



## EAST AFRICAN COMMUNITY

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

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

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

Wednesday, 15 March 2017

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

#### PRAYER

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

*(The Assembly was called to order)*

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**Mr. Bernard Mulengani (Uganda):** On a point of procedure, Mr. Speaker, at the closure of Plenary in Kampala, my question to the Council of Ministers was on the Order Paper. As I look at the Order Paper now, my question has not been raised. I seek your procedural guidance as to when it will come.

**The Speaker:** Thank you so much, hon. Mulengani. Indeed, you are right. By the time we were concluding our meeting in Kampala, the questions you asked the Council of Ministers were supposed to be answered. Indeed, this morning, when we were constructing this Order Paper, we discussed about your question. The Office of the Clerk got in touch with the Council of Ministers yesterday because we were supposed to put your question on the Order Paper. The Chairperson, Council of Ministers, however,

pleaded with us that the matter your question poses to the Council of Ministers requires the presence of the Secretary General. Some of the matters raised in that question will require his personal explanation or clarification. The Chairperson, Council of Ministers pleaded that she would not answer some questions when the Secretary General is not in the House. Indeed, we took heed of her plea.

I requested the Office of the Clerk to get in touch with you so that we have discussions and come up with an agreeable position. If they have not been in touch with you, I am sure that they will be in touch with you so that we come up with an agreeable position. We apologise to you. This is because the Council is not in a position to answer that question now. We appreciate the position of the Council on that. Thank you.

**Mr. Mike Sebalu (Uganda):** On a point of further clarification, Mr. Speaker, this is also with regard to the issue of questions to the Council of Ministers. You will find that we are supposed to have a timeline within which a question should be processed in order to appear on the Order Paper and to be responded to. Before the Kampala session, quite a number of questions were put forward. I am on record having one lined up. However, there is no mechanism of telling when the questions will appear. In the interest of all of us, that kind of arrangement would be very helpful to guide those that seek to be informed through questions, as well as the Council of Ministers, which is supposed to be informing us through the same process.

**The Speaker:** Thank you so much. I take note of that, hon. Mike Sebalu. It is true that we receive a number of questions. Our rules are specific on the period required for you to submit your question before the Council of Ministers answers it. The Council of Ministers is also reliant on the technical team, particularly the Secretariat, to develop the answers to the questions. We try to put the questions on the Order Paper, based on the preparedness of the Council of Ministers. At times, we even push them. I think we need to adopt a time-based approach within which a question has to reach the Office of the Speaker and the Office of the Clerk, and the Council of Ministers is notified, so that they prepare answers. We will put that as a stand along procedure.

Honourable Members, we are on Order No.2 on the Order Paper. Yesterday, just at the point of me putting the question on the Committee Report, hon. Susan Nakawuki rose on a point of quorum, which interrupted the process. We are resuming now from the point of putting the question.

## MOTION

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

*(Debate interrupted on 14 March 2017, resumed)*

**The Speaker:** Honourable Members, the Motion before the House is:

“That, the Report of the Committee on Regional Affairs and Conflict Resolution on the Public Hearings in the Pastoral Communities of Longido in Tanzania and Kajiado in Kenya on the Implementation of the East African Community Common Market Protocol Projects, be adopted.”

I now put the question.

*(Question put and agreed to)*

*(Report adopted)*

## BILL'S

### SECOND READING

**THE EAST AFRICAN COMMUNITY POLYTHENE MATERIALS CONTROL BILL, 2016**

**Ms. Patricia Hajabakiga (Rwanda):** Thank you Mr. Speaker, Sir. I beg to move that, “the East African Community Polythene Materials Control Bill, 2016” be read a Second Time.” I beg to move.

**The Speaker:** Seconders?

(Hon. Chris Opoka, hon. Kalinda, hon. Sara and several Members stood to second the Motion)

**The Speaker:** Hon. Patricia, justify your Motion.

**Ms. Hajabakiga:** Thank you, Rt. hon. Speaker. I just want to thank you for agreeing to bring this Bill to the Floor of the House. This has been a long journey. However, we will conclude it, taking into account the progress of the region.

Rt. hon. Speaker, I do not have to read the memorandum, because everybody has a copy of the Bill. I will go further into the justification other than what is contained in the memorandum.

One of the major problems of plastic - or polythene, or whatever one may want to call it - is its persistence existence in the environment and yet it is non-biodegradable. It is dangerous to human health and causes air, water and soil pollution. It is dangerous to animal life and other living organisms. I will give an example of the livestock keepers in the region. Most of them have been affected in one way or another when their livestock have mistaken the polythene bags for food. Most of the animals have died out of this. We heard a testimony from hon. Nkanae who lost a number of his livestock because of plastic bags.

Secondly, our region is full of water. We have the Indian Ocean, Lake Victoria, and the other lakes and rivers. Fish is one of the important products we get from these waters. The fact that fish breeds on the shores of the lakes, it has been proven that the production of fish has gone down. This is because the plastics, which cover the shores, causes the baby fish to die before they mature due to suffocation.

On soil degradation, over 70 per cent of our population lives on agriculture. We have noted, repeatedly, how plastic has stopped the penetration of water into the soil, thus leading to low productivity in the agricultural sector.

Rt. hon. Speaker, with regard to infrastructure, I was privileged to be in Kenya, sadly, when there were floods in 2016. I think I was with hon. Nancy. As water was trying to flow into a drainage system, the whole place was blocked because plastic had entered the sewerage and drainage system. This blocked everything, and we ended up with floods. Unblocking the drainage system is very costly. Therefore, our local authorities spend a lot of money unblocking the drainage system. This affects the infrastructure.

However, there are a number of arguments. The points of departure between those who support the ban of plastics and those who manufacture them are about four or five. One is that they have invested heavily in the industry. The studies that have been conducted in our region indicate that carrier and shopping bags, or what we commonly refer to as *kaveere* in Uganda, *amashashi* in Rwanda, and carrier bags in Tanzania and Kenya, form only about 10 per cent of the industrial work. This means that they can sufficiently use other types of production with their machines because 10 per cent of what they have been doing should not affect the entire business community, which is already involved in the plastics industry.

The second aspect is contribution to taxes and employment. We are talking about reducing the ban on plastics and carrier bags. However, through the promotion of alternative packaging materials, the same employment and taxes will be realized. They should not only be stuck in the production of plastics. They can move into production of environmentally friendly materials.

Let me give you an example. Before the 1980s, before plastics became a menace to our region, the local women and men - our citizens - used to produce what we call in Tanzania *vikapu vya katani* and *vikapu vya minazi*. These were from sisal and they really helped. If you look at the investment in the agricultural sector in Tanzania and Kenya with regard to sisal plantations, you will see that they are almost dying because we have replaced baskets with plastic packaging. I am wondering why we cannot go back and promote that sector, which would provide the best biodegradable material. Rt. hon. Speaker, we also have cotton, which is grown in our region. We can also produce cloth bags which can be reused and at the end of the day promote our farmers.

The third one is that there is no problem with polythene and that the only problem is failure in waste management. However, let me say that it is very costly to manage polythene waste. The studies that have been conducted, and specifically by the State of San Francisco in the United States of America indicate that the cost of producing a plastic bag and recycling it is at the ratio of 1 to 4. The question then is, if recycling was that cheap and the business community knew that it was good business, why is it that they do not recycle? Why do we have all these plastics littered all over the region? There is plastic out there and nobody has been picking it. Why have they not been doing it? The reason is that it is more expensive to recycle than to produce new ones. That is why the investment is in production and not in recycling.

I agree that there are some business communities that have moved on and they are already doing recycling. However, if we pass this law, they will continue. Their investment will not be in vain because we are not totally banning the entire plastic production. We are

talking about the biggest menace, which is the carrier bags, and that is what we are trying to ban them. The rest will continue to be used because they are critical and necessary. That is why in the Bill we have a schedule at the back, which shows in what areas we can continue to have plastics.

That includes the material used in medical equipment, industrial packaging, materials used in the construction industry, materials used in the manufacture of tents, materials used in the agricultural industry, including production of seedlings and other items, materials used in mechanical and machine parts, and materials used in the production of household wares, furniture and plumbing. Rt. hon. Speaker, in this Bill we have also provided for the Council of Ministers to update this list where it is necessary.

There is also an argument that we should just increase the microns of plastic to make it reusable. However, the microns, unlike metres or kilogrammes where you can look at the weight of something and know that this is two to three kilogrammes or one or two metres, the microns can only be measured using a microscope. How many people in the streets will know that a particular bag contains ten, twenty or forty microns? Who would be able to determine that?

Let me give an example of Rwanda. When we began regulating the use of plastics, we talked about microns and that is what we started with. However, with time, we realized that the manufacturers would manufacture the right microns but in the evening, when the inspectors were not around, they would still go ahead and produce the light ones. There was no way that a citizen would distinguish between 20, 40 or 50 microns, unless people are provided with micrometres around where they live.

Rt. hon. Speaker, the purpose of this Bill, as I said earlier, is not to ban plastics, but to look at the aspect or principle of reduction of waste. The first one is to reduce. We are trying to reduce by – (*interruption*) -

**The Speaker:** Hon. Patricia, I think you should make your justification short to give room for the Committee Report, the debate and, finally, your response.

**Ms. Hajabakiga:** Let me finalise Mr. Speaker. The three “R”s are “reduce”, “reuse”, and “recycle”. We are trying to reduce by banning the carrier shopping bags. In reusing, we will be producing biodegradable material and other products, which can be reused several times, and, three; recycle is to recycle those, which remain in the market, which we cannot do without.

Thank you Rt. hon. Speaker. That is what I wanted to say. I hope to get support from all Members.

**The Speaker:** Thank you hon. Patricia.

**Mr. Abubakar Ogle (Kenya):** On a point of procedure, Rt. hon. Speaker, and with a lot of respect for the Mover of this Bill, hon. Patricia, I do understand her passion. Right from the Second EALA up to this day, it has been a long journey, as she has said. The understanding we had regarding this Bill coming to the House today was that it was merely intended for Second Reading.

Our Second Reading in the understanding of our Rules was to incorporate an explanatory or additional memorandum that the Committee was able to obtain in the course of its interactions with the stakeholders. I know that there is a detailed submission from the Kenyan stakeholders that was to be incorporated as part of this Report. That was the understanding of what would happen on the Floor today.

Nonetheless, when I look at the Order Paper, I see that it talks about a Second Reading, and then it goes all the way to a Third Reading and adoption of this Bill clause by clause. It is as if we are enacting the law. This appears like an ambush on us. We really need some guidance on this issue. It should be limited to the Second Reading to allow for the protestation and petitions of the Kenyan stakeholders to be incorporated. That is one.

Secondly, we have not had an oversight interaction with some two other critical players of this business. The Tanzanian and Ugandan stakeholders have not also been given a chance. We are following a matter that belonged to the Second EALA. We must be very careful, as the Third EALA, with what we are about to do.

**The Speaker:** Thank you. First, this is not a matter of the Second EALA. Hon. Patricia sought leave of this House and brought a Bill that was read for the First Time. It was referred to the Committee on Agriculture, Natural Resources and Tourism of the Third Assembly. They have been working on it and we, procedurally, put the matter on the Order Paper as it is supposed to be. It is upon this House to either conclude it or not. For us, we are supposed to present it as it is. Therefore, we are on the right track.

However, at the appropriate time if you feel that this matter should be halted, it will be halted. That is if the House decides so. This is a property of the House, and the matter is beyond the Mover. I suggest that if you have a contrary view, you should wait and hear what the Chairperson of the Committee will present. When I open debate, you will come up with your position. Hon. Ogle that is the position.

Yes, Chairperson of the Committee.

**Ms. Valerie Nyirahabineza (Rwanda):**

Thank you very much, Rt. Hon. Speaker, for allowing me to present this Report on behalf of the Committee on Agriculture, Tourism and Natural Resources. From the onset, I thank you for your ruling on that point of procedure.

Rt. hon. Speaker and hon. Members, the Report is as follows:

**BACKGROUND AND JUSTIFICATION**

Chapter 19 of the Treaty for establishment of the East African Community enjoins the Partner States to Cooperate in all issues of environmental and Natural Resources Management, while in its articles 112 (1) and (112 (2) (a),(c) and, (h) urges the Partner States to adopt common environment control regulations, incentives and standards; encourage the manufacture and use of bio-degradable, pesticides, herbicides and packaging materials and to adopt common environment standards for the control of atmospheric, terrestrial and water pollution arising from urban and industrial development activities. The EAC Partner States are also signatories to various International Agreements on Environment that are intended to regulate the environment.

Moreover, it should be noted that Polythene materials like plastic bags are a menace to the environment and people's health and therefore, their use need to be controlled. Polythene waste pollution has worsened these last few years because people prefer plastic bags as packaging materials for shopping and other uses. This has led to mounting quantities of plastic in household waste and, as they are not degradable, have only contributed to the environment pollution, with the urban areas being the most affected. The situation is aggravated by the

inability to manage waste, and the recycling of polythene materials, which is more expensive than producing new ones.

While plastic wastes are considered to be harmful to the environment and a health hazard, the problem has not been given due attention.

It is within this background that the East African Legislative Assembly introduced the East African Community Polythene Materials Control Bill, 2016 to address these issues. This Bill is not new in the Assembly since it was assented to by four Partner States during its second tenure; however, to bring on board the Republic of Kenya which had expressed concerns on it, the Assembly organized more consultations with stakeholders in Kenya to get a common understanding on the need to have a law to address the negative impacts of usage of polythene materials bags.

The Object of the Bill is therefore to provide a legal framework for the preservation of a clean and healthy environment through the prohibition of manufacturing, sale, importation and use of polythene materials.

**OBJECTIVES OF THE CONSULTATIONS**

The main objective of the Consultations was for Committee Members to interact and discuss the Bill with Partner States representatives and relevant stakeholders in the Republic of Kenya with a view of enriching it and charting a way forward on it in order to ease its operationalization once it becomes an Act of the Community.

**PARTICIPANTS**

Participants to the consultations were Members of East African Legislative Assembly Agriculture, Tourism and Natural Resources Committee, the Principal Legal

Draftsman, Committee Staff members, experts from Partner States from relevant Environmental Agencies and stakeholders from the Republic of Kenya representing the polythene materials manufacturers, Parliamentarians, officials from various relevant Ministries and human Rights civil society representatives. Later, the Committee interacted with representatives of Uganda manufacturers Association.

### METHODOLOGY

With the facilitation of the mover of the Bill and the moderator, the following methodologies were used during consultations:

- (i) Opening remarks by the Committee Chairperson;
- (ii) Presentations on the dangers of plastics in form of a documentary and those by various stakeholders and experts from Partner States both followed by interactive sessions.
- (iii) Committee internal discussions to deliberate on the findings from the consultations and to come up with a schedule of amendments.
- (iv) Receiving written submissions on the Bill from EAC Partner States and from polythene manufacturers Association.

### FINDINGS OF THE CONSULTATIONS

#### REPUBLIC OF BURUNDI

1. Burundi is in total agreement with the bill and is supportive to it. Since 2000, the Government is promoting policies on environmental management and sanitation through some projects on waste management in urban areas.
2. The government is reducing importation of plastic materials by promoting

alternatives to plastic bags. Some good lessons to learn from Burundi are:

- (i) usage of materials from banana in seeds plants (tree nurseries);
  - (ii) promotion of bamboo tree planting not only for protection of rivers but also for production of alternatives to plastic materials in the future; and,
  - (iii) planting herbs to be used in weaving alternatives to plastics carrier bags.
3. The government is reviewing the Environment Act of 2000 to fit in the spirit of this regional Bill aimed at reducing and controlling the use of plastic materials bags.
  4. The government is promoting public awareness on the dangers of plastics through Media. To that end, they have put in place programs devoted to awareness creation on dangers of plastics and on change of shopping habits.
  5. The Republic of Burundi is of the view that once this regional law passes, it will help in reducing piles of plastic bags coming from outside its territory. Therefore, it endeavours to review its law on environment to ease the implementation of the regional law.

#### REPUBLIC OF KENYA

Stakeholders responded massively to the invitation. The participants present were officials from Ministries of EAC, Labour and Trade, Environment, Parliamentarians from the Committee on Environment, Human Rights – based civil society organizations, Kenya Association of Manufacturers (KAM) and their staff members.

From the discussions, the following came out:

1. The usage of polythene materials constitutes a menace to the environment;
2. Stakeholders support the bill and think that it can be significantly improved by

addressing the issue of waste management;

3. Stakeholders expressed the need to balance between eradicating the polythene menace and protection of investments;
4. Stakeholders expressed the need to cater for incentives in the industrial sector in the bill;
5. There is need for the bill to provide for monitoring and evaluation on Partner States implementation progress on the bill;
6. There is need for the bill to cater for environmental issues in a holistic way;
7. The bill should be clear on the steps to be taken after its assent;
8. The bill should be clear on punitive measures to apply to various categories of people (shopkeepers and producers); and,
9. there is need to think deep on innovative ways to find alternatives since usage of paper can also have negative impact on environment by cutting trees.

#### REPUBLIC OF RWANDA

The Republic of Rwanda is in full support of the bill as per the following grounds:

1. The plastic usage ban started in 2004 after a Policy was approved by Cabinet;
2. It was later enforced by a Law of 2008;
3. The law is fully enforced by all institutions; and,
4. The Republic of Rwanda welcomes the enactment of the Bill since it will be a good tool, which will help to engage with the sister Partner States and enhance collaboration between them on the use of polythene.
5. The Republic of Rwanda recommends provision for a mechanism for monitoring and evaluation in the regional law.

#### The Current practice

1. Alternatives to polythene materials have been developed and this has created jobs in industries;
2. All polythene materials are banned but the law provides for exemptions /special authorization where alternatives are not available;
3. The general public opinion is very positive about the ban: people are very proud of this achievement and they feel part of it.

#### Challenges

1. Polythene not being banned in the entire region, this requires that the country puts more efforts in the control and this is costly.
2. Plastic Science is wide and people try to introduce materials considered alternatives and environmental friendly while they are actually plastics like any other.

#### REPUBLIC OF UGANDA

The Republic of Uganda is in total support of the Bill. The following issues were raised:

1. Uganda has a law on plastic ban from April 15<sup>th</sup> 2015 to date.
2. There are continuous awareness creation campaigns.
3. Uganda promotes creation of alternatives like natural fibre carrier bags, paper bags and cloth bags.
4. The issue on collection of polythene waste was raised as a challenge because in the absence of recycling facilities, there are no storage facilities. There is therefore a challenge in waste management.
5. Other challenges are proposal to restrict the “kaveera” i.e. plastic carrier bag ban of 30 microns and majority of the public



can understand what microns neither are about nor measure them. For your information, a micron is a one-millionth of a meter.

6. The public is very supportive of the ban because they are aware of the negative impacts of plastic bags on the environment and health of people
7. The owners have invested in alternatives for plastics
8. There are conflicts between polythene bags manufacturers and the Environmental Authority.

#### UGANDA MANUFACTURERS ASSOCIATION'S VIEWS

Representatives of manufacturers association were of the view that they had been left out during consultations on the EAC Polythene Materials Control Bill, 2016. For that purpose, the Committee on Agriculture, Tourism and Natural Resources interacted with them in Kigali, Rwanda on Wednesday 8<sup>th</sup> March 2017. That was last week. In their presentations, they stressed the importance of waste management through recycling as a way reducing negative impacts of plastics on environment. They recommended that polythene industries be regulated by the three "Rs" solution (reduce, re-use and recycle). Their plea to the Committee was to let EAC countries continue using polythene materials, then re-use, reduce and recycle them.

After the interface with the Committee, the manufacturers were requested to send written submissions and proposed amendments if any, to be considered by the Committee. Their concerns were taken care of in the schedule of amendments attached to this Report.

#### THE UNITED REPUBLIC OF TANZANIA

A letter was sent to the United Republic of Tanzania requesting them to send their submissions. However, by the time of reporting, the Committee had not yet received their submissions.

#### THE EAST AFRICAN BUSINESS COUNCIL VIEWS

While the Committee was ready to present its Report to the whole House, the EABC representatives wrote to the Rt. Hon. Speaker requesting for further consultations and more time for the private sector to submit their Memorandum on the Bill. The Committee is of the view that the process of enactment of the bill should not be halted, but it thinks that the House should decide on the way forward. After considering all the received views from stakeholders, the Committee elaborated a schedule of amendments, which is attached to this Report as annex I.

#### GENERAL OBSERVATIONS

Comparing the previous public hearings with these ones, the Committee made the following observations:

1. Partner States are in support of the Bill
2. Polythene manufacturers understood the concerns of the Committee regarding the dangers of the use of plastic bags. Their main concerns are however related to the heavy investments they have put in the sector.
3. The Committee observed that there are best practices with regard to alternatives of plastic bags like banana materials used in the Republics of Burundi and Rwanda, which can emulated in the entire region.
4. Members noted that some voices from the Government of Kenya were still hesitant on the total ban of polythene carrier bags.

Although this is not part of the Report, I am happy to report to this Assembly that we have learned that the Republic of Kenya, through the Ministry in charge of Environment and Natural Resources has also issued, with regard to the Environment Act of 2017, instructions that the use, manufacture and distribution of plastics is banned. This is a good sign – (*Interjection*) -

**Mr. Ogle:** On a point of clarification.

**Ms. Nyirahabineza:** but I am still reading the Report.

**The Speaker:** Hon. Ogle, let the Chairperson finish reading the Report. Just take note of your point of clarification. You will counter the Report in the debate. I will give you priority.

Hon. Chairperson, please read the Report as passed by the Committee. You are reading the Committee Report.

**Ms. Nyirahabineza:** Exactly! Thank you Rt. hon. Speaker. I am almost coming to the end of the Report.

#### RECOMMENDATIONS

From the main concerns raised by stakeholders and the general observations, the Committee made the following recommendations:

1. The East African Community Partner States should raise awareness on the dangers of plastic use and management of the waste arising from their use.
2. All Partner States should have policies on plastics ban to allow smooth implementation of the regional law once it becomes an Act.
3. Partner States should put in place enforcement mechanisms for the smooth implementation of this Act.

4. Partner States should develop a law on compensation to all those who lose their lives and their wealth due to the use of plastic materials.
5. Partner States should reduce quickly polythene carrier bags and opt for alternatives; and,
6. Partner States should sensitise people on the importance of this law.

#### CONCLUSION

The Committee appreciates the good attendance of Stakeholders during the consultations on the East African Community Polythene Materials Control Bill, 2016 and their contributions, which helped to enrich it. This is clearly reflected by the schedule of amendments attached to the report.

The Committee noted that Partner States understand the need to regulate the use of Plastic Materials to protect the lives of the EAC Citizens and promote a clean environment.

The Committee requests the House to adopt this report and the schedule of amendments to allow this Bill to pass for the welfare of our people.

#### ACKNOWLEDGEMENTS

- The Committee commends the honourable Speaker of the East African Legislative Assembly for supporting Members to undertake more consultations on the EAC Polythene Materials Control Bill, 2016.
- The Committee would like to thank all the Stakeholders met during the consultations for their attendance and their inputs to the EAC Polythene Materials Control Bill, 2016.
- The Committee commends the officials from the Ministries of the

East African Community of the Republic of Kenya for the mobilization of stakeholders, warm welcome and all courtesies accorded to Members of the East African Legislative Assembly during their stay in Nairobi Kenya.

- The Committee further appreciates the experts from EAC Partner States for sharing their knowledge with Committee Members on their countries' status on the Bill and on countries' readiness for its implementation once enacted;
- The Committee would also like to thank all the manufacturers it interacted with for their time and updated information to the Committee Members during consultations on the Bill.

Mr. Speaker Sir, I beg to move.

**The Speaker:** Thank you hon. Chair of the Committee on Agriculture, Tourism and Natural Resources, hon. Valerie.

*(Interruption of Debate on the Second Reading of the East African Community Polythene Materials Control Bill, 2016)*

## COMMUNICATION FROM THE CHAIR

### VISITING DELEGATION FROM EANNASO

**The Speaker:** Honourable Members, before we move into debate, allow me to recognize our guests who are in the galleries. They are the representatives of the Eastern Africa National Networks of AIDs and Health Services Organisation (EANNASO), led by their coordinator, Ms. Maureen Brisa. You are most welcome. We thank you for coming, and for the engagement that we have had with you. *(Applause)*

I would also like to recognize the presence of our guests who were with us yesterday, from the Parliament of Kenya. *(Applause)*

*(Resumption of Debate on the Second Reading of the East African Community Polythene Materials Control Bill, 2016)*

**The Speaker:** Hon. Mumbi, the Floor is yours.

**Ms. Mumbi Ng'aru (Kenya):** Thank you, Rt. Hon. Speaker. Right from the beginning, I would like to state that I am a member of this Committee. Therefore, I have walked the journey with the Mover and the Members of the Committee.

The pain and the frustration of all the other stakeholders have been emptied to us as we listened to the frustrations that this *kaveera* has caused to East Africans. In my other life before I came to EALA, I served as a mayor of the fifth largest municipality in Kenya, and I know the frustrations that local authorities and county governments all over East Africa go through, especially in rainstorm water drainage and in solid waste management. I know the pain of the ordinary *mwananchi* who thinks that this *kaveera* is very convenient.

As the Mover talks about the frustration of doing away with it, and as everyone talks about Kenya's issues during the Second EALA, and now a new Bill in the Third EALA, I understand her frustration very well. As we met the stakeholders everywhere, I also noted the frustrations, especially of the national governments. My feeling was that we are going to interfere with national economies through the manufacturers, the jobs that are created, and in general, the GDPs of our countries.

The Chairperson of the Committee has read the Report. We met manufacturers from

Uganda who did a video presentation. We were able to learn that what is presented as biodegradable is actually not. This is a soft way of saying that we want to continue to be in business. Please, take care of our business.

Rt. hon. Speaker, you invited us to accompany you for a dinner, which was hosted by the East Africa Business Council. The letter to you is attached to this Report. As rightly said by the Committee Chairperson, today we received communication through the *411 Safaricom Alert* that the Cabinet Secretary for Environment and Natural Resources had released a gazette notice that gives Kenyans up to 1<sup>st</sup> September, as the government tries, within its means and powers, to sort out this issue of polythene materials. It is in line with that that I want to request for an amendment in the conclusion of the Report, in the last sentence. *(Interjection)*

**Mr. Ogle:** On a point of clarification, Rt. hon. Speaker, the honourable *Mheshimiwa* Mumbi is referring to a 411 alert. This is a first-hand news service available to Kenya's Safaricom subscribers. To the best of my knowledge, that cannot be ascertained. It is not official, and it is not formal. It does not reflect the position of the Kenyan stakeholders and the Government of Kenya. I think she should be very careful in referring us to some news item that may be coming through that channel. My understanding of that particular news item was that the Government of Kenya was banning, henceforth, the importation of plastic bags, but this is not about the manufacture and all that. That could have been coded by whoever sent the message. The Kenyan position cannot contradict itself. Let us clarify that position clearly.

**Ms. Ng'aru:** Rt. hon. Speaker, I have said very many times that I wish Members would allow someone to complete their statement so

that they follow what someone is about to say. The exact reason that the honourable Member has talked about is the reason I was seeking an amendment in line with a letter that is an annex to the Report by the East Africa Business Council. At times, it is good to be patient with those of us who are not as fast. Not all of us are fast but at the end of the day, we make our point.

Mr. Speaker, the last statement in the conclusion of the Report...I will read it. *"The Committee requests the House to adopt this Report and the schedule of amendments to allow the Bill to pass for the welfare of our people."*

I seek to amend that sentence so that it reads as follows, *"The Committee requests the House to adopt this Report and the Schedule of amendments."* That is where I will put my full stop. The reason for this is to give the other stakeholders time. Tanzania had not replied to the letters that had been sent from the Office of the Clerk. Kenya, through other channels, through the East Africa Business Council, is requesting for four weeks, and this is official.

In our sitting at the Committee, as we struggled to find out what we should do, we felt that it was important for this Bill to be on the Order Paper for purposes of giving it life so that it appears in the next Plenary. Therefore, we agreed that it was an important Bill, and that it should appear on the Order Paper today. I seek your guidance on this matter. I request that you give an opportunity to the other stakeholders.

**The Speaker:** Hon. Mumbi, it should be clear, for our records, that the duty to compile or to put something on the Order Paper is a responsibility of the Speaker and the Commission. That is exactly what we did. Thank you.

*(Interruption of Debate on the Second Reading of the East African Community Polythene Materials Control Bill, 2016)*

### COMMUNICATION FROM THE CHAIR

**(RECOGNITION OF THE PRESENCE OF THE DEPUTY SECRETARY GENERAL (FINANCE AND ADMINISTRATION, EAC)**

**The Speaker:** Honourable Members, this was an oversight on my part. I would like to recognize the presence of our Deputy Secretary General in charge of Finance and Administration, Ms. Jesca Eriyo, who is seated in the gallery on the technical bench. You are most welcome, DSG. *(Applause)*

*(Resumption of Debate of Debate on the Second Reading of the East African Community Polythene Materials Control Bill, 2016)*

**Ms. Dora Byamukama (Uganda):** Thank you Mr. Speaker for giving me the opportunity to debate this Report and Motion. From the onset, I would like to say that I support the Report and the Bill fully. The reasons for this are very clear. I think hon. Patricia has been sufficiently clear as to why we should support this particular Bill.

Mr. Speaker, I would like to make a few observations. First and foremost, the right to a clean and healthy environment is an internationally recognized right. This is recognized by all the East African Partner States and the whole world. Therefore, if the use of polythene materials contradicts this right, we have a duty, as an Assembly, to ensure that the right to a clean and healthy environment is respected in our Partner States.

I would like to talk from a practical experience I have had. At times, I travel from Kigali through Gatuna and Katuna to Kabale in Uganda. I would like to say that there is an occurrence, which is very sad in that, when you enter the Republic of Rwanda, you have to dump all the polythene materials that you have. The people that use buses and other public transport on this route adopt another behaviour. They do not throw things out of the buses, and they are cleaner. However, when they cross over to Uganda, you will see plastic bottles flying out of the buses and all kinds of behaviour.

We are working towards the integration of the East African Community. Why would we want one part of the East African Community to have these kind of polythene materials that clog channels, which cause floods, which cause animals to die and even cause sickness? In Uganda, these materials are used to cover food like *matoke* - bananas, and yet we have been warned that this can cause cancer. Why would we even have to consult on an issue, which is so clear?

Mr. Speaker, I have seen, in the letter, an allegation that there were insufficient consultations. What is sufficient? I know that this is not a new Bill. I know that this is not a new subject matter. As I said before, the right to a clean and healthy environment is an internationally recognized right. So, what are we defending when we say that in our Partner States we should continue to use polythene materials when there is blatant evidence that the use of these materials is dangerous to us, to our animals, and to the environment? I think I need clarification on this. As far as I am concerned, I feel that we should move quickly and expedite the enactment of this law so that we help our citizens to live in a clean and healthy environment.

Mr. Speaker, when you look at the memorandum, you will find ample justification for us to act because the EAC Partner States are signatories to various international environment agreements. The fact that our Partner States are signatories to such international agreements, they are legally obliged to adhere to these principles. Even if they have not ratified them, the fact that they have signed the international instruments means that in principle they are obliged to comply with the principles. This is in line with international law, and we have a duty to ensure that at the regional level, we take this very seriously.

Mr. Speaker, when you look at the preamble critically, you will find that we have a problem in that the polythene materials are very slow when it comes to degradation. It says that it takes as long as 400 years for polythene materials to degrade. In effect, each day we lose means that for another four centuries or 400 years, our children, grandchildren, our great grandchildren and other generations will suffer because of our none action. Therefore, we need to take action now. We should have taken action long before.

I want to salute hon. Patricia for persisting with this particular Bill, and for informing us about this particular menace. If it takes 400 years and yet people are waiting for more time for sufficient consultations, are we serious? We will come to a point where our soils will be full of plastic bags and we will not be able to grow any crops in our region.

Mr Speaker, you know very well, for example, that when you are excavating land to construct a house in the Republic of Uganda – let me talk about what I know – you will find that you have to find a way of getting rid of polythene materials. Most of the time, if the place was previously used as

a dumping ground, polythene materials are a serious menace. Most places that you go and dig, you will find polythene materials. So, I would like to urge my colleagues to understand and appreciate that we need to do something very quickly.

I have also looked at the Report and the Bill, and I think it is being very sensitive to the fact that we have to manufacture other bags. I know that now in the East African Partner States, many supermarkets are now using paper bags more than ever. Someone mentioned that before the 1980s, we did not know about the plastic bags and yet we were living normally and comfortably. I remember that when we used to buy bread, it used to be packed in paper bags. I was quite young then, and that was quite good. I do not see why we should be craving and talking as if the polythene bag disappeared from our midst, there would be a crisis. (*Interjection*)

**Ms. Hajabakiga:** On a point of information, hon. Speaker, I would like to thank hon. Dora for allowing me to give information. On the issue of bread, if you go to any country in Europe, you will see that nobody packs it in plastic bags. This is because, first of all, when bread is baked, when it is still hot or warm, if it is put in a plastic bag, it has an impact on human life. There have been many studies on the relationship between plastics and cancer. Therefore, we should be careful not to promote the usage of plastics in packaging any hot food.

**Ms. Byamukama:** Thank you Mr. Speaker and I thank hon. Patricia for that information. When you see people packing chips – this is a reality – you will find that when this food is put in a polythene bag, the oil is retained in the chips. Whereas if the chips were packed in a paper bag, some part of the oil, which is very dangerous to our health, is absorbed by the paper bag. I am talking about the impact

of the polythene bag to our health, and about the fact that if we used paper bags, we would be better off in many ways.

Mr. Speaker, I would like to talk about the issue of the business community. I would like to thank hon. Patricia for clarifying on this. I believe that this issue of more consultations is a way of stopping us from doing our work. We have a duty. I am really happy and proud to be part of this Assembly, which has discussed this issue exhaustively.

I would like to say, categorically, that even if you do the business of manufacturing, the business must be ethical. You do not just do business for the sake of making money and profits without taking into account the ethics of your business. If the business you are involved in is detrimental and harmful to East Africans, that business is unethical. Therefore, those people involved in such business should change their way of doing business and find ways of making sure that the business is ethical.

I would also like to say that if anyone wants us to do more work on this Bill, he or she should know that the Bill is not cast in stone. Even after passing the Bill, there is room for amendment. A Partner State can bring an amendment so that we move on together. Enough work has been done. We have been very patient and I would like to plead with whoever has reservations to take this into account. This is not the end, and if there is need for amendment, we are open to the amendments. The most important thing is that having polythene bags in the East African Community is unhealthy to East Africans, it is unhealthy to the environment, it is dangerous to animals and it affects our food production because if the polythene takes 400 years to degrade, that means that eventually we will not have any soil to plant our crops.

I would like to note that the use of sisal bags would be very good. Whenever you drive all over the EAC Partner States, you will see sisal growing. Sisal bags are long lasting, just like the cotton bags. We could also use the water hyacinth. I remember that during the Second Assembly, some of us were given bags made out of water the hyacinth. So, we have enough materials to use.

We should live by example. I would like us to start a culture whereby Members of EALA are not seen carrying anything in polythene bags in any Partner State.

With those few comments, I would like to thank the Committee and the Mover. I would like to support the Bill, fully. I hope and pray that every Member of this House will make a record of supporting this Bill so that we do our work as expected. I thank you. *(Applause)*

**Ms. Maryam Ussi Yahya (Tanzania):** I thank you Rt. hon. Speaker. I stand to support the Bill, just as I supported it when it was first introduced. I stand here in good faith, considering the fact that we have to bring comments from all the five Partner States. I would like to urge the Chair of the Committee to say something about this because we know that the comments of Tanzania are on the way. It would not be good for us to allow this Bill to go to Third Reading and pass – *(interruption)* -

Dr. Odette Nyiramilimo (Rwanda): Mr. Speaker, thank you and I thank hon. Maryam for giving me way. On a point of information, I would like to inform my younger sister, hon. Maryam that the United Republic of Tanzania had assented to this Bill in 2012. That means that all the citizens were happy with the Bill.

**Ms. Byamukama:** With all due respect, I would like to seek clarification. When we ask for comments from Partner States and they are on the way for five years or for whatever period, does that mean that we will not do our work even, when our Partner States are signatories to conventions, which in principle agree with what we are proposing to enact? I think we should be careful not to set a precedence of curtailing the work of this Parliament and tie our legs and arms from working, under the pretext of comments being on the way. (*Interjection*)

**Ms. Mumbi:** On a point of clarification.

**The Speaker:** To the Floor holder?

**Ms. Mumbi:** I seek clarification on the information given by hon. Odette.

**The Speaker:** Honourable Mumbi I am at pains to give you the floor. However, you can seek the clarification, even though hon. Odette is not holding the Floor. You have a right to seek clarification.

**Ms. Mumbi:** Thank you hon. Speaker. I heard the hon. Member say that the Republic of Tanzania had signed the Bill. However, in your Communication and information to this House a few minutes ago, you said that this Bill is new. I am seeking that clarification.

**The Speaker:** Hon. Mumbi, you are right. This Bill is entitled, *the East African Community Polythene Materials Control Bill, 2016*. What Dr. Odette referred to is a Bill that lapsed.

**Ms. Yahya:** Thank you Rt. hon. Speaker. I accept all the information. However, I will not repeat what you have just said.

Hon. Dora said that we could not wait for comments for five years. When this Bill was

first introduced, I was around. This Bill has now been introduced afresh. The point I am trying to make is that we should not make it normal that when one Partner State's comments are missing, we continue to pass a law. This is because all Presidents from all the five Partner States will have to assent to the Bill. Therefore, all the comments from all the Partner States must always be in the Report. That is why I stood to give my comments. I thank you.

**Mr. Ogle:** I would like to seek clarification. In view of hon. Maryam's position that stakeholders from some Partner States have not been given an opportunity to contribute to this Bill, wouldn't she have been right, perhaps, to ask for an adjournment of this Debate so that we incorporate the views of the others? She should have gone fully into managing this process the right way. Do I understand her statement to be in that direction?

**The Speaker:** Hon. Ogle, the honourable Member has already resumed her seat. I think her debate was that brief, unless there is any other person who has contrary thinking.

**Ms. Susan Nakawuki (Uganda):** Thank you Rt. hon. Speaker. I would like to thank the Mover of this Motion and the Committee on Agriculture, Tourism and Natural Resources for a job well done. We have really put in a lot of time into this Bill. We interacted with different groups, right from Nairobi up to here in Kigali to ensure that we incorporate different views. I would like to thank the Partner States that have found it important to curb the use of polythene bags to protect our environment.

The Partner State I come from, Uganda, in 2015, did the needful. Of course, change is not always very easy. There was some resistance, but of course, the Government



took a stand, and we are now reforming. I want to thank the Republic of Kenya. We received a gazette notice...I will read it verbatim. This is “*Gazette Notice No.2356 of the Environmental Management and Co-ordination Act, CAP 387*” and it reads:

*IN EXERCISE of the powers conferred under Section 3 and 86 of the Environmental Management and Co-ordination Act, it is notified to the public that the Cabinet Secretary of Environment and Natural Resources has, with effect from 6 months from the date of this notice, banned the use, manufacture and importation of all plastic bags used for commercial and household packaging defined as follows:*

- (a) *carrier bags – bags constructed with handles, with or without gussets;*
- (b) *Flat bags – bags constructed without handles and with or without gussets;*

*Dated the 28 February 2017.*

*Judy W. Wakhungu  
Cabinet Secretary, Environment and Natural Resources.*

This is authentic, I am glad that all Partner States are equally concerned. I am happy that as an individual I can be part of the solution. *(Applause)*

Mr. Speaker, when you get a chance to move around all our Partner States, you will see the difference in all of them. This weekend I had a chance to move around Kigali and its outskirts. I saw how clean the area was and how the drainage system was not clogged at all, even in the outskirts of the city. I then compared this drainage system with what is in Kampala, around the areas of Kalerwe and Bwaise.

I also recalled when we went to Zanzibar and saw birds suffocating because of *kaveera* on their heads. It was pathetic. In Dar es Salaam this week, there was a lot of flooding, not because of any other reason but because their drainage is clogged. The City of Nairobi has been flooding many times, and the reason is that the drainage system is clogged with polythene bags. In fact, it is a cause for all of us to be worried and to look for an immediate solution.

This is a catch 22 situation. However, it is a predicament. We have to make a decision. We are either choosing the lives of East Africans, or money. I know that these companies have invested and they are repatriating profits, much as they are giving us some small taxes. Let us copy the best example. Rwanda, as a country, is surviving without taxes from *kaveera*. Are they not doing well? *(Applause)* We have seen big hotels here, which are not in our Partner States, which have bigger economies. They are here but they do not get taxes from *kaveera*. Why can we not choose life over money this time? *(Applause)*

Mr. Speaker, when I think about the magnitude of the problem caused by *kaveera*, I imagine that we should pass this Bill right now and right here. When you look at the amount of *kaveera* that goes into our environment per year as a region, you will find that we use trillions of polythene bags. When you go to a butcher to buy meat, they put it in a *kaveera*. When you go to buy chips from a take away shop, they put it in a *kaveera*. Everything is put in a *kaveera*. Therefore, we have trillions of these polythene bags getting into our environment on a daily basis. Why can we not see this and say enough is enough?

Mr. Speaker, in Uganda we have a traditional way of cooking our *matoke*. This *matoke*

used to be cooked in banana leaves, but today people have changed this because of convenience. The banana is now being cooked in polythene bags. You know the amount of chemicals - like lead and mercury – in these polythene bags. All these end up in the food. That is why we have very high incidences of cancer. When you go to any referral hospital, you will find that the biggest population of patients is suffering from cancer. It is because of our environment. Our people are using the *kaveera* in ignorance. There is no amount of sensitization that you will use to get people to stop misusing these polythene bags. So since it poses more threats than the benefits it gives us, we had better give up on it.

I know that we are all concerned about consulting stakeholders. Indeed, we have consulted the stakeholders. We sat in Nairobi for close to a week and met stakeholders from across the board, including even their umbrella organisations. They made their presentations and we made our assessment. However, I know very well that there are Bills, which have come through this Assembly without public hearings. I do not remember having gone for a single public hearing when we had the One-Stop Border Post Bill being processed in this Assembly. We did not. I am not saying that it is not important for us to go out there – (*Interruption*) -

**The Speaker:** Hon. Susan, for the sake of records, we have two types of Bills. We have Private Members' Bills and Council Bills. Most of the time, Council Bills do not go through rigorous public hearings because they are generated through the Ministry systems and the bureaucracy that irrigates them before they come to the Assembly. That is why we do a minimum of that. However, Private Members' Bills need to be taken more rigorously to the stakeholders.

**Ms. Nakawuki:** Thank you Mr. Speaker for the information and guidance. I am not saying that we should not carry out consultations. Indeed, we have done that. As a Committee, we have devoted time to it. This Bill was to come when we were in Zanzibar. I was among the people who stood up during a sitting of the Committee on Agriculture, Tourism and Natural Resources and said that the public hearings and consultations we had done were not sufficient. The Committee accepted and we went back to the drawing board. We went back to consult further. In fact, it is from those consultations that I got convinced beyond reasonable doubt. I remembered the things that happen in my own household. My housemaid cooks food in a *kaveera*. Many times, we do not have control over this. We also go to restaurants and we do not know how the food was cooked or even prepared.

Mr. Speaker, all the stakeholders were telling us about the issue of recycling polythene bags. I then wondered whether we have the capacity to recycle the polythene bags. I answered myself and said, no, we do not have the capacity. There was a research conducted in San Francisco in the Department of Environment. In the study they found out that, you need USD 4,000 to recycle one tonne of polythene bags. From the one tonne that is recycled, you can only get back USD32 if you manufacture *kaveera*. Our economies are not doing that well. Are we going to recycle the *kaveera* and satisfy people that we can contain the problem? The answer is no. We cannot do that.

The stakeholders we met also told us that they have created a lot of employment for the people. However, the question from the Committee was this. Now that you have created employment, what kind of jobs have you given to these people? They were giving us big figures of people who have been

employed by the industry. We were shown, by use of a projector, a man who was moving bare feet with a huge sack. This man had been given a task to collect *kaveera* and take it to the factory as a way of getting it out of the environment. When I went to inquire on how much this person is paid, I learned that he was earning one Ugandan shillings per kilogramme of *kaveera* that he collected. Do you know how big a kilogramme of *kaveera* would be? One shilling is not even one cent of a dollar. This is the kind of employment that we are talking about. This man was moving bare feet and had not protective gear. He had no gloves and yet we are boasting of employment. What employment is that?

Rt. hon. Speaker, I will try to make my contribution short. I was equally concerned when we looked at the images of animals, both domestic and wild animals, which had died because they had ingested the polythene bags. Some of our colleagues have lost animals because of these polythene bags. We have also lost aquatic life because of the polythene bags. Now, sincerely speaking, are we really making money when our drainage systems are costing us a lot of money to unclog? Please, let us look at the bigger picture and forget about the small investments with which we are being deceived.

My second last issue is that the polythene bags are made out of thermoplastic. Thermoplastic is made out of oil. Now we are complaining about the high cost of fuel, but apparently, if we take away the oil that goes into making *kaveera*, probably the cost of oil and that of transporting our goods across the borders would become lower because the fuel would become cheaper. Let us consider that.

The Committee also talked about giving Partner States and the business community time to transition. It does not mean that the

moment we pass the Bill the industries will close that very day. There will be time for these people to sell out their stock and to transition their business. It does not mean that since you have been producing *kaveera*, you have to produce *kaveera* for life. You can produce other shopping bags. Many shopping bags are produced from cotton material. You can as well do that.

I also have one other issue. When I look at page 9 of the Committee Report, recommendation No. 4 says that Partner States should develop a law to compensate all those who lose their lives and wealth due to the use of plastic. We had discussed this at the Committee level and I thought we had abandoned it. According to me, it is not practical. If somebody died from using a polythene bag, how would you get the government to compensate him or her? The best solution is to get rid of the polythene bags so that we do not have this problem arising. It is my humble request to the Chair that we abandon this recommendation. Thank you.

**Mr. Mike Sebalu (Uganda):** Thank you very much Rt. hon. Speaker because in your wisdom, and in the wisdom that of the Commission, you found space for this Bill on the Order Paper. It is a gesture of goodwill that it is well appreciated by the Committee.

I have been a Member of the Agriculture, Tourism and Natural Resources and on 4<sup>th</sup> June, I will make ten years of service in this distinguished Committee. (*Applause*) So when you talk about issues of institutional memory, mine is demonstrated – (*Laughter*). It is not anticipated but demonstrated. I have been following some of these issues, and the function of time is, indeed, very useful in some of these matters.

Rt. hon. Speaker, every generation has a historic mission to deal with challenges of its time. One of the serious challenges of our time is climate change and its adverse effects. I want us to appreciate this. We are having very erratic rain patterns. In Uganda, which I am very knowledgeable about, we have not experienced drought of a magnitude that threatens food security to the levels we have witnessed recently. This has happened in the entire region. We are in the Great Lakes Region, but you will find that we cannot get sufficient amounts of rainfall. These are serious issues that we need to interrogate and for which to get solutions.

I am not going to dwell on the negative aspects of the kaveera or polythene bag. That is well known. If anyone is in this room and is still of the view that that is the best way to go, then that person may need serious prayers. That is known. All the stakeholders that we engaged with agreed with that fact. There was consensus on that matter. The issue is how best we can wriggle out of it.

I think everyone agrees that the polythene materials, and especially the carrier bags, have done more damage than good, even to our economies and to our environment. So, going to that debate at this level is stating the obvious. Therefore, I want to elevate the debate to real issues.

The issue is about leadership. That is where I will put emphasis. It is about leadership. Many things have happened, and they have been demonstrated to be applicable in our Partner States. The reason has been committed leadership towards decisions taken for the common good of the people.

Rt. hon. Speaker and honourable Members, we should not lose the war in order to win a case to allow *kaveera* to continue being produced and we close our eyes to the facts

that we have in our own capitals, homesteads and environment. We need to appreciate that there is a problem. The problem needs a solution, and the solution entails that leadership must take lead so that we get a solution to this.

I believe that as you are seated in that Chair, you are a leader and, indeed, a good one. You are leading a team of other formidable leaders in this House. If there is any Member seated in this House who does not consider himself or herself a leader, then we need another round of prayers. (*Applause and Laughter*) I want to stand and state that if there is one person who is ready to stand up and say that he is a leader, I am already standing and pronouncing myself. We need to offer leadership to this region. We owe this region leadership on matters that are very critical to the lives of people.

Rt. hon. Speaker, we must always look out for the common good. So, what is the common good? Common good is the health and welfare of our people. *Kaveera* stands in the way of that. As leaders, we need to identify the problem and come up with a solution as EALA. My definition of EALA would be that it is a forum where leaders meet, look at problems, and come up with solutions. This is exactly what we are doing through this Bill. We are doing our work, and that is what all East Africans expect of us. Therefore, the common good of our people is good environment.

We are talking about a people centred Community, so if we do not go out there to see what makes their lives tick and therefore create an enabling environment, then we will have renegaded on our obligations as leaders of this region.

Rt. hon. Speaker, to be a good leader you need to be concerned about what is needed.

A leader is one who says what people do not want to hear and not what people want to hear. There are many things that people want to hear. In all our Partner States, there is one area of life that if you and put it up for a referendum it would lose miserably. That is the issue of taxation.

Even if you go to the most developed nations, like the United States of America, and you put a referendum on tax, tax would be abolished. If you took a referendum on tax in all the six Partner States of East Africa, tax would lose, and it would be abolished. But what do we do as leaders? Once put tax in place, we go ahead and explain the benefits of taxation to the people. Likewise, people want to hear that *kaveera* is good and that the manufacturers are happy. However, we must say that it is a problem. We should then go out and explain the problems thereof. That is what leadership entails.

I will take it to the domestic level. You know that we have the issue of HIV and AIDs. This is real. Those of us with teenagers in our homes must come out to guide them properly. Otherwise, the young people will want to be addressed in a manner that pampers them. When you see him changing girlfriends and then you tell him that he is a dot com, the guy swaggers – (*Laughter*). However, you must tell him that, look here young man, HIV/AIDs is real! Are you sure you are safe? The young man may not want to hear that. He would like you to talk in a manner that displays his prowess. However, you cannot do that because you have a responsibility. Tomorrow, if that young man were infected by HIV/AIDs, you would live to curse and regret why you did not say it. That is leadership at the micro level.

At the regional level, we have to offer leadership knowing the threat levels and the challenges we will face with this kind of a

problem. This law provides us an opportunity to show leadership. That is exactly it. All East Africans are waiting to see whether there is leadership at EALA. I believe and trust that the leadership is there. (*Interjection*)

**Mr. Mukasa Mbidde (Uganda):** On a point of order, Mr. Speaker, this is becoming persistent. Is the Rt. hon. Member in order, because his is a debate to threaten any intending opposers that they will not be exhibiting leadership? Is he in order?

**The Speaker:** Thank you hon. Mbidde. The fashion of debate of hon. Mike Sebalu is such that he is driving you to the extent that you feel that leadership is what he is saying. However, you have a chance to answer him back and say that leadership is what you will be saying. This is debate.

Hon. Sebalu, please, proceed.

**Mr. Sebalu:** Rt. hon. Speaker, there is a saying that the guilty always run away even when there is no one chasing them. (*Laughter*)

I did not mention anything. I did not say that so and so is not a leader. I am as innocent as innocence can be. I am not imputing any wrongdoing on anyone, but it is one's role and opportunity to demonstrate that he is a leader. I am trying to demonstrate that this august Assembly can offer leadership on a matter of importance like this one.

I was simply saying that this law gives us an opportunity to lead from the front. When you see a problem, you should sound out the entire region and come up with legislative measures to ensure that all is well. Our leadership and influence is – (*interruption*) -

**Ms. Mumbi Ng'aru:** Mr. Speaker, I thank you hon. Sebalu for giving way, and on a

point of information, I want to agree with him about leadership.

In the Committee, as we were dealing with the different Partner States, we learned that the Republic of Uganda had a government statement on how to deal with this issue. That was leadership at the Partner State level. In Kenya, we have had the same thing. All the leaders in East Africa are trying to deal with this issue because it is a problem. This is leadership at all levels, and that is why all leaders must sit and agree on the way forward.

**Mr. Sebalu:** If that were the case, then we would not have thought about integration. We would go our separate ways. Integration means that there are those things that we can do together. That is why there is EALA. EALA being in place does not mean that we do not have national parliaments. However, we have EALA to manage the transnational aspects of it. This approach is being handled at a transnational level. That is why we have areas of cooperation. It is in those areas of cooperation that we have mandate to legislate, and not areas that are not under cooperation.

I believe that the information is well taken. However, I have shown that even as we have national initiatives, as an integrated entity we have a responsibility. Otherwise, we can easily say that since there are national parliaments we do not have any business to do, and we go home. However, we are undergoing electoral processes to have the continuity of regional laws being enacted to give effect to those issues that need to be attended to at the regional level. That is the reason that we have been consulting.

Rt. hon. Speaker, all the national environmental authorities have been consulted. All of them answered in the

affirmative in terms of their support. These are government agencies that are specifically put in place to deal with issues of the environment where this subject matter falls. We have consulted all of them. We have their no objection statements to this law. Therefore, basically, we are doing what we are supposed to do. *(Interjection)*

**Ms. Hajabakiga:** I thank hon. Sebalu for giving me way, and on a point of information, I just want to say that the reason we have to deal with this as a cross border issue is that plastics are a trade matter. If there is an area that is very well covered and working in this region, it is that of trade. We need to deal with this matter as a region.

**Mr. Sebalu:** Rt. hon. Speaker, I want to thank my sister for that information. As I conclude, I simply want to say that it is also good practice for us, as a region, to see certain best practices within our individual Partner States, which have good value addition to the welfare of our people. We may not need to reinvent the wheel.

What we need to do is to mainstream and to come up with a legal regime and legislation to give legal effect to that kind of intervention to apply across the region. This law recognizes the fact that all our Partner States have different interventions that they have put in place. They have different policy frameworks that are in place. However, we want this law to be coordinated or to apply at a regional level so that it becomes an incentive, even for those who may be dragging their feet to upscale their level of intervention for the region to begin enjoying. We want people to talk about East Africa as an environmentally friendly destination. However, when they talk about it, they are essentially talking about Kigali in Rwanda. We want the entire region to be attractive from the viewpoint of environment. Even in

terms of tourism, we are likely to get increment in inflows because people will be coming to a region that is weather and environmentally friendly. We want to mainstream best practices and upscale them to a regional level so that when we package ourselves globally, we are a unit and an authority to respect in many of the interventions that we make.

Finally, I want to call upon my honourable colleagues and friends. This is a very innocent law. It is user friendly, it is pro-people, pro-devolvement, it meets international standards and everyone who considers himself or herself a progressive leader must support it. I thank you. *(Applause)*

**Mr. Mukasa Mbidde (Uganda):** Thank you Rt. hon. Speaker. I equally associate myself with the submissions of hon. Sebalu in as far as the description of a proper leader is concerned, to the extent that a good leader is not that one who says what people want to hear, but what they need to hear.

First of all, I would like to tell this august House that I am in support of the Report - *(Applause)* – however, I have some clear details that I need for the purposes of fulfilling the extent to which it has become the objective reason that made it a logical necessity for the Bill to be moved by this august House.

Polythene materials, world over, are a great menace. I agree with the Report. A recent report by the UN indicates that 75 per cent of the world's employment opportunity, the source is water. Therefore, any effect that is subtended against the free flow of fresh water is what causes unemployment in the whole world and not in East Africa only. Therefore, when one comes up with a Bill intending to foster good environment within the EAC, that

kind of a person should not only be supported but also credited.

When one is discussing a Bill of this nature, one needs to be advised not to rely on the rudimentary or ordinary packaging materials. When one refers to paper materials, it is also commensurate with deforestation. You must cut trees to produce paper. Therefore, in the same vein, when one talks about plastic materials, they have to be extremely detailed. For example, there has to be a difference between what we are banning and what I am seeing in front of me here. The Bill has to reflect this.

Mr. Speaker, we must be the people who will give a solution to a problem that is facing us in the EAC region. A Bill of this nature, first of all, needs to explain the extent of coverage of the intended ban. This has to be reflected. What is being banned, exactly?

There is a difference between a Bill being descriptive and being definitive. What we are touching is scientific. This is a scientific ban. We are not banning everything per se, because we have what is here and yet we have banned the use of plastics here in Rwanda. Therefore, the Bill must show us what is being banned. We should not just have a schedule describing where it is being used, like in industries and hospitals, among other places.

The schedule only touches where the materials are taken. It does not tell us what materials these are, and their absolute chemical content, or what they contain in terms of formula. The schedule must indicate the formula content if we are not banning the use of plastics per se. I am trying to help the House and my aunty.

I support this Bill, but there is some amount of work we need to apply to this Bill. We

must answer this question. Is this Bill punitive or curative? Are we punishing the innocent industrialists that we allowed, in the first place, to invest in this business? We are not doing that, but we are curing the problem that we must understand. Therefore, we need a process of recuperation. We do not want to take East Africa into an economic shock.

There must be a process of how to handle the industrialists that have already engaged in this business. By the way, this is also for purposes of curing multiplicity of suits. We have been taxing these people. These countries have benefited from taxes paid by these same people. There can be a ban, which is easier to implement, and one, which is not as easy as one would have wanted it to be. This is equivalent to a ban on the production of tobacco, for example, and tobacco smoking. (*Interjection*)

**Dr. Odette:** On a point of information, the Bill is not banning but controlling the use of polythene materials. Therefore, it is just for control. At this time, it is very difficult to ban the use of plastics.

**Mr. Mbidde:** Thank you very much. The control has to be reflected. It is not reflected per se.

**Ms. Hajabakiga:** On a point of further clarification, I want to thank hon. Mbidde for supporting the Bill and for saying that this is a working document, as far as the Assembly is concerned. The Bill can still be amended. If there is anything new, the amendment can still be included, if the issue is not in the schedule, as long as we agree that it is important. Whatever he has raised can be done during the amendment period.

**The Speaker:** That was information to you.

**Mr. Mbidde:** Thank you Rt. hon. Speaker. I was saying that a schedule for the purposes of the inclusion of scientific formula in terms of what has been banned or what is being regulated cannot come from this august House. It must be part of a memorandum, which, in terms of our law, is conclusive, is self-explanatory. This cannot be a subject of an amendment before the House.

In my opinion – and I support the Bill entirely, by the way – I want this House to come out as a regional Assembly that passes a regulatory framework that is clear and concise for the purpose of creating an EAC that is safe for all of us.

The Bill talks about polymer. What is the polymer content of what is being regulated? This has to be known. This Bill is entirely scientific. When you look at its interpretative section, you will see that we must handle it properly for purposes that we may close industries that we did not intend to close in the first place merely because of a bedrock that we have established at the regional level.

**Dr. James Ndahiro (Rwanda):** On a point of clarification, I just want to ask hon. Mbidde whether we can all become scientists overnight. The legislation process assumes that what the Committee has done and what we are considering are legal provisions. Otherwise, the scientific content, the discipline and formulas, require consultation with researchers and the literature that is out there. However, I do not think we can become scientists overnight.

**Ms. Hajabakiga:** Hon. Speaker, if hon. Mbidde had given himself time until we eventually go into the Bill, he would have realized that the implementation of this Bill at the Partner State level is in the hands of environmental authorities who are



knowledgeable in the sector, and they are scientists. Therefore, not everyone can be a scientist. Hon. Ndahiro has elaborated that we cannot all be scientists. Thank you.

**Mr. Mbidde:** Thank you Rt. hon. Speaker. Obviously, I do not intend to turn any of the Members of this Assembly into a scientist. However, what I am saying is that a Bill of this nature intends to regulate.

Of course, one of the objects of conducting a public hearing is an establishment that industrialists conducted a hearing, and that this Bill is actionable per se. The provisions of an Act must be actionable. However, the provisions of a Bill that are only descriptive and not definitive, and which only intend to regulate and not even ban, and where the particulars being regulated are not mentioned, only engages this House - and the whole EAC - in a macabre dance of some nature.

The Assembly needs to give time to this Bill, if it is to achieve the objects for which it is being established, one, to the extent that coverage hereof is realized properly and, two, for purposes that even the industrialists who are honest investors within the EAC, who obtained the imprimatur of the EAC leadership to invest in this area, well knowing that issues of environment have not started today, are also given time. There must be a framework for purposes of providing for the extinction of these industries and the economic loss, and how we can provide for a procedure through which the EAC can handle, by way of a scaling-down programme, the production of these polythene materials. We can also, by use of such a law, give a description that provides for what is acceptable within the EAC so that industrialists engaging in production of what has not been banned can continue. This Bill

does not provide the same. This law can do so. However, it needs to – (*interruption*) -

**Dr. Ndahiro:** On a point of information, Mr. Speaker, I think that the framework or the timeframe is enshrined in the Bill. I understood this to mean that the Committee gave a grace period of up to 18 months, and even so, there is a framework embedded in the law that the Council of Ministers has the ability to change, reduce, add or even amend the Bill. Any East African can move an amendment to the Bill thereafter. However, I think the period and timeframe are provided for.

**Mr. Mbidde:** Rt. hon. Speaker, I do not want to go into the intricacies of what the honourable doctor is saying because the time provision within the Bill does not cure what I have presented before the House. In any case, it only provides for the time within which – these are different frameworks. The time provided is not for purposes of amendment of this Bill. It is on implementation, and that is what I am talking about.

Finally, I support the Bill. East Africans need a free and safe environment. They need employment, harmony and an Assembly that comes each time a question arises for the betterment of their own.

**The Minister of State for EAC, Uganda (Mr. Julius Maganda) (Ex-Officio):** Thank you very much Mr. Speaker. I have read this Bill, and I have read the other documents, which are attached to it. I want to state categorically that I support the Bill. (*Applause*)

The Report that was presented by the Committee has touched on the implications, and especially the problems that the EAC Partner States have suffered due to the environmental degradation caused by

polythene materials dumped, and yet we have no remedy to cure the situation based on the cost of having the material out of circulation, or out of our environment.

Mr. Speaker, this is a popular Bill across the region. I think that Partner States have attempted, even within their own policies, to see how they can control the manufacture and use of polythene materials, but there is only one thing that I want to bring to the attention of the House. We passed a Bill here some time ago, which had originated from the Executive on the non-tariff barriers (NTBs). There are issues that arose from the business community that almost caused the Summit not to assent to the Bill, based on the areas that the business council had brought out in their petition. There were many negotiations that involved the Speaker who finally convinced the Summit to assent to the Bill. Thereafter, some amendments were moved.

A situation of that nature is what we have in this House today. We have our own business council that has put a petition before this House. This Council is representing a very big team of the business community who operate within the region. As you know, we as the East African Community, build our mandate on a people-centred community with a private sector driven perspective. Now, the East African Business Council, in its operations, is representing the private sector and they have put a lot of information here. When I read it, I see that it is relevant for us to consult with them on a few areas.

When I look at the would-be amendments and the proposals that the Business Council is making, I see that we have not captured them. What is most important to note is that we could have given them space, listened to them, and then bring out these issues together in our Report, because this would impact on the amendments.

Mr. Speaker, even the transition based on whether this Bill will have a prohibitive element has not been captured very clearly. These are some of the things that we feel we can do. At a certain time, there were standards given by the East African Bureau of Standards - which is the body that controls production, especially based on the private sector - regarding the microns of the polythene that we should produce.

We believe that no government in the EAC has an industry producing polythene. This is entirely private sector driven. I just wanted to bring to your attention the fact that we derive our understanding on consensus. We come here as an Assembly, we discuss issues and we go back to consult with our national assemblies and other stakeholders within the Partner States, and then we come back to build consensus. That is also how the Council runs its affairs.

Now, the fact that the petition is coming from the East African Business Council, I have a feeling that we should give them time. They have proposed to have around four weeks or less. We should listen to them and see how their input will either make changes or not, so that we build consensus and then we move this Bill without coming back to the House to seek to amend it. Thank you Mr. Speaker.

**Mr. Abubakar Ogle (Kenya):** Mr. Speaker, I made my position regarding what I think about this Bill from the onset through my interventions. However, I have been provoked to make this contribution by my good friend - of late he has become my very good friend - hon. Mbidde.

At the time that he was making his submission, I was able to do some little research, and I think it is in the interest of this

House to get this information. With your permission, sir, I will read it.

**The Speaker:** Proceed.

**Mr. Ogle:** Now, how long does it take to decompose the following?

- Paper towel – two to four weeks
- Banana peel – three to four weeks
- Paper bag – one month
- Newspaper – 1.5 months
- Apple core – two months
- Cardboard - two months
- Cotton gloves – three months
- Orange peels – six months
- Plywood – one to three years
- Wool soap – one to five years
- Milk cartons – five years
- Cigarette buds – 10 to 12 years
- Leather shoes – 25 to 40 years
- Tin/steel can – 50 years
- Plastic cups – 50 years
- Plastic containers – 50 to 80 years
- Aluminium can – 200 to 500 years
- Plastic bottles – 450 years
- Disposable diapers – 550 years
- Monofilament fishing line – 600 years.

The list goes on. The idea here is that for those who are concerned about what is lately being called the global greenhouse effect, you should take part in ensuring that these things are protected. The issue here is that plastic bags have been criminalized as the source of all these environmental pollution. It is one of them. When people invoke the issue of the environment and the need to protect environmental interests, we should not look at this in a narrow perspective.

Hon. Susan, Madam Quorum, referred to - *(interjection)* -

**Ms. Nakawuki:** On a point of order!

**Mr. Ogle:** Sorry, I apologise - *(Laughter)*. I apologise and withdraw.

**Ms. Nakawuki:** Hon. Speaker, much as hon. Ogle has said that he has withdrawn, he did that on purpose. He said it on purpose and now purports to withdraw. Is he in order to call me “Madam Quorum”? He just wants to collect *mnyagwa* and leave rather than attend plenary.

**The Speaker:** Hon. Ogle, in our books of records of the gazetted Members of this Assembly, there is nobody called “Madam Quorum”. I am glad that you have apologized and withdrawn. Thank you. Proceed.

**Mr. Ogle:** Yes, I withdrew. Anyway, she referred to the case of Rwanda being the cleanest city. Let us be very clear about this. Rwanda’s cleanliness is owed to its leadership, right from the top, all the way down. *(Applause)* The leadership has ensured that these things do not happen. This has nothing to do with plastic bags. *(Interjection)*

**Ms. Hajabakiga:** On a point of clarification, Rt. hon. Speaker, I have been in this country from 1994 up to date. We had piles and piles of plastics all over, including in the soil, until 4<sup>th</sup> October 2004 when a programme was launched after the Cabinet approved a policy. We tested it.

His Excellency the President was in Kaciri, and just opposite his office, as they were trying to remove what they thought was just on the surface, they ended up digging deep down and they could not even finish pulling out all the plastics. The following week, he came to the Cabinet and said that we had to stop the use of *kaveera*.

Let me tell you the truth, we used to have litter everywhere, just like in any other Partner State. Sixty per cent of the garbage in

the study that we did was of plastics. This is what the principle of reduce, reuse and recycle means. We have to reduce the amount.

We cannot ban the use of plastics entirely because it has to be used in many other things. However, we can reduce the amount that is a big menace, and for which we can find alternatives. These are the carrier bags. That is what is provided for in the law. The rest, we agree, can be used in a more regulated way. However, on that particular one, the proposed Act is for total ban of carrier bags, and it gives a time frame.

**Mr. Ogle:** Precisely! What my good friend, hon. Patricia, did was to confirm the statement I was making. This is precisely about leadership. The leadership was involved in it, and it is still maintained to this day. This leadership, which top – down, is what has made Rwanda to be the cleanest city, not only in Africa, but also among many parts of the world. I think we need to appreciate that - (*Applause*). That is very critical.

There is also a tendency of an impression created that in this battle, in the war against environmental degradation, Kenya is a pariah state. It is not. Let it go on record that one of the most internationally acclaimed environmentalists in this world, who got no less than a Nobel Prize, was a Kenyan,; the late Wangari Maathai. Therefore, in matters of environment, we are also leaders. Do not make it appear as if Kenya is a pariah nation. Do not say that it is Kenya's opposition that wants to stop these matters of the environment and the plastic bags and all these things.

One other thing that I need to make clear is that the largest producer of plastic bags and accessories, which causes environmental

degradation, is the United States of America. However, if you go to the US, you will not see plastic bags flying all over the place, like it happens in the pastoral parts of the country where I come from. Why is this? This is because of regulations in the management of waste. Plastic bags are one of them, but we should be emphasizing more on waste management.

What the Kenyan stakeholders have done in their very comprehensive submission to the Committee is that they have given a detailed way of how this issue should be managed. They are even talking about creating levies - some form of taxation and some incentives, and coming up with disposable projects and biodegradable projects. They have listed all those things. I think it is only fair that these things are considered accordingly.

As the Minister was suggesting, it is only fair that we hear from the technical arm. We are here to make laws on their behalf. If they are saying, “look, we need to capture this and that in this Report”, I think it is only fair that we listen to them. We are not going to create legislation in a vacuum. We are doing it for them and for the East Africans. Those are the business people that we are doing it for. So, we must listen to them.

I am sorry to say that the Bill, as it is currently, does not truly capture the essence of what the stakeholders want. By the way, let me make it very clear. We are saying that these manufacturers could be stationed in Kenya. However, among those manufacturers who are doing this business in Kenya are two Rwandese companies. Two companies from Rwanda are operating from Kenya. That is a fact. Anyone can check. We are excited about that in Kenya because they are giving us jobs, since plastic bags are not allowed here. The point is that they are doing - (*interruption*) -

**Dr. Ndahiro:** On a point of clarification, Mr. Speaker, I want a clarification from hon. Ogle on whether those two Rwandese companies in Kenya are involved in the manufacture of plastic materials.

**Mr. Ogle:** Yes, I can confirm that they are involved in the manufacture of plastic materials like sweet wrappers and so many other things, but they are plastic manufacturers.

**The Speaker:** Honourable Members, before you proceed with the debate, what is obtaining here is to come up with a legal framework to control polythene materials. We are not bothered about which East African is doing it where. That is very important.

**Mr. Ogle:** Thank you Rt. hon. Speaker for making that clear. We are not talking about Kenya versus Rwanda or this versus or that. We are talking about laws for East Africans. The bottom line is that we are all determined to control this issue, but let us go through the process. Let us go through the motions. It could be long, and painful, it could take another 10 years, but provided we do it the right way. (*Interjection*)

**Ms. Hajabakiga:** On a point of clarification. I have continuously heard hon. Ogle referring to leadership and many other things. I agree that in Rwanda, we have good leadership. However, is he insinuating that the other leaders in the other countries cannot show leadership in this matter once the Bill is in place? That is one.

The second issue is this. The Bill is not about waste management. Waste management is a very complex industry, which needs to be looked into by East Africans. As I had said, there are three principles of waste management. One is to reduce. That is what

we are doing by looking at the biggest menace of our waste, which takes up 60 per cent of our waste. These are the carrier shopping bags, and that is what is contained in the Bill. I do not want people to mix the issue of waste management and this particular Bill. That is the clarification I wanted to make.

**The Speaker:** Honourable Members, as you debate, it is also my duty to guide debate towards a given direction. I do not see anybody debating against the spirit of this Bill. What is obtaining now is the question of when. Let us narrow the debate along that side to help this House proceed more easily.

Hon. Ogle, please conclude.

**Mr. Ogle:** Mr. Speaker, with respect to my good sister, hon. Patricia, environment and its management is a very wide and broad issue. Taking out one issue against the others when we talk about plastic bags, for instance, and yet environmental degradation also includes the pollution we are facing lately from *boda boda*, car emissions and all those things may make us seem like we legislate for every small issue that comes up or as we see them. We should create a very broad piece of legislation that will cater for everything across the board, and that is what the Kenyan stakeholders are talking about.

By the way, they have a very comprehensive submission, as I have stated. Let us look at waste management. That is what this Bill should be addressing instead of looking at it from one single point. I thank you.

**Ms. Oda Gasinzigwa (Rwanda):** Thank you *Mheshimiwa Spika*. I stand strongly to support the Bill. As you guided, I will not to go back to the effects, challenges and dangers that we have, because this has been well elaborated by the Committee, which I want to

take this opportunity to thank. I especially want to thank the Mover for this important Bill. The effects, as I said, have been looked into in the areas of health, in climate change and so forth. I stand mainly to talk on the challenges that I see regarding the time frame.

To me, this is an urgent issue in the sense that, when I look at the history of what happened when this Bill was first introduced in the Assembly and the efforts that have been made by the Assembly through the Committee, today we were supposed to move forward and not waste time. The issues and concerns that have been clearly put by the members of the business community, which I take seriously and with a lot of respect, have been given room in this Bill.

One, when you look at the report, you will find that members of the business community were given an opportunity by the Partner States, either through forums or through Members of this Assembly who have been eager to work with the business community. I think it is wise to consider that the issues, which have been presented by the manufacturers and other members of the business community, have been captured in this Report.

The Report and the Bill have been very flexible because they provide an opportunity to the Council of Ministers. Whenever there is anything, which the Council feels should be taken into consideration during the implementation – the Chair of the Committee explained this – they should bring those ideas that are not stipulated in this Bill. There is room provided for that.

I was happy to see the list of exempted polythene materials. This Bill gives us a chance to look into issues that we have not exhaustively looked into.

*Mheshimiwa Spika*, taking into consideration that the Committee was very keen to look into, not only the ideas from the Assembly itself, but also carrying out outreach and listening to the manufacturers, I think this is a good step that we all need to support. We need to continue to encourage the business community and to explain to them that this is being done in good faith because this is our Community. We should tell them that we are concerned about our industries and about employment, but we also have an obligation and a mandate to look into issues that may affect the health of our people.

I read in one of the studies that the total amount of energy required driving a car on one kilometre or 0.5 miles is equivalent to the energy required to produce nine plastic bags. If you go into other research and studies, Your Excellency, you will see that – (*interruption*) -

**The Speaker:** Hon. Oda, our rules do not recognize anyone referred to as “Your Excellency” unless a member of the Summit is in the House.

**Ms. Gasinzigwa:** Thank you Rt. hon. Speaker. I was about to conclude by saying that to me it is not that the Bill is urgent, but the issue is the time, as you said, and I think this has been covered by the Committee. The business community should understand the urgency of this Bill. Once again, I support the Bill, and request my colleagues to do the same. Thank you.

**Mr. Twaha Taslima (Tanzania):** Thank you Mr. Speaker. I rise to support the Motion. It is time that we thought seriously about our environment. This time we have come up with the East African Polythene Materials Control Bill, but the issue now is how to put this into practice.

There are three things I have looked into and which I want to share with the House. One is about transition of the existing national environmental laws and about public awareness. Some Members have talked about these things. I will not belabour so much on them. However, I would like to say the following.

Regarding the transition, we know that this is a matter of remarkable investment. Therefore, we will need to have investors either looking at alternatives, or diversified kind of investments to be able to come up with real impact. If that is the case, then what have the stakeholders said? What the stakeholders have said is contained in the Report of the Committee. I do not need to say much but if you look at page 4, the findings regarding Burundi are very clear. The findings say that the government is now reducing importation of plastic materials by promoting alternatives to plastic bags. The good lessons to learn are usage of materials from bananas fibres and sea plants, promotion of bamboo, production of alternative plastic materials, planting herbs and things like those.

In Kenya, you will find the need to cater for incentives in the industrial sector. The Bill should be clear on the steps to be taken after its assent. (*Interjection*)

**Ms. Byamukama:** On a point of clarification, I just want to ask a humble question. If there were a manufacturer who was producing poison, would we be so lenient with such a manufacturer? When you talk about the issue of menace, we are being very polite. This is a dangerous substance, which has been established to be dangerous, and here we are, babysitting investors and manufacturers. I am sorry but does it really make sense?

**Mr. Taslima:** Mr. Speaker, this is more of a cross examination than any other thing. I will reply as follows.

We have talked about good governance. Good governance is about the practicability of any law that is being put in position. Secondly, we have said that the polythene materials are now in vast use all over East Africa except in Rwanda, which has gone steps ahead. Therefore, if that is the case, if you say that from tomorrow any person caught holding a plastic bag will have to go to jail or be fined, people will not like you and they will not like your piece of legislation. People will not take up what you have said and put it into practice.

I want to give an example of what has happened in Tanzania as an answer to my sister's question. In Tanzania, there was a ban on polythene bags. The same law said that there were some polythene bags that were acceptable. A layman may not know much, so we were told that those polythene bags, which are very fine and soft and which do not make a lot of noise when you touch them were the bad ones, and that the good ones would make a lot of noise when you touch them. That is how things happen in our Partner States. At times, you will find that when there is a short supply of a certain material, people will look for any other alternative that is around. So, eventually we went back to using both types of polythene bags.

I wanted to say that for the sake of the transition period. This period must be provided for in our piece of legislation, and people must be - (*Interruption*) -

**Ms. Hajabakiga:** On a point of information. Rt. hon. Speaker, I thank hon. Taslima for giving me way and wish to inform him that he gone through the Bill, he would have seen

that there is a timeframe provided. Furthermore, if he goes to the amendments, he will find that this time has been increased from one year to 18 months. This is in the Committees proposed amendment. But let me also say that if the Republic of Kenya has gone ahead to provide for six months, what will happen, because we are already talking about the same subject? For them they have already provided that. The gazette notice is already out. Rwanda has already implemented. We are talking about those who have not done anything. Once this Bill has been passed, it will take precedence over national laws. Therefore, it is better for us to provide more time than the Government of Kenya is providing.

**The Speaker:** Hon. Patricia, I will guide you. You know that you have to answer at the end of the debate. You can write down the issues for now.

Hon. Taslima, please conclude, and for any Member who will come after him, please note, not more than four minutes.

**Mr. Taslima:** Mr. Speaker, there are laws that exist today. However, those laws are on this same issue. We have to see how this law will be superior as far as national legislation is concerned. This is of course going to be a super law because it is a regional law. The laws should augur well and be practical.

My last point is about public awareness. On Page 4, the Report talks about how these people have experienced problems. For example, in Uganda, public awareness is continuing until today. Uganda is at page 6 at the bottom. This one says "*Uganda has had a law on plastic ban from 2015, but to date there are continuous awareness creation campaigns.*"

If this law has been there since 2015 and now we are in 2017 and the campaigns on awareness are continuing until today, surely – (*interjection*) -

**Mr. Sebalu:** Mr. Speaker, the information that I want to give to my respected honourable colleague is that awareness creation is a continuous process. Even when you get to the level of implementation, at all times, there are people who... This is just like talking about taking children to school while others have become responsible citizens. You must keep on engaging. That is why even in our faiths, every Friday or Sunday we go either go to a mosque or a church to get more awareness about our faith.

**Mr. Taslima:** Mr. Speaker, as I conclude, I think what hon. Sebalu has said is good, and that is what I was saying. Since this issue is supposed to be continuous, a provision should be there in our law to show the time we have started and the continuous efforts we are making so that the law is actualized. For the sake of time, Mr. Speaker, I thank you very much.

**Ms. Nancy Abisai (Kenya):** Thank you very much Mr. Speaker. I would like to start by thanking the Mover of this Bill, and to congratulate her for a very good initiative.

I think the issue of polythene bags is something that none of us like. This is not something I can belabour because everybody has talked about it. The issue is so big that you can do a whole thesis on it. What we have mentioned here is just a tip of the iceberg. You can do a whole thesis on the disastrous effects of these polythene bags in our communities. It has effects both on the environment and on the wellbeing of East Africans.



Many of us have talked. I do not want to be repetitive on what has already been said. It is important that we, as EALA 3, leave a legacy that we did something in terms of pronouncing ourselves to matters of environment by passing the Bill.

I would also like to tell my dear sister and colleague, hon. Patricia, that prior to coming to EALA, I was a regional director of an organization that also dealt with environment. Therefore, I understand these issues, and I can talk a lot about them. However, I would like, at this point, to associate myself with the remarks by the Minister from Uganda in terms of how we are moving forward, with the following reasons.

One, there is what we refer to as the ideal situation and then there is the practical situation. The ideal situation is that because all of us have been convinced, including myself, about the dangers of polythene, we need to go ahead, adopt the Report and pass the Bill. That is in order, and that is the ideal situation. However, the practical situation, because everything is a process, is that we need to be alive to the happenings around us, which we cannot ignore. As a legislature, we are politicians and we understand. We cannot close what we understand.

In my community in the past, when a girl was seeking to get married, one of the tests they would give her was to carry a pot of water on her head. She would be told to be careful so that the pot does not break when she reaches the door. In short, the Mover of this Bill has been very patient for a very long time. Therefore, I would like to beg her indulgence - and I want this to come from her so that we build consensus.

We should allow some of these concerns and petitions that have been raised to be discussed. If we have waited for four of five weeks, an additional month would help us to

gain consensus and even start on a point where we move in tandem as a House. With a lot of humility, I am humbly requesting this. This is not about who has refused what, or about Kenya refusing. That is not the point. When someone raises a concern, depending on the information coming in, we need to listen so that we can move as a team because we are seeking to build consensus. If we move in that spirit, we will achieve a lot. That is my humble request in terms of how we should proceed with this Bill. Rt. hon. Speaker, I submit.

**Ms. Shy-Rose Bhanji (Tanzania):** Thank you *Mheshimiwa Spika* for giving me this opportunity to contribute to this very important Bill for East Africans. I would like to begin by congratulating the Mover of this Motion, *Mheshimiwa Patricia Hajabakiga*, considering that this is a very important Bill, which is long overdue.

*Mheshimiwa Speaker*, world over, environmental degradation of any kind is a major threat to human life. With this awareness of environmental threats to human life, we need to take every precaution and to apply the three principle “R”s, which are “reduce”, “reuse” and “recycle”, but also to terminate further production and amplification of any non-biodegradable polythene bags since they pose a big threat to human beings and to our environment.

From experience, polythene materials - although very useful and all of us have been using them every day, I confess that I use them all the time but I feel guilty whenever I do it - they pose harmful effects to our lives, especially after use. Plastic bags, which are used for packaging in our supermarkets and shops, are very difficult to dispose of. After using them, we do not know how to dispose of them, and as a result, you will find the plastic bags lying all over our cities. Unless

there is the right technology to destroy these plastic bags, we will continue to have them and yet they are not good for our environment.

Mr. Speaker, the popular practice is that after usage, plastic bags are thrown everywhere or buried underground. As a result, they do not decay and that is a problem for our environment. I will give an example. Whenever a murrum road is being upgraded, the contractors have to dig a few metres underground, and there you will find plastic bags all over.

Environmental preservation worldwide has given considerable attention to the negative effects of plastic bags. We in the EAC are duty bound to support this campaign and to join hands with all the countries that have been in the forefront to ban plastic bags. Not only is polythene a threat to human lives, but it is also a threat to animals and vegetation. For example, a cow that eats polythene suffers from indigestion, which is also harmful when human beings consume the cow meat. According to science of the soil, polythene does not decay. That means that you cannot plant anything in an area where polythene has been buried.

Agriculture is the backbone of our economies here in East Africa. Agriculture employs millions of East Africans. If we continue to give room for the production of plastic bags, well knowing the hazards to our environment, then we will be exposing our future generation to a very bad future.

During our public hearing in Nairobi, experts gave us very good insights. I was very ignorant about the negative effects of plastic bags. However, my Committee Members will agree with me that the public hearing meeting was very useful and insightful. I requested that the whole House be taken through a workshop so that everybody can understand

the negative effects of plastic bags. However, I am happy that almost the entire House agrees that the use of plastic bags and continuation of its production is not a very welcome move.

During our public hearing workshops, we were told that plastic bags can also cause asthma, diabetes, and they can be very harmful for expectant mothers and new-borns as they create birth disorders. Given the risks and the disadvantages of plastic bags, I think it is important that we go for the alternative options. This means that we make similar products by use of sisal and cotton, among other products, which are environmentally friendly. In doing so, we will improve our economies because raw materials like sisal, which is found all over in East Africa, will be used, and the income of our farmers will improve. Farmers will get revenue from such innovation.

Finally, having talked about the disadvantages, and after agreeing and supporting this Bill fully, I request my sister, the Mover of this Motion, *Mheshimiwa Patricia* and the entire Assembly – I am making this plea with a lot of humility – that we give we give Tanzania more time so that it also gives its comments and contribution so as to enrich this Bill. I agree that Tanzania was supposed to have given her comments a long time ago. However, I am told that these comments have arrived today. They say, better late than never.

I appeal to my sister to give more time to Tanzania and to the East African Business Council because they have also appealed for more time. This is a very important Bill, and we do not want to give Partner States reason not to assent to it simply because their views were not considered. I beg to submit.

**The Speaker:** Hon. Kiangoi. I will request that you speak for not more than four minutes. Let us narrow this debate to where we are moving. No one seems to object to the importance of this Bill.

**Mr. Joseph Ombasa Kiangoi (Kenya):** Thank you hon. Speaker. I agree with you when you say that we are generally supporting this Bill because it has noble intentions. The objectives are noble and there is no doubt about it.

The menace that has been caused by the use of polythene materials, such as dangers to our health, are all well known. Nobody will stand here and pretend that there is no harm being caused to the environment and to people directly by the polythene that flies all over. As a matter of urgency, we need to pass a law that will regulate this menace to regulate the use, manufacture and sale of polythene materials to eliminate the menace.

I was looking at the Bill, and having read the objectives, I found them noble, as I have said, but going down, I thought that the Bill has not provided for regulations. The Bill should be very clear. A Bill of this nature must be enacted in such a way that - (*interruption*) -

**Ms. Hajabakiga:** I am sorry Rt. hon. Speaker that I am standing after speaking for a very long time. Clause 13 provides for the Council to make regulations, which generally give effect to the provisions of this Act. This is already provided for.

**Mr. Kiangoi:** I understand, but this is not the kind of Bill where you leave matters to the Council. That is what I was saying. The Bill seeks to give a framework. That framework needs to be spelt out.

If you look, for example, at Clause 5, it says that the use, manufacture and importation of polythene is regulated. Out of that clause

comes sanctions. If you go down to Clause 7, you will see that the Bill comes down to sanctions. How do you come to sanctions on a clause such as Clause 5? This needs more meat. In what manner is it regulated? You should give sanctions to it, not based on what you have made provisions for, that the Council will give regulations to give effect to the Bill. We are the legislators. It is at this stage that we need to make a law that is very clear.

My personal feeling is that the Bill is not good enough to become an effective law. For example, again, we all agree that the Bill seeks to regulate rather than ban, but if you look at part sub-clause (4) of Clause 5, the issue of elimination or banning comes in again. So, this brings confusion.

In my submission, I will not be very particular about the stakeholders, particularly the manufacturers. For us to make an effective law, we need to have some clarity on this particular Bill. It is unfortunate that we are coming to the end of this meeting. However, I am sure that the last sitting that we have is sufficient to conclude this Bill. This is a law that we must pass as the Third EALA. Therefore, I will implore my sister, hon. Patricia, to accept that this Bill be concluded during the next meeting rather than today.

**Mr. Chris Opoka-Okumu (Uganda):** Thank you Rt. hon. Speaker. I am a Member of this Committee. I support the Bill and the Motion to move for Second Reading.

The issues that have been raised by my good friend, hon. Kiangoi, can be raised during the Committee of the Whole House. He can propose amendments. I do not think we really need to delay. A lot has been said about the menace of polythene bags and materials, and even the people in the industry...In fact, the

Manufacturers Association from Uganda that we met here conceded that it is a menace. The Association of Manufacturers that we met in Kenya in February also conceded the same thing. Polythene materials are bad, and those who are proposing recycling are missing the point.

In the United States of America, Britain and South Africa, the majority of the population live in urban areas where it is easy to collect and recycle. In East Africa, where more than 70 per cent of our population lives in rural areas, how is it possible for any government in this Community to go collecting the *kaveera* from drinking joints and in the rural pubs and nightclubs? This is just wishful thinking. This cannot happen.

My colleague, hon. Dora, asked how we could give an excuse to somebody who is producing poison, something that is going to poison our community, our population and the majority of our people? I think she has a point. The requirement by the East African Bureau - (*interjection*) -

**The Speaker:** Hon. Chris, mark you, I have given you four minutes only.

**Mr. Ogle:** Mr. Speaker, the information I want to give hon. Opoka with regard to how rural areas will manage their waste or plastic bags disposal is that there is a rural town called Nyeri in Kenya where a schoolteacher has come up with a very innovating way of collecting all these things. He has come up with a machine that is recycling all these things. This man has a huge demand for these materials and yet he cannot get them. Therefore, we are able to manage this issue in the rural area.

**Mr. Opoka-Okumu:** Thank you hon. Ogle. You are talking about a rural town called Nyeri. You are not talking about a village or

some hamlet in Nyeri District. That is what I am talking about. Various places or villages are not in rural towns. That is why it is impossible to collect these materials.

Coming to the request by the Business Council, Rt. hon. Speaker, I appreciate their request. However, the Executive Director, Lilian Awinja, who, from reliable sources, is from Kenya, signed this letter to you. We had a public hearing in Kenya. If you look at the report from Kenya, you will see that the private sector was represented.

Now, they are talking about the private sector. What type of private sector? Is it the manufacturers, the *jua kali*, or the petty traders? These are all in the private sector. Are we not going to have another voice rising and saying that the private sector in the town of Pakwac has not been consulted? Personally, I have seen the document from Uganda by the Association of Manufacturers but they are also from the private sector. How many different categories of private sectors are we going to wait for? (*Interjection*)

**Mr. Sebalu:** On a point of information, Rt. hon. Speaker, there was an interaction with the private sector manufacturers from Uganda, and the Committee implored them to put their views in form of proposals for amendments, which they duly submitted. Therefore, as we speak, their amendments are part of the schedule that has been attached to the Report.

**Mr. Opoka-Okumu:** Thank you for the information. The question is, what category of private sector are we talking about, Rt. hon. Speaker? We are going to have a situation where it will become very difficult to enact any law.

We are a rule-based institution, as you always say, but the question of public hearing is not

there in our Rules. We extend the opportunity to get views to enrich the Bill. However, you can never get unanimity or total consensus, contrary to what hon. Nancy alluded to. You cannot get total consensus to enact a law. A law by its very nature is controversial.

**Martin Ngoga (Rwanda):** Thank you Mr. Speaker, I will, indeed, be very brief.

First of all, I think we have made a lot of progress in this discussion. There is no fundamental disagreement on the need for us, in our region, to deal with this problem of polythene materials. Where we have spent is to see when and how best we can do it.

I think hon. Kiangoi has made a very interesting proposal. I want to apologise if I will be wrong in terms of procedure. Normally, a law is a broad statement of principle. We do not seem to disagree on the substantive content of the draft. We still have avenues to deal with the remaining opinions that the Committee has not considered so far.

I want to suggest that we take a step, adopt the Report of the Committee, adjourn, provide more time for the additional information that can be considered between now and our next sitting, then in the next sitting, we will conclude the process. If by that time we will have overlooked anything, the Bill provides for regulations through which Council can accommodate other concerns.

We still have time for assent. I think this is not the end of the road. Let us make the step, adopt the Committee Report and then we can make administrative arrangements to ensure that those other views that may come – *(interruption)* -

**Ms. Abisai:** I thank hon. Ngoga. He has made very good submissions. I just wanted to know

this. If we adopt the Report and the Schedule before the other comments are brought, where does that leave us, procedurally? Does it give us time to bring the other additions? I thought that is where we begin. I just want that guidance.

**The Speaker:** I think the procedure is very clear. Once we put a question on the Report and adopt it, there will be no further consideration of the Report. We will move to the next stage. Since the argument you are advancing is to consider more views, those views shall be contained in the Report and then eventually in the schedule of amendments. The Committee Chairperson must present them as a schedule of amendments.

Hon. Ngoga has understood what the honourable Member wanted. When we adopt the Report, there will be no more debate. We will go to the Committee Stage to consider the Bill, clause by clause.

**Mr. Ngoga:** That is why I apologized in advance in case I proceeded on the wrong understanding of the procedures. Can we not amend at the Committee Stage? I am proceeding on assumption that the views that are coming in now will not fundamentally depart from this general understanding. I think they will provide some details but not fundamentally depart from this principle where we have all said that we support. If there is any anticipation that the remaining views will take us back completely, then I stand to be corrected.

**Mr. Ogle:** On a point of clarification, I want to seek some guidance and clarification on the point he has made about the adoption of the report. Now, the tradition has been that a report is adopted when we have built enough consensus. However, what is obtaining is that the current Report does not, by and large,

capture the views of Kenya, for example. Adopting the Report is almost like blocking some views. We should not be talking about adopting the Report at this stage. (*Interjection*)

**Ms. Hajabakiga:** On a point of order, Mr. Speaker, is it fair for a Member to insinuate that we did not consult the Republic of Kenya when we were there for three days and their views are attached to this Report? The submissions from the stakeholders from Kenya... apart from the Kenya Association of Manufacturers, the government was there and the Government of Kenya did the submission.

**The Speaker:** Hon. Ogle, you rose on a point of clarification, which has to be given. However, a point of order has come. The clarification you have raised is to the holder of the Floor. The Order is mine to rule on.

It is true that the Committee went to the Republic of Kenya and met with some stakeholders. It is true that the East African Business Council, which is an umbrella organization of the entire Community, voiced their concern through the Office of the Speaker, which went to the Committee. It is also true that some manufacturers from Kenya also voiced their concerns. Therefore, it is not true that this Report is completely exclusive of Kenyan views. Government agencies like environmental authorities are there. However, what is being argued here is that we should include all these stakeholders. That is what is important.

**Ms. Nusura Tiperu (Uganda):** Thank you very much *Mheshimiwa Spika*. Allow me to join my colleagues in congratulating the Mover of this Bill, hon. Patricia Hajabakiga. I also want to take this opportunity to thank the Rwanda Chapter for the way they have taken care of us since we arrived here in the

Republic of Rwanda. I want to use this opportunity to congratulate our colleagues who have made it back, and to wish those who are yet to make it back, success in their elections.

Mr. Speaker, I am happy that this Bill has come at this moment because I know you as a lover of environment. I believe that this Bill, being brought at a time when you are the Speaker, will be a good gift to East Africans. The Bill is timely. It is in line with the spirit within the Treaty, and I am grateful that it has been moved in the right place today.

This Bill, being discussed in Rwanda, is very good because we are part of the story of Rwanda. We saw what happened, and over the past years, we have seen the country systematically moving from where it was to an attractive country. It is, therefore, in line that as East Africans, when more countries join, we want to pick something good in those countries and transfer it to the rest of the countries.

I want to thank hon. Patricia and the whole House because the entire region is looking at us to offer leadership. I have heard some of the explanations. This Bill calls upon us not to look at individuals but to look at the bigger good.

I come from Uganda. In Uganda, at the time when HIV/AIDS was at its worst, many people referred to whoever was infected by the disease as *yamira akaveera* meaning somebody who had swallowed a polythene bag. That means that Uganda as a country knew that the polythene bag was very bad, and the only way to control HIV/AIDS was to use that phrase.

All our countries understand that this is a menace, and it is time that we looked at the bigger good and gave a regional perspective

to this problem. That is why we have a regional parliament. Members from the national assemblies may be shy, but it is our duty, as regional legislators, to tell the region that what may be good for a particular country may not be good for another country. That is why we are here as five, and very soon six, Partner States, so that we come up with a law that is conducive for all. It is disheartening for somebody to leave Tanzania, enter into Kenya, proceed into the next country, and the situation keeps changing as we keep on moving, and yet we are talking about the same people with the same destiny.

It is up to us, in the regional parliament, to make laws that will allow our citizens to enjoy as they traverse the six countries. It is we to look at the laws, especially in the area of disease control. You will recall that when we had the scourge of Ebola, It took the entire region to put in what they could at their best so that holistically, we could handle the issue of Ebola in the region. It is, therefore, up to us to look at our environment and say that we can longer stand – (*interruption*) -

**Mr. Sebalu:** On a point of information, Mr. Speaker, given the legal regime related to polythene bags, you will find that even as we move across the region, people pack differently. If you went into many of our suitcases, you would find things wrapped in newspapers and other degradable materials when we are coming to Kigali. However, when we are going to Uganda, Kenya or any other country, we just pack our things in *kaveera* and move along. There are habits that come along with this kind of regulation.

**Ms. Tiperu:** Thank you very much, my brother, hon. Mike Sebalu. I am raising these areas to let the House know that it has a responsibility to legislate in the areas where

we have regional undertakings, like disease control and road safety.

It is unfair for somebody to be in one country and the safety regulations are upside down and when you enter another the reverse becomes true and yet we are talking about corridors and our people moving from one country to another. We expect harmony in road safety regulations in our region. It takes one to travel from one end to another.

This House has a duty, and I hope that the next parliament will focus on those respective areas because enough is enough.

What we are doing here is to make the journey of life more interesting. For as long as our climate is not managed, the journey of life becomes very disheartening. That is why sometimes our life expectancy is very low and yet the world is now a global village. Together we can make a difference.

It is not fair to find one area talking about afforestation while the other is busy cutting trees. While others are talking about alternative mechanisms of cooking, like using of gas, my mother in the village is still using charcoal. It is not fair to find that our garbage collection is not well managed in the region. It is very sad to have a population within East African having a different attitude.

Hon. Dora talked about how somebody behaves in one way when they are in Uganda, and when they enter Rwanda, they adopt a different behaviour. When they enter Kenya, they also adopt different behaviour. This is the same individual exhibiting different behaviours just because of the enforcement regulations in the respective countries. I sympathise with those who have invested in this industry. It is okay that they invested in the sector, just like the telecommunication

companies came into East Africa and people made money.

I remember that MTN was a monopoly in Uganda, but when Uganda decided to liberalise and other telecommunication companies came in, today, we have more companies at work. This step was taken to minimize on monopoly.

I hope that this Bill will come as a warning to those who have been using wetlands. I want to send a message to faith based organisations, churches and mosques. People have taken advantage of the absence of proper laws on environment to build churches on wetlands. This is very disheartening. This is a message to people who have made constructions on the wetlands that the EAC is about to speak so that we have our environment protected. Our water bodies must be protected. You have heard about the issue of the water hyacinth. This has come about because our region is being used as a basis for research, and this is because people feel that they can just come in and do whatever they want to do.

With those remarks, I want to support this Bill. I also want to appreciate the concerns that have been raised. We should understand that a step is being taken, with hon. Patricia and the Committee, in the lead, but ultimately, we will have a good law that talks about the management of our environment to make this area accessible and attractive to live in.

In conclusion, the EAC is already talking about marketing East Africa as a single tourist destination. Therefore, we must make the region attractive to all. Somebody must be comfortable to have lunch in Kampala, proceed to have dinner at the Marriot, and then proceed the following day to have breakfast at the Radisson Blue in another

country. However, if one area of the EAC is attractive while the other is not, then the Council will find difficulty in marketing EAC as a single tourist destination, despite all the beauty that we have. I will not go into the details of the beauty. EALA has done its best. I know that there are challenges, and that is why people are talking about not having enough time to consult.

To conclude and as I sit down, as this may be my last time to speak, I want to say that the Council must fully support EALA. When I sit here and talk about my ten years as a legislator, I feel that this parliament needs a boost. The method of consultation among Members of Parliament on different issues is not comprehensive enough. The issue of host nations...you will probably sit down and agree that this parliament should be hosted by one Partner State so that when the House is not sitting, we consult on different sectors. When we come to speak here, we should not start saying that the other group has not been consulted because we are Members of Parliament of the EAC, and we have had enough time to go home to consult different sectors so that as we make laws, they are laws which are acceptable to all.

*(Interruption of Debate on the Second Reading of the East African Community Polythene Materials Control Bill, 2016)*

### **COMMUNICATION FROM THE CHAIR**

**The Speaker:** Before I give the floor to the Minister, please allow me to recognize one of our special guests who walked in, as we were debating, hon. Abdul Karim Harelimana, EALA Member, Emeritus, from Rwanda.

*(Resumption of Debate on the Second Reading of the East African Community Polythene Materials Control Bill, 2016)*



**The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio):** Rt. hon. Speaker, I beg to move a Motion under Rule 30(c) to adjourn this debate to allow three items to be considered.

**The Speaker:** Hon. Minister, I would like to see the amendment seconded.

*(Hon. Maganda, Dr. Kafumbe, hon. Mumbi, hon. Kessy, hon. Maryam, hon. Nancy and several Members stood to second the motion)*

**The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio):** I beg to move that, this debate be adjourned for three reasons. First, the suggestions made for amendments were very many. We need time to go through them. Secondly, the views of the East African Business Council should be incorporated into this Bill because they are also important. The third issue is about the views of Tanzania. I assure you that these views are on the way, and I would like them to be included in this Bill.

I beg to move.

**The Speaker:** Any Member who wants to debate this Motion? I think the essence of our debate has been around this. I do not want us to debate the Motion moved by the hon. Minister but rather to put it to a vote.

The Minister has moved that debate on this Motion be suspended first, to allow for scrutiny of the numerous amendments that have been introduced to the Bill in the schedule of amendments; two, to allow inclusion of views from the EABC; and three, to allow inclusion of views from the United Republic of Tanzania.

*(Question put and agreed to)*

*(Debate on Motion for the Second Reading of the East African Community Polythene Materials Control Bill, 2016 was suspended)*

**The Speaker:** Honourable Members, we have voted to suspend debate on this matter, and we have passed it. I would like to appeal to the Committee and to all Members of this House that history will judge us very harshly if we do not pass this Bill. I implore anyone who has anything to add to this Bill to do so between now and our next meeting. In our next meeting, this will be priority business of the House in Arusha.

**Mr. Bernard Mulengani (Uganda):** Thank you Mr. Speaker for the opportunity. I rise on a point of procedure regarding your guidance when I rose on a procedural point regarding my question that did not appear on the Order Paper. You guided and said that the Council had requested the presence of the Secretary General before the question could be answered. From the history and from experience, the presence of the Secretary General is not regular whenever we sit. I would like the Council to commit itself that it will inform the Secretary General to be present in Arusha in May so that he answers the very important questions that he has left to Council. I fear that given the time in our hands to conclude our tour of duty, the Secretary General may, unknowingly or unintentionally, dodge plenary to my disadvantage and not answer the question.

**Mr. Sebalu:** Further clarification on the same, Mr. Speaker. I am picking it from where hon. Mulengani has left. The practice has been that the Council gives answers to the questions. Therefore, I am finding a bit of difficulty to appreciate the fact that answers cannot be provided simply because the Secretary General is not in the House. My

understanding would be that the Secretary General is part of the technical team that helps to assemble answers to be given by the Council in the House. If we attach this to his presence in the House, then we will never have any questions answered. That also goes for the issue that I raised where there is no status given in terms of processing answers, and where certain questions disappear completely and yet some of us are racing against time.

**Ms. Bhanji:** On a point of information, Mr. Speaker, I want to give information to my brother *Mheshimiwa* Sebalu. I have personally submitted a number of questions and yet those questions have not been given priority in this august House, although it has been a long time. I fully agree with what *Mheshimiwa* Sebalu is saying.

**Mr. Sebalu:** In conclusion, Mr. Speaker, we may need an audit in the processing of answers to questions. These questions arise out of certain experiences that we go through in our representative and oversight work. When they are given, they help the entire region to understand the policy position and other considerations that the Council is undertaking. These are not casual questions. They are purposeful questions that should help in building integration to another level. Thank you very much.

**Ms. Byamukama:** On a point of clarification, Mr. Speaker, I just need further clarification on this matter because it has to do with responses from the Council of Ministers. As much as this has been in respect of questions, my clarification is on the issue of Bills. I have also served in this House, coming to ten years now. In this particular financial year, if I could pick it as an example and do an audit, the Council of Ministers has not brought a single Bill except the one to do with the Budget aspect. Can we have the list

of the Bills that are pending - because I know there are some pending Bills - so that we can hand them over to the Fourth Assembly? We should leave some work for them to do, like helping the Council in tabling these Bills on the Floor of the House. I am saying this with a heavy heart because most of the work done by this Assembly is done in form of Private Members' Bills. All that the Council of Ministers does is to seek adjournment and cause delay, and yet they do not bring Bills. So, Mr. Speaker, I want some information on this.

**The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio):** On a point of information, Mr. Speaker, I want to inform hon. Dora that this work has already been done and it will soon be submitted to the Council. If this Assembly wants to know what Bills are pending, we will bring that information.

**The Speaker:** Honourable Members, our Rules of Procedure are very clear on how questions are treated. When you bring a question to the Office of the Clerk, the order in which they appear on the Order Paper is also dependent on first come, first served basis. On our side, when a question is brought, we make sure that we transmit it to the Chair, Council of Ministers in time. We then continue to follow up to find out what answers are ready so that we put them on the Order Paper. When they respond to us and give us the answers that are ready, we put them on the Order Paper. It would be very difficult for me to put questions on the Order Paper when the answers are not ready from the Chairperson, Council of Ministers. So, we have been having that kind of working mechanism. However, I implore you to track your questions whenever you submit them in the Office of the Clerk, to find out where they

are. That renews their follow up with the Council of Ministers. I beg you to continue tracking.

On the question of the Secretary General being away, that is not an impediment to answering of any questions. The Secretary General is a Member of this Assembly, and every time he is going away, he puts it in writing to the Speaker. He has requested to be away from last week to date because he is in the Republic of South Sudan. He led a delegation there. The next thing that my office will do is to write to the Chairperson, Council of Ministers to make sure that all questions that have been asked during the Third Assembly are cleared before the term of the Third Assembly ends. We cannot carry questions to the next Assembly. We will work on that. We will be meeting in Arusha in the next sitting, and I think we will pay due attention to clearing most of the work that should not spill over to the Fourth Assembly.

On the question of Bills, this is tending towards a vote of no confidence, almost, on the Council of Ministers. You cannot have two financial years pass without you having introduced business to the Assembly. I think Council should take this extremely seriously. We are in very serious business of integration. The Council has a serious responsibility to introduce Bills to this House, and to provide a legal framework for our integration.

Chairperson, Council of Ministers, I beg that you take this extremely seriously. This is a very serious concern from this House.

**The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania** (Dr. Suzan Kolimba) (Ex-Officio): Mr. Speaker, I have taken note of that, and as you know, we are working on it. You know what we have been

doing in the two meetings of the Sectoral Council on Judicial Affairs.

**The Speaker:** Thank you Chairperson, Council of Ministers. Indeed, my Office is seized of the fact that the bureaucratic nature of making decisions in the Community has affected the Council of Ministers introducing Bills to this Assembly. The information I have is that most of the Bills are stuck with the Sectoral Council on Judicial Affairs, and I think that we will find a way of opening that blockage in the process.

Before I adjourn, Members of the Commission, I would like to have some consultations with you.

#### ADJOURNMENT

**The Speaker:** I thank you honourable Members. The House is adjourned until tomorrow, Thursday, 16 March 2017 at 2.30 p.m.

*(The House rose at 6.20 p.m. and adjourned until 2.30 p.m. on Thursday, 16 March 2017)*