



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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99TH SITTING – SECOND ASSEMBLY: SECOND MEETING – FOURTH SESSION

Wednesday, 15 December 2010

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Parliament of Uganda, in Kampala.

PRAYER

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

The Assembly was called to order.

The Chairperson, Committee on Legal Rules and Privileges (Mr Frederic Ngenzebuhoro): Mr Speaker, I have not seen the Order Paper.

The Speaker: Hon. Frederic, you are supposed to be moving a motion today so I don't understand why you want someone to give you your motion.

Mr Ngenzebuhoro: Mr Speaker, I beg to move that the resolution of the Assembly urging the East African Community Partner States to quickly undertake concrete policies of adequate housing for all citizens. Mr Speaker sir, I beg to move.

Dr Aman Kabourou: Seconded

Mr Ngenzebuhoro: Mr Speaker, Sir,

“THAT this House, recalling that EAC Partner States are signatories of both the Universal Declaration on Human Rights and the International Covenant on Economic, Social and Cultural Rights in which respectively, the articles 25 (1) and 11 (1) stipulate that everyone has a right to a decent standard of living, of his health and wellbeing and for his family including housing, food, clothing, medical care and other social service

NOTING THAT EAC Partner States have their theme at the United Nations Conference on human settlements hitherto had been a stumble, decay from February to 14th June 1996 through the Istanbul Declaration, their commitment to fully and progressively realise the right to adequate housing

NOTING FURTHER that the EAC Partner States according to the Treaty for the establishment of the East African Community in its article 7 Clause 2 undertake to abide by the principles of good governance including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights in which the right to adequate housing is included

RECOGNISING THAT inadequate housing is one of the best indicators of good standard of living and consideration of a person in the society and the fundamental and human needs that have a profound impact on the welfare of the population, its health, its social attitudes and its performance to economically produce and is the best indicator of good standards of living and consideration of a person in the society

CONVINCED THAT adequate housing is the best shuttle to protect people against natural catastrophes like storms, floods, earthquakes and other possible dangers

CONVINCED FURTHER that the best way to stabilise our people especially in rural areas is to provide them property on which they can build adequate housing for their welfare

REGRETTING HOWEVER that until now, there are numerous families in the EAC Partner States which do not enjoy adequate housing and continue to miserably live in one narrow room of a small house even if the family is large and comprises of parents, mature and young children with the consequences of such a situation on the education, the behavioural health of the children

NOTING HOWEVER with appreciation that EAC Partner States are determined to achieve a community where all citizens can enjoy a decent life of dignity, happiness, good health and hope

NOW THEREFORE do resolve as follows

- 1. Urge EAC Partner States to fully and willingly undertake policies at all levels of administration to ensure the fundamental right to housing by facilitating the procedures of accessibility to inadequate housing to all citizens*
- 2. Request EAC Partner States to encourage marginalised persons like those who belong to minorities or vulnerable categories. Such families headed by women or children living in extreme poverty to get their own property and adequate housing.*
- 3. Encourage the Partner States to prioritise the issue of adequate housing while achieving the Millennium Development Goals otherwise it would be illusory.*

4. *Call upon the East African Legislative Assembly and national assemblies to regularly carry out oversight activities to ensure that all citizens without discrimination for any reason are enjoying adequate housing.”*

Mr Speaker sir, I beg to move.

The Speaker: Hon. Members, the proposal on the floor is that this Assembly do resolve to urge the EAC Partner States to quickly undertake concrete policies of adequate housing for all EAC citizens. Debate is open.

Dr Aman Kabourou (Tanzania): Thank you, Mr Speaker, Sir, for allowing me to make a comment on this motion. First of all I just want to say that I wholly support the motion. I think it is only fair that human beings live as human beings and anything less than that is catastrophic.

Mr Speaker, we just came from the Southern Sudan where on several occasions we were told that a good friend is that who comes to your home when you are in trouble because they are looking at helping you. I think the East African Legislative Assembly should be a good friend to the East African people by beginning to think about their misery.

It is an open secret and we don't have to struggle with this. We have been to all the five Partner States and we have witnessed in some places that people really don't have adequate housing and that is clearly seen from the road as you go along. You have these grass thatched houses very small ones, some of them not even respectable. So when we agree to pass these resolutions regarding the housing situation in East Africa, I think that we shall be doing a major service to those people who cannot afford. And we again have our governments that have budgets which are passed and in most cases you may have things like the National Housing Corporation but these are mainly in the cities. When you go to the country side, you don't see any sign of the National Housing Corporation working for the average citizen.

So, I think that it is only fair that we should divide the cake more equitably and we shouldn't shy away from doing things that are pro people. I know there are countries – we have been around in Rwanda and places – you can basically see that the housing is a little bit better than other places. So, we shouldn't shy away from helping these people. We should make it a point in our national budgets that we allocate certain amounts for improvement of housing units in our countries. Having said that, hon. Speaker I once again want to reiterate that I support the motion and I hope that the Assembly will do the same. Thank you.

Dr Said Bilal (Tanzania): Thank you, hon. Speaker. I want to begin by offering my support to this motion. I really want to express my appreciation to hon. Frederick Ngenzebuhoro for his foresight. The housing situation in East Africa is to say the least bordering on the pathetic and if we really believe that the region has this motto that the Community is people centred, and private sector driven, then definitely this must begin with housing because it is in the housing where the private effort or individual effort must begin. And how can you be sure of decent thinking; decent planning if you are living in a dire environment that doesn't really benefit of a human being?

Mr Speaker, we in this Parliament have had opportunity to travel across the region and you see the downgrading of the quality of housing of the region when you move away from the capital to

the rural areas. And this says a lot about where our emphasis is. We seem to be oblivious of the fact that the people of East Africa deserve better because in the capitals it is okay but we want to see that in East Africa people come first in our effort to make sure that everybody achieves decent living as part of the common goal of this region.

Mr Speaker, Sir we are aware of the fact that our economic conditions are not good; the governments are cash strapped but again we need to have a good policy that should ensure that we really care about the people. Many times the situation in the region suggests that the people's desire to have a decent living is lagging behind. The government programs are overtaken by this and they seem to have forgotten the fact that we have to really think about that situation. That is why you may say that there is lack of a policy that is really focused on acquiring decent housing for our people. As hon. Kabourou has said, we need to really focus beyond the cities and make sure that these people are afforded decent living as the idea borrowed from the United States that people in East Africa need to succeed in housing and not just to survive. I beg to say that I support this motion. Thank you.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Rt hon. Speaker, Sir, for giving me the opportunity to contribute to this debate. First and foremost, I must say that I support this motion before us and I would like to thank the mover, hon. Frederick Ngenzebuhoro for having come up with this important motion, which in a way touches all of us.

Mr Speaker, Sir I am glad that the mover has noted that housing issues are one of – or the principle to afford housing is one of the principles of good governance and adherence to human rights. I am saying that because as Members of different committees, we have had an opportunity to go and tour different Partner States where the very last activity we undertook as the Committee on Legal, Rules and Privileges. We have had an opportunity to discuss with many people including the minorities and I am sure that a report is coming up very soon.

When we discovered that some of them don't have adequate or decent housing. So, for anybody to enjoy his or her fundamental rights, he or she has to have access to decent housing as one of the aspects of human rights.

The mover of the motion also urged EAC Partner States to develop policies that are in line with developing or promoting different aspects related to housing. I am very glad to report to this House that at least in many countries that I have been to, policies have been developed in away and approved by the Executive. And for me, Rt hon. Speaker, I am saying that the biggest problem we still have is implementation; implementation in the sense that even if the policy has been developed, no adequate funds have been allocated for the implementation of such a policy or a good strategy.

In some countries, for example where I come from, Rwanda I know that funds are allocated through the national budget but there are also many people who are really willing to support such good projects. So, I take this opportunity to urge the Council of Ministers to undertake a kind of assessment and see whether those policies – well of course they have been developed and approved by Cabinet – are being implemented or not. And if not, what is the problem behind that?

Mr Speaker, Sir, I am saying that the implementation of such policies where they exist requires allocation of funds but it also requires many other aspects to come in. I just want to focus on one aspect in terms of sensitization campaign to the people. Let me give you an example, when we were undertaking an activity in the Legal Committee, we discussed with a group of minorities. They told us that they are not very happy to see the government asking them to leave their houses or to leave behind their day to day activities as porters.

Mr Speaker sir, if we really want to respect the principle of human rights, we know that there are some people who want to be left out even if it is not the vision of the government. The government wants to protect each and every one. Our governments don't want to discriminate but for some people, they want to remain in the archaic activities and to remain the way they used to be. This is unacceptable because we want to improve the living conditions as representatives of the people of East Africa so we have to walk strongly on this aspect, sensitise them for them to get out of that kind of mentality - *(Interruption)*.

Mr Abdul Karim Harelimana: Thank you, Mr Speaker and thank you, Honourable for giving way. I want to give information about what exactly the honourable is saying. We used to think that or some people used to think that cleanliness is not a culture among the Rwandese people. Living in thatched houses is part of tradition and that walking bare footed is also part of the traditions and culture of Rwandese.

Leaders said that it is not true, it is not in our culture and they took the decision to sensitise people, to call them to avoid and leave that bad culture and surely if you go to Rwanda today, you will see a change in that aspect. Thank you, Mr Speaker sir.

Ms Nyirahabineza: Thank you very much, Mr Speaker sir and thank you very much, honourable for your information.

Mr Speaker sir, though some funds must be allocated by our respective governments, I think all of us must work hand in hand so that we can sensitise and bring people to work closely for them to improve their living conditions.

I also want to give an example. Apart from the allocation of funds by governments, in some of our countries I have seen that not only in Rwanda but also in Burundi something positive is being done what we call community work. Community work means that people go together and execute an activity for the good of the entire population. Even if in some cases or in some countries funds can miss to undertake or execute such an important program, people can work closely hand in hand and build good houses for their colleagues who cannot afford them.

Then there are also many programs that can allow people afford decent housing not only the community work, not only funds allocated by government but also by allowing people access to credit and by developing for them some income generating activities.

Mr Speaker sir, East African Community Partner States have many vulnerable people due to many reasons such as genocide, wars and natural disasters. We have genocide survivors, we have poor people, we have internally displaced people, and we have widows and children heading households and other vulnerable people.

My worry is whether we know them. Therefore, it means that in order to cure a problem, first of all we have to know exactly how the problem is being presented. We have to have data, which is updated, and nobody should be left out.

In Rwanda there is what we call settlements and I know that it is being spread all over where people are being put in a kind of village for them to access water, sanitation and so on.

I just want to share with you some good practices that are being implemented in some countries like Rwanda. We have in Rwanda what we call Army week where the army is helping the government in building houses for the poor people and up to now we have very positive results.

We also have what we call Police week but most importantly, let me emphasize the fact that we have what we call prison week. It can be called prison month or prison year. In this aspect, prisoners should not constitute only a burden to the community and to our governments. We know that they are kept in prisons because they have committed crimes. Of course they are being fed by the government but they also have to be proactive and to produce.

In some countries like Rwanda, prisons are producing food and are even feeding some towns. Apart from being fed themselves, they are also feeding others and apart from feeding others, they are also helping the government in building houses for poor people, for vulnerable groups including genocide survivors, children heading households, widows and other vulnerable people.

So I want to urge the Council of Ministers to take this issue up and see whether the same habits because it is very good can be spearheaded all over so that prisoners cannot constitute not only a burden to the community but also come in, in the development and in building the society.

Mr Speaker sir, my last point is about the community work i talked about earlier. The community work especially considering the restructuring of the administration, we have what we call village in sectors and whatever. People can work closely, they can develop some projects, they can identify some poor people including those who cannot have access to decent housing and build houses for them. So maybe I can urge all of us to help in implementing this kind of program because it has been proven that it has a very positive impact on the living conditions of the people.

Having said that, I want to declare that I am in support of the motion. Thank you very much.

Mr Damian Habumuremyi (Rwanda): Mr Speaker, thank you for giving me the opportunity to contribute to the motion. Allow me to thank hon. Frederic for the important and opportune motion.

Allow me to highlight some points related with this motion. Mr Speaker, the fact that some people are living in adequate conditions as far as housing issues are concerned, has a very bad implication in terms of education, poverty and health.

Mr Speaker, while we are turning Kenya, Uganda, Rwanda and Tanzania for some members, we found that some people living out of towns that people are living miserably. Many of them are staying in small houses and it is even worse when it is during the rainy season, people do not sleep.

Yet, in the same people we are mobilising for votes, they are the ones we are giving power to our government. Mr Speaker, in a special way, marginalised groups should be given more attention, namely, minorities, refugees, displaced people because it has noticed that they are not fully enjoying their rights.

Nobody can understand now how people can be treated or remain in such bad conditions in this 21st century serious measures should be taken to allow people enjoy their rights in terms of adequate housing.

This is an area that has to be planned for and very urgently. Mr Speaker, allow me again to share with the house one experience of Rwanda in some areas. Rwanda has conducted a census of family without with out adequate housing compromising the genocide survivors and other vulnerable groups and after that funds were given by the government itself and some development partnership – now, Mr Speaker, many houses are being built.

There is also this aspect as I said, the aspect of community solidarity that comes in terms of people helping each other. Now, a campaign is going on in Rwanda, with the census to determine the number of people living in small houses, the total of those houses is now 95,000 in the whole country.

The target – (*Interruption*) -

Ms Patricia Hajabakiga (Rwanda): Thank you, Mr Speaker, and hon. Member for giving me way, to give information. The figure he is giving today comes from the initial figure of 370,000 which was assessed in 2000/2001 and now as you understand we have dropped to the figure of about 45,000 only in 2010. That shows that if there is an effort, it can be achieved.

Mr Habumuremyi: Thank you hon. Patricia for the information. What I want to say is that the number I said it is planned that the target for the government is to finish building those houses by 2011. Rwanda will have to use government funds, community solidarity, civil society and private sector, Diaspora and even soldiers.

Mr Speaker, I want to end here by urging EALA to intensify oversight activities for the welfare of the people of the EAC. I thank you and support the motion.

Ms Claire Kayirangwa (Rwanda): I thank you, Mr Speaker for giving me the opportunity to make few comments on the motion. I support the motion and I thank the mover. Access to safe and secure housing is one of the most basic human rights. The right to housing is more than simply a right to shelter. It is a right to have safe and secure home and community in which to live in peace and dignity.

Adequate housing depends on many factors including availability of services, facilities and infrastructure, accessibility, and so on. Inadequate housing impacts on other human rights. A person who does not enjoy adequate housing maybe facing violation of the right to good health, the right to education, the right to social security, the right to privacy and many more.

Therefore, Mr Speaker, I urge the EAC partner states to define the minimum community standards of housing and adopt a housing strategy at EAC level. Thank you.

Mr. Augustine Lotodo (Kenya): Thank you, Mr. Speaker. I wish to add my voice to the rest to supporting the motion moved by hon. Fredrick on this issue of providing adequate housing for EAC citizens.

Mr Speaker, I believe that also this is one of the most basic needs of any human being apart from food, water and health. I know that all our ministries in our partner states have a ministry of housing. The only problem is that achieving adequate housing has been a challenge to most of our governments but effort should be put to ensure that we encourage or we put more funds to housing building corporations such that they are able to provide housing for the people of the EAC citizens.

I know that especially governments, which have socialistic or communist backgrounds in the world, the policy of providing adequate housing has been a priority and I hope that we should provide this kind of programmes.

I want to give an example of Zanzibar when the Assembly visited there. We found that actually the government had built so many houses for its people. So, I think that was a good example to be emulated by other partner states.

I also wish to say that the most dangerous situation that we have currently as far as housing is concerned is to do with slums, which are all over in East African Community. We find that slums are actually disorganised as far as their construction is concerned, they lack access roads, water and I believe that serious situations have really emerged especially when there is fire outbreak in the slums, to access them, has been a problem and we encourage that proper housing needs to be done.

We need to ensure that the slums are well provided such that there is access, so that we are able to access the people when a situation arises.

Another issue has to do with proper planning of housing with in the region. There has been several cases where by house buildings have collapsed in our cities and actually led to so many people dying and I think this is an issue which is related to housing that we should implore our government to ensure that proper housing procedures and rules especially in the architectural nature that we are able to ensure that the houses are well constructed such that they can withstand certain tremors.

Mr Speaker, disasters have really contributed to ensure that people don't have good housing. I want to give examples which are common that when we have floods or earth tremors, we find that actually people are affected when the houses are not there. We find that houses collapse, we find when the floods sweep off people who are staying along the banks of rivers and these are actually causing more problems to the people.

I think it is important that we should stress on preparing people or the East Africans against such disasters by ensuring that there is good planning especially when housing is concerned. I wish to support the recommendations and to support this resolution.

Mr Abdullah Mwinyi (Tanzania): Thank you Mr speaker and I would also like to strongly support this motion. All other human rights that we talk about would not make sense if the key

human rights of adequate shelter, food and clothing are not met. The other civil and political rights become irrelevant if you do not have those basic rights.

That is why Mr Speaker, you find in some countries somebody wanting to be arrested when it is cold weather, so that they can enjoy some warmth and some food in prison especially homeless people in big cities, rich countries.

It is because that you may think that being arrested is bad, because it is against one of the key human rights, but you find it is better because you are able to enjoy the most basic human right. So, that is lack of housing, food and shelter, and therefore the most dehumanising human rights that make human beings feel like animals when they have no shelter.

Therefore, this motion is very important. Mr speaker, it is also important to note that the reason why we don't have adequate housing in the world is not because of lack of adequate resources, because there are people who raise that as one of the key issues, but if you look at the countries that have achieved universal housing for their citizens, they may not be the richest countries in the world, Singapore for example is not the richest country in the world, and yet it has been able to house all its citizens, due to deliberate policies, to ensure that every citizen has adequate housing.

Richer countries like the United States have not been able to house all their citizens yet they boast of the biggest GDPs in the world.

So, Mr Speaker, what is really required is progressive social policies that are deliberately intended to provide adequate housing to those who are not able to provide for themselves in our societies.

The case of Rwanda is very encouraging, it is a model that other East African countries would study and adopt, if they have been able to bring down those who do not have adequate housing from 300,000 to 95,000 and I am told by end of December they maybe able to provide for everybody. That is encouraging, and something that we need to study.

Rwanda is not boasting the biggest GDP in East Africa yet they seem to be ending towards solving housing problems. Kenya maybe boasting the biggest GDP, ----

Mr Kidega: Thank you hon. Munya for giving way. About three weeks ago, I happened to be on an official mission in Rwanda on issues of basic human rights and good governance. We met with an organisation that gave us, it is actually a civil society organisation, it gave us their projection that 2012, they want to make sure in Rwanda there are no grass-thatched or banana thatched houses. And these are efforts from civil society base.

So, I think, as the ministry is talking about policy, I think when there is right policy in place, various actors can come into play, our basis should be anchored on basic thing, Abraham's law, in his definition of the basic needs of man, in a pyramid form puts shelter, food and sex as the first and basic need of man.

Therefore, our policy should reflect that kind of need.

Mr Munya: Thank you hon Kidega for that information, though I am not convinced one of the last aspects that you have mentioned is a basic need, I do not know anybody who has died for lack of it. *(Laughter)* I am yet to find anybody who has died for lack of that one. *(Laughter)* In fact, I am told there are people who are asexual, who do not feel the urge for that right that you are talking about.

From my little studies I know that shelter, food, clothing are basic. In some situations, so, you may not die. You try it one of these days and see, - stay for a while and see if anything will happen to you, I am sure nothing will happen to you. You will soon be okay.

So, Mr Speaker, really, the basic point is that it is a question of policy, government doing the right thing, putting money into housing. Two weeks ago, our Permanent secretary in the ministry of finance said that Kenya loses close to one third of its national budget through graft, corruption and if you estimate- that information was coming from the Permanent Secretary himself.

If you estimate that, that would amount to 250 billion Kenya shillings, every financial year.

If you converted that to housing, to see all the loopholes that make that kind of resources to disappear into private hands and you direct that kind of money into housing, I don't think you need more than five years to be able to provide adequate housing for every Kenyan.

So, Mr Speaker that can be done. It has been done, we are not inventing the will, and it is a question of political will and the right policies. As I finish though, an issue with resolution no.2, because if you look at resolution no. 02, the language is very weak.

The mover is requesting EAC partnerships to encourage marginalised persons like those belonging to minorities or vulnerable categories, ended by women or children living in—to get their own property and adequate housing. How will they do it?

If you want the partner states to encourage them, you encourage people who have no resources, how are they going to get them? So, I think we need an amendment to make this language in the second resolution stronger and clearer. Do you want to request the partner states or you want to employ them and you want maybe to make them the partner states to facilitate marginalised groups to access housing?

However, if you tell them to encourage them to get, even if they are encouraged for many years, if they do not have any resources, they will not be able to get their own housing, if they have no resources to do so. But the resolutions are good Mr Speaker, I support the motion.

The Speaker: Maybe you can suggest an amendment to the mover.

Mr. Leonce Ndarubagiye (Burundi): Thank you Mr. Speaker, Sir, for giving me the floor. I stand up to support the motion and also to thank my colleague who moved this motion. As said by hon. Minister, those basic rights for any human food, shelter, and clothing are essential, hon. Fredrick touched on one of the three, and I think we shall do everything we can to make sure that East Africa people live in decent houses.

For a house to be decent for a human being, there should be some norms, some factors that must be met, like aeration so that there is enough air in and out, acoustic so that what is said in one room is not heard in other rooms, and – well, I see some people laughing, I don't know what they mean. And to keep warm in the house.

Therefore, I think here, the role of the state is essential. If you compare countries, how people live, you wonder why some live in better conditions than others. It is not necessarily because of the means, that the wealth of different people in different countries. It is also about the legislation.

Normally, let us say in developed countries, anybody building a house must have an authorization and this authorization is given after providing the plan of the house to be built and that is when the state or the authorities accept that the norms are met, the house can be built. I don't believe that in our countries those norms exist, but I would ask the council of ministers to take notice of this and eventually to reduce it in a legislation of our country, so that those factors, those requirements are met all over.

The condition in which one lives of course can determine his future. If one lives in a house where there is light, he can read in the evening, it is not the same thing as a pupil living in a very small dark hut and where he cannot even read his subject in the evening. The next morning, the two pupils, one coming from this family of better housing and the one coming from bad housing are not the same level. That is why I think those homes should be universal all over East Africa so that we eradicate some of the very embarrassing housing that we can find in rural as well as in urban settlements.

I support fully this motion and I thank you very much sir.

Ms Dora Byamukama (Uganda): I thank you Mr. Speaker, Sir, for giving this opportunity to support this motion. It is a very important motion and I would like to make some three points in support.

My first comment is on the issue of the argument that this is a right. Indeed when you look at the very first paragraph, this is a human right and it is premised in the international covenant of economic, social and cultural rights.

This set of rights are known as second generation rights and these rights are usually given as much priority or emphasis as the first generation rights and yet they impinge on very important aspects of our living and also on the MDGs.

I look forward to an opportunity where this House will also debate issues of food as well as clothing because these as well as shelter touch on human dignity and we cannot advocate for health when these basic rights have not been addressed.

I therefore want to thank hon. Frederic Ngenzebuhoro for talking about the practical realities of what is happening in our region.

Mr Speaker, Sir, in relation to this issue of shelter, we have some treaty provisions and these are found in the article on social welfare which is article 120. It states, *“That the Partner States undertake to closely cooperate among themselves in the field of social welfare with respect to (c) the development and adoption of a common approach towards the disadvantaged and marginalised groups including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of among others, foster homes, health care, education and training”*.

The point here is foster homes and therefore I would like to ask kindly that maybe an amendment, which includes this particular aspect, which is found in the Treaty, is included in the motion.

Mr Speaker, Sir, the bid for a common policy and mechanism which is uniform in implementation of the issue of shelter is clearly evident. When you consider for example the Constitution of the Republic of Uganda article 39 provides for a right to a clean and healthy environment. Every Ugandan has a right to a clean and healthy environment. It does not stipulate what the components of a clean and healthy environment are and yet I would presume that shelter would be a basic component of this aspect.

Hon. Ndarubagiye talked about some aspects which we take for granted. For example the issue of acoustics and it is mentioned in the motion. If a family is sharing one room and this room is shared by adults, children, goats and sheep which is still happening in the East African region, obviously the issue of disease cannot be controlled and the issue of immorality cannot be controlled.

Mr Speaker, Sir, we are all adults, I don't have to exaggerate on that point but I would also like to say that when you consider light - *(Interruption)*

Mr Kidega: Thank you so much, hon. Dora for giving way. The former UN arbiter boss who is now a minister in the Tanzanian government technically defined over crowding that when there are more than two human beings sleeping within the confines of four walls, that is congestion so technically Habitat United Nations supports your argument.

The Speaker: Hon. Kidega, you have a lot of information on that issue - *(Laughter)*.

Ms Byamukama: Mr Speaker, Sir and hon. Members, I think this goes without saying. If someone has a cough or flu or worse still has a more contagious disease, if you are sharing one room, the propensity to contract it is higher.

I would like to also allude to the point which was made in respect to the issue of light. In most parts of Africa, we use the kerosene lamp. We have not covered everybody with electricity or maybe solar power and therefore when we use kerosene light, it means that we inhale the fumes and in most cases you get respiratory diseases so these issues of the quality of shelter are very important and therefore the need for us to standardise on the issue of quality.

My second point is on the issue of adequate and affordable housing but before I get to that, I wanted to point out that when you look at the Treaty, we talk about the right of establishment and you cannot realise the right of establishment if you do not cater for shelter so obviously even

when you consider the Common Market, this is an underpinning right which we must make sure is implemented.

Mr Speaker, Sir, I would like to move on to the issue of adequate and affordable shelter and in respect to this, I would like to link it to the issue of the vulnerable groups and the issue of population.

Mr Speaker, Sir, where shelter is adequate, it may not be affordable and where it is affordable, it may not be adequate and therefore we need to clearly plan for our population and also plan in such a way that we will be able to cater for population explosion.

Mr Speaker sir, the sight of slums within all our capitals cannot be ignored and therefore this particular call for policies on adequate housing is a very clear indicator of the need for us to plan so that we can have adequate and affordable shelter.

Mr Speaker sir, my third and last point is on the issue of vulnerable or marginalised groups. In law, shelter or a house is considered as a fixture and therefore part of land and yet in many of our cultures and areas, most of the vulnerable groups do not have access to land.

You cannot build shelter in air and therefore as we advocate for shelter, we also need to review and promote land tenure that enables all citizens so that they can be in position to build shelter that will enable them leave in dignity and also have healthy and prosperous lives.

I beg to support and I will move an amendment to bring this motion in line with the Treaty provisions as I have said.

I thank you.

Ms Patricia Hajabakiga (Rwanda): Thank you, Mr Speaker, Sir for the opportunity. I also want to support this motion which is really very important if we are to achieve the MDGs because we cannot achieve the MDGs if we still have people sleeping under the bridges, carnivals and other places which one would not like to mention.

Hon. Speaker, the good practices have been enumerated by Members who spoke before me. I was personally involved in the housing and in the ministry, which was in charge of human settlement right from 1999 to almost 2003. During that period, Rwanda was experiencing extreme problems in terms of shelter because of obvious reasons – because of the post genocide situation in which we were in, the returning of refugees, the displaced persons and so many others. Because of that reason, there was an elaborate program as to how we were going to provide shelter to Rwandese. In addition, that has really worked; it is just a matter of a concerted effort by all the stakeholders.

Hon Valerie Nyirahabineza indicated a number of measures, which have been taken including the use of the Army because if you look at our Army, during this whole period of peace, they do not have a lot to do, they can actually support in the housing construction if only the budget is available. In that case the question, which hon. Dora was raising of affordable housing is only another one-step into that direction.

Hon. Speaker, we have many international instruments which discuss this. But if you look at the mechanisms provided by the international community are not there. It just requires us, Africans and East Africans - these five countries to actually do it in our own way. They look at the shelter issue as a private issue and yet there is nothing private about shelter. If you live in a very nice house and next to you are people living in miserable thatched housing – there is also an issue of security and many other aspects, which are social, which will also touch on those who are able to live in those bungalows and very nice houses, which we see in our cities.

Hon. Speaker, apart from supporting this motion, I think the hon. Minister from Kenya, Munya pointed out that some of the resolutions which we want to adopt are a little bit weak. As much as we can encourage Partner States why don't we move one step further and ask Partner States to earmark a certain percentage of our national budgets for this particular activity of providing shelter particularly to the poor? If the mover of the motion accepts, I will draft the proposal for providing for an annual budget every year.

The second recommendation I will make is to call upon the Council of Ministers to bring up this particular debate among the East Africans just like we have had one on food security and climate change and let it be adopted as a regional position paper; regional policy, which we can all support and move. Thank you, hon. Speaker and I support the motion.

Dr George Nangale (Tanzania): Thank you, Mr Speaker for giving me this opportunity. I won't take long. Hon. Speaker, this is a very important motion and the need for better housing for each of us – for every citizen in East Africa cannot be over emphasized. But I would like to say that we should not underestimate or underrate the traditional houses we have been having for many years. *(Applause)*

I can testify here today that the house which was built by my grandfather, *Mzee* Nangale in the 1950s is still existing and still very strong. So, the challenge today is to encourage our engineers to be more innovative to use the local materials to ensure that we have good houses – you for example, talk of clay tiles, stone houses, mud reinforced houses, which can probably be better than the European style or the other Western type of buildings.

Mr Speaker, Sir, the other thing I would like to say is the Private Sector; Private sector should be involved in this. I am sure if you talk to – you heard the story of Juba yesterday, somebody went there two years ago and today he is different. If you ask our friends the Chinese to come and support us in this by erecting a hundred million units in East Africa, they will be completed in only six months. Therefore, we should really take this on board. This is a very important motion and I support it. Thank you.

Ms Margaret Zziwa (Uganda): Thank you very much, Rt hon. Speaker, Sir. I would like to add my voice to that of my colleagues in supporting this motion. This is a very important motion, Mr Speaker, Sir and I would like to thank hon. Frederick Ngenzebuhoro for bringing it to this House.

Mr Speaker, Sir, first and foremost I would like to mention that I am honoured to be the Vice President of Global Parliamentarians on Habitat and the President of Global Parliamentarians on

Habitat, Africa Chapter. In addition, I was honoured to take this Chair when we were in Nairobi during the General Council 22 of the governments in April 2010.

Mr Speaker, Sir, I was honoured to attend this great forum with you and one of our challenge then was saying, “How do we look for an entry point of housing within the Treaty?” It was difficult because there is no direct clause within the Treaty that talks about housing. So, I am glad that today we have an opportunity to talk about housing as a House and subsequently the resolutions or the recommendations to our Partner States Parliaments to ensure that we have an opportunity to talk about the state of housing within the East African countries.

In addition to acknowledging that housing is a universal right, I want to add that the status of housing in the whole of the East African Region is not yet very good. When we had an opportunity to visit the border posts within the East African Region, I was very keen to see the status of housing in the various countries that we went to. Allow me to say that when we went through the areas from Kigoma to Manyovu – (*Interjections*) – yes, that stretch, many houses appeared to have been well built, but lacked permanent roofing materials. Many of them had been roofed with either grass or banana fibre, which is really not a permanent feature and definitely, they couldn’t even have electricity, among other things.

When we went to parts of Burundi, this was still common; it was visible and you could see many of the houses with semi-permanent roofing materials and in very bad shapes. When we crossed to Uganda – but also in Rwanda many areas had houses that were not tidy – and in Uganda towards Tororo side - despite the fact that there is a cement factory there, many of the houses were/are of mud and roofed with grass. The same story applied to Kenya. So, this situation is very common in the whole of East Africa.

When we went to Zanzibar, I remember that we saw many houses that had been half-built with concrete blocks, but not roofed. This brings in three very important concepts: the concept of provision of housing – Mr Speaker, you will appreciate that many of our governments have relegated this aspect to the private sector and individuals, which are profit-driven. Somebody will elect a house when he knows very well that house can generate income. That has left a lot of our vulnerable people to fend for themselves in areas which are either swampy or just bad. This is the sole cause of the emergence of many slums that we have. In Kampala, for example, half of our population lives in slum areas. It is a very pathetic situation but it is a fact. If you stand in the canteen and look at the southern part of Parliament, you realise that the whole of that part is a slum.

This brings in yet another very important puzzle that we need to face. If the private sector cannot provide good and decent housing, whom should we send that responsibility to? The answer will definitely be Government. We need to call upon governments to take on this responsibility. Some of the governments have worked around providing mortgages, but still the vulnerable and poor cannot access these facilities because they need securities in form of land titles, among other things, in order to access mortgages. Therefore, we still need to advocate and urge our governments to ensure they have a multiple approach to housing.

The question of slum upgrading programs has been commendable, but because we do not have many houses, the moment a slum is upgraded – and I also want to know about how or what the

programme of upgrading Kibera is progressing – it will be overrun by the well-to-do. We had a case of Namuwongo in Uganda, which had been started for low-income earners, but as of now, it has been overtaken by middle and high-level classes. The lower-level people of the poor have been driven out.

So, we need governments to make arrangements for providing housing to the vulnerable, the poor and those who cannot afford land. We also need to encourage our governments to put in place opportunities for housing estates which middle-level people and high-level people can be able to use.

That also brings in the question of accessibility. Today, like hon. Byamukama said, the housing fabric sits on land, which in all our countries has different management styles. But in a free-hold arrangement where land is owned by people you need to have Government secure or buy land so that it can be able to release it to the public to enable them utilise it.

Mr Speaker, as I wind up, I would like to salute the recommendations, but request that we make one small amendment particularly on recommendation three where the honourable mover said that we call upon the East African Legislative Assembly and all National Assemblies to regularly carry out oversight activities to ensure all citizens, without discrimination for any reason, enjoy adequate housing. I want to move a small amendment to say that we let the East African Legislative Assembly establish a forum on habitat. Subsequently this also should be for the Partner States. I will draft it properly and put it in order so that members can be able to follow up on the issues of housing, liaise with the ministries of housing in the Partner States on the budgets for housing. This will enable people get what I would call a proper housing particularly for the vulnerable people.

Mr Speaker, I would like to say that I support the motion and call upon all members to support the establishment of a forum on housing within the East African Legislative Assembly. I thank you, Mr Speaker.

Mr Reuben Oyondi (Kenya): Thank you very much, Mr Speaker for giving me the opportunity to speak to this motion. What does God say about shelter? If one read for us Genesis:3:21, you would realise that when man sinned and God sent them away from the Garden of Eve, there is one thing that God made sure He did for Adam and Eve. He provided them shelter and clothing. He did not want them to stay naked or in the air. Human beings were not created like animals. Animals have a thick skin, which can resist rain, cold wind and whatever. However, human beings should be provided with shelter.

I want to support hon. Lotodo. Our governments have allowed slums but surely they should be able to control these slums. No access, some people pass through somebody's sitting room to go to another room. They should provide roads so that in case of disasters like fire, it is possible to reach these people for help.

I know in certain communities, old countries like India where children are born in the streets, railway stations, I don't even know how they make it because there is no privacy in the radio station but children are born there, they grow there and become big people. That is because of the explosive nature of the population maybe people can understand that but in Africa, the

population is not that big. The government should be able to enact laws to provide their people or citizens with decent shelter.

Mr Speaker, Sir, I want to challenge our hon. Members of this House. Many of us have been leaders, ministers. How much have we done for our people? If hon. Karan can allow me to sue him, right now he is aspiring to be a Member of Parliament for our next parliament in 2012. He told me the other day that he is spending quite a bit to make sure that people live in good houses, providing iron sheets to some individuals and that is very good. Can we go out now as we close this time and make sure that we build at least five houses for five families, provide them with iron sheets then we are able to come here and talk the way we are talking.

I have been minister in the Kenyan government and many of you have been here and there. How much did you do? I beg to support, Mr Speaker.

The Speaker: He has already finished, you should have clarified earlier. But hon. Oyondi, next time we come for the Kenya session, we are going to visit the five homes that you have built. *(Laughter)*

Ms Lydia Wanyoto-Mutende (Uganda): I thank you, Mr Speaker for the opportunity to contribute to this motion. I would like to say from the onset that I support the motion by hon. Frederic Ngenzebuhoro.

My comments will mainly be on recommendation number four that calls upon the East African Legislative Assembly and national assemblies to regularly carry out oversight activities to ensure that all citizens without discrimination of any reason are enjoying adequate housing.

Mr Speaker and honourable colleges, I want to speak about Uganda because I know a little more about the Ugandan government than maybe the other Partner States. The Ugandan government has a policy on housing and settlement. We actually have a fully fledged ministry on housing and the whole line up on what to do with housing.

My only belief is that the biggest challenge we have for example in Uganda in terms of housing is a leadership or a governance issue. A lot of our people, if you segment the population of Uganda, a lot of our people have not been able to put up their own homes or houses, not because they are not able or not because they don't have land where to settle despite maybe you can remove the people from urban areas where they have challenges of permanent housing because of land tenure system or affordability but we have issues of mobilising our communities to be self sustaining. You find 24 year old or 30 year olds still living with their parents. Even if you are a Member of Parliament, are you going to build a house for someone who has refused to build a house for themselves?

I think in this recommendation number four, it is high time, as Members of Parliament to mobilise our communities to be able to be self sustaining and be able to fend for themselves. It is a lie to say you are going to build homes for all who don't have because some of these homes actually lack basic environmental needs. They don't have pit latrines, I am speaking from a live example because some of us are actually in the field looking for votes. You go to a home, you find a family with maybe 30 members and they don't have a pit latrine and in that home you may

actually find only one person who is above the age of 53 so it goes back to me. It is an issue of leadership.

We need to mobilise our communities on issues of personal hygiene on issues of basic needs of a home. If you have youth in the home, of course this is not the right season because then maybe you may lose votes or whatever but it takes a leader to say what the community must stand for. If we could have an audit in terms of a survey, many of our countries, at least I am aware that most of our countries have annual statistics on settlements. At least for Uganda we have annual information, demographic data on how we stand as a country in population, desegregation, in settlements.

It would be interesting to know how we stand as East Africa in terms of the qualitative and quantitative settlement on our communities. How many homes have pit latrines or human waste management systems by distance from their household? You would be surprised that a pit latrine that was dug by your father is the same that is used by their children and their grand children. Now who is responsible for that? Because if you have one pit latrine being used by the children of that gentleman and his wife and then the great grand children, which is a leadership issue, it is a community mobilisation issue.

So I think apart from talking about having oversight activities, this Assembly would move ahead to look at an analytical audit in terms of the qualitative and quantitative data that we have on settlements in Uganda or in East Africa and we would actually name and shame communities that don't do some of these practices. Yes, I mean if I come to a sub county, if I go to Wabigalo where hon. Zziwa is looking for votes and in the whole community there are only human waste toilets and there are over 100 people able bodied, they are not sick, they are not elderly, they are not disabled, as a leader what do we need to do?

I think as Parliament we need to have this information and then when we move for oversight, we challenge some of these people to leave to the expectations of the Community.

We have been challenged as a country in one of the communities in Uganda which is infested with jiggers in the 21st Century you have people that live with jiggers in the mouth, on the nose, on the breast nipples. It is a reality and this is a purely hygiene issue. It is a settlement issue because they are sleeping in areas that are unhygienic; they are also staying in the same homes maybe in the same rooms with domestic animals because how do fleas survive? They survive in a settlement that is not clean.

To me it goes back to what are we doing to mobilise the people. Not build houses like hon. Members were saying. We could never be able to afford. In fact it is unfair for us to do that for our people. We are making them lazy, it is not sustainable and we are not being leaders. We should mobilise our people to be self sustainable, to do the right thing and to challenge them when they don't know- I mean if I went to your home and you have 40 people living with you and you don't have a pit latrine, I am not going to dig the pit latrine for you, I am not going to build a kitchen for you or to build a house for the in laws.

I think what is important for us is to challenge these people. We could even do an award for those that have done well and we could a name and shame for those that are really letting us down as human beings.

So I thought I should bring the issue of leadership and governance and living by example. I have had the opportunity of telling people that can I take you to your home and they refuse because they don't want you to see where they live. Either the roof is falling off or they have no windows and they are leaders so they want you to drop them by the road. Give me a lift but don't reach my house. Why because maybe the home has no pit latrine or it has no roof or the windows are missing.

So there is the issue of living also by good example and I think we have a challenge to mobilise our people who are leaders to have their homesteads live by example but also to challenge those who don't have these homes or these sanitation systems to also live by example. Mr Speaker, I beg to support the motion and I would like to congratulate the mover. Thank you very much.

The Speaker: My last speaker is hon. Mmari before I call hon. Ngenzebuhoro.

Ms Janet Mmari (Tanzania): Thank you, Mr Speaker, Sir, for allowing me to contribute to this very important motion. Mr Speaker, in addition to the human rights issues that have been very well put across by a number of speakers who have spoken before me, I wanted to bring to your attention that the issue of housing is a cross cutting issue. There are six issues that are related to it. You have the issue of migration of youth from rural areas to urban areas. When they go there, they do not have anywhere to go, they end up sleeping with either their friends or go to their relatives who also have one room and at the end of the day because of our cultural issues, you cannot tell them to go away.

You have the issue of poverty alleviation or eradication. We have policies that have not worked in our countries so I cannot see how we can address the issue of maybe housing before we look at the issue of poverty alleviation.

There are also issues of disaster preparedness. Because the houses that our people live in are very poorly built, they are not insured, when there is any disaster, maybe fire, they are gutted down, there is no way these people can be given somewhere else where they can live.

There are issues of environmental degradation where you find people who have no place or maybe land and they end up building in areas where probably it is not an area where they should have built because there is water and it is not safe but that is the only place where they can get to build their houses.

You also have the issue of investment. I have heard a lot of people saying that probably we should involve the private sector but you forget that they are looking at this area as an investment area, people in real estate, you have people and companies who deal in building materials those are also part of the private sector and they are looking at making money and unfortunately –
(*Interruption*)

The Speaker: I hope you do not want to debate through information.

Mr Sebalu: I just want to give information, Mr Speaker that there is some expertise that has been developed within our region that we need to tap like there are professors in universities who have developed low cost housing technologies that can be adopted and one of them is Professor Musazi in Makerere. He has technology that can build a simple house that meets standards at about Uganda Shs. 3 million. So those need to be looked at. They are not for profit but they are using expertise to help in this area. I think that was information.

Ms Mmari: Thank you, hon. Speaker and I thank the honourable for giving me that information because before the end of my presentation, I was going to end up there and I will take that cognisance.

Mr Speaker if I was to look at it from that angle, with all those cross cutting issues, I will want to divide this into two. You have the urban areas and I will take an example of Tanzania where we have an institution that has been given an opportunity to take care of housing that came through the nationalised houses and those ones which were built and are low cost which is probably some of what we have recommended. But unfortunately when you look at these other issues, there is no way this institution can accommodate all these people because it is also in competition with the private sector where we were now talking of real estate as something that people are looking at to make money.

There are also land issues where people cannot really get plots and as hon. Dora put it, when you look at a house, it is put on land so as long as somebody has not gotten the land, it is impossible for that person to have appropriate housing.

There are cases where for example even the governments themselves for lack of policies have not been able to compensate their people. I have cases where maybe the government takes somebody's house and maybe it is because of a road or it is because of a public issue at the end of the day, this person stays for ten years before he is compensated. What does it mean? Is it lack of policy or is it our governments not really having an interest in their people.

So given that I am really supporting this motion and given that I am looking for a way forward, I was thinking we could also add in the resolution, if you could actually have a team- I don't know whether I could call it an audit team or just a team that could go around the Partner States to actually evaluate the state of affairs in all our Partner States and look at those very good practices that have come up for examples those examples given from Rwanda so that when we come next time, at least we have something that is concrete and that can be used.

With those few remarks, Mr Speaker, I wish to support the motion.

The Speaker: Hon. Members, I would like to now call hon. Frederic and also to say that hon. Frederic when you are responding to some of the issues that the only amendment that we have here is from hon. Patricia and the amendment reads:

1. Encourage the Partner States to earmark a percentage of their national budgets annually, and;

2. To call upon the Council of ministers to initiate debate towards solving the human settlement problems with emphasis to the poor and vulnerable groups.

So you can deal with this amendment as you finish.

Mr Ngenzebuhoro: Thank you, Mr Speaker, Sir. Among us there is a person who used to say that he is a happy man. He is hon. Kidega. Today I would like to say that even myself I am a happy man because the issue I have raised has finally drawn very great interest in this House and for that, I would like to deeply thank all those who have contributed to this resolution. I would like to thank hon. Minister Munya, hon. Kabourou, hon. Bilal, hon. Valerie, hon. Harelimana, hon. Damian, hon. Patricia, hon. Claire, hon. Lotodo, hon. Kidega, hon. Leonce, hon. Dora, hon. Nangale, hon. Zziwa, hon. Oyondi, hon. Lydia and hon. Mmari. *(Applause.)*

Mr Speaker, Sir, I have got some recommendations. I would like to say that I will take those into account. Also there are some proposals for amendment. One is the one you have already raised. I think that proposal is acceptable and I will include it in the resolution as we must have it.

The second amendment proposed has been done by the minister –

The Speaker: Honourable, I told you there was only one amendment that has been brought. You only deal with that one because members should now know how to move amendments in this House and the rules say that they should send it to the clerk and if nothing has been brought, you only deal with that particular amendment. We have been here for two weeks, I hope people have learnt how to move amendments and maybe we can learn from this so only deal with one amendment.

Mr Ngenzebuhoro: So I accept some of them and the clerk will see what is suitable.

Lastly, Mr Speaker, I would like to thank everybody for the contribution and once again I would like to move. Thank you, Mr Speaker.

The Speaker: Hon. Members, I now put the question that the Assembly do resolve to urge the EAC Partner States to undertake quickly, concrete policies of adequate housing for all EAC citizens.

(Question put and agreed to.)

Resolution Adopted.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO ADOPT A POSITION PAPER ON THE ECONOMIC PARTNERSHIP AGREEMENTS

Mr Mwinyi: Mr Speaker, Sir, I beg to move that this Assembly do resolve to adopt a positional paper of the Committee of Communications, Trade and Investments on the Economic Partnership Agreements. Mr Speaker, I beg to move.

The Speaker: Seconded.

Mr Mwinyi: Mr Speaker, Sir, I beg to move that this Assembly, having regard to Article 49 of the Treaty for the establishment of the East African Community, having regard to Rule 79 of the Assembly Rules of Procedure, having regard to the aspirations of all stakeholders on the EAC/EU/EPAs and particularly that if the East African Community with specific emphasis on its development agenda

“WHEREAS the Economic Partnership Agreement endeavours to set up a trade and development link between the East African Community Partner States and the European Union and

WHEREAS negotiations have been taking place between the two parties above which negotiations are based on the initial framework itself bedevilled by a number of shortcomings and

WHEREAS the East African Legislative assembly adopted a resolution in May 2010 which clearly stipulated its concerns regarding the weaknesses in that framework agreement and in this resolution was one of the basis upon which the previous meeting between the East African Community Partner States and the European Union was postponed to give the parties ample time to reflection the shortcoming in the initiated agreement with a review to reviewing it

NOTING that another meeting was scheduled for November 2010 in which the Comprehensive Economic Partnership Agreement was to be signed notwithstanding the fact that the previous concerns of the Assembly were not adequately addressed by the European Union

NOW THEREFORE do resolve to adopt the positional paper of the East African Legislative Assembly on the EAC/EU/EPA

- 1. To urge the EAC Partner States through the Council of Ministers and the team of negotiators on behalf of the Partner States and therefore the East African Community at large to take into account the concerns and recommendations raised in the attached positional paper and the Assembly's previous resolution yield to calls for a favourable Economic Partnership Agreement between the two parties*
- 2. To direct the Secretary-General to forward the positional paper for consideration to the East African Community Council of Ministers, the sectoral council responsible for Economic Partnership Agreement negotiations and the team of negotiators from both parties”.*

Mr Speaker sir, I beg to move.

The Speaker: Honourable, what are you laying on the table?

Mr Mwinyi: Mr Speaker, Sir, I am laying on the table the positional paper by the Committee on Communications, Trade and Investment on the Economic Partnership Agreement.

The Speaker: Hon. Members, the proposal on the floor is that this Assembly do resolve to adopt a positional paper of the Committee of the Communications, Trade and Investment on the Economic Partnership Agreements. Debate is open.

Dr James Ndahiro (Rwanda): Thank you very much, Mr Speaker. The Committee on Communications, Trade and Investment has engaged with the process of EPAs on different occasions and on each occasion, we engaged with the process as if we are intervening on a matter that was on table but because we are not involved, we could just learn about the issue and intervene.

After a series of motions and resolutions, the committee agreed that probably it would be better if we sat and came up with a position paper which will try to detail those issues that we have been raising and urging the council of ministers to make a follow up.

We as a committee therefore looked at different aspects of EPAS and gave our position. We have in the past brought the attention of the council to different areas in the EPAS that we thought were problematic and we thought deserved special attention by the council and the Partner States.

Looking at the areas our Partner States and the EU have agreed to negotiate. We feel that the negotiations were not properly guided and this is due to some unfavourable situations, which our Partner States find themselves in and because the negotiations are led by one party, documents prepared by them, issues brought on table by themselves and we are just brought on to say yes or no, we thought that we should intervene and detail those areas which we think should be given attention and which we think that both parties should respect if we have to have a favourable trading regime.

Mr Speaker, Sir, I am calling upon the House to examine the paper and support the committee position. Thank you.

Ms Safina Tsungu Kwekwe (Kenya): Thank you very much Mr Speaker, Sir. I want to take this opportunity to first of all thank the mover of the motion and the Committee on Information, Communication and Trade for having persisted on this matter of EPAS which I believe is for the benefit of the entire East Africa as a whole.

Mr Speaker, Sir, we all know that tariffs and domestic procedures and regulations have been used as a trade policy tool for many years by all countries and we also know that increasingly, this tool which is tariff has been lowered as a result of many things, amongst them, being the multi lateral negotiations that take on board every member of the WTO, also as a result of regional trading and arrangements that we have in the common EAC where we have considerably lowered tariffs but this reduction in tariffs has been in another way been re-introduced through non tariff barriers.

We have more barriers coming in as non tariff barriers and statutory standards, the barriers to trade and even subsidies are a way of non tariff barrier. Why am I saying this, I am saying this because EPAS which is a bi-lateral agreement between the EU and the seven blocks of those countries is actually a preferential trading arrangement, that the EU wants to set up between EU on one hand and the EAC countries on the other hand.

Preferential trade arrangements are allowed because even us as EAC we are preferential trade arrangements amongst ourselves, we are allowed, but they are allowed to serve certain objectives.

Mr Speaker, Sir, we have had a trading experience with the EU through the Rome conventions and the Cotonou but these were not reciprocal and therefore they were not compliant with the WTO. Therefore, the EPAS is supposed to make the preferential arrangement between the EU and the EAC countries to be compliant which is good.

But what worries this committee that has brought this motion is; one, the breadth and the depth of this liberalisation that is proposed under EPAS. In fact, if you looked at it, from face value, yes, it may sound good, but in reality, actually, 15 percent- because already as the EAC we import raw materials and capital goods from the EU at zero tariffs. So, in essence, we are already trading at zero tariffs, and that constitutes 54 per cent between the EU and the EAC.

But what is contentious is the 16 per cent because another 20 per cent is constituted by a basket which we call excluded products, something that we as EAC, those ones we will not touch and also those products the EU will say, those ones don't touch, either they are sensitive or they are special products for them.

But this 16 percent remaining which is now what is thought to be liberalised in the next three years is what is worrying, because the current trends already show that we as the EAC we have access to the EU, but access if different from market entry. You could have market access- if you say I have zero tariffs from all products coming from the EAC, so, for you to bring say tractors to the EU, zero tariffs.

For the EU countries, their lowest tariffs are on manufactured goods, why? Because they know so very well, they are – they have such a comparative advantage that no other person can be a more efficient producer of those manufactured goods than themselves. So, even if they put as zero tariffs they know nobody will compete with them.

So, for them to say that you have market access to the EU market, yet they so very well know that we cannot access – we cannot enter that market, the access is there but we cannot enter because if we process our goods TBT is a barrier to trade knock us out of the market.

Yes, there is access to the market because the tariffs have been made less than 10 percent but we cannot enter because of other non tariff barriers and therefore it is erroneous to say that the EPAS will in fact offer market access to EAC countries when we so very well know that we don't have the capacity to enter that market because of other non tariff barriers.

So, EPAs is not for the good of the EAC. It is for the good of the EU. Thank you.

Secondly, Mr Speaker, the committee in the paper that they have given to us, page three, they are talking about the issue of food security and how this could be threatened by the EPAS. My only comment on this is with in the WTO instruments. We have adequate grounds to say no liberalisation on food items on the ground of food security. We have that opportunity, but none of the EAC countries has not used that opportunity.

There are other safety valves with in- the most common is the general agreement on trade and tariffs and the general agreement on trade and services- there are exceptions, us as developing countries we do not have to liberalise, for example.

We could also say that we will impose tariffs to save national security. It is allowed. We could for example say that we will not liberalise because we want to safeguard infant industries, it is allowed. But we haven't used any of those safety valves, which are provided for.

Others have run away with those safety valves; India ran away with it, they develop their pharmaceutical industry, China has run away with it and they are a signatory to the WTO, they developed their industrial sectors, but for us as EAC countries, we have a window of opportunity which we have not used and I think we should use it and that is why I am of the view of an amendment which I will pass to you Mr Speaker that the EAC Partner States and our team of negotiators let them full advantage of the already existing safety valves in the general agreement on general tariffs and the general agreement on trade and services because those are our windows of negotiation for us to be able to say we can close these sectors because we want to develop them, in this time frame.

We get those exceptions hon. Members, but for a time frame. So, if we are so confident that we can for example develop our dairy industry in the next ten years, we can notify and say for the next ten years we are slapping for example 200 percent tariffs on the dairy products for the next ten years because we want to develop it as an infant industry, and it is permitted.

Mr Speaker, the third point is, there have been a lot of disjointed actions, even with in our EAC regions on the side of export taxes. I want to give an example of Kenya. In 2003, Kenya slapped a 20 percent tariff on lead and lead scrap materials, exportation of those, why? Because we were safeguarding our battery manufacturing sector from competing with the very fast growing Chinese motor industry sector. And therefore we were saying Kenya was hoping that by slapping this 20 percent tariff it would discourage the exportation of scrap lead and lead materials out of the country so that we have enough raw materials within Kenya to feed the battery manufacturing industry. But it did not work.

Why? Because one, even though it's the minister in charge of the budget who placed that tariff, the relevant authority did not impose it. So, people still kept on selling lead and lead scrap to China which was a better market any way, it pays better prices than the Kenyan market.

Further more, other EAC countries did not impose a similar policy. So what happened is that Tanzania, Uganda which were and actually still are to date suppliers of lead and lead scrap then they could export - there was export tax and export to China. That meant that Kenyan manufacturers could not access the lead and lead scrap from Tanzania and Uganda.

So, even when we say that we would like to have export taxes as a policy as EPAS, what we are proposing as EAC we should also do this in a jointed manner.

In conclusion, Mr Speaker, Sir, page 4 of the paper talks about the most favoured nation which inhibits trade with other partners. I think this is just mere rhetoric because when we are saying that EPAS on the side of the commission, if we are saying that EPAS is a means to make preferential trade between the EU countries and EAC countries to be compliant by making it reciprocal, but on the same vein, we are saying preferential arrangement can only take place between EU and the EAC for example, but when the EAC gets another partnership with another trading partner, then the EU benefits from that.

And this is illegal, because, then why should you go for preferential- why don't we just go multilateral, and we say liberalisation everybody gets a good deal, if it is EU, if it is Asian country, if it is US, everybody gets a good deal, why should we then have a preferential arrangement with the EU, if we are going to extend the same preferential treatment between another partner- why should we then liberalise preferentially with the EU, if that preferential liberalisation is going to benefit- I mean when we liberalise with another party it benefits the EU?

So, for me, the thing is this, here we are being taken for granted, because one probably, it is assumed that- of course it is true, that we do not have money, and therefore even our costs to negotiate are funded by them, like now, even when the negotiation had stalled, it is CIDA that has come to our rescue, that is part of the EU, but I think we also have intelligent people in East Africa and they should be able to put a case that it is actually illegal to claim preferential trade benefits that are negotiated by two other parties and claim that you also benefit because then, in essence what we are saying there is no need for preferential trade- let us go multilateral.

So, why should we negotiate for now close to six years on a preferential trade deal yet the best way out would be a multi lateral trade deal?

So, Mr Speaker, Sir, I want to conclude by saying; one, nobody, I don't think anybody in this room is against trade. We are not against trade because even the EAC integration itself is very hinged on trade, increasing trade between- amongst our EAC countries and even with non EAC countries, including the EU countries, that is a fact. But what we are disputing is when we get into a preferential trade arrangement that negates the gains that we have made in regional integration.

We, as regional blocs, have the right to trade preferentially amongst ourselves and with other blocs. Moreover, nobody should take away that right from us. Thank you, Mr Speaker and I support.

The Speaker: Hon. Members, I think hon. Safina moved an amendment, which she brought here. And you wanted to amend this resolution with a new number three? [Ms Safina: "Yes"] But I would like to say specifically that if you look at this resolution, it is looking at this document and not what we should do with the document. The way you have moved this amendment, you are trying to amend this resolution but not the content of this document. I do not know whether this document and what you want to say here can be said inside the document.

Ms Kwekwe: Thank you, Mr Speaker. If you look at the body of the document, which is a paper, it talks about GAT Article 24 and I think GAT Article 20 on page 5. Now that is the article that provides exemptions – exemption from Rule 1 and 2 of the WHO, which is non-discrimination. So, in essence, what I am trying to say is that GAT gives us an exemption from liberalising services as developing countries. It is under GATS (General Agreement on Trade and Services) because we are an FTA and a customs union. So that is taken care of in the body of the text.

I think what the text did not do is to say what GAT 24, 5 and so on say. I just want to highlight it so that it can be more prominent. I thank you.

The Speaker: But I think it does not look right in the body of the resolution. If it is here, it is okay but if it is in the resolution – if you look at what the resolution is trying to do, it is more about the position paper, where to take it and what to do with it. If it here, it is fine but putting it in this document does not look right. May be you look at it and then we can see how to work it out. Because what the people are going to see is this document. Do you get what I am saying? So if there is something you want to change in this document, it is okay. But if you say you are going to change the resolution it will not be seen.

I also want to tell the committee, now that I have also looked at this document, if it is a position paper – I think if you look at the last page also it starts talking about administrative issues. For example, *“The committee further recommends to the Assembly, the House Director, Clerk...”* I do not know whether that is really a position paper or... May be you can stop at the point before *“The committee further recommends...”* and leave it at that so that it is a position paper and not a committee report, which is being – Anyway, you look at it and let us know.

Dr. Aman Kabourou: Thank you Mr Speaker, Sir, for the opportunity to say something about the EPAs. I would like to begin by saying that I support the position paper entirely; I think everything that has been said here is to the point. But I want to go a little farther and suggest that perhaps we should not be losing the forest for the trees.

What is really the background of these EPAs negotiations? We know about the Cotonou and Lome plus other Protocols that basically say one thing, in essence, and that is the Europeans want to continue with their informal colonialists. It is about EU and Africa, the Caribbean and the Pacific – these are former colonies. Now, you wonder why? But we are talking about the Cold War in a time when everyone wanted to have their piece of the action and the Europeans decided that they will die with their colonies – Africa, the Caribbean and the Pacific.

We did not hear them saying anything about Turkey or Russia. So this is a Cold War position and I am surprised because we are now in an age when Africa is writing new constitutions. Kenya has just finished passing a new constitution, Tanzania is certainly looking into that, Rwanda has done it and Burundi also. But we are now concerned about why we want to continue in arrangements that were created even before we had our own new constitutions.

I see here on page 2, in the second paragraph saying: *“Our concern stems from the history of the industrialisation experienced by our countries when we undertook structural adjustment policies.”* So it is a set-up; we are being set up by the Europeans and we want to continue to go talking to them?

Ands even these so-called negotiators – if at all they are negotiating anything. If you look at page 9, we see here that *“There was a resolution of the 92nd session of the ACP Council of Ministers held in Brussels, Belgium.”* You will never hear about these things happening in Dar es Salaam or Kigali but it is either Brussels or New York, where everything for our negotiators is paid for.

What I am saying is that should we really continue with this? We know that under the United Nations, we have the most favoured nation’s understanding. And I am surprised because now we buy our cars from Japan, TVs from Korea and – I do not see what would be missing if we did not buy all our industrial goods from Europe. And certainly we have other markets everywhere for

our agricultural products which we are still caught up in. And therefore maybe what we need to say in our position paper – and which has already been said – is that maybe we should wait a little and see what it is that we really want as the EAC, instead of being caught up in a colonial set-up – which basically says that they want to continue with an arrangement which we never agreed with.

I do not understand: African, Caribbean and Pacific – and then we have this partnership with the Europeans. But even in the most elementary games like boxing – if somebody weighs 200 kilograms, you do not allow them to fight somebody of 35 kilograms. *(Laughter)*

It has to be people of the weight and they have to weigh them even before they get into the ring. And now we are partners with these people who weigh 200 kilos and yet we are only 40 kilos! Hon. Speaker that is all I wanted to say. Thank you.

Mr Daniel Wandera Ogalo (Uganda): Thank you, Mr Speaker, Sir for giving me the opportunity to contribute on this motion. Mr Speaker, let me begin by thanking the Committee for putting this Position Paper in such a simple language to enable us really follow all these technical things we have been hearing about. The committee has really enabled me in particular to understand very clearly, what this EPAs is going to do to East Africans.

Mr Speaker, Sir, trade begun long ago. It is not only now that we are trading with Europeans. Trade was there from time immemorial when we had trade in human beings with the Europeans; it was also trade. *(Applause)*

Human beings were shipped from Africa and taken to Europe while either guns or something was brought to Africa. Hon. Nakuleu says that hon. Mwinyi and hon. Bilal know something about this trade. *(Laughter)*

The Speaker: Hon. Ogalo, I didn't hear hon. Nakuleu say anything of that sort. If you could please, retract. And also to say that I don't know whether hon. Nakuleu was dealing with them in that trade also, in terms of supply. But anyway - *(Laughter)*

Continue hon. Member.

Mr Ogalo: Thank you, Mr Speaker. I withdraw those cements, which were attributed to hon. Nakuleu. So, Mr Speaker even then at that time, when there was that trade dealing in human beings, there were people who were gaining both in Europe and in Africa. That is what we should focus on that there were people who were gaining in that trade. So, it became a question of interest of particular people. Those who were gaining from it in Europe were happy with the trade. Those who were gaining from it in Africa were also happy with the trade because they were making profits.

Of course there were some few people of conscience both in Europe and Africa who thought that that trade was not proper trade and they opposed it because they stood firm eventually this immoral trade was eliminated. So, it is a question of firmness on the part of the leadership in East Africa.

Mr Speaker, Sir, when that trade was eliminated, we continued with some more trade with the Europeans except that it took a different form. It took the form of us growing cotton, coffee and tea and exporting it to Europe. Again there were people who gained from it; there were those who made huge profits from that and there were those who felt that they were being cheated out of that trade. In fact it was because of that unbalanced trade that eventually we had Africans rising up against Colonialism because that trade was really embedded in the political system of Colonialism.

To a large extent, therefore, the African leaders and the African people who rose against the Europeans in the 19th Century were actually rising against the unfairness of the trade.

Hon. Kabourou has ably argued that this is all about Colonialism and I agree with him that those people who fought Colonialism were fighting the imbalances in trade. All we were being given in return for the hard work of growing cotton and coffee was a few pennies. So, at the end of the day, the Africans in many countries took up arms to fight.

Now the question is whether if we continue with trade today, we are taking into account the sacrifices which were made by those people who took up arms because of the unfairness.

Mr Speaker, Sir, I think that it would be a disservice to our forefathers to the people who sacrificed so much that we should enjoy for us to do exactly what they fought against. I think that would be a disservice; it will be very unfair to them; to their cause and also to our children and the children of our children.

I think the only way we can pay for the sacrifices of the people who fought Colonialism because of the imbalances in trade is for us to stand firm and not go back to the same position. And Mr Speaker, this can be seen that after independence some countries thought that they could fight these imbalances by adopting certain political systems. Some thought socialism was the best way out, some thought it was communism was the best way out all because of the imbalances that the trade regime imposed by the Europeans was causing to the Africans.

Of course many of those had those ideas were overthrown in coups all over Africa just because of the necessity of the need for some people to continue certain imbalances in trade. So, what then is our role as leaders in East Africa? What then is the role of our leaders in the Council of Ministers when faced with a situation which clearly shows that what we are being placed before us is again another example of an imbalance in trade? Will we as leaders in East Africa, will we as the Council of Ministers be able to resist this oppression, which has been going on from time immemorial against the people of Africa and in particular now, here in East Africa? Do we have the stature; do we have the will to do what the independence fathers did? I think that is what faces us as the leaders, not only the Council of Ministers but this House, in advising the way forward.

Take a look at the recent things of liberalisation; people from the World Bank and IMF came and said that government should have nothing to do with business and asked us to keep selling. And we also kept selling. *(Laughter)*

Then after we sold, now we are seeing that when they are in trouble, they are pouring billions of dollars into those sectors, which they had previously said governments should have nothing to do with.

You will hear President Obama saying that General Motors must go into this and that, while taxpayers money is used. They put more money into banks which were collapsing, saying they should survive. "Government should have a say in these institutions," they said. But when they came here, they told us, "Get out" and we got out. Now we are seeing the effects of that action.

Now, the challenge for us in leadership is to look at whose interests we want to serve. I followed the submission by hon. Kwekwe carefully and it was very technical – I think she should even serve on the technical team of negotiators. I followed the technical arguments and I was amazed that all this is going on and we seem to be saying that it can actually go on. Surely, if you look through the position paper of the committee, factor 2: Food security can be put at risk. This is about feeding our children and it is fundamental. And we want to go into agreements that put our children into hunger just because EU wants some preferential treatment?

Mr Speaker, on page 3, the committee is clear; that with this thing which we want to go into, our farmers will have no protection. We want our farmers to compete with a farmer in France who is subsidised and we think that we are planning? Can we manage? This is not even like a fight between a person weighing 200 kilogram's and another one of 40 kilogram's. It is like one weighing a tone and another weighing 10 kilogram's. (*Laughter*)

All our parliaments and even this Parliament debate the budget every year and make two fundamental laws; the Finance Act to raise funds to run the country and the Appropriation Act on how to spend that money. All this is geared towards being able to balance the budget. Now look at point 3: Elimination of Export taxes. How are you going to manage your country? How are you going to say that you are standing in your parliament in Rwanda, Kenya, Tanzania or Uganda and that you are raising money for the budget? What are we leaving ourselves open to?

Lastly, the most important issue in this matter is to be found on page 7. It says that our leaders in this region struggled from 1994 trying to put together an arrangement through which we would better our trade. Through that process, they got into a treaty in 1999 and eventually the countries struggled to come together and put together a customs union, which is essentially a trade arrangement. Whereas the customs union began in 2004, we know that it came into effect recently when the impediments were removed.

The achievements that the countries have got over the last 10 years as a result of this customs cooperation risk being lost because we want to hand them over to the Europeans. Surely, we will need at least a minimum of 20 years of managing our own union in customs and a common market. Thereafter we can say that we are strong enough and have got sufficient muscle, the capacity and the will to take on other trading partners. But for us, at this stage, to rush into trading partnerships – when we are just building what we think is going to work for us – is to undermine the efforts that our leaders have made since 1994.

I do not think even this idea of talking about competition – I see it on page 6 – I do not think it can even work because we have passed a competition law for East Africa. We are just trying to

operationalise it and we are talking of having a competition arrangement with EU; it is not feasible.

I would pray that our Council of Ministers – through whom East Africa speaks – gives this matter serious consideration for the good of the future generation of our region. Let them not rush into it and we end up getting a raw deal.

I support the motion and thank you for the opportunity.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I rise to support the motion as presented by the committee. It is a very timely motion given what we have gone through as a region and what we are trying to construct in terms of our integration. And it is a very disturbing arrangement because we are talking about a partnership and negotiations, but both of those are not applicable when you analyse the situation as it is now.

You know a partnership presupposes that people are more or less at same level because if you are partners, like hon. Kabourou indicated, when you engage in a fight, and then you are like more or less in the same category. Otherwise, it becomes something of one beating the other if one is overwhelming the other. So, it is just beating. But when it is a fight, then there is some level of engagement at equal levels.

Therefore, this arrangement puts us into this unique situation – partnership when the rules of engagement are not well defined. And they are not favourable to either party; they are more in favour of one party. That is a bigger problem in that aspect. In addition, agreement and negotiations – how do you negotiate on matters that are more or less pre-determined? Then what is the essence of negotiation in that view?

So, this arrangement is something that we need to give due consideration in terms of thoughts and meeting our strategic objective. We have been able to register some progress like hon. Ogalo has indicated, our customs union, the common market – these need to be consolidated and some of these interventions may have the effect of disrupting them.

I want to support the issue of prioritising regional integration effort because this is our strategic objective as a region. And any intervention that has the effect of disrupting is something that we must trade consciously.

I just want to give the example of ECOWAS, which put their case very straight on the EPAs issues. They indicated that as long as the issues of integration and development within their region are undermined, they were simply not playing any balls. That is the position they put. And I think it served the interests of the entire ECOWAS Region because here were incentives that were being extended to the big economies within the ECOWAS like Nigeria and others, with a view of isolating them to abandon the other small members of the region. But they indicated that it was not in the interests just to work out arrangements that benefited only Nigeria at the expense of small economies like Benin, Burkina Faso and those others.

So, rather than going that route, they decided to put up a collective position as a region to ensure that the engagement respects, promotes and enhances their strategic interests because they came together for purposes of consolidating their integration and the development of the region in

general together with that of the individual states in particular. So, I think we need to borrow a leaf from some of these arrangements so that we can be able to work out a design that will benefit the region.

So, Mr Speaker, I just want to add my voice to the voices of those who thanked the committee for this position paper. This is a subject that we must engage as a legislature given that it has a tremendous impact on the welfare of our people. We are talking about the integration arrangement of EAC being people-cantered. So, we must come out and look at all engagements and the value they bring to the region in terms of benefits to our people.

We must also look at our private sector and see how we can create an enabling environment for it to be competitive. Is this arrangement giving them room to be competitive given the arrangement of accessing the markets that have been put in place?

The committee has done us proud with this position paper and I think we need to engage this subject and promote the interests of the people of East Africa as their representatives by ensuring that we don't simply enter any arrangements that are brought before us without serious considerations on the impact that is likely to have on our activities as we undertake them in our integration.

Mr Speaker, with those few comments, I just want to support the position paper and encourage all of us to support it. Thank you.

The Speaker: I was to call hon. Akhaabi, but he does not want to contribute. So, let me call hon. Mwinyi to contribute.

Mr Mwinyi: Thank you, Mr Speaker. I would like to take this opportunity first and foremost, to thank the following colleagues who enriched our position paper and these are: the Chairman, hon. Dr James Ndahiro, hon. Safina Kwekwe, hon. Kabourou, hon. Ogalo and hon. Sebalu.

There have been a number of parables and allusions to colonialism in this particular instance and I don't think it was hyperbolic in this particular case. If there is a single biggest external danger to the East African Community, it is the Economic Partnership Agreement. We must appreciate the genesis of the Economic Partnership Agreement. Historically, the EU felt the need to ensure that they have access to resources in Africa, the Pacific Islands and countries in the Caribbean's in order to negate the danger, which is the emergence of China.

China has come into the region and in the European Union's perception; it is holding all the resources that are vital for the development of the people in Europe, in the west and in the east.

Mr Speaker, Sir, our position paper as some members have put – the EPAs puts together a heavy weight with a fly weight and not only that. The heavy weight is also funding the judges, the referee and our trainer. We were not able to complete our position last year because we had no funds. Low and behold, the very same people have funded us to ensure that we finish this negotiation by end of next year.

I call upon the Partner States, the Council of Ministers to take this matter seriously. We have been given \$ 1 million by the very people that we are negotiating with to enable us to negotiate.

If the Partner States consider this aspect seriously enough, I am sure they will be able to raise that money for us to negotiate ourselves.

As I said, there are only five very simple issues as far as the EPAs are concerned. First, liberalisation of the EAC vis-à-vis the European Union. This will prohibit our ability to industrialise and that is precisely what they want. If we don't industrialise, what we will be doing is trading in raw materials. That is their aim, to be on equal footing with the Chinese.

Second, the risk to food security. They wish for us to open up our markets to the agricultural sector whereby the majority of East Africans earn their living from. Not only will it impact on food security, it will have serious consequences on employment. They will bring in heavily subsidised produce from the European Union to flood our markets.

Finally, I would like to conclude by stating the following obvious matter that intra-African trade that is trade between the EAC and the rest of Africa as of 2008 amounts to \$ 3.2 billion. Trade going to the European Union in real terms amounts to \$ 164 million. What the EU is trying to impose on us would make sense if they were major traders to the EAC but they are not in real terms so I would like to urge all members here to internalise this document and to ensure that they sensitise the people of East Africa to the dangers of the EPA agreements and to sensitise members of Parliament of the Partner States to ensure that we remain steadfast, we are not divided because of certain elements and refuse to sign the EPAs as they stand.

With those few remarks Mr Speaker, I beg to thank you all and I hope you all support the paper.

The Speaker: Hon. Mwinyi, before you sit I think there was an amendment moved by hon. Kwekwe which I talked about earlier and it says the EAC Partner States and the EAC team of negotiators take full advantage of the ... already in existence and provided for under the GATS to safeguard the food security concerns, peace and security and regional integration in the EAC region. That was to be inserted in page three as another paragraph under a new recommendation three on page nine.

Mr Mwinyi: We agree. All the matters stated on the recommendations have been mentioned in the body of the text so it serves to emphasise that very important point so we agree. Thank you.

The Speaker: Hon. Members, I now put the question that the Assembly do resolve to adopt a positional paper on the Committee on Communication, Trade and Investment on the Economic Partnership Agreements as amended.

(Question put and agreed to.)

Resolution Adopted.

QUESTIONS FOR ORAL ANSWER

QUESTION REF: EALA/PQ/OA/033/2010 TO THE CHAIRPERSON, COUNCIL OF MINISTERS

Mr Christopher Nakuleu (Kenya): *"It is the duty of Partner States to establish border posts in areas they deem convenient and strategic enough to enhance the movement of goods and*

services from one destination to another. It is also the duty of Partner state to avail a conducive atmosphere to enhance this movement free of rear and intimidation. With regard to this, the Turkana people of North Western Kenya and the Karamajong of Eastern Uganda have been living in harmony but fear to engage in cross border trade in goods and services because of fear of arrest due to the presence of military forces at the border.

Can the Chairperson of Council of Ministers explain to this august House:-

- a) What measures are in place to remove the inherent fear amongst the people of North Western Kenya and Eastern Uganda to enable them feel part of East African Community?*
- b) What policy does the EAC have to incorporate trade in livestock into the EAC Common Market structure for the benefit of pastoral communities?"*

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr Speaker, Sir, the region referred to in the question is largely inhabited by pastoralists. These communities have for a long time clashed over cattle rustling and more recently because of the grave consequences of climate change over depleting natural resources like water and pasture.

The East African Community is seized of the state of insecurity in the referred region and it has featured in several meetings of the EAC Sectoral Council on Defence Cooperation and the Inter-State Security Council. The governments of Kenya and Uganda have embarked on a simultaneous joint disarmament program, which goes further to address security and developmental concerns.

In this context, the visibility of the defence forces of the two Partner States at the Common border is intended to provide deterrence to the cycle of violence along the Trans-boundary communities fuelled by the cattle rustling.

The two defence forces have put in place measures to facilitate free and orderly movement across the borders for law-abiding citizens devoid of fear of insecurity.

Further more, a Kenya-Uganda Joint Technical Committee on Disarmament and Cattle Rustling is in place, comprising Chiefs of Defence, Police, Intelligence and Internal Security and Provincial Administrations. EAC Defence Liaison Officers attended the meetings as observers.

The Committee met in Mbale, Uganda on 25th October 2010, as a follow up to an earlier meeting that met in Kitale, Kenya on 22nd March 2010. The Kitale Meeting had discussed and agreed on modalities of disarming pastoralist warriors and eradicating criminality along the Uganda-Kenya border. At the Mbale meeting, progress was tabled which, in the case of Uganda, included deployments under the Karamoja Integrated Disarmament and Development Programme (KIDDP) in the following areas:

- Kaabong District, Moroto District, Arncadant District and Bukwo District:

Uganda has constituted disarmament committees at local, tactical and operation levels on its side of the border. Uganda has also undertaken measures to address infrastructure challenges, which fuel instability. These include:

- (i) Building water dams at Kubede, in Moroto District and at Kaichom in Amudat District;
- (ii) Constructing the Loro-Katikekile road, Moroto-Lokirama road and Kalapata-Pire road; and
- (iii) Establishment of markets at Nakiloro, Amudat and Karita.

In the case of Kenya, a comprehensive disarmament program known as DUMISHA AMANI II was started in 2009 focused on the North Rift Valley Region of Kenya. Under the programme, it was reported at the Mbale meeting as follows:

- (a) 1,532 security personnel have been deployed to carry out disarmament of small and light weapons in the North Rift Valley region;
- (b) 1,487 arms and 37,150 ammunition were collected through voluntary means;
- (c) A Disarmament Sensitization Workshop for 14 Members of Parliament from the North Rift Valley region, 60 influential councillors from Pokot, Samburu and Turkana communities and 70 key community leaders from the region has been undertaken;
- (d) District Disarmament Committees have been established in 18 target districts involved in identification and collection of illegally held arms;
- (e) Pastures Management Committees have also been established in the 18 target districts involved in identification and collection of illegally held arms. Pastures management committees have also been established in the 18 target district to manage grazing areas;
- (f) 80% of stolen animals have been recovered between March and October 2010; and
- (g) The Dumisha Amani II Programme has adopted a peace caravan system to enhance peace building among the pastoralists.

Mr. Speaker, Sir, all these efforts at removing fear amongst the people of North Western Kenya and Eastern Uganda are commendable but are also faced with challenges, such as:

- (a) lack of good telecommunication network;
- (b) poor or lack of security roads in the affected regions;
- (c) failure to exchange criminals; and
- (d) poor early warning mechanisms.

These challenges form part of the agenda of the Joint Technical Committee and will be addressed in good time.

Mr Speaker, Sir, I am also happy to report that the joint technical committee was formally launched on 26th November 2010 at Nazo, West Pokot on Kenya. The launching was attended by hon. David Musila, assistant Minister of Defence, Kenya and Lt Gen. Ivan Koreta, Deputy Army commander of the UPDF.

Mr Speaker, Sir, as regard to question (b), I wish to answer as follows. The implementation of the Common Market covers all sectors including trade in livestock as it is stated in Article 76 of the Treaty.

It is important that the EAC develops a policy on trade and livestock. Such policy would go a long with the declaration of the EAC Heads of State on food security and climate change, which was adopted at the just concluded retreat on food and security and climate change.

The importance of establishing as many border markets will in this context go a long way in promoting border trade generally and trade in livestock in particular.

The EAC Secretariat is presently developing a policy and a livestock marketing strategy to bolster border trade in livestock and livestock products and the Secretariat has already recruited a Principal Livestock Officer who will directly be responsible in developing the policy and ensuring the functionality of trade in livestock in EAC region.

The pastoral community will benefit from this policy.

Mr Speaker, Sir, already a regional livestock trade and marketing committee is in place to derive the process. Some of the issues being addressed include sanitary issues, regulatory institutions, market infrastructure, market intelligence, value addition and so on.

In addition, it is important to note that Article 45 of the Protocol on establishment of the East African Community common market on cooperation, agriculture and food security allows for other relevant instruments that may be approved by Council for enhancement of trade in agriculture and food security. I submit.

Mr Nakuleu: Mr Speaker, I wish to thank the minister for giving a comprehensive response to my question but I have a few supplementary questions to ask. I am looking at the response given by the minister on development activities by EAC Partner States on both sides of Eastern Uganda and North Western Kenya. Little development activities have been accorded to these activities as an attempt to make them move away from the current activity to the most modern one.

For example, the Uganda side has gone ahead to make an attempt in development for example issues of dams, construction of roads, establishment of markets but the Kenyan counterparts have not done the same. Can I hear a highlight on what the Kenyan side is doing since they are doing the disarmament together? Why aren't they cooperating on issues of initiating development activities on both sides at equal scale and pace?

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr Speaker, with regard to the supplementary question that has been raised by hon. Nakuleu, I think this is an on going process. We shall get the situation of all five EAC Partner States and report back to this august House.

Mr Lotodo: Thank you, Mr Speaker. The supplementary question has to do with the issue of fears and I don't know if the fears have actually been addressed as the question proposed because when you talk of fears, you talk of people who are in torture because of the situation-

The Speaker: Get to your question please.

Mr Lotodo: I think the question of fears was not addressed.

The Speaker: I think the mover did not raise that and he felt it was addressed. He only felt something else wasn't addressed. I think the minister has put quite a bit in her statement and I think the mover does not have a problem in that issue so what part of fears has not been addressed?

Ms Sarah: Mr Speaker sir, I think I was also having the issue of fears because it is hindering the movement of livestock and people for the purpose of joint cross border trade. So that was also my concern and I think that is the area that needs to be clarified.

The Speaker: So in terms of movement right? Okay.

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr Speaker sir, you cannot talk about free movement of people in areas where there is a state of insecurity. This is why the Partner States need to address this first before we can talk about free movement of people. Also I would like to say that the visibility of defence forces across the borders is due to the fact that this area is in a state of insecurity which as such has also some of the challenges like the fears that is occurring due to the fact that there is the presence of defence forces.

Mr Nakuleu: Mr Speaker, as I asked the first question, now that the minister says she doesn't have a comprehensive answer to my second part of the question then maybe I would require an explanation later in future.

The Speaker: I think the minister answered. All she said was in terms of Kenya and regarding the process they are undertaking, she will also try and find out and inform this House but generally she has answered. I think it is only the part of Kenya you wanted, correct? So if you look at the question and what the minister has answered, I think what she said is the part of Kenya and all five East African Partner States and what they are doing in terms of development for that region, she will find out and bring another document later on and I think you will discuss with hon. Nakuleu and give him that document. Next question please.

QUESTION FOR ORAL ANSWER

QUESTION REF : EALA/PQ/OA/034/2010

Mr Christopher Nakuleu (Kenya): *"There seems to be an emergence of informal border posts that are facilitating informal trade leading to loss of revenue to EAC Partner States.*

Could the Chairperson of Council of Ministers inform the august House:-

- a) *What mechanism are in place to check this worrying trend*
- b) *What measures are in place to cut tax evasion that leads to loss of revenue.*
- c) *How many border posts are there in EAV Partner State that are fully functional and gazette and where are they located?*
- d) *How many border posts are fully gazetted by the respective Partner States but are not functional? Why and what measures are there to make them functional?"*

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr. Speaker Sir, the establishment of border posts is guided by the EAC Customs Management Act, 2004. This law provides for mechanisms to address loss of revenue incurred through informal trade practices and mechanisms to address tax evasion.

The Act prescribes two levels of establishing the Customs Ports and Border post. Customs Ports and Airports are appointed by the Council while the Commissioners of Customs are mandated to establish other customs areas including border posts, boarding stations, sufferance wharf, places for examinations of goods, including baggage, roads or routes in a Partner State over which goods in transit, or goods transferred between the Partner States, shall be conveyed, transit sheds and internal container depots. The appointment of such places has to be gazetted in the EAC Gazette.

The Act also empowers the Commissioners to establish common border posts, carry out joint customs controls and take joint steps as may be deemed appropriate to ensure that goods exported or imported through common frontiers pass through the competent and recognized Customs offices and along approved routes.

Goods, persons or vehicles leaving or entering any Partner States through the informal boarder stations, popularly known as “panya routes”, contravenes the provisions of the EAC Customs Management Act and such goods will be subject to seizure and imprisonment of the person committing the offence.

The illegal border entry points mainly exist in areas around Lake Victoria and other inland lakes, pastoral areas such as Karamoja, northern Kenya and masailand, coastal areas of the Indian Ocean, mountainous areas around Kilimanjaro, Rwenzori, Muhavura and Elgon and areas adjacent to major border stations

Movement of goods through these areas is known as smuggling and the challenge still persists in the EAC mainly in relation to excisable goods such as cigarettes, spirits and alcoholic beverages, petroleum products and plastic bags. There is also smuggling of electronics, textile, mobile phones, sugar and rice. There is also some level of smuggling of food products across the borders, which move in small quantities but on frequent basis. The main reason for smuggling and use of *panya* routes include:

- high tax rates that creates incentive to smuggle and make big margins particularly with excisable goods

- delays at the border because of multiple checks and requirements
- ignorance and lack of awareness of the Customs Union such as where people avoid customs when the goods are tax free such as food stuffs in spite of the ongoing sensitisation programs by Partner States
- high unemployment levels
- cross border cohesion of some communities who consider such trade as normal trade.

The Council has set aside a budget under the Partnership Fund and RISPS Funds to support the sensitisation programs. In order to improve on the impact of the sensitisation, EALA will be involved in these programs.

Mr Speaker Sir, on enforcement Measures and in order to curb this challenge the following measures are being instituted:

1. At EAC level Customs Enforcement and Compliance Regulations that are harmonised are being developed to create a legal framework that will enable cross border enforcement measures that are uniform and comprehensive in scope
2. Joint enforcement programmes are being undertaken at border stations between the Partner States
3. There is improved information sharing between Partner States on customs related aspects at the level of revenue authorities
4. Joint and corroborative patrols on Lake Victoria are being undertaken by Kenya, Uganda, and Tanzania.
5. Cargo trucking systems are being implemented across the region starting with Kenya and this enables to track transit cargo in the region.
6. Work on interconnectivity of customs systems to enhance exchange of information and improvement of logistics has started through the RADDEX pilot programme.

Mr. Speaker Sir, regarding border posts, most of the border posts in the Partner States were established prior to commencement of the EAC Customs Union and were gazetted in accordance with the respective national laws governing the establishment of border posts. The border posts are located between the Partner States and non EAC countries namely Mozambique, Malawi, Zambia, DRC, Somalia, Ethiopia and Sudan.

As of today the numbers of gazetted border stations in the Partner States are as follows;

- United Republic of Tanzania- 38 customs stations located on the borders with Uganda, Rwanda, Burundi, Kenya, Malawi, Mozambique and Zambia;
- Republic of Rwanda – 23 customs stations located on the borders with Uganda, Rwanda, Burundi, Tanzania and DRC;
- Republic of Uganda- 27 customs stations located on the borders with Kenya, Rwanda, Tanzania, DRC and Southern Sudan;
- Republic of Burundi- 14 customs stations located on the borders with Rwanda, Tanzania and DRC;
- Republic of Kenya - 21 customs stations located on the borders with Uganda, Tanzania, Southern Sudan, Ethiopia and Somalia.

All the functional border posts have been gazetted by the Partner States. Normally, the appointment of border posts is done after a thorough analysis to justify enough human activities that warrant establishment of any border post and after prior consultations between the Partner States involved. Other border posts are established by the Partner States for purely security considerations.

Mr Nakuleu: Mr Speaker, it is not clear to me if part (d) of my question has been answered because the question asks how many border posts are fully gazetted by the respective Partner States but are not functional.

Then why and what measures are there to make them functional.

I want to assume that the response given by the minister here- Does the minister imply that these border posts that have been listed here are not functional as per the requirements of my question or these ones are the ones which are gazetted and functional? Could you please clarify to me there?

The Speaker: I think while the minister waits maybe you can ask the other two questions quickly, honourable.

Dr George Nangale: Thank you, Mr Speaker. Now that the Customs Union is fully fledged five years since its inception and the *panya* routes it seems still exists. Can the minister agree with me that the Customs Union has indeed failed in this respect and that responsible authorities need to be accountable?

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr Speaker, Sir, regarding question (d) of hon. Nakuleu. I think I have said it all but what I need maybe to reinforce is that through the revenue authorities, Partner States have been able to cut on tax evasion.

On the question regarding which stations have been gazetted and functional except for two stations in Karamoja due to the fact that this area is in a state of insecurity.

With regard to the question of hon. Nangale, the fact that we still have this *panya* routes does not mean that the Customs Union has failed. The Customs Union is fully fledged but it has its own challenges. We have to face them until we get rid of them so I don't think the Customs Union has failed, it is an ongoing protocol which is being implemented in Partner States.

Mr Bilal: Thank you, Mr Speaker for giving me the opportunity to ask a supplementary question. Mr Speaker, the Chairperson, Council of Ministers in her answer on page seven indicated that among the areas where there are illegal entry border points is areas of the Indian Ocean. This is a very wide area as a matter of fact. Could she be elaborate or specific which areas she could point out? Also the fact that among the gazetted border stations this area is not included. Does the Chairperson, Council of Ministers not see that absence of such gazetted border posts encourages the *panya* routes along the Indian Ocean? Thank you.

Mr Mulengani: Thank you, Mr Speaker. On page seven the minister highlights that during the sensitisation program, EALA would be involved.

Mr Speaker, I want a clarification on how this will be done and when. Thank you.

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr Speaker, Sir, if you will allow me I would like to start with the question of hon. Mulengani. It came to our attention as Council that during this sensitisation campaign EALA members were not fully involved and this will be done in consultation with this Assembly so I would just say that the fact that we have recognised the need for us to involve the Assembly is a good step. We shall liaise with the members of this August House on when and how we should involve the EALA members.

With regard to the question on some *panya* routes in the Indian Ocean area, I would request some information from one of the members CTC to help me with this. Thank you.

The Speaker: Are you going to answer or are you going to give information here? What do you want to do? If you are giving information well and good. If it is an answer then the minister can answer. I think while you are discussing hon. Nakuleu you can ask the last one being the mover of the question.

Mr Nakuleu: Mr Speaker, I am perturbed that some of the information the minister is giving to the House is not credible. The minister is informing the House that there are only two non functional border posts that exist in Karamoja but to my knowledge, the Kenyan side Lukema border post was gazetted in 2008 and it is not functional. Then Toidonyang border post at the border of Ethiopia and Kenya was gazetted in 2008 and it is not functional. Either could be more border posts which were gazetted by respective Partner States and may not be within the knowledge of the minister. Can the minister now clarify why she doesn't have complete information to the question –

The Speaker: Or why she is misleading this House. Hon. Nakuleu, the minister is consulting even though our rules say that you should ask questions to which you know the answer but I think – (*Interruption*) -

The Chairperson Council of Ministers (Ms Hafsa Mossi): Mr Speaker sir, on the question raised by hon. Nakuleu, I think to start with he is asking questions of which he knows the answers-

The Speaker: No, honourable, I would only like to say that hon. Nakuleu was asking for others but he did not inform- You only talked of two. He was only informing you of the others and he thinks there might be others. So hon. Nakuleu was right to ask the question. He knew of these two but there might be others.

The Chairperson Council of Ministers (Ms Hafsa Mossi): We would like to say that we are compiling all the information about all border posts and we shall give you all the details in due course.

Hon. Bilal was asking a question about the Indian Ocean. I would like to say that there are gazetted ports on the Indian Ocean both in Tanzania coast line and Kenya coast line such as Tanga, Mombasa and Dar es Salaam. I beg to submit.

The Speaker: Hon. Minister, I think hon. Nakuleu's question – I think this is the third time it is being deferred because you did not have a proper answer. I don't know whether he asks really hard questions or maybe your technical people do not prepare good answers for you but I think we should take hon. Nakuleu's questions very seriously and they be furnished with all the information and I hope that by the time we get to Nairobi, he will have a proper answer on this question as it will be on the Order Paper again.

Hon. Members, we have come to the end of business today. Before I adjourn the House, I would like to make two announcements.

One, I wish to inform you that the EALA Uganda Chapter has organised a cultural night where all members and staff of EALA and EAC are invited. This will be tomorrow and the venue will be provided. I think it is Kigowa, Ntinda at Ndere cultural centre. So the Uganda Chapter is inviting us tomorrow evening for a cultural evening.

As you are aware, this evening we are nearly late, we only have two minutes to get there. The Speaker and Parliament of Uganda have invited us for an evening, a reception in honour of EALA sitting here in Kampala and in this Assembly and it will be at the Serena so I think from here we can quickly move there as the Speaker I am informed is already waiting for us.

ADJOURNMENT

The Speaker: Hon. Members, I adjourn the House until tomorrow 2.30 p.m.

(The House rose at... p.m. and adjourned until Thursday, 16 December 2010 at 2.30 p.m.)