lingua franca* because it is not enough to make our own language a *lingua franca* and then give a foreign language higher status.

I think the right thing to do is to also move Kiswahili to the status of an official language and deal with the challenges that come with it because obviously, there will be challenges. There are many people who do not speak it who require some training or fast tracking in courses of Kiswahili especially members of this Assembly so that they can debate and listen. There are solutions, Mr Speaker like fast track courses. *Waswahili wamejaa huku*. You can even be given an overnight tutor.

**The Speaker:** Honourable members, take note of that recommendation from the Council, especially when you do your budget.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development**

(Mr. Peter Munya) (Ex-Officio): Seriously, Mr Speaker. We are taking the matter of development of Kiswahili very seriously. It is our heritage. Other regions have given languages to the world that are being used across. It is an opportunity for East Africa to give the world another language that enriches the world and it is a language that is already accepted in the whole of Africa.

I remember the previous chairperson –  
(*Interruption*)

**Dr Makame:** Thank you very much, Mr Speaker. I would like to inform the honourable Cabinet Secretary that what he has been submitting is actually, what has been discussed by members. We are requesting the Council to articulate the issue of Kiswahili in the foreign policy coordination manual so that Kiswahili is elevated not only to be an official language of the EAC but also a UN official language. Thank you.

**The Speaker:** That is exactly what the Cabinet Secretary is doing; it is the same thing.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker that is exactly what I was driving at. I was just trying to echo the spirit in the House. Indeed, I was seeing that already in the AU it is proposed to be one of the languages. I remember one of the chairpersons who does not come from East Africa is the one who was at the forefront in promoting Kiswahili; Alpha Oumar Konaré does not come from East Africa yet he is the one who wanted Kiswahili to become an official language of AU. Where was the Kiswahili Commission?

Anyway, Mr Speaker, we are capturing the spirit and we want to assure you that after setting up the commission, it was just a starting point in giving this language the

justice it requires. It does not break any bone if we were to speak in both languages and have interpreters here for those who cannot understand the language and then we move on.

Luckily, Mr Speaker, all the countries in East Africa are now teaching Kiswahili. Therefore, the younger generation will not have any problem. It is we, the older generation, who are having challenges. I think probably South Sudan is the only one that has not yet started detaching – *(Interjection)* Oh it has started? That is wonderful. Mr Speaker, we are already making strides in that direction.

Without spending a lot of time, I just want to thank the House for this very valuable report that becomes part of the record of this House; a reference report on the challenges.

**The Speaker:** Honourable Cabinet Secretary, I hope you do not forget about Nyamira - the so-called white elephant in Nyamira.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker, I want to undertake, on behalf of the Council, the responsibility to personally visit that project and confirm what the members are saying and then look for solutions. It was a project funded by donors and even government support, as also therein terms of the project so we do not want it to be a white elephant. We will go to the bottom of the matter to find out exactly what happened with that project.

If somebody misused resources meant for that project then that person should carry his own cross. We want to assure you that we will follow up this matter and not just the Nyamira project. We will visit all the other projects funded under the Lake Victoria Basin Commission to make sure that they are all operational and that the

challenges are dealt with. Thank you, Mr Speaker.

**The Speaker:** Thank you very much, honourable minister. Honourable team leaders, I do not know the arrangement you have but both of you could take the floor but please be brief so that we can move to the next item. As brief as possible because there have not been any contentious issues so there is no reason to take a lot of time.

**Ms Wanjiku:** Thank you very much, Mr Speaker, honourable ministers and honourable members. Thank you to all those who have contributed verbally and those who have contributed in the spirit.

We are in agreement with most amendments and we feel that they are good. When the report is finally established, we will have a good report. I see my minister has already attempted to respond to several issues particularly about Kiswahili. I can confirm to hon. Mnyaa that we shall pick his amendment from that page to the last page as he wanted, in the general recommendations.

I have two issues to raise. There is an issue from Vigwaza where hon. Makame claimed that we expunge that. We have consulted here and we feel that we do not need to expunge because when we were there physically, even the drivers were already stranded not necessarily having travelled for 12 hours but because they needed a place even to unpack their cargo. Some of my team led by the clerk interviewed the drivers and recorded their statements.

In addition, hon. Fatuma has a sentence that she wished to be expunged. We have consulted and we feel we should leave it as it is. This is because by our experience, Rusumo seemed to be the model. It was one of the best OSBP we visited so when we are referring another one to this, it is just for comparison purposes.

Overall, I wish to make this on record and reinstate that we need a checklist of our one stop border posts so that we have the same standards. That has been said and emphasised by almost every other member.

Mr Speaker, allow me to go back to the issue of the Health Commission in Burundi. We need the Council to clearly come out and inform members. Members feel we shall waste the resources of the Community by building a health research institution then after 10 years, the World Health organisation comes and says, you cannot bring people with Ebola here, you have to move. We needed that to be mentioned very clearly.

I wish to thank everyone. I will skip mentioning the names because we know those who have spoken, for the interest of time. However, the sub-committee has requested your office, Mr Speaker, to help us publish this report through your office to extend our gratitude and refer the established report to every institution. It is about time that honourable ministers told us when these issues would be resolved.

Without much ado, I thank the House. I thank your office most sincerely. I thank our committees from the Central Corridor and Northern Corridor and the sub-committee. I thank our clerks led by Mr Asheri and the team and every other person that helped this report reach this far. Thank you and God bless you.

**The Speaker:** Thank you very much. Any supplementary comments? Thank you very much. I think whatever reference you made for the Council to handle is, I think, as a way of implementing –

**The Minister for EAC and Northern Corridor Development (Mr. Peter Munya) (Ex – Officio):** Mr Speaker, it is just that there was no much time to go into all the issues. The issue of integration of South Sudan for example is very important issue.

There is already a road map that is being followed and the first stage was to have the members in the court and they went there. There are also now members in the Assembly. There is restructuring that is going on in terms of the Secretariat and the staff to look at the complete picture of staffing and then find opportunities for South Sudan.

Therefore, the road map is there and we are already on course in terms of that integration.

Issues of sensitisation were also raised. Partner States are actually doing the sensitisation. It is the mandate of the Ministries of East African Affairs to carry out sensitisation at border areas, in trade associations, among the citizens and all that.

Regarding the issue of Ruhwa, which is also an issue that we should have commented on, I want to assure members that the Council is also seized of the matter and, indeed, there was a planned Council visit to Burundi to resolve this issue. There was postponement because of the referendum being planned. We can assure you that Council is dealing with this matter so that the issue is resolved, normal relations, trade between these two very important Partner States of the Community are restored, and citizens of both countries are able to enjoy the mutual relations that they have exercised for centuries. After all, they are almost the same people. Their families are close and the Council is alive to this matter and dealing with it. I thank you, Mr Speaker.

**The Speaker:** Thank you very much, honourable minister.

**The Secretary General of EAC (Amb. Liberet Mfumukeko) Ex Officio Member:** Mr Speaker, I just want to give some complementary information to what honourable chair has just said with regard to the Republic of South Sudan.

I just want to inform this august Assembly that a road map was presented to the Council last year and we were asked to come up with priorities on that road map to outline what the priorities would be and give a budget. These priorities were presented in February in Kampala and hopefully, the report as well as the budget as adopted. So now, we can say for sure that the activities on that road map will now be implemented. Thank you.

**The Speaker:** Thank you very much, honourable Secretary General. Honourable members, the motion before the House is that the report of the sub-committee on the on spot assessment of the East African Community central Corridor, East African Community Northern Corridor, East African Community institutions, project and facilities by the East African legislative Assembly held from 11-23 February 2018 be adopted. I put the question.

*(Question put and agreed to.)*

**The Speaker:** Honourable members, I also want to thank you. I think we could not have had a better beginning than this important activity that we undertook. Most of you congratulated or thanked me for the initiative. I thank you back because you are the ones who undertook the most important and the most demanding part of it.

I thank the two-team leaders, honourable members and the staff that assisted you. Now we have done the diagnosis of the Community, maybe not completely but the bigger part of it and we know where to direct our efforts. That was the very reason why we started with this particular activity.

There are several ways we can carry forward the recommendations. Those that are directed to the Council, the Council will handle. Another way we can do this is actually to constitute these recommendations into the substantive

activities of our committees and I think that is the most effective way. Look at which activities need to be pursued and in our planning, we constitute them in the substantive activities of our committees.

Finally, there is a communication I made to the Council yesterday regarding the budgeting process that we are undertaking and in which they are very supportive. This debate today and this report emphasises the need for proper facilitation of this Assembly. The ambitions we have and what we plan to do would not be possible if our budgeting process does not appropriately consider that.

Therefore, I think the few challenges we are raising about which I raised issues to you, I hope will be considered during this time of budgeting. Thank you very much, honourable members.

**THE EAST AFRICAN COMMUNITY  
MONETARY INSTITUTE BILL, 2017  
BILLS SECOND READING BY WAY  
OF MOTION**

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker, let me move the motion that the East African Community Monetary Institute Bill, 2017 – now it is actually re-done to be 2018, be read for the second time.

**The Speaker:** Thank you, Council Chair. Seconders? Hon. Abdikadir, hon. Fatuma Ndagiza, hon. Dr Susan Kolimba and all the members standing. Hon. Council chair, justification.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker, the object of this Bill is to establish the East African Monetary Institute as an institution of the Community responsible for the preparatory work for the East African Community Monetary Union

in accordance with Article 23 of the Protocol on the establishment of the East African Community Monetary Union, provide for the functions, governance, funding and headquarters of the institute and to provide for other related matters.

Article 23 of the Protocol on the establishment of the East African Community Monetary Union enjoins the Summit on the recommendations of the Council, to establish the East African Monetary Institute as an institution of the Community responsible for the preparatory work for the East African Monetary Union.

Under Article 23 of the Protocol, the Partner States envisaged that the East African Monetary Institute should undertake the preparatory work, which is necessary for the establishment of the East African Monetary Union, one of the pillars of the integration of the Community.

Mr Speaker, we are staring on a journey to a Monetary Union where East African will be operating under one currency. I know you understand what value one currency will bring to East Africa; it would simplify trading, the process we undergo and the costs that we undergo when we are changing money and even determining the value of what you are buying. All those challenges will be dealt with so that trade becomes faster, quicker, travel becomes faster and quicker and therefore, that will increase trading and financial transactions that take place in East Africa and that means growing wealth, more employment and further integration in East Africa.

Mr Speaker, you know the Monetary Union is one of the stages that the Community is supposed to undergo before ultimately becoming a federation and we have actually delayed, looking back and looking at the timings we had put, we are already late in bringing this very important pillar.

The monetary institute is supposed to do the preparatory work, laying the groundwork before ultimately we have a Monetary Union and therefore one currency. There

are certain preparations that are required; issues of harmonisation of physical and monetary policies, issues of checking policies on inflation so that we are at certain levels that are required for the operations of a single currency, issues of convergence on the debt and GDP ratios – all those very technical and complicated matters that need to be handled.

This Monetary Union will be operating under a governing council that comprises experts and specifically the Central Bank Governors and other experts involved in monetary policies of their countries. They will be sitting to give policies that will make this institute do the work that it is supposed to do; of harmonising physical and financial policies, laws dealing with those policies so that we are ultimately ready to usher in the Monetary Union.

Mr Speaker, therefore the House is being asked to take this very historic and important step in creating this institute and therefore, members of this House who are sitting here, once this Bill is passed, your names will be engraved in the history of those people who have contributed in a big way in making the Community a reality. Therefore, I call upon the members to seize this opportunity and have this Bill debated and passed so that we can be able to start that very important journey. Thank you, Mr Speaker.

**The Speaker:** Thank you very much, Council chair. Honourable members, the motion before the House is that the East African Community Monetary Institute Bill, 2018 be read for the second time. I put the question.

*(Question put and agreed to.)*

**REPORT OF THE COMMITTEE ON  
GENERAL PURPOSE ON THE EAST  
AFRICAN MONETARY INSTITUTE  
BILL, 2017**

**The Chairperson, Committee on General Purpose** (Mr Abdikadir Omar Aden) (Kenya): Thank you very much, Mr Speaker, for the opportunity to present this report of the Committee of General Purpose on the East African Monetary Institute Bill, 2017.

Following a number of deliberations and meetings that took place starting from 12 March in Arusha, followed by a number of other meetings on 10 April, 12 April, 16 April and finally on 18 April 2018 in Dodoma in the United Republic of Tanzania, the General Purpose Committee indeed considered the Bill forwarded to it by the House back in Kampala.

I therefore stand before you, Mr Speaker, to present the report.

In accordance with Rule 79 and Rule 81 of the Rules of Procedure of the East African Legislative Assembly Standing Committees are the basis of the Committees to carry out their roles and functions. Standing Committees are mandated to carry out the following functions:-

- a. to examine, discuss and make recommendations on all Bills laid before the Assembly;
- b. to initiate any Bill within their respective mandate;
- c. to assess and evaluate activities of the Community
- d. to carry out relevant research in their respective mandate;
- e. to examine policy matters affecting their subject areas;
- f. to initiate or evaluate action programmes under those subject areas and to make appropriate recommendations thereon;
- g. to examine the Community's recurrent and capital budget estimates; and
- h. to report to the Assembly on their functions

Further, the mandate of the Committee on General Purpose revolves around the oversight of the progress made in the implementation of provisions in accordance with Annex 5 (F) of the provisions of the Rules of Procedure of the Assembly, addressing matters of general application on the EAC in relation to the roles and functions of the EALA and for the efficient discharge of its duties. The Committee initiates studies and investigations, calls for and receives reports of the work of bodies, programmes and projects on such matters. As the Committee may find appropriate, upon the receipt of reports from EAC and Sectoral Committees; they refer certain matters to such Committees for further study and reporting thereto. The Committee hinges on the oversight work of cooperation in the development of Human Resources, Science and Technology (Chapter 16 of the Treaty), Health, Social and Cultural Activities (Chapter 21 of the Treaty) and enhancing the Role of Women in socio-economic development, (Chapter 22 of the Treaty) and the Pre-Budget function.

#### 1.0 Membership of the Committee

1. Hon. Aden Omar Abdikadir  
Chairperson
2. Hon. Ayason Mukulia Kennedy  
Member
3. Hon. Dr. Kalinda Francois Xavier  
Member
4. Hon. Dr. Makame Abdullah Hasnuu  
Member
5. Hon. Duop Kim Gai  
Member
6. Hon. Eng. Maassay Pamela Simon.  
Member
7. Hon. Gasinzigwa Oda  
Member
8. Hon. Gatkek Dut Thomas  
Member
9. Hon. Karerwa Mo-Mamo  
Member
10. Hon. Namara Dennis  
Member



11. Hon. Nduwayo Christopher  
Member
12. Hon. Nooru Adan Mohamed  
Member
13. Hon. Nzeyimana Leontine  
Member
14. Hon. Odongo George Stephen  
Member
15. Hon. Opoka-Okumu Christopher  
Member
16. Hon. Seron Jematiah Florence  
Member
17. Hon. Ussi Maryam Yahya  
Member
18. Hon. Uwumukiza Francoise  
Member

Rt. Hon. Speaker, Sir, In accordance with Article 59 of the Treaty for the Establishment of the East African Community and Rules of 61 (1) (2) as well as Rules 65 and 68 of the Rules of Procedure of the East African Legislative Assembly, the Committee on General Purpose considered the EAC Monetary Institute Bill, 2017. The Bill was introduced to the Assembly by the Council on 8<sup>th</sup> February 2018 in Kampala, Uganda during the 2<sup>nd</sup> Meeting of the 1<sup>st</sup> Session of the 4<sup>th</sup> Assembly. The House referred the Bill to the Committee of General Purpose for consideration.

The object of the Bill is to establish the East African Monetary Institute as an Institution of the Community responsible for the preparatory work for the East African Community Monetary Union in accordance with Article 23 of the Protocol on the Establishment of the East African Community Monetary Union to provide for the functions, governance, funding and Headquarters of the Institute; and to provide for other related matters.

## 2.0 Justification for Bill

Rt. Hon. Speaker, Sir, Article 23 of the Protocol on the Establishment of the East African Community Monetary Union enjoins the Summit on the recommendation of the Council of Ministers to establish the

East African Monetary Institute as an Institution of the Community responsible for the preparatory work for the East African Monetary Union. The Protocol envisages that the East African Monetary Institute shall undertake the preparatory work, which is necessary for the establishment of the East African Community Monetary Union, one of the four pillars of the integration.

The Bill therefore seeks to give effect to Article 23 of the Protocol by providing for the establishment of the East African Monetary Institute as an Institution of the Community in accordance with Article 9 of the Treaty.

## Provisions of the Bill

The Bill has twenty clauses divided into 5 parts as follows:

### PART I – PRELIMINARY

1. Short title and commencement.
2. Interpretation.

### PART II – THE EAST AFRICAN MONETARY INSTITUTE

3. The East African Monetary Institute
4. Functions of the Institute
5. Cooperation with the Partner States, Organs and Institutions of the Community
6. Cooperation with regional and International Organizations
7. Headquarters of the Institute
8. Independence of the Institute

### PART III – GOVERNANCE OF THE INSTITUTE

9. Governing Council
10. Committees of the Governing Council
11. Director General and Deputy Directors General
12. Organizational structure and staff of the institute

### PART IV – FINANCIAL PROVISIONS

13. Financial year

14. Funding and budget
15. Annual accounts and auditing

#### PART V – MISCELLANEOUS PROVISIONS

16. Reporting obligations
17. Confidentiality
18. Power to make regulations and guidelines
19. Status, privileges and immunities
20. Dispute settlement

#### 6.0 Methodology

Rt. Hon. Speaker, Sir, On the 12<sup>th</sup> March 2018, the Committee met with; the Deputy Secretary General of The East African Community for Planning and Infrastructure, Eng. Steven Mlote, Dr. Pantaleo Joseph Kessy, Principal Economist at the Secretariat and Mr. Denis Kibirige, Principal Legislative Draftsman who presented the background and content of the bill. The interaction clarified issues and provided explanations to questions and concerns raised by the Committee.

The Committee also met with the Council of Ministers on Monday 16<sup>th</sup> April 2018. The Council of Ministers was represented by the Chairperson of the Council of Ministers, Hon. Julius Wandera Maganda, State Minister, Ministry for East African Community Affairs, Republic of Uganda, Hon. Peter Munya, Cabinet Secretary for East African Community Affairs and Northern Corridor, Republic of Kenya and Hon. Olivier Nduhungirehe, Minister of State in the Ministry of Foreign Affairs, Cooperation and East African Community, Republic of Rwanda. The Secretariat was represented by Hon. Bazivamo Christophe, Deputy Secretary General of the East African Community, for Productive and Social Sectors and the Hon. Dr. Anthony Kafumbe, Counsel to the Community as well as Mr. Denis Kibirige, the Principal Legislative Draftsman.

As a result of extensive interactions with the Deputy Secretaries General and the

Council of Ministers on the details of the Bill, the Committee made a number of observations and subsequent recommendations in form of amendments to the Bill.

(Minutes of the Committee meetings are attached as Annex 2)

#### 7.0 Committee Observations

The Committee made the following observations and recommendations:

7.1 The Committee observed that the year 2017 was not valid given the date of tabling of the Bill before the Assembly and its subsequent consideration. Therefore, the Committee recommended replacing it with the year 2018.

7.2 The Committee observed that the Republic of South Sudan was not included under the definition as a Partner State in Clause 2. The Committee therefore amended the definition “Partner States” by adding. The Republic of South Sudan.

7.3 The Committee observed that the Bill does not provide for Transitional provisions that reflect the interim status and dissolution of the Institute whose mission will be completed as shown by the Roadmap for the realisation of the Monetary Union. The Committee therefore recommended that a new clause relating to dissolution and transitional provisions be added to the Bill.

7.4 The Committee made observations with regard to appointment of the Director General and Deputy Directors General with regard to the following:

7.4.1 The Committee observed that there was no clarity in the Bill on observance of Gender balance in the appointment of officers of the Institute. The Committee recommended that gender balance

be taken into account in appointment of the Director General and the two Deputy Directors General. The Committee recommended that Clause 11 be amended to that effect.

7.4.2 The Committee further observed that the number of the Deputy Directors General should reflect representation of all Partner States. However, on the Committee's proposal of appointing six Deputy Directors Generals each representing a Partner State, the Committee was informed by the Council of Ministers that the scope of activities of the Institute were not enough to merit such a number of officers and would also be costly for the Community. Additionally, the Council noted that there was need to reflect the position of the East African Community Heads of State Directive during the 19<sup>th</sup> Ordinary Session of the EAC Heads of State Summit held on 23<sup>rd</sup> February 2018 in Kampala, Uganda that the Deputy Secretaries General of the Community be two in number. The necessary restructuring was being implemented in the East African Community. The Committee agreed with the explanation and position presented by Council on this matter.

7.4.3.1 The Committee observed that there was no clarity on the modalities of holding office for the Director General and the two Deputy Directors General. The Committee therefore recommends that the Office of the Director General and Deputy Directors General are held on rotational basis.

7.4.3.2 The Committee observed that with regard to the position of the Director General, the requisite qualifications of a Master's degree in Economics, Banking and Finance was limiting and

there was need to expand the fields of study to open up opportunities for qualified applicants in related fields. In this regard, the Committee recommends that it should include management, business administration, law and "any other related field" as per the amendment.

7.4.4 In earlier discussions with Deputy Secretaries General for Planning and Infrastructure, the Committee was of the view that a "fit and proper person" as listed among the requirements for the Office bearers under Clause 11 (5) (b) and 11 (6) (b) was an improper and ambiguous description that should be deleted. However, Members of the Committee revisited the Article during the subsequent meetings and agreed that this was a legal term that denotes among others, all aspects of character, integrity and soundness of mind that could be considered before appointment of the Officers. It was therefore agreed that the terms "fit and proper person" be maintained.

Rt. Hon. Speaker; The Committee observed that the Bill only specified a job title of one Deputy Director General for Finance and Administration without specifying the other. The Committee further observed that while there was no clarity between the function of the two Deputy Directors General, there was a function of Monetary and Fiscal Policies for the Institute under Clause 4 of the draft Bill. The Committee therefore recommends that the title for the Second Deputy Director General to be for "monetary and fiscal policies". This proposal was also accepted and agreed to by the Council.

7.4.5 With regard to qualifications, the Committee observed that the requirement under Clause 11 (6) (c) was more comprehensive with a wider scope of qualifications in addition to banking, economics and finance and “any other relevant field”. Therefore, sub Clause (6) (c) was adopted and maintained providing separately but uniformly for the positions of the two Deputy Directors General.

7.4.8 The Committee observed that there was need to reduce the requisite years of experience for the position under 11 (5) (d) Clause 11 (6) (d) from 15 to 10 years.

In the meeting with the Council of Ministers, the Council explained to the Committee that given the fact that the Deputy Directors General were expected to interact with high profile executives such as Governors of Central Banks and that it was necessary for the person to be able to engage with them exhibiting competence, expertise and appropriate demeanour.

The Council further informed the Committee that during the stakeholder engagements on the bill, the professional bodies proposed the minimum of 15 years of experience as a requirement for the Director General and the Deputy Directors General. The Committee was also informed that the standard is also applied in the EAC Secretariat at the level of Director and therefore, it would not be tenable to reduce the requisite experience to 10 years only as was strongly proposed by the Committee with intention of giving a chance to the youthful East Africans who may apply for the positions. After lengthy deliberations on the matter with Council, the Committee accepted to retain 15 years’ experience with five being at relevant managerial level as was proposed by the Council in the Bill.

7.5 The range of stakeholder consultations on the Bill

Rt. Hon. Speaker, Sir, the Committee was informed by the Council of Ministers that the following stakeholders were identified as important stakeholders and consulted during the stakeholder engagements:

1. Ministers responsible for Finance,
2. Central Banks,
3. National Statistics Offices,
4. Ministers responsible for EAC Affairs,
5. Capital Market Authorities,
6. Insurance Regulatory Authorities
7. Pensions Regulatory Authorities
8. Attorneys General Chambers
9. Banker’s Association, and
10. Private Sector.

The Committee was informed that the draft Bill was approved by the Sectoral Council on Finance and Economic Affairs and forwarded to the Sectoral Council on Legal and Judicial Affairs who reviewed the Bill and recommended it for adoption by Council of Ministers. The Council considered and approved the Bill and forwarded it to the Assembly for consideration and enactment.

Rt. Hon. Speaker; While the Committee was generally satisfied with the range of stakeholders that were consulted, it however noted that the Civil Society, the East African Business Council and the general public were not consulted.

In this regard, the Committee was of the view that an important section of stakeholders were left out of the consultations thus raising concerns about how comprehensive and representative the consultations had been. The Committee expressed serious concerns at the omission and emphasised the fact that given time, the Committee would ideally have carried out Public Hearings to ascertain, among others, that all the major stakeholders had been adequately consulted.

With regard to the Committee's proposal to carry out Public Hearings, the Council of Ministers informed the Committee that the Bankers Association as well as the Private Sector had been consulted but the East African Business Council and Civil Society were not consulted. The Council of Ministers added that since the Bankers Association and the Private Sector had been consulted during the negotiations, the Committee could still consult the East African Business Council during the consideration of the Bill. The Council of Ministers urged the Committee to consider that the consultations had been as comprehensive as possible drafting of the Bill.

The Committee undertook to seek the views of the East African Business Council, which was deemed to be an important stakeholder. A letter was written to the Chief Executive Officer on Monday 16<sup>th</sup> April 2018. Subsequently, the Committee received written comments in a letter dated 18<sup>th</sup> April 2018. The Chief Executive Officer, Ms. Lillian Awinja expressed appreciation for the opportunity to contribute to the Bill and congratulated EALA on the ongoing work toward establishment of key Institutions for the EAC Monetary Union. Ms. Awinja urged the Assembly and the EAC to expedite implementation, which was long overdue as it should have been in place by 2015. It was pointed out that the functions could be expanded to include, among others,

attainment of macroeconomic convergence criteria and determination of conversion rates and design of the single currency. (Attached as Annex 3)

The Council of Ministers informed the Committee that while it understood the Committee's position, there were neither funds nor adequate time available to undertake Public Hearings. The Council further reminded the Members that it was not the usual practice for the Assembly to undertake Public Hearings on Council Bills because it was considered that adequate consultations are carried out before the drafting of the Bills.

While the Committee understood the explanations provided, it was recommended that in future consultations be carried out as comprehensively as possible to ensure all stakeholders are consulted.

7.6 The Committee expressed regret at the fact that the Council submitted the Bill late before the Assembly which undermines the Assembly's duty to carry out due diligence on the Bill. The Committee considered it unacceptable as it undermines the spirit of public participation.

The Council of Ministers acknowledged that the Bill was indeed late since the negotiations and signing of the EAC Monetary Union had concluded after two years and came into force in 2013. However the Council expressed confidence that going forward, after consideration by the Assembly, it would be able to fast track implementation as per the Directive of the 19<sup>th</sup> Ordinary Session of the EAC Heads of State held on 23<sup>rd</sup> February 2018 in Kampala, Uganda. The Heads of State in the Communique issued after the meeting, directed the Council to expedite the establishment of the Monetary Institute and other Institutions according to the roadmap of the East African Monetary Union.

The Committee informed the Council of Ministers that on the issue of the tabling of the report late was highly irregular and although the Committee received the explanations given, it was still considered unacceptable and did not facilitate comprehensive consideration of the Bill. It was therefore strongly recommended that in future, all Council Bills be tabled in time to give ample time for the Assembly to fulfil its mandate.

#### 8.0 Resolution

The Committee therefore presents its report to the Assembly and recommends that the report with the schedule of amendments (herein Annexed) be adopted.

Mr Speaker, the committee, in the process of undertaking its mandate in this particular Bill, as was assigned by the House, noted and understood the historic nature of this Bill. This is not an ordinary Bill. It indeed sets the pace for the establishment of a single currency and because the committee was aware of the amount of attraction and interest that this particular portrayed or was attracting across the region, it undertook to take its considerations in this Bill in the shortest time possible, many at times sitting for very long hours in order to make this possible.

It is an exciting proposal that sets grounds for the possibility of even bigger cooperation in the region in future.

Mr Speaker, I must say that the committee had strong feeling on two major issues; the issue with regard to the amount of years of experience required. There were youthful members of the committee who undoubtedly represent the youth of the East African Community who felt very strongly that indeed the setting of 15 years as the years required –

**The Speaker:** Excuse me. I think this slot was for the presentation of the report so any additional comments you have will be

during your reply. So are you done with the report?

**Mr Aden:** I am done with the report, Mr Speaker.

**The Speaker:** Thank you. Honourable members, the motion before the House is that the East African Community Monetary Institute Bill, 2017 be read for the second time. Debate is open. We will be spending four minutes each.

*(Question proposed)*

**Dr Hasnuu Abdullah Makame (Tanzania):** Thank you very much, Mr Speaker, for giving me the floor to air my comments and actually support the passing of this Bill.

Mr Speaker, this is a very important Bill in front of us. It is a Bill that comes rather late but we are saying, better late than never because the Monetary Union Protocol was ratified five years ago. This is a significant step towards the EAC integration as stipulated in Article 5(3) of the Treaty establishing the East African Community. We are now showing seriousness that we are now moving towards integration and towards achieving the third major achievement. We will be left with only one which will be the Political Federation.

Mr Speaker, allow me to commend the Council for bringing this Bill to the Assembly, much as it comes late. We should be expecting more because we have to ensure that we really implement the EAC Monetary Union road map to the letter. Much as we are late, I believe we will make some adjustments as a Community because we need to integrate and we need the East Africans to enjoy the benefits that the founding fathers of this Community envisioned us to enjoy –

**The Speaker:** Time allocated is actually five minutes. I am advised to give you five and I take the advice. Thank you.

**Dr Makame:** Thank you very much, Mr Speaker.

Initially, when we had the first East African Community that collapsed in 1977, it served for only 10 years but we had integrated a lot. We did not of course have a Monetary Union then but prior to that, in the one before independence, we were actually more integrated than post-independence. Therefore, we actually have to consider ourselves and go to the roots because the colonialists are the ones who inserted borders, which are actually imaginary. This is because when I go to Namanga, I do not see any border. When I go to Isebania, I do not see any border. I just see vast land. When the colonialists told us that there are borders, we actually moved ahead and imposed them on ourselves. So now having a common currency and a common monetary and fiscal policy in this region means we are now moving towards the proper integration that the founding fathers of this Community were focussed on.

For that reason, I would say that the Fourth Assembly is going to make strides towards achieving a major pillar of the integration. Mr Speaker, I beg to submit and say that I support the motion. Thank you.

**The Speaker:** Thank you, Dr Makame.

**Mr Mathias Kasamba** (Uganda): Thank you very much, Mr Speaker. Allow me to thank the committee chair together with all the committee members for having made the Bill come through within less than three months, which is commendable.

I congratulate the Council for having submitted a Bill considering that historically, our predecessors used to originate most of their own Bills. I would like to appeal to Council, considering the

fact that this report of tour of duty has generated many recommendations, to continue to fast track. Let us minimise this animal called delay so that we can give business to parliament to be able to fast track the harmonisation of the legal regimes as you are doing.

Allow me to support this Bill because it is going to undertake a very critical stage, which I think we have been grappling with in the previous tour of duty report, which mentioned the need for harmonisation. When you harmonise and have a monetary convergence, it means all the fiscal policies within the different Partner States within the jurisdiction of the East African Community will have to be under one financial regime. This will give East Africans freedom for once. As I mentioned earlier in the other report, there are mental barriers, barricades and roadblocks, which translate into different monetary papers, which each country disposes as its currency, and this, will have been avoided.

It is a practical way of having convergence of East Africans enjoying. When we are in Arusha, we shall use one currency and we shall not need to undergo currency exchange. This is a very positive direction, which I think we should fast track. I commend the committee and the House for having given us the mandate to fast track this process. I very much appreciate, given the fact that the Council had done a lot of due diligence, that there was no major requirement for us to undertake another time burden of undertaking a public hearing.

I concede and pray that this Bill is passed at the earliest time possible before we leave this session in Dodoma and that it goes on record that the Parliament of East Africa is not the delaying factor to the processes of integration. I beg to submit.

**The Speaker:** Thank you very much, hon. Kasamba.

**Dr. Gabriel Arol Garang Aher** (South Sudan): Thank you very much, Mr Speaker. First and foremost, let me thank the committee chair and members for putting this report together. I would also like to appreciate the Council for the steps they have taken since we started the Fourth EALA.

With regard to the Bill, I would like to speak on the years of experience. If you look at the region and even globally, you will see that a large portion of our human population are young people who are attending colleges and universities and graduating with good degrees and good academic records.

According to the Council, they are saying that you have to have 15 years' experience. How old is somebody who has worked for 15 years? Let us consider the average, maybe 60 years and when you reach that age – sorry if I am actually discriminating older people, I think the productivity of that person is actually declining exponentially. The capacity to do the work is actually declining and it is what economists call diminishing returns.

Council, you need to reconsider this. If you have young people who are graduating with Master's degrees and who spend 20 years, have doctorates from good universities like Harvard, Stanford and maybe our regional universities like the University of Nairobi, Makerere University – these people have good academic records, have been trained very well and they have the ability and energy to do the work. How can you block them from the recruitment because of their age and experience? No, it does not work that way.

Therefore, I am actually requesting that you reconsider this fully and give it the flexibility it needs so that we recruit and bring in people who are capable to do the work for the people of East Africa. This is my plea and again I emphasise it strongly

that 10-15 years is not appropriate for young people and is actually blocking the out from being on board to work for the people of East Africa and utilisation of their technology and appropriate skills. Thank you so much, Mr Speaker.

**The Speaker:** Thank you very much, Dr Gabriel Aher.

**Ms Susan Nakawuki** (Uganda): Thank you very much, Mr Speaker. I would like to thank the Committee of General Purpose for this good report. I am sure you had to put in extra hours of work for us to have this and I really want to appreciate you.

Mr Speaker, allow me to briefly comment on some of the issues, which have been raised by the committee. To start with, on page six, they talked about inclusion of South Sudan, which was a very good observation. However, when I look at the interpretation clause, as proposed by Council on page five when they are defining Partner States, actually they were very keen when they added 'any other country granted membership to the East African Community under Article 3' because this was my initial concern as well.

Therefore, any country that joins subsequently is catered for under that provision of any other country that is granted membership but it does not hurt if we add South Sudan right now since they are already on board.

The other issue that was raised by the committee is that of gender balance and I am requesting Council to take this seriously because it is not at the discretion of Council. This is an issue of the Treaty. When you look at Article 9(5) of the Treaty, it is very categorical and says, "In the appointment of staff and composition of organs and institutions of the Community, gender balance shall be taken into account." 'Shall' is mandatory so as we allocate positions, this should not be forgotten.



The other issue that was raised by the committee is the work experience. I would like to agree with both the Council and the committee. You know, when you look at the mandate of this institution, it is not one where you are going to compromise on quality. Let us be sincere. I am a youth, I am enjoying it. I know I am going to move from this age bracket to another one but for sure, with this kind of job where it is all to do with coming up with policies, framework, a road map that is going to guide the Monetary Union, we cannot compromise about it. Let us leave these top positions the way they are with this required experience because at the end of the day, people begin working at 20-25 years. If you begin at 25 years and you are required to have experience of 15 years that is 40 years. There you are just beginning your career and you are very energetic to deliver.

Therefore, I do not think there should be a problem. We the young people know how to fight for our space because we know that no one is going to fight for us. If we do not fight for ourselves, we will remain out. We will be told that we are for tomorrow. I am not a leader for tomorrow but for today. So we know how to go about it but for the sake of the competence with the nature of job we are advocating for under this Bill, I want to convince my colleagues to take it like this.

Going to the issue of this Bill, I would like to thank Council for deciding to perform this noble duty, which was given to them under the Treaty. Under chapter 14 when we talk of areas of cooperation and I know, monetary and financial cooperation is included herein. However, I am finding a serious challenge when I look at the memorandum of the East African Monetary Institute Bill and the long title of the Bill which says, “the object of the Bill is to establish the East African Monetary Institute as an institution of the Community responsible for the preparatory work for the East African Community Monetary Union

in accordance with Article 23 of the protocol.”

Mr Speaker, we are very busy coming up with institutions of the Community but we are not able to take care of the institutions that we already have in place. I get bothered. This institution comes with a lot of responsibility, we are going to create offices, we are going to have to hire staff when the current institutions that we have are chocking for lack of staff. When you look at the structure, Council even shies away because they cannot tell us how many staff we have in these departments but I will tell you.

We were talking about M&E here yesterday. I deliberately asked Council for numbers because I know. They are telling us that we lack human resource and we are under staffed. That department has only one staff. This is monitoring and evaluation with one staff member and now we want to –  
(*Interruption*)

**Dr Arol:** I did not get what the member said very well and whether in her first statement she said that we maintain 15 years of experience.

Mr Speaker, if you would allow me, we are actually representing those who are not here and the biggest part of EAC are the youth. These people must actually be represented properly.

**The Speaker:** Hon. Dr Gabriel, you made a good case for the youth and she took a different position so we do not come back every time a member takes a different position.

**Dr Arol:** *Asante.*

**The Speaker:** I am compensating you for the interruption otherwise, your time is up.

**Ms Nakawuki:** Thank you very much, Mr Speaker. Council, this is a noble job and as

an Assembly, we are ready to perform our task and legislate on this particular Bill. However, is the Council ready for the challenge because this comes with financial challenges? If Council can convince me that this alternative funding mechanism that my minister, hon. Peter Munya, was talking about – I find him a serious politician and you really need to convince me of what I want to hear. I remember one time a member of the Second Assembly said the only thing that Council is good at is sleeping and I beg to differ with that.

However, by the end of December, I want Council to prove to me that actually what that member was saying was not true because the Assembly came up this idea of alternative funding mechanisms and hired – *(Member timed out.)*

**The Speaker:** The CTC does not have time to donate because he has not caught my eye.

**Mr Kennedy Musyoka Kalonzo (Kenya):** Thank you, Mr Speaker, for this opportunity. I will be very brief. I have two issues. On the first one, I agree with hon. Susan. I would really like to get clarification from the Council as to what magic they are going to use so that this new institution does not suffer the same fate of the ones we have currently with under staffing and lack of funds. We want to be practical; we do not want to pass white elephants in this House.

The second issue I have is on work experience. I would also like clarification on why it has been put here in the Bill; 15 years. I am not convinced that youth are not competent and cannot engage with high-level delegates. I would really want clarification on this issue. The youth are the majority of this Community and I am aware that we are supposed to be people driven. These youth are part of these people we are supposed to represent. Thank you, Mr Speaker.

**The Speaker:** Thank you very much, hon. Kennedy Kalonzo.

**Mr Jean Claude Barimuyabo (Rwanda):** Thank you, Mr Speaker, for giving me this opportunity. I am proud to say here in this august House that we have a good Speaker who is also still young.

**The Speaker:** I am not sure about that but it is a good complement. Thank you.

**Mr Barimuyabo:** We have experienced many leaders and I can list some of them. We have our own President, His Excellency Paul Kagame who, when he embarked on the struggle for liberation of our country, was 32 years.

Mr Speaker, I do not agree with the Council of Ministers where they say that youth cannot deal with high-level managers like those who lead the national banks in our Partner States. Let me continue with the example of our Speaker who is leading an organ of the East African Community, which is even higher than that institution we are talking about and he is making a difference as you have seen. He initiated a practice of touring our Community and no one has even done it since EALA started.

This idea of reducing the work experience for the Director General of this monetary institution is common sense for everyone. Mr Speaker, I think you had three years' experience before being elected as a Speaker of this Assembly and you are doing it well. Why do we need someone with 15 years of working experience? We have many examples of those who had fewer than five years' experience who are doing well.

Apart from considering the common sense or logic that everyone can understand, I would like to refer this august House to Article 7 of the Treaty that talks about the operational principles of the Community. (a) states that this Community must be

people centred and market driven. However, I will focus on the people-centred bit. More than 63 per cent of the citizens of this Community are the youth. When I say youth and we are representing the people of East Africa, it means that the bigger part of the people we represent are the youth so how can we say that the managers will be those who are not in the bigger part of the Community?

Finally, I will conclude by saying that leadership capacity does not mainly depend upon working experience but it is the capacity within one's self or the environment where he lives.

**The Speaker:** Thank you.

**Amb. Fatuma Ndagiza** (Rwanda): Thank you, Mr Speaker. I rise to first congratulate hon. Aden Abdikadir, the Chairperson of the Committee on General Purpose for a brilliant presentation of the report of the committee on the East African Monetary Institute Bill, 2017. I would also like to congratulate the committee for the good work. You took time to scrutinise the Bill and when I looked at your comments, I was particularly happy when I saw the various considerations including for example the issue of rotational considerations during the appointment of the Director General and the Deputy Directors General. I hope on this rotational basis you will also take into consideration the Republic of South Sudan. The second issue is also on the gender consideration in the appointment of the leadership of this important institute. I hope the Council of Ministers will not only stop here because in the previous report that we discussed, in most institutions of the Community, the leadership are mainly men. We did not meet any female heading those important institutions of the Community and you know there are very many competent women. Therefore, this is really a good practice but it should not be the end of it.

I wanted to say that since the Monetary Union is an important pillar of regional integration; it is the third pillar, the creation of this institute is very relevant. Therefore, I encourage all members to support the Bill. It is a straightforward Bill. We trust that our committee did a good job. There was also consultation with our ministers but of course as many of my colleagues said, you need to make sure that this important institution delivers. You should provide the necessary funding and the human resource so that it can be able to deliver to its expectations.

**Ms Mary Mugenyi** (Uganda): Mr Speaker, I stand here to add my voice to those voices that have already spoken and to express my gratitude to the Council of Ministers, the Chair and the entire Committee of General Purpose for bringing this important Bill to us for attention and action.

Mr Speaker, when I was campaigning to come to the Fourth EALA, one of the areas I promised to act on was to legislate in favour of the establishment of this law to be able to operationalise the Monetary Union. Indeed, it is like a dream come true if the East African Community can walk yet another milestone and achieve the Monetary Union.

Mr Speaker, just for the sake of record and clarity, just to clear my mind because sometimes members of Parliament very quickly pass judgement over the actions of leaders because we are supposed to hold leaders accountable to do our oversight function. However, I would like to know. If the Protocol was rectified five years ago, what is it that could have happened to keep the Council from bringing this Bill to operationalise this Protocol? Normally it takes longer to put the Protocol in place and get all the leaders to ratify it but this is the other way round. The Summit ratified the Protocol, it took five years. I would like to

know what happened, why the delay? What were the impediments?

Secondly, on the issue of the age limit, I actually wanted to propose that maybe for the sake of our youth, to be able to make you comfortable, we also put an age limit which normally happens; a ceiling on the upper side. This is because normally when institutions are recruiting, the tendency is not to recruit the very elderly. Some institutions could have 60-65 years old. I know we have issues with age limits and I realise it is both sides up and down.

The reason I am saying this is that we should not underestimate the role of experience. We are made up not only of nature but also of nurture, which is the experience we go through in life. Therefore, both are important. Some people are naturally intelligent but they lack exposure and experience. When I was calculating, I shared with hon. Susan here, I realised that most of us finished university between 22 and 25 years, unless you started as a mature entrant. When you add 15 years and say the upper limit, which is about 25 years, most people would be still in their 30s. How old is that? In your 30s if you have had the experience, that is the right age. Therefore, if it is necessary, rather than lower - *(Member timed out.)*

**The Speaker:** Thank you. Honourable members, I have no intention of keeping you here longer than the usual time but it seems to me that we will need something like 10 minutes beyond the normal time to conclude this so can a member do the needful at this point?

#### MOTION

#### EXTENSION OF SITTING TIME UNDER RULE 30

**Mr Aden:** On a point of procedure, Mr Speaker, as provided for in our rules, given the interest of debate of this particular Bill,

I stand to move a motion that we extend the sitting of the House.

**The Speaker:** Thank you. Secunder? The Speaker is here to assist the members. He stood on rule 30 to suspend rule 11. Seconders? Hon. Leontine, thank you. The motion by hon. Aden is to suspend rule 11. I put the question.

*(Question proposed)*

*(Question put and agreed to.)*

**Ms Rose Akol Okullu (Uganda):** Thank you, Mr Speaker, for giving me an opportunity to speak to this Bill. This is one of the most important Bills that we are going to pass in the Fourth Assembly. On this note, I want to thank the Council of Ministers for having processed this Bill and the committee for the great work they have done in the process of preparing their report to this Bill.

Mr Speaker, this East African Monetary Institute will be an institution of the Community responsible for the preparatory work for the establishment of the East African Community Monetary Union. This is a key development in the advancement towards the conclusion of putting into place the four pillars of integration. This is the third one, having already achieved the Customs Union and the Common Market.

Once we achieve the monetary Union, we will only be left with one key pillar and that will be the Political Federation.

Mr Speaker, I would like to commend the committee for being very observant of the Articles that are provided for in the Treaty especially in mainstreaming gender in all that we do as a Legislative Assembly. On that note, I want to commend them for recommending that in the appointment of the Director General and Deputy Directors Generals at least there should be

consideration given to the effect that gender mainstreaming will be achieved.

Mr Speaker, I also want to commend the committee for accepting the recommendations of Council to the effect that the age limit that was provided has been maintained. I have no doubt that the youth in this Community are fit and proper even to perform some of these tasks. However, when we look at the kind of leadership that is required at this institute, the three key positions, especially the position of Director General – these are the teams that are supposed to link with the Governors of our Central Banks. When you look at the age bracket of these Governors, they are really people of - we call them elders in our community. They are above 50 years.

I would not like to imagine that our Council would accept to recruit somebody of say 30 years to start convening these Governors of over 50 years for meetings. First, the immediate problem we would cause is a generation problem and there would be conflict on that matter. This would freeze furthering the intentions for which this institute was established.

For that matter and others, talk about experience and wisdom at that level and age.

**The Speaker:** Thank you very much. We are closing this debate now. Chair, Committee, hon. Aden, can you reply?

**Mr Aden:** Thank you, Mr Speaker. Let me take this opportunity to most sincerely thank the many colleagues who have so far contributed to this debate, in particular hon. Dr Makame, hon. Kasamba, hon. Dr Gabriel, hon. Susan, hon. Kalonzo, hon. Jean Claude, hon. Amb. Fatuma, hon. Mary and hon. Rose Akol.

Mr Speaker, the contribution by the members and the support that they have given to this particular Bill reflects the spirit

with which the committee has conducted this exercise over the last few weeks or even months. This was done between last month and this month. I really appreciate the time that the members have taken to interact with the report and to give their valuable input and addition into this Bill.

Mr Speaker, I think it is clear that the issue of age limit, the issue of gender were very important issues during the discussion of the committee and indeed the issue of not getting enough time to go and do public hearings on this particular Bill. However, this committee went out of its way to accommodate the views of Council, the guidance and wisdom that they gave the committee on all these issues and despite the very strong sentiments and reservations. We accommodated them accordingly.

Mr Speaker, in particular regarding the issue of the public hearings, the committee went further to say that it is not possible without getting the views of the East Africa Business Council to say that logically this Bill has had a good stakeholder input. For that reason, the committee went out of its way and wrote an urgent letter to the East African Business council and gladly so received a response of very good input into the Bill from that particular institute. Given time, such other organisations will also have been engaged.

We do understand the constraint of resources and time and for that reason, I wish to thank members of the committee and members of this House for considering those facts.

Mr Speaker, I do not want to say much. The issue of youth has ably been talked about by members and indeed it was not in the spirit of denying our youth any opportunity. That was not the reason at all that the Council gave. Indeed, what the Council acknowledged is that this organisation is a big one. It will have many experts and technocrats needed to run the institution.

For that reason, our youth have a great opportunity to form part of that technical team that will support this particular institution.

These three positions which will require a number of experience- I could have been a person not far from the age of youth myself but I can tell you, Mr Speaker, look at the governors and deputy Governors of our countries. The issue of the 15 years' experience and I think another member; hon. Mary, was actually going further to say it should be more. However, I want to take the kind consideration of our youth to say that indeed the Council presented that position very strongly and we accepted it.

Mr Speaker, I will close by saying this was a moment of history for us as a committee, just as it is for this House and, indeed, as one of the members rightfully said and I think it was a member of the Council, our records of the House are permanent.

While in Arusha recently, I was looking at the *Hansard* reports of the very early days; the very first time a person ever spoke on the floor of EALA. This record is in place. If you go to our own Member States, you will find the speeches of members of Parliament many years ago. Most likely, many of us were not born in those generations.

It will go in the annals of history that the members sitting here today formed this historic moment to enact this particular law to bring change.

**The Speaker:** Thank you very much, hon. Aden, Chair of the Committee on General Purpose. I now invite the Chair Council to reply.

**The Cabinet Secretary, Ministry of EAC and Northern Corridor Development** (Mr. Peter Munya) (Ex-Officio): Mr Speaker, we seem to have some challenges with the Chairpersons. I am yet to get the

experience of how to deal with them and I think it will come in due course; it does not come instantly.

May I really start by thanking the committee that did this fantastic job in terms of reviewing the Bill and proposing amendments. We were able to agree on most of the amendments. Actually, we agreed on all of them but not most of them. We had quite some debate and we agreed with them.

I want to join the chairperson of the committee by saying that the most contentious one was the issue of age and we were able to argue until we settled on the idea that somebody with experience of 15 years is young enough because in work where expertise is required, you cannot treat experience lightly. By the mere fact of being born, even if you were 80 years, if you have not done this job you would not have the experience. Even if you were 100 years, the work requires training because it is technical work. The years you put in that particular area of training at the university and working comes into play. It is top managerial level, working with Central Bank Governors of East Africa, supervising banks, coming up with regulations and rules on how to supervise the banks on East Africa, dealing with payment settlements.

This is highly specialised Mr Speaker and as most members have observed, 15 years' experience after university you could still be a young person and take the job.

Therefore, what we were looking at is the minimum experience you require irrespective of your age to be able to carry out this job. You can be a young man and you take the job. You could be an old man or woman and take the job. I do not know what to say because so many other definitions have come these days and I am old enough now not to dwell in those debates. However, any East African with that experience of 15 years, at least some of

it at managerial level in this relevant field, is welcome. It is not every East African, whether young or old. It is somebody with that relevant experience.

Mr Speaker, if I was given this job, I would not take it because I do not have experience in that line. If somebody offered me that job I would tell him no, that is not my training and experience. Therefore, a very technical and specialised job that can only be done by somebody has education in that field and experience in doing that job.

Even though we value young people and some of us have been advocates of young people getting jobs, I think it is fair to also accept that experience is part of it. You can even destroy yourself by getting jobs that you are not experienced. You end up making a mess of yourself, you embarrass yourself, and you get high blood pressure because you do not know the job and it destroys your career which if you had done the normal curve that is required, you would do very well and have a very successful career. I think that is some of the advice we need to be giving our young people.

Mr Speaker, I did not want to go that far. Regarding the issue of gender, we agreed that gender is an important consideration and that amendment was put forward.

Mr Speaker, mine really is to thank the members and the House for their contribution and for being part of making history in East Africa as we usher in the realisation of the other pillar in East African integration. Thank you, Mr Speaker.

**The Speaker:** Thank you very much, Council Chair. Honourable members, I now put the question that the East African Community Monetary Institute Bill, 2017 be read for a second time.

*(Question put and agreed to.)*

**The Speaker:** No, it is 2017. 2018 is part of the amendment. Thank you.

#### COMMUNICATION FROM THE CHAIR

Honourable members, I want to remind you and I think the communication is already sent out. If it has not been then it will be soon that the next plenary day is when we shall have the special sitting. So I hope that all of you will be around and those who are away from the station for some reasons should be informed to do all they can to be back here in time because it will be a very special day for us.

It has also come to my attention that one colleague of ours was taken ill. Hon. Opoka is not well and was rushed to hospital by some of our colleagues; hon. George and hon. Nduwayo. We wish him a quick recovery. I do not know whether he is admitted or not but proper attention is being given to him at the Benjamin Mkapa Hospital.

#### ADJOURNMENT

Honourable members, I adjourn the House until Tuesday, 24 April 2018 at 2.30 p.m. House adjourned.

*(The House rose at 6:29 p.m. and adjourned until Tuesday, 24 April 2018 at 2.30 p.m.)*