



## 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

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

Wednesday, 16 March 2016

*The East African Legislative Assembly met at 2:30 p.m. in the Kilimanjaro Auditorium, Bank of Tanzania Building, Dar-es-Salaam, Tanzania*

#### PRAYER

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

*(The Assembly was called to order.)*

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#### PAPERS

**The Speaker:** Hon. Members, we will have the Chairperson, Committee on Legal Rules and Privileges represented by hon. Dora.

**Ms. Dora Byamukama (Uganda):** Mr. Speaker, Sir, on behalf of the Chair of the Committee on Legal, Rules and Privileges Committee and my colleagues, I beg to lay the following Paper on the Table:-

A report of the Committee on Legal, Rules and Privileges on the Oversight Activities on the Approximation and Harmonisation of National Laws in the EAC Context.

I beg to lay.

*(Hon. Dora Byamukama laid the report on the Table)*

#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Thank you hon. Dora. Hon. Colleagues, before we go to Order No.3, today, we are again blessed to have very important visitors in our gallery. I would like to recognise them. We have nine Members of the Tana River County of the Republic of Kenya led by the Rt. Hon. Speaker, Dr. Mohamed Nur. A number of staff members accompanies them.

You are most welcome. Please, rise for recognition. I think they are not yet in the House. *(Applause)*

We have a representative of the EAC Youth Ambassadors Platform led by the youth Ambassador, Tanzania, Mr. Raphael Kambomune and the Deputy Ambassador, Lucy. We have representatives of the East African Youth, Tanzania, made up of 35 EAC youth club leaders from five secondary schools and six universities in Dar es Salaam. The delegation is led by the Executive Chairman of the EAC youth of Tanzania, Mr. Gwakisa Makaranga. You are most welcome. Rise up for recognition. I thank you so much as young people for taking interest in the EAC integration.

**MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE OVERSIGHT ACTIVITIES ON THE APPROXIMATION AND HARMONISATION OF NATIONAL LAWS IN THE EAC CONTEXT**

**MOTION**

**Ms. Dora Byamukama (Uganda):** Mr. Speaker, Sir, I would like to move –

That, the Report of the Committee on Legal, Rules and Privileges on the Oversight Activities on the Approximation and Harmonisation of National Laws in the EAC Context be adopted.

I beg to move.

**The Speaker:** Thank you hon. Dora. Where are the seconders? Yes, hon. Pareno, hon. Maryam, hon. Bazivamo, hon. Kiangoi and hon. Sarah.

**The Speaker:** Hon. Dora, proceed and present the Report on behalf of the Chairperson - (*Interjection*) –

**Mr. Frederic Ngenzebuhoro (Burundi):** On a point of order, Mr. Speaker, Sir. According to our Rules of Procedure, the quorum of the House must consist of half of the Members. We only have 20 Members. Could you ask that Members who are outside come in?

**The Speaker:** Thank you very much. I know that most of the Members are within the precincts of Parliament. They are available. I know that they are all around. The Members of the Committee on General Purpose are more or less in here. It would not hurt, in the interest of time, if we proceeded. However, in a few minutes, hon. Ngenzebuhoro, remind this House if the Members who are outside do not come in.

Sergeant-at-Arms, could you ensure that Members who are outside come in urgently?

Yes, hon. Dora, on behalf of the Chairperson of the Committee on Legal, Rules, and Privileges.

**Ms. Dora Byamukama (Uganda):** Thank you Mr. Speaker, Sir. I would like to present the report of the Committee on Legal, Rules and Privileges on the Oversight Activities on the Approximation and Harmonisation of National Laws in the EAC Context. The report reads as follows.

**Background Information**

The Committee on Legal, Rules and Privileges is a Standing Committee of the East African Legislative Assembly established under Article 48(3) of the Treaty for the establishment of the EAC and Rule 80(2) (b) of the Rules of Procedure of the Assembly.

One of the main functions of the Committee as provided for under Rule 81 and annex 5 of

the Rules of Procedure of the Assembly is to assess and evaluate the implementation of Chapter 24 of the Treaty.

### **Harmonisation of National Laws Pertaining to the Community**

Chapter Twenty-Four of the Treaty provides for cooperation in Legal and Judicial Affairs. Specifically, Article 126 (2) (b) of the Treaty provides that;

“Partner States shall through their appropriate national institutions take all necessary steps to harmonise all their national laws appertaining to the Community”.

In line with that provision of the Treaty, the EAC Partner States established a Sub-Committee on the Approximation of National Laws in the EAC context, which is referred to as the Sub-Committee. The genesis of the Sub-Committee is traced back to the re-establishment of the East African Community. It originates from the meeting of Attorneys General held in Mombasa, Republic of Kenya, 3<sup>rd</sup> to 5<sup>th</sup> September 1997, which established a Tripartite Committee of National Experts on Harmonisation of Laws to spearhead the harmonisation of legislations in Partner States.

The Sub-Committee consisted of the heads of Legislative Drafting Departments from the Attorneys-General Chambers; the Chairpersons of the Law Reform Commissions; Officers from the Ministries whose sectors require harmonisation of laws and any additional members that the Tripartite Committee could co-opt. The name of the Sub-Committee was modified from time to time; it is now known as the Sub-Committee on Approximation of National Laws in the EAC Context.

Meetings of the Sub-Committee are always preceded by meetings of a taskforce made up of delegates from the Attorneys General Chambers, Law Reform Commissions, Ministries in charge of EAC Affairs and officers from the relevant Ministries whose laws are being reviewed. The reports of the Sub-Committee are considered by the Sectoral Council on Legal and Judicial Affairs and thereafter by the Council of Ministers. The Council of Ministers make directives to Partner States to amend/enact national laws in accordance with the recommendations made by the Sub-Committee.

### **Justification**

Harmonisation of national laws is one of the critical steps required to facilitate regional integration. A process has to go hand in hand with other undertakings of Partner States. Otherwise, all agreed national laws would hamper programmes and stages of integration.

The Committee on Legal, Rules and Privileges is mandated to oversee the implementation of Chapter Twenty Four of the Treaty, which provides for cooperation in legal and judicial affairs. Harmonisation of national laws appertaining to the Community is one of the areas within the scope of cooperation under Chapter twenty-four. Premised on this background, the Committee on Legal, Rules and Privileges undertook an oversight activity on harmonisation of national laws from 22 to 26 February 2016.

### **Objectives**

The main objective of this activity was to assess and evaluate the process of harmonisation of national laws appertaining to the Community. The specific objectives were:

- i. to assess and review the activities of the Sub-Committee;
- ii. to examine the process of harmonisation of national laws; and,
- iii. to make recommendations on how to improve the process of harmonising national laws appertaining to the Community.

### **Methodology**

The Committee conducted a Meeting in Arusha, United Republic of Tanzania, from 22 - 26 February 2016, and carried out the following activities:

- i. reviewed reports produced by the Sub-Committee;
- ii. received a presentation from the Office of the Counsel to the Community (CTC) on the progress made in the harmonisation of national laws appertaining to the Community;
- iii. held discussions with the Office of CTC on the process of harmonisation of national laws; and,
- iv. deliberated and prepared this report.

### **FINDINGS OF THE COMMITTEE**

#### **Harmonisation Approaches Used by the Sub-Committee**

The Committee was informed that the sub-committee adopted approximation of national laws and development of model laws as approaches to the harmonisation of national laws pertaining to the Community.

#### **Approximation Approach**

Approximation is a process of aligning national laws with commonly agreed principles of law without necessarily making them uniform. This is referred to as partial harmonisation. The methodology used in the

EAC context consists of studying and analysing various laws of the Partner States to establish the gaps, differences, weaknesses and similarities therein. The Sub-Committee compares the existing laws of the Partner States and identifies principles in line with the Treaty and international best practices to guide the approximation process. The Committee observed that the adoption of approximation approach is not in line with the requirement of the Treaty. Article 126 (2) (b) requires Partner States to harmonise their national laws and not to just approximate them.

#### **Development of Model Laws Approach**

A model law is a model of legislative text on a specific area of law that is recommended to the Partner States for adoption and enactment as part of their national law. The major objective of model laws is to align the different national laws without necessarily coming up with a uniform piece of legislation. The Committee further observed that the phrase “model law” connotes a law enacted by the Assembly and not a legal framework that can be used by Partner States to develop their national law. In order to avoid this ambiguity, the Committee was of the view that the phrase model laws in this contexts should be referred to as ‘model legal frameworks’ since EALA is the only EAC Organ with the mandate to enact laws.

#### **Harmonisation of Laws outside the Sub-Committee Framework**

The Committee was informed that apart from the Sub-Committee, there are other initiatives of harmonisation of national laws coordinated by other departments of the Secretariat and Institutions of the Community through the relevant Sectoral Councils. For example, the harmonisation of Health and Pharmaceutical Regulatory policies and laws

is initiated by the Department of Health; and the harmonisation of Statistics Policies and Laws is initiated by the Department of Statistics.

### **Progress and Achievements Registered by the Sub-Committee**

The Committee was informed that the Sub-Committee commenced its activities in 1997, but the actual work of harmonisation of national laws pertaining to the Community started after the signing of the Treaty. To date, the Sub Committee has made the following achievements:

- i. The Sub-Committee has reviewed national laws indicated in annexes 1 and 2. The laws reviewed are Company laws; insolvency laws; partnership laws; business names registration laws; immigration laws; labour and employment laws; and sale of goods laws.
- ii. Developed two cyber-law frameworks (phase one and phase two) which were approved by the Council of Ministers in 2010;
- iii. Development of the model law of contract (annex); and
- iv. The Sub-Committee is currently developing the following nine model laws on intellectual property: Model law on Genetic Resources; Model law on Geographical Indications; Model law on New Plant Varieties; Model law on Traditional Cultural Expressions and Folklore; Model law on Traditional Knowledge; Model law on Industrial Designs; Model law on Trade Secrets; and Model law on Utility models and Layout Designs of Integrated Circuits.

### **Actions Taken by Partner States to Harmonise their National Laws**

The Committee was informed that Partner States are at different stages of implementation of the directives of the Council of Ministers on harmonisation on national laws. Annex 4 contains the matrix indicating the status of Partner States' implementation of the decision of the Council on harmonisation of national laws. The Committee observed that Partner States are very slow in amending their laws to comply with the directive of the Council of Ministers pertaining to harmonisation of national laws. Criteria used and timelines for harmonisation of national laws is unclear.

### **Challenges Facing the Sub-Committee**

The Committee was informed that the Sub-Committee faces a number of challenges in undertaking its activities including the following:

- i. There are many areas of laws that need to be harmonised. The harmonisation process requires comprehensive research and review; however, Law Reform Commissions do not have adequate financial resources to support the activities of the Sub-Committee;
- ii. Frequent changes in the membership of the Task Force;
- iii. Conflicting commitments of members of the Task Force;
- iv. Partner States have different legal systems;
- v. National laws are written in different languages;
- vi. Slow pace in the implementation of the harmonisation agenda at national level;
- vii. Lack of monitoring mechanism to ensure that Partner States comply

with the adopted approximation proposals.

### Observations of the Committee

The Committee observed the following:

- i. The harmonisation of laws ought to go together with the implementation of the entire Article 126 of the Treaty, especially the harmonisation of Legal Training and Certification, and to encourage the standardisation of judgements of courts within the Community;
- ii. The slow pace of Partner States in harmonising their national laws appertaining to the Community hampers the attainment of the objectives of the Community;
- iii. The use of EAC laws in some areas of harmonisation is more effective than other approaches to harmonisation adopted by the Sub-Committee;
- iv. The postponement of the meetings of the Sectoral Council on Legal and Judicial Affairs is a hindrance to the effectiveness of the Sub-Committee;
- v. The EAC Secretariat has not put enough efforts to push for the harmonisation agenda. This is evidenced by the fact that the activities of the Sub-Committee are financed solely by the Partnership Fund;
- vi. The legal frameworks (*model laws*) are not binding but they are useful in helping Partner States to develop their laws. The legal frameworks can be transformed into EAC bills to be passed by EALA;
- vii. The Sub-Committee should liaise with EALA through the Committee on Legal, Rules and Privileges to improve the process of harmonisation of national laws pertaining to EAC; and,

- viii. The implementation/administration of the East African Community Common Market can be better facilitated by having an EAC law enacted by EALA similar to the East African Community Customs Management Act, 2004.

### Recommendations of the Committee

Mr. Speaker, Sir, the Committee, after assessing, reviewing and examining the process of harmonisation of national laws appertaining to the Community, recommends that:

- i. The East African Legislative Assembly expeditiously enacts an omnibus law that will harmonise national laws appertaining to the Community; and an EAC law for the administration of the Common Market;
- ii. The East African Legislative Assembly spearheads the process of harmonisation of laws appertaining to the Community based on its mandate as inter alia, the legislative organ of the Community;
- iii. The Council of Ministers addresses challenges of the Sub-committee captured in this report and provides the Sub-Committee with adequate resources in order for it to continue producing model legal frameworks which EALA could utilise in the enactment of EAC laws;
- iv. The Council of Ministers directs that the Meetings of the Sectoral Council on Legal and Judicial Affairs be held regularly and prioritises harmonisation of laws appertaining to the community in order facilitate integration within the set time frames;
- v. The Sub-Committee liaises with EALA in order to synchronise the

- process of harmonisation of laws and to keep EALA informed on a bi-annual basis on the activities undertaken by the Sub- Committee;
- vi. In order to meaningfully facilitate cooperation in legal and judicial affairs as provided for under Article 126 of the Treaty, the Council of Ministers should expedite the implementation of this entire Article which obliges Partner States to:
- a) take steps to harmonise legal training and certification;
  - b) encourage the standardisation of judgments of courts within the Community;
  - c) establish a common syllabus for the training of lawyers and a common standard to be attained in examinations in order to qualify and to be licensed to practice as an advocate in their respective superior courts;
  - d) revive publication of East African law reports or publish similar law reports and such law journals that promote exchange of legal and judicial knowledge and the approximation and harmonisation of legal learning and standardisation of judgments of courts within the Community; and
  - e) harmonise all national laws appertaining to the Community.
- vii. In order to expedite harmonisation of national laws, the Council of Ministers should fast track the drafting of the EAC Constitution to establish common legal principles to be applied in the entire Community.
- viii. That the Committee on Legal, Rules and Privileges be facilitated to interface with Partner State institutions responsible for

harmonisation of laws in order to ascertain progress made and assess whether mechanisms have been established to ensure that all national laws that are enacted conform to the Treaty and EAC laws.

### Acknowledgements

The Committee appreciates the entire management of the Assembly for facilitating execution of this activity.

The Committee also appreciates Association of Western European Parliamentarians for African (AWEPA's) continued financial support; and the Office of the Counsel to the Community for providing vital information on progress made by Partner States in exercise of harmonisation of EAC Partner State laws appertaining to the Community.

Mr. Speaker, Sir, I would like, to make quick references to the annexes as attached. I hope that Members will take time to review the annexes in order to appreciate the context of this Report better.

I beg to move – (*Applause*).

**The Speaker:** Thank you, hon. Dora on behalf of the Chairperson of the Committee on Legal, Rules and Privileges. Hon. Members, the Motion before the Assembly is;

“That, the Report of the Committee on Legal, Rules and Privileges on the Oversight Activities on the Approximation and Harmonisation of the National Laws in the EAC context be adopted.”

(*Question proposed*)

Debate is open.

**Ms. Judith Pareno (Kenya):** Thank you Rt. Hon. Speaker, Sir. I rise to support this Motion. I thank the Committee for thinking about carrying out this activity. I personally did not know that there was a committee known as the Sub-Committee on Harmonisation and Approximation until we had an interaction with the Office of the CTC and received brief on how they are doing their work and when they started.

Rt. hon. Speaker, Sir, for our community to function properly, I know that we must base our operations on sound principles that are set out in our Treaty. I acknowledge and take notice that every single day, we, in our Partner States, are churning out new laws. We have very many that have already been enacted. You can imagine the task of trying to approximate and to harmonise these laws is not a small venture. The more we churn out these laws, the more we get different by the day.

Rt. hon. Speaker, Sir, we cannot have the Partner States enacting laws without a proper framework on how we can all be similar and not different. It is a requirement of the Treaty that we harmonise and approximate and I guess this is why we came up with this particular committee.

If you look at the work of the sub-committee from 1997 up to now and what they have harmonised and approximated, and you compare that with how many laws we are making on a single day in our Partner States and how many laws were already in place even before the sub-committee came in, you will see that we have a lot to do. There are challenges that we were informed about regarding the sub-committee. First of all, they are ill equipped. They do not have the necessary resources as usual. They do not meet frequently. In fact, one of the

complaints is that every other day, members of the sub-committee are changed.

The Partner States keep on changing Members every single day. So, it is not easy for this sub-committee to operate, as it should. They do not have a monitoring mechanism to evaluate and see what work is being done in the Partner States. So, I think this is a sub-committee that is underfunded and which does not receive the necessary attention that it should within this Community. They have a critical assignment because the more we have similar laws, the more we would operate well as a community and the more the integration process will be better.

Rt. hon. Speaker, we also noted that this sub-committee's work is random. I did not particularly see how they picked the company's laws, laws of contracts and the sale of goods laws and not any other law. It is as if they sit and come up randomly with the laws to harmonise. I think we would have a better system if we had ways of moving as a Community on which laws should be prioritised in terms of harmonisation. At the end of the day, we should run smoothly rather than have a sub-committee sitting in from 1997 to date and has not developed a framework as to which laws should be harmonised and which ones should be prioritised.

Rt. hon. Speaker, Sir, there is one recommendation we made as a Committee. This committee describes its work as making model laws. My question is who makes laws? Do we have a sub-committee that has mandate to make laws when the mandate is with this Assembly? At the end of the day, the recommendations we have given is that we should look at what they are doing as a framework on how Partner States can harmonise their laws. We even went further



to propose that after we receive these frameworks, sub-committee should liaise with EALA to process the frameworks into law. According to us, the mandate to make laws for this Community is within this Assembly and not within a sub-committee. While we appreciate their work, we are feeling that what they have are not model laws. They are model frameworks that, if properly churned out and if we have some coordination between this subcommittee and ourselves, we can use the frameworks as guidelines for us to develop proper laws for this Community.

Rt. hon. Speaker, if you look at the kind of work that this subcommittee is undertaking, you will see that this Assembly should be making laws for the region. It would be easier for us to apply a regional law rather than for us to struggle to harmonise probably over 600 pieces of legislation.

This is another option, which can be considered if we want model laws in this Community. This Assembly should make model laws. We should try to harmonise what this Assembly has passed instead of using a subcommittee to make what they are terming as model laws.

Rt. hon. Speaker, we appreciated the interaction we had with this subcommittee. It is an important duty they are undertaking. However, we feel that we need to work closely with them so that what they are doing can become a reality.

I support the Motion.

**Mr. Joseph Kiangoi Ombasa (Kenya):** Thank you hon. Speaker, Sir, or the opportunity. I stand to support this Motion. This Motion reminds us of the purpose that the Community was in the first place set up. We keep on going back to Article 5. It was

set up so that East Africans can benefit. Article 5(3) (b) spells that very clearly. This is to create an equitable distribution of resources so that the quality of life of East Africans can be improved.

Hon. Speaker, Sir, when you look at the Community's work, you will realise that the process being applied by Partner States is very slow. It is as if Partner States lack the courage to implement the Treaty because Article 26 regarding cooperation in the area of legal and judicial affairs is one way of implementing Article 5. But, the whole process as I have said is very slow. Here, we have a sub-committee, which was set up as early as 1997, which by one should have completed the harmonisation of laws in the fields that are agreed. The fields that are already agreed upon are in the Customs Union, the Common Market, and they should now be dealing with monetary union. However, that has not been achieved. Why has it not been achieved? This is because the community is constituted in such a way that before they begin considering anything, there should be a taskforce in Partner States.

The taskforce constitutes of almost the same people as the Members of the Sub Committee since they come from the Ministry that reviews laws. That taskforce takes time to undertake its processes and to identify what laws and which sections have to be reviewed. The law should come from the sub-committee and should then go to the Sectoral Council for legal and judicial affairs. It then moves on to the Council of Ministers and it goes back to the Attorney Generals of Partner States who have to take it to their Parliaments. That is such a long process. One wonders why we are here. Why do we have an organ called the East African Legislative Assembly?

Article 8(4) provides that the laws made by this Assembly could take precedence over laws made by national parliaments on matters pertaining to the community. Why can we not make the laws here? Why is the process not devised in such a way that from the Council of Ministers, the matters are brought to this Assembly and the Treaties are amended to the extent that any matter we have discussed here and whatever laws have been reviewed here passed and harmonised, are taken to national assemblies of Partner States for debate and adoption? This process would be cheaper, easier and faster. There is no fast tracking on this issue. We are going round in circles - (*Interjection*).

**Ms. Patricia Hajabakiga (Rwanda):** On a point of information, I thank you, hon. Kiangoi, for giving me way. What hon. Kiangoi is saying is true. The fact is that if you look at the implementation of the Customs Management Act compared to other protocols which we have adopted this has been made easy by the East African Community Customs Management Act. Once there is law then everything else falls into place. Look at the implementation of the Common Market Protocol, which we should do harmonisation and how much time it has taken. Six years down the road, we have not finalised the harmonisation of even a quarter of the laws that are required. So, that is the information I wanted to give in relation to the excellent implementation of the Customs Protocol.

**Mr. Ombasa:** Thank you hon. Patricia. I am winding up. Even the process has now departed from the language of the Treaty. The language of the Treaty is that Partner States will take steps to harmonise. But they brought in another terminology. This came up during the era of terminologies like accountability and many other terminologies.

They have now brought another terminology called “approximation.”

Approximation is not harmonisation. Approximation is a step towards harmonisation. This is a half-hearted measure to achieve the objectives of the Treaty. I believe that I have not seen an amendment of the Treaty to that effect. This may as well be that if one were to challenge the approximation process, then it would have been found to be illegal. What should be achieved is harmonisation and that has not been done. They have brought up another process. This is about making model laws, which Partner States will look at, and eventually if they like the laws, they adopt them. As I have said, the process is taking us round. We need to face the fact that East Africans are anxious. East Africans yearn for a time when we can be one people and do our trade freely in accordance with the Common Market Protocol. The laws are important because they give the legal framework upon which trade and business is undertaken.

Mr. Speaker, Sir, there is a lot yet to be done in this area as the Committee has recommended. I support the findings of the Committee and urge this Assembly to support this so that perhaps what we crave for is granted. This Assembly should be given its rightful mandate to execute its duties without being hampered by processes that take us nowhere.

**Ms. Maryam Ussi Yahya (Tanzania):** I thank you Rt. Hon. Speaker, Sir. I stand to support the Motion and the Report. I first want to declare that I am a Member of the Legal Rules and Privileges Committee even though I did not participate in this exercise because I was observing elections in Uganda.

I stand to support this report. I am amazed that the Treaty on the establishment of the

East African Community, Article 126(2) (c) explains clearly, what is required to revive the publication of the East Africa Law Report. That is one of the recommendations that was given by the Committee. I am surprised that we lack either willingness or seriousness because this Treaty came into force in the year 2000, almost 16 years ago. This is just one of the requirements that is in the Treaty but still has not been implemented.

I want us to go back and look at the former EAC. I believe that our founders and predecessors were willing and excited to establish the EAC. We had the East Africa Law Report even before. Now, we have the East Africa Law Society Report. These are the law reports you will find at the Attorneys General Office. I am wondering why up to now, 15 years have gone by, we still do not have law reports in East Africa, and yet the requirement is in the Treaty?

Lastly, this is not to do with approximation of laws but harmonisation of laws as well. It is my opinion that we urge the Council of Ministers to start the debate on giving criminal jurisdiction to the EACJ. Some of the laws we make here, for instance, the protection laws we made with lack of criminal jurisdiction become difficult to implement. It is not easy to protect people.

In Common Market Protocol, we allow people to cross borders but we cannot make laws with a criminal aspect. I am saying this because previously, we met some stakeholders. We were trying to make a law that could protect people with disabilities. One of the stakeholders was a Member of Parliament from Kenya. He said that some of our laws lack strength because of the lack of powers to prosecute people. I am trying to urge the Council of Ministers that there is need for criminal jurisdiction to be given to the East Africa Court of Justice (EACJ).

I thank you and support the report.

**Ms. Shy-Rose Sadrudin Bhanji (Tanzania):** Thank you Mr. Speaker, Sir for giving me this opportunity so that I can contribute to the Motion and this Report on Harmonisation of National Laws in the context of the EAC.

Mr. Speaker, Sir according to observations made by this Committee, we are told that there is slow implementation and slow pace or Partner States in harmonising the national laws. As my brother, hon. Kiangoi said, the whole objective of re-establishment of the EAC is to improve the lives of our people. However, if we are not implementing the harmonisation of our national laws, then we will be going against the idea of re-establishing our community in the first place.

If there is slow implementation on the harmonisation of these laws, then, as I said before, we will be going a step backwards in trying to help our people to have better lives. If we are not willing to harmonise these laws, then I do not think there is need for us to bring Bills to this House because we will be wasting Community money in debating and passing laws. We sit here for six sessions in a year while debating laws while our national assemblies are not ready to implement harmonisation of the laws.

Mr. Speaker, Sir, this report also says that Partner States are at different stages in the implementation of harmonisation of these laws. I am requesting the Council of Ministers to come up with a comprehensive chart during our next Session in Arusha so that we see which countries are lagging behind in implementation of harmonisation of laws.

Mr. Speaker, Sir, passing these Bills in this House is one thing. Enactment of these laws

is another issue. However, if these laws are not known to our people and to East Africans, again, we are not doing anything. Let us make sure that all the laws that have been passed by this august House are well known to the people of East Africa. Let us ensure that the Members of Parliament in our different national assemblies are also familiar with the laws. We should compile all the laws in a brochure so that they can be distributed to different people in our region.

Lastly, I commend the Committee on Legal, Rules and Privileges for coming up with this very important Report. We should take this Report very seriously otherwise we will be bringing reports to the House, debating them, passing resolutions and there will be no action. I am hoping that the Chairperson, Council of Ministers is listening to me. We should make sure that all Partner States harmonise all these laws. I will be happy to hear how far Tanzania has gone in harmonisation of these laws.

**Mr. Martin Ngoga (Rwanda):** Thank you very much Mr. Speaker, Sir. I also want to declare that I am a Member of this Committee. I participated in the oversight activity. First of all, I want to thank the people who were involved in this process even if the output is clearly not impressive. They are doing a lot of work. I particularly want to thank the gentleman from the Office of the CTC, the one who represented him before the Committee. He had a proper mastery of the subject he was talking about. He did a very good job.

Mr. Speaker, Sir, we need to rethink a strategy. We need to do things differently. The founding fathers of the Community envisaged that a legal framework, not just the body of laws, but also a critical mass of legal minds were needed to advance the objectives of the Community as they were articulated in

Article 5 of the Treaty. That is why in Article 126, these legal professionals are singled out. The Treaty creates obligation on our part on what we need to do to have in place to have in place the body of laws that can help us achieve the purposes we set out to achieve under the Treaty and this includes a set of things to be done. Harmonisation is just one component. This process of harmonisation that we are not doing well is just one component. However, there are many other things, which have to be done as hon. Maryam alluded.

We need to go back to Article 126 and see how far we have gone in terms of our legal training. Why is it that we cannot publish East African Law journal today? What is missing? As the saying goes, “the devil is in the detail.” The detail, in this case, are the 600 laws that the Secretary General told us the other day have been singled out as wanting in terms of catching up with where we are as a Community.

We will not make serious progress if we do not have a formula that can help us to move faster. The arrangement we have in place cannot take us anywhere despite the fact that those who were involved are not sparing any effort. This is simply an arrangement that cannot help us advance at the speed required.

I have a few proposals. One is that EALA must take the lead. What is going on now is that we are going back to the Partner States that sent us here to make laws for the Community. We are going back there to lobby them to make laws for the Community. What prevents us from making these laws? I will not go into the details that we are proposing like having one omnibus law. That may be debatable but at least it is one proposal, which can be put on the table.

Through this process of harmonisation and the way it is being done now, the Community is going back to Partner States to tell them to make laws that befit the Community as a family while we are here specifically to do that. EALA has failed in terms of not having identified the essential role that we need to play in this process. It is time now that we reassess ourselves. What role are we supposed to play in this? We can start with administrative processes like workshops. Can we organise legal minds of the East African Community to come and advise us on how best we can advance? From there, we will have a clear direction and timeline of what to do and how to do it.

My proposal, which I think is in the report, which I support, is that we are wasting resources of the Community in the way we are doing things. You cannot go to Burundi today and tell them that they are behind in terms of the laws of contract, and then go to Rwanda and tell them that they have to catch up with Kenya in a certain area. We cannot work like that. We are here to harmonise. We are the ones who are supposed to harmonise. In the areas where we have to do it, we will do it.

Partner States will comply because we are already given primacy, precedence under the Treaty and there is no reason why we should go back to the same people who sent us here to go job. I suggest that we reconsider this as a matter of urgency and accountability. We are spending a lot of money.

**The Speaker:** Hon. Ngoga, you have to help us. You declared your interest that you are a Member of the Committee on Legal, Rules and Privileges. This is the lead Committee that helps this Assembly in undertaking such activities. The Committee sits and prioritises its activities. Could the Committee help this Assembly by doing exactly something about

the issues you are raising? The ball is back in the hands of the Committee. Thank you. Proceed.

**Mr. Ngoga:** Thank you Mr. Speaker, Sir. I have taken your advice. My Chairperson is here. He came in late but he is already here. He is reputed for moving with speed when it is necessary.

**Ms. Byamukama:** Mr. Speaker, Sir, the Chairperson of the Committee has been here all along. I was the one acting on that post. I would like to highlight the fact that when you look at the recommendations on page 9, you will see that it is very clear that East African Legislative Assembly spearheads the process of harmonisation of laws appertaining to the Community based on its mandate as *inter alia* the legislative organ of the Community. I think we captured that very succinctly and there is no way that EALA has failed in doing its work. As far back as 2004, the Customs Management Act harmonised on issues of customs. So, we are still taking up our mantra. The process may have been a bit slow but we are alive to our duties but I think we cannot put it on record that we have failed in any way.

**Mr. Ngoga:** Thank you Mr. Speaker and hon. Dora. I take that information and stand advised. Essentially, we are not talking about different things. However, as my senior, you have better language to put across a point.

As a Member of the Committee, I was not going to come up with any new proposals. I am essentially emphasising what is already in our report. Briefly, to wind up, as we go on with the current arrangement, we are wasting the resources of the Community and we are not making serious progress. It is time we did with speed, what EALA has been doing. The Customs Management Act was a good success. I wish we had many of such laws and

similar laws driving other areas of the protocols that we have signed and other areas of integration. We are just asserting one legislation because it is the one we have dealt with, possibly. So, we should deal with as many as possible.

**Mr. Abdullah Ally Hassan Mwinyi (Tanzania):** Thank you Mr. Speaker, Sir for giving me this opportunity to say a few words on a very important report and perhaps the core of our challenges in this integration process. The subject matter here today is the microcosm of the challenges of the integration processes. The problem we are grappling with is systemic and rests with the challenge of the Common Market Protocol.

I have been on record saying the same things a number of times but this report has brought it out in the open; perhaps what I have been putting through with a number of submissions, before this very House. The Common Market Protocol takes away the principles of the Treaty from the centre in Arusha in this community back to the Partner States.

That is where the fundamental problem is. Hon. Speaker I am not even sure that in jurisprudence a Protocol, which is subservient to the Treaty, can have a wider scope than the Treaty itself. That is well settled in the jurisprudence - (*Interjection*) –

**Mr. Ngoga:** On a point of clarification. Thank you hon. Mwinyi for giving way. If it does not offend the procedure, maybe the CTC could help us to understand whether we are not taking the wrong path of the law in line with what hon. Mwinyi is telling us.

**Mr. Mwinyi:** Mr. Speaker, Sir, I beg your indulgence. If I were to finalise my submission, I would be very happy thereafter for the CTC to intercede. The basis of my submission is that very fact. I was going to

put this question to the Council of Ministers on the legality of the Common Market Protocol.

**The Speaker:** Do you want the indulgence of the Counsel to the Community at this point or at a later stage? I am sure that the Counsel to the Community is taking note of the legal questions being raised.

**Ms. Byamukama:** With due respect, Mr. Speaker, Sir, and my brother hon. Mwinyi, is this not a matter before court?

**The Speaker:** I think this is a matter before court. So, we should not endive very deeply into the matter. Just deal with it at the level of debate without going into details of a mater, which is before the EACJ.

**Mr. Mwinyi:** Mr. Speaker, Sir, I will touch on your advice. The matter before court is a matter of jurisdiction of the courts. The matter before court is whether the EACJ has jurisdiction on the Common Market Protocol. That is the matter before court and perhaps the Counsel to the Community could elaborate on this. It is not on the legality of the Common Market Protocol itself. There is a distinction.

As I was saying, the predicament we are finding ourselves in at this particular time is the microcosm of the problem we are facing. The Common Market Protocol completely diverts from the spirit of the Treaty. By moving away from the centre back to the Partner States. Let me elaborate.

On the issue of harmonisation – I heard hon. Kiangoi talking about it – is under Article 47 of the Common Market Protocol. The Partner States undertake to approximate their national laws and to harmonise their policies and systems for the purposes of implementing this protocol. That is why this

entire process is ongoing. This is because the jurisdiction of the implementation of the Common Market Protocol rests with the Partner States and not in Arusha. This is not our mandate. I submit that this is clearly in contravention with the Treaty.

All matters pertaining to the integration process, which the Treaty stipulates, are within the mandate of the Treaty. Perhaps, hon. Speaker, we could add a recommendation, if the Chair and the Committee on Legal, Rules and Privileges...We urge the Council of Ministers to seek interpretation on this matter.

Hon. Speaker, my second point. As I said, this is a matter of microcosm. In order for any Partner State to be efficient in implementing anything in Government, there has to be a policy. Do all Partner States have policies related to integration process? Why do I say so?

The integration process is one that is pervasive. It is very wide. The ambits of the Ministry of EAC coordinate but the implementing authority is actually the Partner States Ministries. So, how can a Ministry of EAC, without a policy ensure that implementation on matters that sit, for example, with the Ministry of Trade?

The normal process in any Government is; one, to have a policy; two, to mainstream the policy whereby if there are activities in each Ministry, then the Minister responsible under their performance contract, clearly points out that they must ensure that such legislation is passed. They must also ensure that certain things are complied with. Unless there is a policy, which is mainstreamed in all government departments, the work of the Ministry of the EAC will be spoken about but

they cannot force anybody to implement anything.

As far as I am aware, I only know one country that has a clear policy, which has mainstreamed their policy in all government entities, and that is the Republic of Rwanda. The challenge we are facing here today is that Chairperson, Council of Ministers has to go to the Minister of Trade, Minister of Finance, Minister of Tourism and all other Ministries to check with them on whether they have done XYZ and yet in their performance contracts, there is no obligation for them to do so. Hence, the need for a policy and to mainstream the issues. This is a strategic bottleneck of our integration process. Unless this is tackled, we will be talking about the same things 20 years from now with zero implementation.

Hon. Speaker, I beg to submit.

**Ms. Valerie Nyirahabineza (Rwanda):** Thank you, Rt. Hon. Speaker Sir for giving me this opportunity to contribute to this Motion. I will be very brief, as my colleagues have ably tackled many aspects. I happen to be a Member of the Committee on Legal, Rules and Privileges and I was very much excited when we were given an opportunity to undertake this activity. The reason for this is that we have always been complaining asking the Council of Ministers to give us a report. We have been asking them to bring a report to this House to show us how far they are in terms of harmonisation of laws. That is one of the big requirements of the Treaty as stipulated in Article 126(2) (b).

Rt. hon. Speaker, Sir, when we are undertaking this activity in Arusha – I am happy I was part of the group which interacted with the EAC Officials – we could see that we really have people with legal minds. We have people who are committed

towards the integration process. We have people who want all the organs and the institutions of the Community to go by the spirit of the Treaty for the integration process we are always preaching about to become real and meaningful.

Hon. Ngoga thanked the man that we interacted with because he was someone who knew what he is doing. He told us that he has been a member and is still is a member of the sub-committee that was put in place by the Legal and Judicial Sectoral Council. He showed us the kind of achievements and the few laws that they have harmonised so far but also expressed his disappointment towards the fact that the sub-committee, which is supposed to be funded and to be given all the attention that it needs for it to come up with harmonised laws is not given the support that it deserves. In fact, they have been feeling shy to come to us to request for a kind of partnership. That is why we thank you, hon. Speaker, for allowing us to interface with one of them. He expressed clearly that they want a partnership with this Assembly through the Legal, Rules and Privileges Committee.

This is something that we all embraced because as my colleagues who spoke before me have clearly put it, the main function of this Assembly is to legislate. As it is stated in this report, it is very frustrating to see that Partner States are at different levels of implementation of this Council directive. Since this is a Council directive, a Council, which comprises of Members from our five Partner States, it is binding.

Partner States have to go by the Council directive. Unfortunately, due to some interests, which are different according to Partner States and lack of criteria, which is well defined for each Partner State to harmonise its laws, the pace of implementation is completely different. That

is why some of us talked about, as hon. Mwinyi was saying, the Common Market Protocol.

Rt. Hon. Speaker, we know that for the Common Market Protocol to be fully implemented, the Secretariat – I thank this Assembly because we spoke through you – has to develop a roadmap for implementation, which it did. This roadmap ensures that laws have to be harmonised within the five Partner States. However, even if the roadmap is there and approved by all Members of the Council of Ministers, it is being implemented differently within our Partner States.

My plea is that as an Assembly, taking cognisance of our role, should sit with the Executive Arm of the Community and develop a clear roadmap. It is very frustrating to see that everyone does whatever he or she wants in terms of harmonisation of law. We should come up with a clear roadmap, a well-defined list of laws we want to see harmonised. We should play our role.

The last time when we debated a report here, I remember hon. Bazivamo was very frustrated, asked how we should come in. This is our role, our mandate. People who are mandated from different Partner States come for meetings and fly from their homes to Arusha. Every other time, we have the same people being sent for the meetings. One person can be sent here to attend a meeting regarding legal matters and tomorrow the same person comes for matters relating to health. We need to come up with a structure, which can be strengthened so that we work closely with the Assembly so that we execute our mandate.

Mr. Speaker, Sir, much has been said and a lot is highlight in this report. I fully subscribe to it. I am also a Member of the Committee



and there is one query that I want the Council of Ministers to help me understand. There is a sub-committee, which is charged with harmonising laws. However, we were also told by the gentleman who came to interact with us that laws are also being harmonised outside the sub-committee framework. That is okay because you cannot be an expert in all fields. Nowadays, because of technology, there is the open distance learning which everybody can do. However, it is better for us to attract real experts to come and help us do our activities.

I want to know the kind of linkage that exists between this structure which is outside the sub-committee established by the Council of Ministers and which undertakes the activity of harmonisation of laws and the technical structures. I want to know how best we can partner with all of them. In any case, we need expertise that we do not have. How can the Council of Ministers help us in getting us together to do our job?

Lastly, this is an idea, which should be supported by each one of us. The EALA should execute its mandate but also facilitate the EALA through the Committee on Legal, Rules and Privileges in going out within the five different Partner States to see exactly how this activity is being undertaken. As I said, the pace of implementation is different according to Partner States.

Yes, we interacted with officials from the Secretariat but we did not go to the real implementers of these activities; mainly, the Law Reform Commission within our Partner States. This Committee should be facilitated or even the whole Assembly by our different Partner States to liaise or interact with structures that are established nationally for us to see how they are carrying out these important activities and the criteria they are using to come up with harmonised laws.

With those few remarks, I support this report. Once again, I declare that I am a member of the Legal, Rules and Privileges Committee. Thank you.

**Ms. Susan Nakawuki (Uganda):** Thank you Rt. Hon. Speaker. Allow me first to declare that I am a member of the Legal, Rules and Privileges Committee.

I have four issues that I want to address. I will also request for a clarification from the Council of Ministers especially now that the Chairperson of the Council is around.

Allow me also to add on the concern of the Members on the extension of the jurisdiction of the EACJ, this time not on the criminal jurisdiction, but on human rights. When we met over this activity in Arusha, when the Council of Ministers was sitting, I thought this was one of the issues on their agenda. In fact, when we were in Kampala during the public hearings on the Persons with Disabilities Bill, there were very many questions about handling issues of human rights. I informed the stakeholders that the Council of Ministers was handling this issue regarding the extension of the jurisdiction of the EACJ to handle issues of human rights violations.

When I tried to follow up on the matter, I realised that the Council could not commit itself on this matter, nor to handle it at all. I would like to find out from the Council of Ministers and probably the CTC what happened. East Africans were expectant. They were excited about the progress but I need a status update on that matter.

Secondly, when we were carrying out the activities we were told about the challenge of the institutional memory when it comes to the sectoral council. Every time that the sectoral council meets, there are new members. This

was posing a challenge because when new members come on board, then you have to go back from ground zero. No wonder this process has dragged on since 1997. If new members come on board and have not addressed their minds to the issues under consideration, then that means that they consume more time and resources without achieving the expected outcome.

I would like to inquire from the Council of Ministers whether this is something that they are aware of and if it is something that they are willing to find a permanent solution to so that we can go forward. I also want to draw the attention of the Chairperson of the Council to the fact that every time we have had meetings on issues of harmonisation, there is always a complaint of non-attendance of the Attorneys General. All the time they have meetings, at least, one or two of the Attorneys General is always missing. Whenever that happens, they do not conclude on any matter. So, the meeting has to be deferred to another day. However, taxpayers' money is spent, stakeholders are available but the Attorneys General are not there. I would like to get a form of commitment from the Council of Ministers that this is something that they will take up and ensure that the Attorneys General and other concerned Ministers attend the meetings. Otherwise, it appears as if they take everything for granted.

My second point is on harmonisation of Immigration Laws. When we were given an update, we were told that Immigration Laws are being reviewed. We had to give an applause because this is an achievement. But I have a concern over the Yellow Fever Vaccination cards.

Rt. hon. Speaker, Sir, I have been singing about this issue over and over again and I am getting irritated about it. We are deceived by the Council, excuse my language, and this is

recurring. I remember when I was coming here two weeks ago I was with Ministers from Uganda at the airport. They seemed not to have the yellow fever vaccination cards. Kenya Airways refused to check them in and they were asked to go back and get those cards. I remember we had our Minister for Foreign Affairs, the former Minister of the UN General Assembly, the Chief Government Whip from Uganda and other Ministers, they could not be put on board, and yet we are East Africans. Why should East Africans be subject to this? We are the same.

When I was at the Jomo Kenyatta International Airport (JKIA), I told them I was coming from Arusha and I was asked to produce a yellow fever card. The Immigration Official felt that since Tanzanians request for that card, this should be reciprocated in Kenya. In fact, in Uganda, one of the Immigration Officers told me they would do the same to Tanzanians if they were punishing us. If they are punishing us that way, let us also punish them. So, this creates animosity among citizens. They no longer see the value of integration. I would like to request the Chairperson, Council of Ministers, my namesake, Dr. Suzan – I am also aspiring to be a Doctor anyway – to give me a commitment regarding this issue. This is becoming too much. Even when you talk to Immigration Officials, they will tell you that they are waiting for official communication from the Ministers. So, please, convey the message. I expect that next time I appear for Plenary to hear from you on this regard. *(Interjection)* –

**Dr. Kessy Perpetua Nderakindo (Tanzania):** On a point of information, Mr. Speaker, Sir. I thank you, hon. Susan. I am a Tanzanian and we should not say that if we are asked for yellow fever cards, we should retaliate. No!

Last week, I was travelling from Israel and I landed in Nairobi. I was also asked for the yellow fever card. That is not retaliating but following laws. We are still not one state and we have to know that. As long as we are not politically integrated and we are not a one state, we have to obey and to respect the laws of the state we are visiting.

**Mr. Abubakar Abdi Ogle (Kenya):** Mr Speaker, on a point of clarification, I am an East African from Kenya. There are no Immigration demands in Kenya for a yellow fever vaccination card or whatever card that exists in this world. This is an exclusive Tanzanian problem and I think it should be addressed accordingly.

**The Speaker:** Let me take up a follow up information from hon. Kessy then hon. Mwinyi.

**Dr. Nderakindo:** Mr. Speaker, Sir, the previous speaker, hon. Ogle, insinuated that what I said was a lie. He said that Kenyans are not asking for it and yet I was asked at the airport!

**Mr. Abdullah Hassan Ally Mwinyi (Tanzania):** Thank you hon. Speaker, Sir. This afternoon, the Government of Kenya has issued a yellow fever alert after one case was reported in Nairobi. Health officials within the country are now required to vet individuals arriving from yellow fever high-risk countries. The Acting Director of Medical Services, Dr. Jackson Kioko, issued that alert.

**Ms. Patricia Hajabakiga (Rwanda):** On a point of clarification, Mr. Speaker, Sir. I want clarification from hon. Mwinyi as to which countries are of risk so that we know them.

**Mr. Mwinyi:** According to the World Health Organisations (WHO) guidelines, East Africa is still designated as a risk region.

**The Speaker:** Hon. Members, before hon. Susan takes the Floor, this matter is as old as EALA. If you review our *Hansard* records, you will find that we have been talking about this. Hon. Minister from the United Republic of Tanzania at one point made certain proclamation in this House, which is on record. The most important issue here is that the Council of Ministers should harmonise the practice so that we know how vulnerable this region is in terms of Yellow Fever as a health hazard and the position of the Community so that no country appears to be segregating against other citizens of this region. I think there is need for a clear position from the Council of Ministers on this matter.

Hon. Susan, take the Floor.

**Ms. Nakawuki:** Thank you Rt. Hon. Speaker, Sir. I want to appreciate your intervention especially on harmonisation. I do not expect any EALA Member to defend these practices. I would like to inform this august House that even when any republic here in East Africa continues to ask for the Yellow Fever Vaccination card, they should know that these cards are sold at different airports. You are not even vaccinated. They sell you the card for about USD50.

I remember when we were crossing to go for sensitisation at the Namanga Border. I saw ordinary local people being taken into a room because they did not have the yellow fever vaccination books. They were asked to pay USD50. I do not think this is the spirit of the integration process. Hon. Members, this is a non-tariff barrier, which we should not condone. Instead, we should condemn it in

the strongest terms possible because we are one as East Africans.

**The Speaker:** Honourable colleagues, we need to be very careful with this matter. We have just heard that the Republic of Kenya has issued an alert. If this becomes a health issue, we need to have proper leadership guidance on the matter. There is need for a coordinated position from the Council of Ministers on this matter - *(Applause)* -

Secondly, the World Health Organisation and health practices world over have indicated that the vaccination lasts for ten years once you have received it. If a Member of this Assembly or an officer in service of this Assembly has crossed from one country to the other and has complied and the records are clear that he or she has complied in the first year, why should you check every other time? Why can you not wait until after ten years and check again? We need to take this matter to a logical conclusion based on technical advice and real vulnerability of this region on the vice of that disease. I think it is incumbent on Council to give us a position on that.

**Ms. Nakawuki:** My final point, Rt. Hon. Speaker, is on the challenge, which was raised by the Sectoral Council on Legal and Judicial Affairs. They said that many times they were not able to do their job owing to lack of money and also the Judicial Service Commissions raised the same concerns that they were not able to act expediently due to funding issues considering that our economies are not doing very well at the moment.

I want to appreciate the Summit of the East African Heads of States because when they met in Arusha on 2 March 2016, I read that one of their resolutions was for the Council to spearhead alternative funding mechanisms

for the East African Community. I want to understand from Council how long this is going to take because a directive has already been made and they set the ball back to your court as a Council of Ministers. I am afraid that this may turn out to be like the harmonisation process, which commenced in 1997 and almost 20 years down the road, we are still on the same thing. Could you give me an update on what Council is planning to do and in how long this is going to be achieved so that everything can be in motion?

**The Speaker:** I will give hon. Mathuki, the Chairperson of the Committee and then the Chairperson, Council of Ministers. I am wondering whether the acting capacity of hon. Dora still holds. But I think it still holds because she is the one who presented the Report.

**Mr. Peter Mathuki (Kenya):** Thank you Rt. Hon. Speaker, Sir. Let me start by reminding hon. Martin that Chairpersons do not come in late. They delay while consulting in matters, which are of importance to the Assembly. That is what I was doing. I was within the precincts of the Assembly. I was not late.

Let me thank hon. Dora for ably presenting the Report. I knew that she is equal to the task. That is the spirit we have in our Committee of Legal, Rules and Privileges. I do not have to present as the Chairperson because every Member of the Committee is equal to the task.

Let me speak to the Report. From the outset, I want to associate myself with the report, which was ably tabled and presented by hon. Dora.

Mr. Speaker, Sir, I will revisit the spirit of what was presented by His Excellency, Hon. Dr. John Pombe Magufuli, when he was giving his maiden speech during the Summit,

he said; we are serving poor people in the region. Therefore, we are supposed, each one of us, to play our part. That is why I want, in a very special way, to thank hon. Dr. Kirunda Kivejinja because of his consistency. He has been here as a Minister of the EAC and when he not here, he ensures that his Deputy is in the House. I think that is the way to go.

I want to thank you Rt. Hon. Minister from Uganda. When you look at the others from other Partner States...Where are our Ministers? We are in Dar-es-Salaam, and I think it is the first day I am seeing my good sister coming. She has not been here for the last one week. This is the Minister representing EAC from Tanzania.

When we are in Kenya, we do not see the Minister of EAC from Kenya seated to listen and to articulate the position of the Government of Kenya.

Hon. Phyllis Kandie is never there and neither is the Minister of the EAC from Rwanda. They are always absent. This is important for records. We talk to ourselves. We come here and say, what the Government should do but the Ministers are not here. This should go to His Excellency, Dr. Magufuli very fast - (*Applause*).

He should know that indeed, as an Assembly, we are ready to work but the Ministers are not there. We are talking to ourselves. Why did we come to Dar-es-Salaam if the Ministers did not want to listen to us? In the spirit of "*Hapa kazi tu*", Mr. President, please, come to our rescue.

If we do not say this, hon. Members, we will be cheating ourselves and carrying out diplomatic sittings here, swinging our chairs and cheating the poor people that President Magufuli talked about. He said that we are here to serve the poor people, the East

Africans who give money to us. We are supposed to be serving them. But when we become very busy and comfortable in our air-conditioned rooms and say that we have no time for EALA because we are Ministers; are we genuinely serving the poor people? That is very unfortunate. That is why I felt that I should not have done a presentation of this Report because I knew that hon. Dora could have done it.

I say some of these things because they hurt. We are here seated. But the poor people out there say that we are happy and not representing our interests. In the spirit of His Excellency Dr. Magufuli, we may need to rethink. I have a lot of respect to the Council of Ministers and I know that they are equal to the task. That is why they are given responsibility. They are given the responsibility because they are equal to the task. But when they are not equal to the task, then we must talk about it.

Mr. Speaker, Sir that is one of the obstacles of integration; the continuous absence of Ministers of EAC in the sittings of EALA. That is one of the reasons why integration is not succeeding. For purposes of records that has to be noted. That is one of the bureaucracies.

Look at the Treaty. It provides for a number of organs; one of them Council of Ministers, Coordination Committee and the Sectoral Committee. In this particular case, there is a sectoral committee on Legal and Judicial Affairs. They have now gone further and created something they are calling the sub-committee. Below the sub-committee, there is what they are referring to as the taskforce. Is all these required or is it bureaucracy? We are spending money that belongs to the poor to belong time and structures to make per diems. I am very sorry to say that but for the

record, this is very important. Let us eliminate – (*Interjection*) –

**The Third Deputy Prime Minister and Minister for EAC Affairs, Uganda (Dr. Ali Kirunda Kivejinja) (Ex-officio):** On a point of procedure, Mr. Speaker, Sir. I am a very patient person. The point we are discussing by the Committee on Legal, Rules and Privileges, is the Report on Oversight Activities on the Harmonisation of the National Laws in the East African Community context.

I do not know how these extraneous believes have taken up the front position. I am just perplexed and I want guidance from the Chair.

**The Speaker:** Thank you Hon. Minister. He has risen on a procedural matter that the Report is very clear regarding its objectives and otherwise. However, the debate seems to be taking another direction. I think hon. Peter Mathuki, who is also the Chairperson of the Committee on Legal, Rules and Privileges, and protects the Rules of the Assembly, made his preamble very long. That was supposed to be a preamble of this debate and concerns of bureaucracy but not to make the Council of Ministers a subject of debate.

Hon. Member, please, proceed.

**Mr. Mathuki:** Thank you Mr. Speaker, Sir. I stand guided. Of course, I did not mean bad. Our role is oversight and that is what we are doing because they are supposed to be seated here. (*Laughter*).

**Mr. Frederic Ngenzebuhoro (Burundi):** Thank you hon. Mathuki and hon. Speaker. I think that we should continue to complain about the absence of Ministers because they are Members of this Assembly. They should abide by the code of conduct, which we have

approved. I am very happy that the Chairperson of the Legal, Rules and Privileges Committee has raised the issue. I would like to ask him to go to Article 4(5) of our Code of Conduct. It says, “*Every Member has a duty to attend and participate in the sittings of the Assembly, Committee and other such activities subject to Rule 93 of the Rules of Proceedings of the Assembly.*”

4(6) says “*A Member who is absent from a sitting of the Assembly, a Committee, or of another scheduled activity of the Assembly shall forfeit the requisite subsistence or sitting allowance as the case may be, notwithstanding the fact that such non-attendance was permitted under Rule 93 of the Rules of Procedure of the Assembly.*”

It is something like that. I would like to advise the Chair, Legal, Rules and Privileges to let the rules apply.

**The Speaker:** Thank you hon. Mathuki. As you resume the Floor, I had guided that that was a preamble. I am sure that you are in your main speech. Please, proceed.

**Mr. Mathuki:** Thank you Rt. Hon. Speaker. Thank you for the information from hon. Ngenzebuhoro. I feel that what I said was important. Coming to my Report, bureaucracy is one of the challenges. Therefore, we should do away with some of the bureaucratic structures that are coming in. I have talked about the sectoral council legal and judicial matters that are in the Treaty. However, we have the sub-committee, the taskforce and others. That is what is misleading us and making the integration process slow down.

I think it is important for the Council of Ministers, indeed, to look into this to ensure that bureaucracy is avoided so that poor people of East Africa benefit from

integration. This is a people centred integration process. We are talking about many structures and how they are helping poor people. That is the point I wanted to make. I remember when we were seated as a Committee. We really thought through this and felt that they were the obvious obstacles to this sub-committee.

If you look at the country level, who makes laws? It is Members of Parliament. Are they part of this process in any way? They continue to make laws, which they may not be aware are not consistent with the EAC Treaty. Therefore, they are not part of this process. We are not even part of the process as EALA.

I think it is high time that Council of Ministers looked into how to involve Members of Parliament in this process, both at the regional level and at the national level. We should look at the laws, which are not consistent. Look at the Immigration laws. We were talking about yellow fever cards. Those are issues related to immigration. Therefore, if harmonisation delays, then we are not enjoying the Common Market Protocol which is provided for in the Treaty.

If the Labour Laws, which allow for cross border and free movement of persons, labour and services, are not harmonised, how do poor people who are looking for jobs in the region start enjoying this?

For the Common Market Protocol to succeed, we need to harmonise. Harmonisation is supposed to be very urgent, for purposes of record. We thought through this as a Committee. Harmonisation of course most of the time is applied interchangeably with the approximation of national laws, which is geared towards the success of integration. Therefore, it is important that we take this seriously as a Council of Ministers.

At the national level, we need very urgent comprehensive programmes, which will allow harmonisation so that we start enjoying integration. We should not keep integration in records for purposes of bookkeeping. The poor people are not enjoying this integration. I think it is high time that we looked into this and I fully associate myself with the report. I support it and I stand fully with Hon. Dora, as she is the one who presented the Report on behalf of the Committee. Thank you.

**The Speaker:** Thank you very much. Let me allow the Council of Ministers to respond to the issue that came up during the debate.

**The Third Deputy Prime Minister and Minister for EAC Affairs, Uganda (Dr. Ali Kirunda Kivejinja) (Ex-officio):** Mr. Speaker, Sir, I agreed with my colleague here that since she is the one holding the portfolio and will respond specifically to the points raised in the report, perhaps I should also be given a chance to contribute a little because when she contributes, it means that I will not be able to stand up to make my contribution, because I am disciplined. So, I beg to contribute a little.

**The Speaker:** Hon. Minister and Third Deputy Prime Minister, I think this should be made clear in our records that hon. Members of the Council of Ministers are Members of this Assembly. They have a right to debate, however, when it comes to collective responsibility on positions that is a different matter. However, they have a right to debate in this House like any other Member.

**The Third Deputy Prime Minister and Minister for EAC Affairs, Uganda (Dr. Kirunda Kivejinja) (Ex-officio):** First of all, as I said, you will excuse me. On several occasions because of the difference in age. As I said, I am the youngest Member of this

Assembly – (*laughter*). A child is allowed and has the privilege to do anything because the older people will correct it.

First of all, I am impressed that the Report has been properly presented which means that it exhibits the problems and how they were attended to by the Committee to come to its conclusions. I think this is a good report and it is the way we should do things. However, I just want to get one thing that this East African Community is all about. If we are not clear of what are our dues, we are supposed to do and why we are here, we will always end up as a complaining group and we will not make any headway. In my view, the four pillars of the community, as every member knows, consists of the Common Market.

The essence is for us to come together to enlarge our market where we can exchange goods and services to be prosperous as people of EAC. This is something we have seen. With an enlarged market, you will find that Trade has moved. Some people thought that when they are enclosed in their own areas, that is when they are doing good business. The opening of Namanga and the border with Uganda has shown that the trade between the two countries has increased. I think that is a pillar.

The other one is the Customs Union. We cannot legislate for each and everything. There is nothing in the world that God did not put in place. However, unless you choose well, you will continue to complain because you chose the wrong husband or wife. However, there are many girls and boys you could have chosen from. You complain throughout your life because you made the wrong choice. Out of the plenty that was given to you by God, you chose the one that you chose.

The Customs Union was made to ease the work of the business people and the people who bring merchandise in our countries so that they do not spend a lot of time. This was properly conceived and it was easy. Recently, you said that when you sent out a Committee to monitor the issue of a single customs point from Dar-es-Salaam up to a certain opening, you found that trade was moving better. That is a pillar.

The other was the Monetary Union. I think this is moving to some extent. Shortly, we will trade with the same currency. Those are the pillars. Last and not least is political federation. Unless that is done and authority emanates from the concept, nothing will be realised. For us, we have had the chances of passing through all your problems in East Africa. I do not think that there is anybody who is more experienced than Uganda. We have had all sorts of regimes. However, when we had the chance to start, we knew that our first thing was to establish some peace but then also have a constitution for which we had to agree on a fundamental question; who is the master of this country? In answering that one we said, all powers belong to the people and they exercise it and make the models of how to exercise it.

Therefore, EALA appears as if it is hanging. Where is the authority? Why do you want to make laws, for who? Who is your master? Let us concentrate our attention on these areas, which have been demarcated to us. We should exercise our brains on the Common Market, Monetary Union, Customs Union, and what law we should apply until the political animal, which is key, is realised.

I have my own identity. My name is Kirunda and I am from Uganda. That is my identity. You cannot change it. We come together for common interests. The thing that unites a man and a woman is not that they are



identical. It is their common interest. You know it. So, please, when we have such an approach, we will know what our common interests are and we will deal with them - *(Interjection)*.

**Mr Abdullah Ally Hassan Mwinyi (Tanzania):** On a point of information. Hon. Speaker, Sir, I would like to inform the Rt. Hon. Minister that the functions of this Assembly as stipulated in Article 49 and 49(1) are that; “the Assembly shall be a legislative organ of the Community.”

I dare say that the Assembly’s master is the Treaty. I thank you.

**Dr. Kivejinja:** Thank you for informing me. However, you are informing me on what I already know. I am not saying that we have no power to legislate. I am only saying that we legislate in the areas, which will assist in the creation of the Common Market, Monetary Union, Customs Union and the Political Federation.

Unless those pillars are there and then, authority is established... Look at our own governments in our countries. The legislature does not just say that it wants to legislate laws for the good of the country. It is the Government, which implements the – *(Interjection)* -

**Ms. Judith Pareno (Kenya):** On a point of information, Mr. Speaker, Sir. Rt. Hon. Speaker, Sir, the hon. Deputy Prime Minister is giving us the stages of integration. Is it procedural for him to be discussing the stages of integration when what we wanted to hear from the Council of Ministers are the issues that we have raised which touch on harmonisation of laws?

**The Speaker:** Thank you hon. Pareno. The hon. Minister is building his foundation of

response based on the pillar of the integration and, therefore, has just stretched his preamble like the former Member but I believe he is about to come to the issues raised.

Hon. Minister, proceed.

**Dr. Kivejinja:** Thank you very much for reading my mind. What I am trying to say is that when we make laws, they have to be based on strengthening those things we prioritised. In this Assembly, we are the only fellows in East Africa who are thinking about the EAC. That is it. Therefore, you must arrogate yourself that responsibility. Do not bring parochialism here but spend more time thinking about laws in the Common Market and the Monetary Union.

Once that is done, all other problems will be solved. The Ministers will emanate from that authority and they will be here 24 hours a day because a government must run. The Government will only run in a normal way by having laws. The government is the one, which proposes laws to the legislature. The laws are then debated and enacted so that they guide the state on how to run.

I thought my contribution would be that instead of taking these committee reports as an excuse to air up a number of things and also expand our energies because we are still very young on things that may not be fruitful, if we narrow ourselves, even in the legal sphere, in the areas which will strengthen the pillars, that will be a very good contribution by our Assembly. I leave the rest to be done by my Chairperson so that we have a good response.

**The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-officio):** Hon. Speaker, Sir, I would like to thank you for giving us this

chance to give our views and observations from the side of the Council.

The recommendations from the report on issues regarding harmonisation especially recommendation numbers three and four are some that we will submit to the Council. When you were discussing, you talked about the inconsistencies in the Common Market Treaty. The Council welcomes your recommendations. We will make sure that the Committee, which deals with legal matters, considers those issues. One Member said that we do not have an East African Law Report. I want to inform you that the Secretariat initiated some efforts to revive the East African Law Report. I just want you to note this.

On the issue of the yellow fever vaccination cards, I do not want to repeat myself because I had said, in the last session, that the EAC is still under threat and that is why Kenya announced it did. However, we will give you an East African position after consultations and see how we can handle the situation.

**Ms. Byamukama:** Mr. Speaker, Sir, I am standing in for hon. Mathuki, I am the Chairperson and I am privileged to be doing this having chaired this Committee before.

First of all, let me mention a few things before I appreciate Members. First and foremost, I would like to put on record the fact that the Counsel to the Community is also a Member of the Committee and he is here with us, hon. Dr. Kafumbe. He gave us a good person who gave us good information in the names Mitchell Ndaikerukiye. He was very good and we hope to continue interacting with him.

Secondly, I would like to capture a point, which was mentioned by hon. Ambassador Dr. Sezibera in his Farewell Speech. He was

very concise and he said that if we had a law that enabled a citizen of East Africa to have the same rights as a citizen of a Partner State, then we would have done a lot of harmonisation.

I think it is very important that when we look at our laws, especially on the issues of citizenship, we take this into account to ensure that a citizen of a Partner State is given equal treatment in the EAC because this will go a long way in harmonising the way people who reside in the EAC are treated. This is a point that encouraged us to come up with a proposal for an omnibus law, which can help us cure some of these differences, which can be dealt with by having that kind of enactment in place.

I will not say much more. However, hon. Mwinyi made some very succinct points. For the record, I would like to say that there are other Partner States, which have an EAC integration policy. I know that the Republic of Rwanda has. The Republic of Uganda was one of the first to have such a policy, the Republic of Kenya has. I do not have full information on the Republic of Burundi neither do I have full information regarding the Republic of Tanzania. Therefore, this obliges us to propose that the EAC states that do not have an EAC Policy endeavour to ensure that they adopt one.

I do not want to go into much of what he said. However, when you look at the Treaty, Article 126 talks about the issue of approximation when it is referring to legal training. I want to be very explicit.

126(2)(c) “Revive the publication of the East African Law Reports or publish similar reports and such law journals as will promote the exchange of legal and judicial knowledge and enhance the approximation and harmonisation of legal training and

standardisation of judgements of courts within the Community.”

So, this aspect of approximation should not be spread to Article 126(2) (b) which is explicit and talks about harmonisation of national laws appertaining to the community. As it was noted in the report, approximation is partial harmonisation. We noted in the report that the best way is to have model legal frameworks, which Partner States can adopt, and which EALA can use to enact EAC laws. We need to be very clear on this.

He made a proposal that Counsel should request for an advisory opinion on the issue of the Common Market Protocol. Under Article 14(4), this is not obligatory. It says Counsel may request for an advisory opinion. So, as much as we may recommend this, the Counsel is here and they have heard. It is up to them to request for an advisory opinion if they so wish.

Mr. Speaker, Sir, I will not go into the other points that were made, but I just want to say that recently, the EACJ was provided with extended jurisdiction. This House has persistently asked for jurisdiction on human rights matters like Article 27 of the Treaty States.

I would like to urge the Chairperson, Counsel of Ministers to take this up very seriously. You cannot have movement of persons, goods and services without respecting human rights. It is very important that this be taken up. I want to thank hon. Nakawuki for reminding the House regarding this matter. The other issues are very clear. I will not go on and on. However, I want to assure the Rt. Hon. Prime Minister that from lamentations, you get angered and from anger, you get positive action. I want to believe that our report was proposing recommendations, which will enable us, integrate faster.

As Article 14(3)(b) of the Treaty says, we also look forward to Counsel “initiating and submitting more Bills to the Assembly.” The Assembly has been very proactive. We come up with Private Members’ Bills under Article 59 but the most proactive way would have been if Council worked with us in consonance and in particular, like the Report says, Article 76(3) says that “*For purposes of this Article, the Council may establish and confer powers and authority upon such institutions as it may deem necessary to administer the Common Market.*”

I think if there were an administration in place, they would point out areas where we need to harmonise.

With those few comments, I would like to conclude here and quote one of the President of Uganda, President Godfrey Binaisa who said, and “The Chair is sweet.” The Chair has been very sweet, and I want to thank hon. Mathuki and my colleagues in the Legal, Rules and Privileges Committee who have supported the Chair.

In conclusion, and not least, I want to thank hon. Pareno, hon. Kiangoi, hon. Maryam. Hon. Shy-Rose, hon. Ngoga, hon. Mwinyi, hon. Valerie, hon. Nakawuki, hon. Peter Mutuku Mathuki, the substantive Chairperson and the Rt. Hon. Deputy Prime Minister, the youngest and wisest in the House as well as our Minister, hon. Dr. Suzan for having responded to the Report.

If there is anybody I have left out, I would like to pray for your indulgence. I want to thank those who listened by way of participation. I would like to you to support the Report.

**The Speaker:** Thank you hon. Dora for presenting the Report eloquently. Hon. Members, the Motion before the Assembly is that the Report of the Committee on Legal, Rules and Privileges on the Oversight Activity on the Approximation and Harmonisation of National Laws in the EAC Context be adopted.

*(Question put and agreed to)*

### COMMUNICATION FROM THE CHAIR

#### VISITING DELEGATION FROM THE COUNTY ASSEMBLY OF TANA RIVER COUNTY, REPUBLIC OF KENYA

I congratulate and thank that Committee. Hon. Members, you will remember that in the beginning we recognised and saluted the presence of our friends, honourable Members and the Speaker of the County Assembly of Tana River in the Republic of Kenya, led by the Speaker Rt. Hon. (Dr.) Mohammed Nuh and staff.

May you please rise for recognition? We thank you for visiting us. Our regards to the County.

*(County Assembly Members from Tana River in the Republic of Kenya rose for recognition)*

#### MOTION FOR A RESOLUTION OF THE ASSEMBLY TO BID FAREWELL TO HON. AMBASSADOR DR. RICHARD SEZIBERA, OUTGOING SECRETARY GENERAL OF THE EAST AFRICAN COMMUNITY

**Mr. Abubakar Abdi Ogle (Kenya):** Hon. Speaker, I would like to move a Motion for the resolution of the Assembly to bid farewell to the Hon. Ambassador Dr. Richard Sezibera, outgoing Secretary General of the East African Community.

I beg to move.

**The Speaker:** Thank you hon. Ogle, present and justify your Motion.

*(Question Proposed)*

**The Speaker:** Where are the Seconders?

*(Several Members stood up in their places to second the Motion)*

**The Speaker:** Hon. Ngoga, hon. Kessy, hon. Dr. Odette, hon. Hafsa Mossi, hon. Shy-Rose, hon. Valerie, hon. Rwigema, hon. Bazivamo and all the Members standing.

**The Speaker:** Hon. Ogle, present and justify your Motion.

**Mr. Ogle:** Whereas Article 67(1) of the Treaty for the establishment of the East African Community: “The Secretary General shall be appointed by the Summit upon nomination by the relevant Head of States under the principle of rotation.”

Whereas Paragraph 3 of the same Article mandates the Secretary General to be the principle executive officer of the community and shall:

- a) be the head of the Secretariat;
- b) be the accounting officer of the Community
- c) the Secretary of the Summit; and,
- d) carry out other duties as are conferred upon him by this Treaty or by the Council from time to time.

Noting that Dr. Richard Sezibera served a fixed five-year term that spanned from 19 April 2011, appreciating that during his tenure, he oversaw the implementation of the following programmes among others, which have come to be major milestones for the East African Community (EAC) namely:

- 1) the recent introduction of the International EAC passport as a critical milestone in the integration dispensation;
- 2) The sustained campaigns to ensure the realisation of a single customs territory are duly paid of;
- 3) Conclusion and ratification of the monetary union;
- 4) Infrastructure Programme which is set to spur development in the region apart from other parts of the Continent in terms of competitiveness have been launched by the region thus laying the Standard Railway Gauge; making unprecedented advances in the investment of energy;
- 5) establishing and sustaining the core Secretary General Forums with the private sectors; and,
- 6) Spearheading the granting of financial and administrative autonomy to EALA and the EACJ thus laying the foundation to commence on various amendments of the Treaty and the relevant EAC Rules and Regulations. Now therefore, this Assembly do resolve to; recognise the great service he rendered to the Community he rendered while he served as the Secretary General of the East African Community.

I beg to move.

**The Speaker:** Do you have any justification to add on the Motion as read?

**Mr. Ogle:** It is very brief and in the interest of time, from the outset, this Motion may appear routine and very ordinary. It is not usual for Hon. Ogle to be associated routine Motions. However, I want to look at This Motion from three points.

One, we compliment the Secretary General for any good service he has rendered to the Community. He has. I just enumerated a few of them. But they could be many others, which during his time were achieved in this Community.

Secondly and equally important is that there have been areas of challenges where Members are given the latitude by this Motion to criticise, if necessary, the failures and the challenges that the Secretary General, during his time, under his watch was not able to surmount.

I will name a few of them. One is the monstrous animal called the institutional review. Although he promised that, it had been surmounted since...There is the inability of the EAC to develop and alternative, funding mechanism, which would perhaps, had solved some of the problems we have here. The huge expenditure, year in year out has always been allocated towards travel and consultations in this Community. Those are some of the challenges.

A third issue, which is critical to this Community, is to give our position to EALA to the incoming Secretary General so that he comes to our Community or to an Assembly that does not do business as usual. That is very assertive, critical, and he is taking over at a very critical time of the history of this Community, when we have our own political challenges in the region. How we perform is equally critical to the Community - (*Interjection*).

**Ms. Dora Byamukama (Uganda):** On a point of procedure, Mr. Speaker, Sir. With due respect to my colleague, hon. Ogle, I am a little bit perturbed at the trend at which we are moving. When you look at the Motion,

the person we are bidding farewell is not in the House.

I have listened careful and I have heard hon. Ogle say that he would like to carry out some kind of review and evaluation and send a clear message to someone who is incoming, which is a bit speculative. In light of the rules of natural justice and his right to reply if he was here, are we procedurally doing the right thing? We may get into areas where he could have given clarification. However, he is not here. I would like to request your indulgence. Hon. Ogle is my very good colleague and friend. Substantively, what does he want to achieve? I have a problem with the procedure. I would like to be guided Sir.

**The Speaker:** Thank you hon. Dora. The Motion is very clear. For the resolution of the Assembly to bid Farewell to hon. Dr. Richard Sezibera, the Outgoing Secretary General of the East African Community. That is it.

As you rightly sought my guidance, the rules of natural require that we stick to the Motion and we do not debate any character who is not a Member of this Assembly because he does not have the right of reply. I beg that the hon. Mover of the Motion himself to the debate and justification to the context of the Motion and we bid farewell to the outgoing Secretary General as prayed for in the Motion.

I thank you.

**Mr. Ogle:** I stand guided, Mr. Speaker, Sir. We are not discussing the person as such. We are talking about the Office and not the incoming holder of that Office. It is important that people understand and appreciate it in that context. I was just concluding. I did not understand the whole point of interaction.

I beg to move.

**The Speaker:** Hon. Members, the Motion before the Assembly is:

That, this Assembly do resolve to bid farewell to hon. Dr. Sezibera, the outgoing Secretary General of the East African Community.

*(Question proposed)*

**The Speaker:** Debate is open.

**Ms. Shy-Rose Sadrudin Bhanji (Tanzania):** Thank you Mr. Speaker, Sir for giving me the Floor so that I can also say a few words in bidding farewell to the outgoing EAC SG, Dr. Richard Sezibera.

*Mheshimiwa* Speaker, Sir, at a time like this, anywhere in the world, when a senior official leaves an organisation, people get sad feelings. It is for this reason that the words of this English Song are relevant at this point in time. I do not have a very good voice. Otherwise, I would have sang that song. The song says; “parting time is great sorrow only if it were up to tomorrow.”

*Mheshimiwa* Speaker, Dr. Sezibera has been the SG of the EAC for the last five years. It was during his time that EALA 3 assumed its role. Today, it is a very sad day because we are bidding farewell to Dr. Sezibera. Dr. Sezibera has done many great things in this Community. During his time, many words such as NTB, single customs territory, One-Stop border post came not only into existence but also started to be implemented. Now, we can clearly see the reductions of NTBs and the single customs territory is a reality. Two weeks ago, we witnessed the launching of one-stop border post as Holili-Taveta even though EALA was not invited.

Mr. Speaker, Sir, all these developments have contributed to the increase in intra-EAC trade

and we really thank Dr. Sezibera and his team. I am sure that as Dr. Sezibera leaves the EAC Community, he will carry with him some fond memories of many things that have happened in the EAC not to mention the EALA Sessions that he attended in his capacity as the SG and a Member.

Mr. Speaker, Sir, we want to assure Dr. Sezibera that we shall soldier on until we realise and achieve the objectives of the EAC integration. Today, I wish to say *au revoir*, Dr. Sezibera. For those who do not speak French that means, see you again, Dr. Sezibera. I want to repeat that.

Today, I want to say *au revoir* Dr. Sezibera in the hope that we will meet again in either Arusha, Kigali or elsewhere in the region when we will have borderless East Africa.

I thank you, Mr. Speaker, Sir.

**Mr. Martin Ngoga (Rwanda):** Mr. Speaker, Sir, I want to congratulate the Mover of the Motion not just for moving the Motion but also for the proper recap for some of the achievements of Dr. Sezibera during his time as the Secretary General of the East African Community.

Mr. Speaker, Sir, I am one of those who are privileged to have known Dr. Sezibera even before he assumed responsibilities in the EAC. I have known him from the time he was a senior officer in the army and at a time when he was a Presidential Advisor of the Great Lakes Region. He was at one time a lawmaker like ourselves. He has been a Minister for Health, and in all those responsibilities, he left great achievements.

So, he walked to the service of the Community with the background of achievement, tenets and values in public service. To some of us who have known him

before, it is not surprising that he achieved what he achieved as the Secretary General of the EAC.

Mr. Speaker, Sir, the integration process and the management of the Secretariat of the EAC is work in progress. Therefore, Dr. Sezibera has done his part. Those who were there before him did their part. He has taken the Community, in his role, to another level. We are expecting that whoever is succeeding him will take the Community even to a higher level. So, we can only thank him for what he has achieved and pledge that we shall support this successor. The office bearer of the SG's of the EAC can fail or succeed depending on how much we support. It is our collective duty and responsibility to continue to support the office bearer the same way we supported Dr. Sezibera. His achievements include those that are directly related to the House but also other organs of the Community. Today, we are also blessed to have youth ambassadors visiting us here. If they had an opportunity to speak, they would give testimony on how Dr. Sezibera has emphasised the role of our youth in their interactions with the organs of the Community. These are some of the good policies that we hope we will collectively continue to advance for the future of our Community.

With those few remarks, I thank the Mover of the Motion and I beg to support.

**Dr. Nyiramilimo Odette (Rwanda):** Thank you Mr. Speaker, Sir for giving me this chance. I rise to support the Motion and to thank hon. Ogle for moving the Motion, which is to bid farewell to Dr. Sezibera.

Dr. Sezibera, as said by hon. Ogle, has done many things for this Community. What he has accomplished is not only limited to what has been mentioned here. We all recall the single tourist visa. This was accomplished

during this tenure. Hon. Shy-Rose talked about the one-stop border post. We all have seen and many of us have contributed to the Vision 2050. As he told us when he was saying good-bye to us, the Vision 2050 printed document is now out. We will all be happy to have a copy so that we know clearly, where the Community is going and we work in the same direction.

The institutional review that has been there for more than ten years has been concluded and the last Council of Ministers decided that it had to be on the move. Hopefully, it will be implemented soon.

Rt. Hon. Speaker, Sir, I would like, if the Mover of the Motion agrees, we have some amendments to the Motion. This is on the part where we are talking about the accomplishments during Dr. Sezibera's tenure. We should not have a full stop after mentioning his achievements. We should add the words, "and many others." There are very many things, which we cannot enumerate.

For the resolution, I would like to add some two small amendments, or addendum.

- 1) to recognise the great service Dr. Sezibera rendered to the Community while he served as the Secretary General of the EAC;
- 2) I would like to congratulate Ambassador Dr. Sezibera for the good work he has done for East Africans; and,
- 3) We should wish him farewell and well in the other endeavours he will undertake.

I may not have drafted this well but I wish to pass the amendments to the Mover.

**Mr. Peter Mathuki (Kenya):** Thank you Mr. Speaker, Sir. I stand to support the Motion and appreciate hon. Shy-Rose feeling

of finding it difficult to say goodbye to Sezibera. That means, indeed, she had found a good friend in Sezibera. He was equal to the task and I am sure that he has done his part in this community.

If each one of us could play the role that Dr. Sezibera played, we would have taken integration to the next level. We must appreciate that there are occupational hazards. As you do your best for the Community, you encounter some of the obstacles and challenges. That was not an exemption with Dr. Sezibera. I think he did his best. It is during his tenure that he facilitated the expansion of the EAC Member States to six. We are now six and it is because of his able leadership that we were able to achieve this.

I am sure that this is one of the key objectives of having this integration, to build it, to grow it and to ensure that we have as many Members as possible. I think he left that kind of environment. If hon. Ogle agrees, we will add that as one of the achievements, of course, supporting what hon. Odette said.

He facilitated the expansion of the EAC Partner States from five to six. It is during his tenure that he met the private sector and the civil society that he was able to fulfil the promise of people centred integration. Once we add this, we will give him a befitting send off to Dr. Sezibera.

Of course, as he leaves, we want to wish him well. I know, indeed, as he goes, he could be going to get a wholesome salary in his next job. But of course, there is no guarantee that he will get wholesome colleagues like us. As he leaves, we wish him well. I am sure he is a son of integration and we will be meeting him in so many other initiatives, which are geared towards promoting integration. Indeed, he has done it. He will remain an



asset to us. Leaving the position does not mean that he will stop participating in the process of building this Community. We wish him well. We will continue to call him at a personal level so that we benefit from his expertise and as a senior person in his discipline of integration. I wish he was here because I would have asked him to continue being among us.

He was a Member of this House and I wish him well. I think as he leaves, it is important that whoever comes in gets to know that there is a challenge. But let each one of us do their best as Dr. Sezibera did to expand the Community.

**Ms. Margaret Nantongo Zziwa (Uganda):** Thank you very much Rt. Hon. Speaker. I rise on this Motion because I observed as the SG bid farewell to us, he enumerated the many achievements that he delivered during his term. Hon. Ogle made a very substantial statement. I think it would not be fair both on the part of the SG to go unwithdrawn or unsubstantiated. I am rising on that front to put the facts correct and to set the record in its perspective.

Hon. Ogle's concern at the moment was that the SG is leaving at a time when he has only managed to get a very meagre increment of the Members' emoluments - (*Interruption*) –

**Mr. Peter Mathuki (Kenya):** Thank you Rt. Hon. Speaker and hon. Zziwa for giving me the Floor. I think we should stick to the Motion. The hon. Member cannot purport to interpret what hon. Ogle who is seated here meant.

I am sure that hon. Ogle has a voice to say how he felt and what he meant. When the hon. Member gives interpretation of what hon. Ogle meant, that is not proper. I thank you.

**The Speaker:** Hon. Margaret Zziwa rose up and started her debate on the Motion of bidding farewell to the Secretary General by quoting a statement of what happened on this Floor. I believe that she will develop her point in line or context of the Motion we are dealing with. Proceed.

**Ms. Zziwa:** Thank you Rt. Hon. Speaker. Once a Speaker, always a Speaker. I was properly inducted before becoming a Speaker. Rightly, a Speaker does not speak before a speaker unless invited. So, I have been keeping quiet for a long time. For that matter, I want to let you know that I listened and heard every statement on the Floor of this House. So, believe me, I heard hon. Ogle very well. It is not in bad faith that I am putting the record correct. It is in very good faith. For that matter, since it was not even withdrawn, it is still in the *Hansard* of this House. It is important that it be put into perspective.

Mr. Speaker, Sir, my humble input to hon. Ogle is that he knows very well that the increment is not meagre at all. The increment which hon. Ogle and hon. Margaret Zziwa, very vehemently pursued under the...

I recall hon. Ogle going to the Member of the Summit of the Republic of Kenya and seeking an appointment, hon. Zziwa with the team of the staff going to Kenya and sitting in Kenya for two consecutive days without getting an appointment on the issue. Later on, another Member from the same Chapter secured an appointment. Rt. Hon. Zziwa, hon. Kiangoi, hon. Ogle and hon. Mumbi interfaced with the Member of the Summit and we convinced him of the plight of the Members about their emoluments. We were also able to share with him the frustrations we had experienced with the Council at that juncture. The item was not even on the order paper of the agenda of the Council. Rt. Hon. Margaret Zziwa had interfaced with the

Speaker of the respective National Assemblies and with the Summit Chairpersons and His Excellency President Museveni. We were able to – (*Interjection*)-

**Mr. Mathuki:** On a point of procedure, Mr. Speaker.

**Ms. Zziwa:** I beg your protection, hon. Speaker.

**The Speaker:** Let me hear the procedural matter as per our Rules.

**Mr. Mathuki:** Procedure demands that once a Speaker, you should observe procedures. That is it. What hon. Zziwa is doing is giving justification. If she wants to put a point across, she should bring a Motion to amend this Motion. Out of that Motion, she will justify what she is doing. I think that is the right way to do it. She should bring a Motion to amend, delete or withdraw a statement. If that Motion is supported, she could go on and justify.

**The Speaker:** Thank you hon. Peter. I still believe that hon. Margaret Zziwa is debating the Motion and putting it into the context of the numerous things that the Secretary General and the people he worked with achieved. This was not just a meagre improvement of Members' emolument but also a substantial improvement of Members' welfare. Therefore, I think she is sticking to the many things that hon. Dr. Sezibera did as a Secretary General. She was disagreeing with the position of hon. Ogle that the amount was meagre by saying that it was not meagre. That is part of the debate and it is healthy.

**Ms. Zziwa:** Thank you Rt. Hon Speaker, Sir. I want to substantiate and say that amounted to 25 per cent increment of Members emoluments. Calculate it. It amounted to an increment of 25 per cent. This would

translate to Members' other benefits like gratuity. So, this is not meagre. I want to salute Rt. hon. Zziwa and her Commission including hon. Ogle. I want you to take pride that you were able to have that under your office and term. Be gratified that even other benefits, which you received like the 40 days of Committee sittings was not very easy to achieve. However, it was achieved. I know that today, some Committees are still giving different days - (*Interruption*) –

**Mr. Mathuki:** On a point of procedure, we are congratulating and bidding farewell to the SG and not to one Member, hon. Zziwa. We are diverting from the Motion. We are only dealing with the Secretary General who is outgoing. Is the hon. Member in order to congratulate and divert herself from this Motion? Why should she congratulate other people who are not even part of this Motion?

**The Speaker:** Thank you so much. Of course, you rose on a point of procedure. The hon. Member is saying that as the Accounting Officer of the Community, who worked with the Commission of Parliament, they were able to increase Members emoluments by that amount which you know. Apart from that, other working days were increased because of the effort of hon. Dr. Sezibera. I think the hon. Member should stick to the context of the Motion but enumerate many achievements in context of the Motion.

**Ms. Zziwa:** Thank you hon. Speaker, Sir. I wish hon. Mathuki appreciated that not everything said on the Floor of the House is to the amusement of everybody. But in respect, patience and parliamentary practice, we listen to one another. So, he should bear with me and listen to me.

There was a second concern raised by hon. Ogle. I am putting this into perspective because it was recorded in the *Hansard*. After

I have enumerated it, we will decide whether to leave it in the *Hansard* or what to do.

This is concerning the motor vehicle grant. I want to raise it because it has part the talk on the corridors. I do not know whether the Secretary General made a commitment or promise regarding that. But I want to say that as the head of this institution, we know that some of those benefits must be negotiated between the head of the House, the Rt. Hon. Speaker and the Summit. I am talking about the Summit because – (*Interruption*) –

**Ms. Patricia Hajabakiga (Rwanda):** Rt. Hon. Speaker, Sir, is it in order that we insinuate that whatever this Assembly Members' get comes from an individual instead of the collective work of the Community of which we know who the leader is. I do not believe that we should sit here and praise people to have even one dollar. For me, this was not the effort of an individual. This was collective effort of the Community, which had to go through all the ranks. So, each one of us worked on it. It is not fair that we castigate or even praise anybody on something, which goes to my pocket. An individual cannot give that. The Community gave it and I beg to clarify that issue.

**The Speaker:** Thank you hon. Patricia. Honourable colleagues, we are dealing with an institution. When an achievement is made for the benefit of the Community or the institution of members of the institutions, even the staff member who does the cleaning of the floor has contributed. It has only occasioned us this evening to pay tribute of extending our appreciation or bidding farewell to one of our own who served this Community, Hon. Dr. Ambassador Sezibera who is the Secretary General of this Community. So, let us debate the Motion in the context that he did it with the help of all

the rest of the membership of the Community and the Assembly. Stick to the context of the Motion to bid farewell.

Hon. Margaret Zziwa, debate and move to a conclusion.

**Ms. Zziwa:** Thank you Mr. Speaker, Sir. If the Members had been patient, enough they would have heard at the end how the Secretary General had participated, because everybody knows that when we were in Munyonyo, at the Summit, it was the Secretary General who announced that increment. I was going slowly but making sure that what has been said on this Floor, in error or in omission, is put in perspective. If we were achieved very little, it is not the Secretary General to be blamed, it is Hon. Ogle to be blamed. If we were able to achieve a lot, it is because of hon. Ogle, the Secretary General, and others, including Margaret Zziwa.

I know for sure that people do not want to talk about individuals but I have seen on the Floor of this House, history being erased. That is why when you do not come up to speak about an issue, people do not even recall that it ever happened. The struggle of that amount cost an individual to get wet in her undergarments.

The Clerk Assistant I was working with was taken to hospital the following day. My secretary lost her phone. These are some of the things we went through. I do not want to go back to talk about them. That is why I wished that Members listened. We would not even be going into this. I know, for sure, that there are bitter facts. I said, as I was opening my remarks, once a Speaker, always a Speaker.

Once an honourable Member, always an honourable Member. Once an Ambassador,

always an ambassador. Once a bishop, always a bishop. You cannot erase that. For that matter, I will say that I was honoured by the achievements made during the time when the Secretary General was in Office.

When I became Speaker, he is the one who pinned me with the EAC lapel pin. That means a lot. I know that others have been pinned but very few have been pinned in that respect. That is true. For that, I want to congratulate him upon completion of his term.

**The Speaker:** Just for the record, the Member holding the Floor is putting the word “pinch” literally.

**Ms. Zziwa:** Mr Speaker, Sir, I mean the EAC Pin.

**The Speaker:** Okay, the EAC Pin.

**Ms. Zziwa:** I feel very disadvantaged that I did not induct you. Otherwise, I would have – *(Interjections)* –

**Mr Mathuki:** Point of Procedure Mr Speaker; procedure Mr. Speaker!

**The Speaker:** Hon. Margaret Zziwa, one minute to conclude your remarks on the context of the Motion.

Hon. Colleagues, we are debating a Motion and for the benefit of this House, I can read it again.

*“A Motion for the resolution of the Assembly to bid farewell to hon. Ambassador Dr. Richard Sezibera, the outgoing Secretary General of the East African Community.”*

Debate must stick strictly to the farewell bidding. Hon. Zziwa, proceed with your debate and conclude.

**Ms. Zziwa:** Mr. Speaker, Sir, Dr. Sezibera pinned the EAC Pin on me. It is one of the very many important achievements he made, and I want it on the floor. I want to add – *(Loud consultations)* - Mr Speaker, Sir, – *(Loud consultations)* - I beg that I am heard in silence. *(Interruption)*

**The Speaker:** Hon. Margaret, we have a long Order Paper and you know about the limitations of our Rules of Procedure. Please, proceed. The Floor is yours. Summarise.

**Ms. Zziwa:** I will leave the Floor for others. Mr Speaker, thank you.

**Ms Dora Byamukama (Uganda):** Thank you Mr. Speaker, Sir for giving me this opportunity to bid farewell to Dr. Sezibera, the outgoing Secretary General of the East African Community. You correctly guided regarding the Motion, I am now better equipped to talk about it.

First of all, let me add my voice to those who have thanked hon. Ogle for putting this on record. Actually, informally, when we saw that there was a statement by hon. Ambassador Sezibera, we commented over a cup of tea that it might have been better if we had a Motion where we could also express a few sentiments. My only misgiving is that we are doing it in his absence but I hope that he will get a copy of the *Hansard* to understand and appreciate how much we have recognised his services.

First and foremost, I would like to put on record our appreciation and that of the Assembly, on your behalf if you allow me, to the Republic of Rwanda for nominating such a gallant son of Africa - *(Applause)*.

When you look at the Treaty, you will find, under Article 67, which states, *“The Secretary General shall be appointed by the*

*Summit upon nomination by the relevant Head of State under the principle of rotation.”*

Let me put it candidly that the relevant Head of State as of then was His Excellency Paul Kagame. Secondly, I would like to say that the quality of this gallant son of Africa is clearly evidenced by the titles he holds. When you look at his titles, you will find that he has been an ambassador. Therefore, he is a diplomat. He is a medical doctor and I know that he went to the same university that I went to, Georgetown University in the USA. He is a major in the army unless I am wrong. I think he still holds that. I know that he holds the title of honourable and I know he served as Minister in the Republic of Rwanda and as a Member of EALA. By proxy, we have also enjoyed some of the attributes of this gallant son of Africa - *(Interjection)* –

**Ms. Patricia Hajabagika (Rwanda):** On a point of information, Mr. Speaker, Sir. I want to give information to hon. Dora. He did not only serve as a Member of EALA, but he also served as a Member of the Rwanda Transition Parliament from 1995 to 1999. Together, we were in Parliament.

**Ms. Byamukama:** Mr. Speaker, Sir, I would like to propose that since hon. Ogle is in charge of the magazine *Bunge La Afrika Mashariki*, we should sit down and capture all these salient points in a more succinct manner so that we do not leave out any of the points we would have liked to articulate. That is my humble plea. That way, we will have done justice to this gallant son of Africa.

If you touched an elephant, you could easily say that you have touched a certain part when you touched something else. If you touch the trunk, you may think it is the tail. If you touch the ear, you may think it is something else. So, I would like to say that amongst the things

said, on a personal note, one of the things he did which touches my heart is the fact that he introduced a concept of EAC Youth Ambassadors and built on it.

If you look at the population of the EAC, you will find that over 60 per cent of East Africans are the youth. It is not by coincidence that we have the youth following us up and down. They are in this Assembly. They know that the EAC is their home and they know that they are welcome. Therefore, this was very important. The other aspect that he brought to the fore was the issue of genocide. When you hear about genocide, you think that it is very far away. I know that there is a study centre by Nyerere and other things. However, the point is that in his tenure, we have appreciated this issue better and I hope that this will be carried forward.

On the issue of autonomy, I would like to say that His Excellency Juma Mwapachu had actually given semi-autonomous status to the financial and administrative aspect. I would like to say, clearly, that it is during his tenure, that of Dr. Sezibera, that we got full autonomy of course with the support of the Council of Ministers. I would like to salute him for working very well with the Council of Ministers because as you know, terms and conditions of Members of EALA are proposed by the Council of Ministers and approved by the Summit. If his relationships were not good, we would not have achieved what we did.

Mr. Speaker, Sir, the Bible says that when you are weak in a crisis, you are weak indeed. Obviously, since 2011, there have been different types of crisis. As you know, we had disasters. The Jomo Kenyatta International Airport (JKIA) caught fire, we had terrorism, issues of elections, good governance in operation and in all these circumstances, he

showed astute leadership and we salute him for that.

I would like to conclude by saying that hon. (Dr.) Sezibera is a true son of East Africa having studied and lived in Uganda for a long time and having gone back to his country to serve at a high post and finally for doing excellent work for the East Africa Community.

With those few comments, I would like to support the Motion and I hope hon. Ogle will take on board my proposals.

**Mr. Abdullah Hassan Ally Mwinyi (Tanzania):** Thank you Hon. Speaker, Sir. I will be very brief. I would like to pay tribute to Hon. (Dr.) Sezibera for the sterling work he has done and the five years that he was at the helm of the Community.

Hon. Speaker, Sir, I am not aware of any more challenging role in this region, not the Community, than that of being the Secretary General of the EAC. It is within the ambit of politics and diplomacy that one has to be technically sound to grasp the enormous amount of detail. You must have attention to detail as well as see the bigger picture. This is extremely a challenging role. You must balance the interests of the Community but at the same time have a deep understanding of the needs and the strategic imperatives of the Partner States.

Hon. Dr. Sezibera discharged his functions at the best of his ability and made notable gains in his tenure in office. It was highlighted previously that a Single Customs Territory, a key achievement was attained during this period of time. He put forward a solution to what we have been grappling with, in his last submission that there should be an omnibus piece of legislation to cover all the legislation that needs to be covered for the

operationalization of the Common Market Protocol;

First, I would like to thank him for the sterling work as an East African and to wish him and his family all the best in his future endeavours.

**The Speaker:** Thank you hon. Mwinyi. I now invite hon. Ogle to respond to the various Members.

**Mr. Abubakar Abdi Ogle (Kenya):** Thank you Mr. Speaker, Sir. Very briefly, there are certain restraints that being a Mover of a Motion places on you and this was one particular Motion where I had to restrain myself because I heard my name being mentioned up and down. *Mheshimiwa* Mathuki knows that I have a great voice and I can stand up for myself in many things.

Let me clear one thing. When I made a remarks last time, in view of the statement that the Secretary General was making, I thought it was a general statement. Therefore, it was not going to allow Members to take stock of his leadership during the five years. That is when I occurred to me, spontaneously, I should move a Motion where Members would have latitude to reflect, criticise and to say many things regarding his performance over the last period. I do not remember a time when I talked about meagre contributions made by the Secretary General. I do not. I only remember talking in passing about the car grant. I will still say it here that I regret that during the last five years under his watch, this Assembly could not achieve the quest for the car grants.

With regard to the so-called meagre contributions, I want to make a clarification on that, *Mheshimiwa* Zziwa. I did not talk about the Secretary General in that context.

That should be noted very clearly. No one should be in the business of reading my mind and trying to interpret what I said and what I did not say.

Now I want to come quickly to some of the amendments that were suggested by amongst others, Dr. Odette. Dr. Odette talked about a second and a third prayer of this Assembly appreciating the good work and wishing the Secretary General well. I wish to say that as much as they are good, they are equally captured in the single prayer; what we would call the omnibus prayer, which covers everything. Recognising the good services that the Secretary did is like commending the good work that he has done. This is also like wishing him well. You can be comfortable that this recognition of his service is for the past five years and somehow contains all those things.

Regarding the Sixth Session that was alluded to by hon. Mathuki, this is a point I want to agree with *Mheshimiwa Zziwa*. The sixth session of this Assembly painstakingly achieved a lot. I was in the Commission and it started from the General Purpose Committee. Getting a Sixth Session entailed a lot of push and pull. I did not want to bring those details on the Floor of this House. There was a lot of push and pull on how the Sixth Session came to be. In fact, at some point, there was no budget. This was not a matter of the Secretary General on his own although we must compliment him because this happened during his time. The Sixth Session came to be and the forty days meetings of the Committees came to be during his watch. I think this will be part of the compliment that he has to take. We cannot deny him that. He was the Chief Executive Officer of this Community. So, whatever good things were attained and happened during his time, must all go to him.

I am very sorry Dr. Odette. I cannot enumerate all the successes that were registered under Dr. Sezibera's time under one Motion. For the record, these things are there. They cannot be deleted or wished away. They are all there. We wish him all the best.

Here is a man who had a convenient blend of military, diplomacy, medical and political backgrounds. He blended all that very well. I hope that the incoming Secretary General will also do good work that the Secretary General Sezibera did over the years.

**The Speaker:** Thank you hon. Ogle. The Motion before the Assembly is: That, this Assembly do resolve to bid farewell to Hon. Ambassador Dr. Richard Sezibera, the outgoing Secretary General of the East African Community.

*(Question put and agreed to)*

*Resolution adopted.*

**The Speaker:** I congratulate hon. Ogle for bringing the Motion. We wish hon. Dr. Sezibera well in his future.

MOTION FOR A RESOLUTION OF THE ASSEMBLY TO THANK THE FOUNDERS AND THE FIRST LADIES OF THE FIRST EAST AFRICAN COMMUNITY (EAC) FROM 1967-1977 NAMELY; MAMA NGINA KENYATTA OF THE REPUBLIC OF KENYA; MAMA MARIA NYERERE OF THE UNITED REPUBLIC OF TANZANIA; AND MAMA MIRIAM OBOTE OF THE REPUBLIC OF UGANDA.

**MOTION**

**Ms. Agnes Mumbi Ng'aru (Kenya):** Mr. Speaker, Sir, I beg to move that this House resolves to Thank the Founders and the First Ladies of the First East African Community (EAC) from 1967-1977 namely; Mama Ngina Kenyatta of the Republic of Kenya; Mama Maria Nyerere of the United Republic of Tanzania; and Mama Miriam Obote of the Republic of Uganda.

**The Speaker:** Where are the Seconders?

*(Several Members stood in their places to second the motion)*

**The Speaker:** Hon. Shy-Rose, Hon. Opoka, Hon. Hafsa Mossi, Hon. Sarah, Hon. Suzan, Hon. Mariam, Hon. Dora, Hon. Leonce, Hon. Kessy, hon. Nyerere and hon. Nancy.

*(Question proposed)*

Hon. Mumbi, proceed. Read the Motion and justify.

**Ms. Mumbi Ng'aru:** Rt. Hon. Speaker, Sir, thank you so much for allowing me to move this.

I sat for a long time to save energy to speak. Whereas the East African Community existed from 1967 to 1977, and constituted the Republics of Kenya, United Republic of Tanzania and the Republic of Uganda whose political leaders were Mzee Jomo Kenyatta, Mzee Julius Nyerere and Mzee Milton Obote respectively, whereas in 1977 the Treaty establishing the EAC was dissolved for various reasons, noting that the first and founding leaders President Jomo Kenyatta, President Julius Nyerere and President Milton Obote are deceased, God rest their souls in peace, appreciating that the process of revival of the current East African

Community started in 1993 with an agreement for the cooperation of the Republic of Kenya, United Republic of Tanzania and the Republic of Uganda referred to as the Tripartite Commission noting and appreciating that the process was actualised by the ratification of the Treaty of the Establishment of the East African Community on 30<sup>th</sup> November, 1999, appreciating that the community has now expanded to include the Republics Burundi and Rwanda who joined in 2007, further appreciating that the said countries desire to foster and promote greater awareness of the shared interests of their people and the resolve to act in unison to programmes for deepening the East African integration, desirous and appreciating that all East Africans, young and old are on board and that not even past challenges will stop their grand match into the East African integration, appreciating that the Assembly has in many and various occasions noted and appreciated the integration dream of our founder leaders post-humus; convinced that their surviving spouses namely; Mama Ngina Kenyatta of the Republic of Kenya, Mama Maria Nyerere of the United Republic of Tanzania and Mama Miriam Obote during their time contributed immensely to the development of their respective countries and the East African Region through initiatives they were involved in like health, social welfare and in caring for the most vulnerable in the society, now thereof, this Assembly do resolve as follows;

That we collectively register our great appreciation to the former first ladies as a way of recognising the role they played and continue to play in galvanising East Africa in the integration process, serving the people of East Africa as informal institutional memory, request the founding first ladies, Mama Ngina Kenyatta of the Republic of Kenya, Mama Maria Nyerere of the United Republic



of Tanzania and Mama Miriam Obote of the Republic of Uganda to grace a special sitting of the East African Legislative Assembly in the next plenary sitting of the Sixth Sitting of the Fourth Session of the Third Assembly in Arusha Tanzania. I beg to move.

**The Speaker:** Hon. Mumbi, if you have some justification to the Motion you could go ahead at this point.

**Ms. Mumbi:** Rt. Hon. Speaker, Sir. I will be very brief. Before I say anything, I will say that I could have contributed to the many debates that were in the House but I was saving my energy to handle this one.

Article 5 of the Treaty, 5(3) (e) of the objectives of the Community talks about mainstreaming of gender in all its endeavours and the role of women in cultural, socio-political and economic development.

Under Article 124, peace, security, and stability is a major objective of the Community. In Article 122, the Role of Women is mentioned as sustainable development is also emulated. In Article 122, the Treaty is more profound having recognised the importance of women as a link between the socio-economic activities in agriculture, industry and trade.

Having looked across many Articles in our Treaty, one would really see that these ladies lived during this time. I had an opportunity, in April 2014, to visit Mama Maria Nyerere in her Dar es Salaam home with other Members who are present here under the leadership of the former Speaker.

I want to tell the House that the two hours we sat with her made me realise that she is a library of integration. She came out to talk to us about programmes that they sat and discussed of having low cost houses built for women of East Africa. Remember they had

come from the struggle of Independence. Most families were living in grass-thatched houses. At that time, she enumerated how she would talk to her colleagues and peers, Mama Ngina Kenyatta and Miriam Obote.

She has a very rich library. She pulled out some articles that she discussed with us. Again, as the Kenyan Chapter, we had an opportunity to visit Mama Ngina Kenyatta in one of our sensitisation programmes.

Mr. Speaker Sir, you were supposed to be with us but you were not. However, we gave an apology on your behalf. Mama Ngina Kenyatta gave us a rich history during the interaction we were with her in her house; all the Members of the Kenyan Chapter will tell you how she played a very important role. She told us that they worked behind the scenes. They did not have the education that we have. They were not as exposed as we are but they shared the dream and carried the dream with the founding Summit Members. It is from that interaction that Mama Ngina asked whether she could attend our sittings.

**The Speaker:** Hon. Mumbi, maybe you should give time for many Members to debate your Motion. We are now at 6.05 p.m.

**Ms. Mumbi:** I am closing it. It is at that time that she asked the Kenyan Chapter whether she could visit us in Arusha and whether she could meet her colleagues. It is at that time that the Chapter Chairperson confirmed that we would come to your office and make a request. I want to thank you from where I stand that we came as the Kenyan Chapter and you allowed us and advised us to bring this Motion that I am presenting.

At a very personal level, I have interacted with Miriam Obote. She also expressed the many milestones that women in Uganda and East Africa have undertaken. As we were

talking about this, I made a joke with hon. Dora. These ladies worked behind the scenes and they were comfortable. In my country, there is a joke, which is documented, and it is in the libraries, that at one time, the people were complaining that our founding President was aged and should give way. In my mother tongue, he asked people, “Who said I am old?” If you want to confirm whether I am old, ask Mama Ngina and she was there. The joke between hon. Dora and I is that we were hot heads and we would have walked out of that meeting. Therefore, we are still learning about the resilience of those ladies. The next crop is of people who do not want to stay behind the scenes. They are instead besides the scenes in the front line.

I beg to move and ask Members to support my Motion.

**The Speaker:** Thank you, hon. Mumbi. I now give hon. Chris-Opoka who is the main seconder of the Motion.

**Mr. Chris-Opoka Okumu (Uganda):** Thank you Rt. Hon. Speaker, Sir for giving me this opportunity to speak about this Motion. This being my first time to address this meeting, I would like to thank the Tanzanian Chapter, first and foremost, for the warm welcome they gave us here in Dar es Salaam even though there is *joto nyingi*. I thank the Government and the people of Tanzania for this very great opportunity.

Rt. Hon. Speaker, Sir, I would like to thank hon. Mumbi for this very important Motion to recognise and invite former first ladies to visit the Assembly in Arusha. Rt. Hon. Speaker, Sir, these ladies contributed a lot to make it easy for their husbands to conceive and bring out this Community.

I will now speak about Mama Miriam Obote, the wife of former President Milton Obote

who was one of the first women in Uganda to go to Makerere University in 1957, coming from one of the best girls’ schools in Uganda where hon. Dora was; Gayaza High School. When she left Makerere, after the Independence of Uganda, she was appointed to work at the Ugandan Embassy in New York. Thereafter she met the dashing Prime Minister of Uganda and got married to him. This was a very important marriage, politically, for Uganda because Mama Miriam Obote comes from Buganda and Milton Obote came from the north. It was very crucial.

All of you know how Uganda went through a lot of crisis. However, because she was standing behind her man, the man was able to work hard for the process of integration in East Africa. After the death of Milton Obote, Mama Miriam Obote was the first elected Uganda to head a political party. In 2006, she became the first women in Uganda and probably in East Africa to contest for Presidential Elections. It was at that time that Mama Miriam Obote appointed me as the Secretary General of the party. So, you can see where I am coming from. She talked about forgiveness for any mistakes her husband might have committed and asked Ugandans to work towards reconciliation, which can be extended, to the whole of East Africa. Our region is full of problems. We need to reconcile.

Before that, I can tell you a story of how she saved her husband. She was heading a delegation, a women conference that took place in Nairobi in 1985. That is the follow up of the Beijing Conference. The people who took over Presidency thought that when the President escaped from Uganda, Mama Miriam would be welcomed back. This is a person who is very humble, calm and against violence. She has fostered the issue of empowering the ordinary people and lifting

the standards of life fostering education and training of women and health. Mama Miriam of Uganda has fostered all the issues that are important to our community.

With a lot of humility, I would like to support hon. Mumbi Ng'aru for bringing this very important Motion. I request hon. Members to support the Motion so that the ladies can come here we interact with them. Mama Miriam is a very graceful woman. Thank you, Rt. Hon. Speaker.

**The Speaker:** Thank you very much hon. Chris-Opoka. I will now give hon. Hafsa Mossi. Honourable colleagues, it is quarter past six. If you want us to stretch beyond our provisions, you know what to do. In the interest of time, let us confine ourselves to about three minutes so that many people can participate.

**Ms. Hafsa Mossi (Burundi):** Thank you hon. Speaker for giving me this opportunity. I stand to support the Motion on the Floor. I also support the recommendations especially the one, which talks about inviting the First Ladies of this Community to come visit us in Arusha. I would like to add that they should be given an opportunity to talk to us so that we can learn from them and get inspired by them. I am happy that those who had an opportunity to interact with them have seen in them a library of integration.

Mr. Speaker, Sir, we have the Community today because of the wisdom of the three brave East Africans who stood to put the integration agenda. We are a Community today and are enjoying the benefits of the Community because of the founding fathers of the Community.

Mr. Speaker, Sir, as my colleagues have said, the First Ladies of this Community have to take credit because we know that behind

every successful men, there are women. We know that women are the pillars of the society. So, through them, I would like to appreciate the role of the founders of the EAC for their memorable role in bringing together this Community.

Mr. Speaker, Sir, we know that for example, in Tanzania, Mama Nyerere serves as a Member of Council of Elders of Alliance for Tanzania for Youth Empowerment and serves in different platforms. This is in recognition of the achievements by Mama Nyerere as a former first lady. Mr. Speaker, Sir, with those few remarks, I would like to request an amendment to the Motion to include a paragraph to appreciate the role of the founding fathers of the East African Community for different projects and programmes which were initiated under their leadership.

With those few remarks, I support.

**Ms. Shy-Rose Sadrudin Bhanji (Tanzania):** Thank you Mr. Speaker, Sir. I stand to support this Motion for a Resolution of the Assembly to thank the Founders and the First Ladies of the first East African Community namely; Mama Ngina Kenyatta of the Republic of Kenya; Mama Maria Nyerere of the United Republic of Tanzania; and, Mama Miriam Obote of the Republic of Uganda.

Before I go into saluting these powerful beloved women of the East Africa, let me begin by recognising and appreciating our founding fathers of the first EAC namely; Mwalimu Julius Kambarange Nyerere; Mzee Obote and Mzee Jomo Kenyatta.

I am beginning to appreciate these founding fathers because even though the three East African Countries were newly independent at that time, they had a vision to make East

Africa become one. They had a vision to have the EAC integration. Indeed, 1967 is a very special year and a heroic year for East Africa because that is when the first East Africa was launched.

In 1999, we launched the second EAC, which is the current EAC. This is a clear realisation of the vision of our founding fathers of the first EAC. There is a saying, which goes; “behind every successful man, there is a woman.”

For this reason, I salute our First Ladies; Mama Maria Nyerere, Mama Ngina Kenyatta and Mama Miriam Obote. These women were a force behind the success of their husbands who fought very hard to improve the lives of East Africans. These women were founders of our nation but also mothers of the nations were great pillars and gave great support to their husbands. That is why I am appreciating the role that they played.

Mr. Speaker, Sir, as luck would have it, they have witnessed both the first EAC and the second EAC. I hope that one day, they will bear witness to their husbands that EAC expanded from the three countries to five countries and when South Sudan joined, we had six countries. I hope that more countries will join the EAC. We salute our First ladies and we hope and pray that they live long enough to see, one day, the lives of many East Africans reaching a good stage. I hope that they will live to see the objective of starting or re-establishing the East African Community.

Finally, this a very good opportunity to invite our first Ladies of the nations. We should all agree to honour these powerful women, our mothers to come and grace this august House in Arusha in our coming plenary. In conclusion, I find a lot of meaning in the words of Maya Angelo, an Afro American

Poet and activist who said; “I have learnt that people will forget what you said. People will forget what you did but people will never forget how you made them feel.”

I fully support this Motion.

**Ms. Sarah Godana Bonaya (Kenya):** Thank you Mr. Speaker, Sir for giving me the Floor. I would like to start by congratulating hon. Mumbi Ng’aru for bringing this very important Motion. I would like to start by appreciating the three great ladies that the Motion is addressing; Mama Maria Nyerere, Mama Ngina Kenyatta and Mariam Obote.

**Mr. Peter Mathuki (Kenya):** On a point of procedure, Mr. Speaker, Sir. I want to apologise to hon. Sarah for this interruption. However, I would like to move a Motion to extend the sitting time. We have about five minutes to the time we are supposed to close. I move that we extend the sittings from 6.00 p.m. to 6.30 p.m.

**The Speaker:** Hon. Mumbi, hon. Pareno, hon. Valerie, hon. Kessy and all the members standing.

Hon. Members, the Speaker may judge the Motion before the House that we extend our limitation as per our Rules to conclude our business by 6.30 p.m.

*(Question that the sitting time of the House be extended until the conclusion of the business on the Order Paper put and agreed to)*

**Ms. Bonaya:** Thank you Mr. Speaker, Sir and hon. Peter for that procedure. I would like to join the rest of the House in congratulating hon. Mumbi for this important Motion. I want to appreciate the ladies who have been honoured in this Motion. This is a very rare moment when we get to recall our history that

is not very common with us, Africans. We tend to think about the present and the future but the past is hardly acknowledged. I want not appreciate and congratulate hon. Mumbi for that.

I also want to emphasise the role of women in supporting leaders especially the First Ladies who sacrifice very much. As their spouses globe trot the country, the continent and the globe, they are left at home to tend to their families and to the communities, most of the time single-handed with no experience or preparation of any form and they have to foster support and stability in the family.

In the Kenyan scenario, I recall when the late President Kenyatta was imprisoned. Mama Ngina had to shuttle between Nairobi and Maralal, which is a remote northern Kenya district to take care of her husband and the family at large. So, this is a very difficult task especially for those who were the pioneers and fought for Independence. They had no mentors to support them.

Personally, I feel privileged because I sit in EALA courtesy of a party called KANU, which was initiated and started by the late Mzee Jomo Kenyatta, the Independence party. I am privileged today as I sit here. I owe a lot the founder members. We need to appreciate the role of our pioneers and founder members. This is the foundation on which we are building today; their ideas and institutions they built and shown the way.

In Kenya, I know that we have support for the First Ladies Office. However, during the past years, there was no support effort for these women. However, given the right support, they can ably support the leaders and the Community. In the case of our First Lady in Kenya, most of us have seen what she is doing when she is at the age of 50 plus. She has been running races even at international

level to raise money for women so that she can prevent infant mortality during birth. She has really made a big impact in the Kenyan society.

I support the recommendations proposed that these ladies should also get an opportunity to see the fruits of what their husbands started of which they were the backup support.

Mama Ngina is probably the second one in the world who has seen her husband in the presidential office and her son; our current President, His Excellency Uhuru Kenyatta. We really appreciate her role in putting the family together and sustaining the momentum to see that transformation.

**Mr. Charles Makongoro Nyerere (Tanzania):** Hon. Speaker, Sir, today is the first time I am using this microphone. I did not know what button to press. Since it is my first time, I want to thank all my colleagues who have said many good words on how we were received here in Dar es Salaam. My colleagues thank you very much. I had an intention, with my Chapter, to treat you tomorrow at a nice popular beach club but unfortunately, the owners of the club said that we gave them a very short notice - *(Laughter)*.

Thank you for your praises but I am sorry I could not take you to the beach club.

I will go back to the Motion, these three very remarkable and historical women of the East African Communities. Thank you hon. Mumbi for bringing up this Motion. I support it. At the end of this Motion, I like a nice paragraph.

She said that she is convinced that these ladies; their surviving spouses; namely; Mama Ngina Kenyatta of the Republic of Kenya, Mama Maria Nyerere of the United

Republic of Tanzania and Mama Miriam Obote of the Republic of Uganda, during their time contributed immensely to the development of the respective countries and the East African region initiative. They were involved in the health and social welfare and care of the most vulnerable in the society.

I want to do a little contribution regarding your second paragraph on the first page. You said, whereas in 1977; “the Treaty establishing the East African Community was dissolved for various reasons---“and you stopped there. That was very diplomatic. I do not want to be that diplomatic but I want to share a little bit history as my short contribution to this Motion.

The Community that was dissolved started with these remarkable women as the First Ladies. They knew one another, spoke one language and they helped their spouses to make this Community move. The Community moved for six years in an upward steady graph. When it was began in 1966, the oldest nation, Uganda that was four years old. Kenya was three years old and the youngest was the United Republic of Tanzania, two years old. The United Republic of Tanzania is a merger of two Independent countries.

If you look at Tanganyika, the mainland of Tanzania, then you will say that it was five years old. Tanzania was by then the youngest in this Community. The Community lasted for ten years; 1967 to 1977. For the first six years, it moved upwards in terms of development of its own states and people. Six years later, a General in Uganda, who is also deceased, by the name of Idi Amin Dada made a military coup and in about three years, he succeeded in being one of the reasons that this Community was dissolved.

Immediately after Gen. Amin made a military coup in Uganda, I remember I was

somewhere near the President of Tanzania, Mwalimu Julius Nyerere who wanted to consult with the President of Kenya, Mzee Jomo Kenyatta regarding what he felt. They respected one another, they were friends and Mwalimu Nyerere of Tanzania respected Mzee Kenyatta as his elder brother. They wanted to build a Community, which was democratic. They said that if they started having Generals coming from their barracks to move them away, then they would not have the kind of Community they wanted to build. They went on and on.

Mzee Kenyatta agreed with Mwalimu Nyerere and started wondering how to go about the issue. Mzee Jomo Kenyatta said that he got most of the electricity supply for Kenya from the General’s country. He said that the General was threatening to disconnect the power to Kenya. He asked Mzee Nyerere to take over and assured him that he would support him.

Mwalimu told the General, Idi Amin, that he would not go into his country to cause any damage. He also told him that he wished that he understood that the sooner he became civilian leaders, the better so that they can start walking together. The General did not like that for two things. The General Idi Amin loved his uniforms more and in those days, there were quite a number of people in uniform in the Organisation of African Unity.

The second reason is that Obote who was toppled was a friend of Mwalimu Julius Nyerere and he was residing in Tanzania. He said that he would consider becoming a civilian leader if he send Milton Obote back. Mwalimu had experiences. Once, he was required to take some people to Zanzibar. He was assured that they would be taken to court. They were never taken to court but executed. He was not ready to commit the same mistake in his lifetime. So, he refused. He said Mr.

Obote was a refugee who was residing in one of the East African countries and would not go back to Uganda. He concluded that if Milton Obote continued to stay in Tanzania, they would be war.

I wanted to expand, as part of my contribution to this Motion, on to the diplomacy of hon. Mumbi, the main Mover and add; now this Assembly do resolve as follows;

That we collectively register our appreciation to the former First Ladies as a way of recognising the role that they played and continue to play in galvanising East Africa in the integration process; serving the people of East Africa as informal institutional memory and request the founding ladies; Mama Ngina Kenyatta of Kenya, Mama Maria Nyerere of the Republic of Tanzania and Mama Maria Obote of Republic of Uganda to grace a special sitting of the East African Legislative Assembly in the next Plenary sitting of the Sixth Sitting of the Fourth Session of the Third Assembly in Arusha Tanzania.

I beg to support.

**Ms. Nancy Abisai (Kenya):** Thank you hon. Speaker for giving me the opportunity to support this Motion. I am speaking after hon. Makongoro with all that rich history. He probably remembers some of it because he was part of it as a very close perspective. I want to raise three issues very briefly.

One, we are here because of the role that these women played in the integration process. I think it is important for all of us to recognise that. If we just look at this Motion as a Motion that recognises some three ladies who played an important part in the integration, we will have given it the importance that it deserves. We are here because of the role that they played. We are

here today discussing integration because of a very fundamental and critical aspect of integration that they played. When we talk about the four pillars of integration, we talk about cohesion, peace, negotiation and harmonisation. Women play these very critical roles. Many times, somebody needs to go back to another person that he can talk to.

I believe that these women were there when they needed to make critical decisions of integration at the time we were building the EAC. Two, this is a question of gender perspective. Many times, people do not realise that we have either men or women from whichever side that the person who is leading is from that play a crucial role the leadership and achievement of that person. These women did not just support from being behind. I would like to talk about the aspect of gender perspective in terms of; “behind every great man there is a woman.” I beg to tell my sisters that it is not behind but side-by-side. That is how we can appreciate one another. Side by side of every great man or woman, there is always a great person next to you.

Secondly, I would like to appreciate the fact that if these ladies were not patient in their role as first ladies at that time and as founding women, we would not be having a Community that we can look up to at that time. There were many issues at that time, which were critical. I can imagine that we are here seated debating about laws and other issues which we can finalise. However, it takes a long time to agree. Imagine ladies who were there when we founding the Community. It was not easy. I want to applaud them. There is even a first lady who was thinking about a policy on social housing. Every family deserves to live in a dignified manner. The fact that these were thoughts at that time on social aspects, that

was a vision and focus that we cannot underrate.

Lastly, Mr. Speaker, Sir, I would like to echo the fact that even in times of turmoil, these women stood side by side and supported the founding fathers. If they did not play that crucial role, we would not be here talking very passionately and proudly about an East Africa that we are seeing growing especially with the joining in of South Sudan and many other nations which will also join.

The founding ladies had a very important role to play. Just like the Mover of this Motion, whom I congratulate said, as we talk to the First Ladies--- I want to tell the House, this is not an exaggerated aspect, she almost shed a tear and told us that she did not think that people would remember that they were there and did anything. This is also an emotional issue and something that we need to appreciate. I thank the Mover. It is very important thing to appreciate the role of the ladies who were behind the leaders who were the founding fathers.

I support the motion.

**Dr. Kessy Perpetua Nderakindo (Tanzania):** Mr. Speaker, Sir, I will take a different approach after hearing my colleagues giving congratulatory messages to the founder First Ladies of the first East African Community.

We all know that the favourite dish of the Swahili people, the *pilau* does not get tasty without spices. Therefore, allow me to spice up this Motion.

First, I will start by rephrasing the common phrase; “behind almost every successful man stands a strong woman.” I also believe the saying that in the near future we will have a saying that goes; “behind almost every

successful woman stands a strong man.” Therefore, I stand to support this Motion.

Rt. hon. Speaker, Sir, I believe that in this House we are putting a new seed either in the world or in this region of beginning a new culture of recognising the efforts of all the spouses who work behind the scenes to support their husbands or wives who have chosen to carry public duties for the welfare of the wider society.

Rt. hon. Speaker, Sir, this Motion adds to the efforts of other policy makers in the world who are trying to build a mechanism of measuring the value of women who stay at home taking care of families in particular raising children of this world.

Rt. hon. Speaker, Sir, the importance of this Motion is that it is a step in peeling off the layers of our ego as human beings where we value ourselves by our economic contributions towards the development of our world rather than evaluate ourselves by the levels of humanity or relations between each other.

Rt. hon. Speaker, Sir, this Motion, I believe, will bring, and cause one of the parliaments in this region to come up with a Motion to recognise the efforts of all the men behind the leaders of the Republic of Rwanda. Why do I say so? This is because we know that the Republic of Rwanda is one of the nations in the world that recognise and appreciate the efforts of women. This Motion is actually raising awareness that it is important to recognise the contribution of all human beings that cannot be measured in terms of money.

With those few words, I support this Motion. In particular, it is a woman who should feel the importance of recognising the importance of another woman.



**Mr. Frederic Ngenzebuhoro (Burundi):** Thank you hon. Speaker, Sir. I stand to support this very emotive Motion. I need some clarification though. As the title stands, this is a Motion for the resolution of the Assembly to thank the founders and First Ladies.

In my understanding, this means that the First Ladies are founders. I need clarification regarding that. However, as far as I know, the founders are three. I have a photo with me. The founders are President Jomo Kenyatta, President Mwalimu Julius Nyerere, Prime Minister Milton Obote, the founders and fathers of the first EAC.

That is why I would like to propose an amendment. I fully support this motion but the amendment would make this read, *“a Motion for a resolution of the Assembly to thank the first Ladies of the founders of the East African Community namely...”*

I also propose to amend the statement; *“request the First Ladies of the founders of the EAC, namely...”* With those amendments in place, I support the motion.

**Mr. Joseph Ombasa Kiangoi (Kenya):** Thank you hon. Speaker, Sir. First and foremost, I want to support the amendment by hon. Frederic because this Motion would be interpreted to mean that we are thanking the founders and we are also thanking the First Ladies. Since we have named the First ladies, the amendment by hon. Frederic is proper and I urge the House to adopt it.

Hon. Speaker, Sir, this Motion is in line with African Culture of recognising the people and elders who contributed previously to the wellbeing of the Community. There is a saying in Swahili, which I will also interpret. *“Mkosa mila ni mtumwa.”* If you do not appreciate your culture, you become a slave.”

That could be a literal interpretation. These First Ladies, you will recall, were the wives of the people who sought Independence for our three East African States.

The struggle for Independence was a rigorous and difficult one. These former First Ladies were there for their communities and for their people in the struggle. That way, they contributed a lot in the attainment of Independence. In fact, I stand to be corrected but I think I am right that in the last years of the jail term of Mzee Jomo Kenyatta, they allowed Mama Ngina Kenyatta to go and stay with him. So, literally, she was also in jail, so to say, for the sake of the Community. I do not have specific cases like hon. Nyerere had which I can make reference to. However, I can recall when the Kenyan Chapter visited Mama Ngina Kenyatta, what she said about the Community.

The old lady appreciates the work of the Community and she encouraged us by saying that she was alive to the concerns and necessities of the Community. She said that whenever the three founding fathers used to meet, she would host them in her home. She would make dinner for them, and she would do all that appertained to the welcome of visitors. That was an important role.

Hon. Nancy said it all when she said that we should not be saying that behind every successful man there is a woman. Mzee Kenyatta himself used to say, *tunaenda bega kwa bega* - side by side. He did not believe in somebody coming from behind. He believed in working together with someone. I believe that is what used to happen even when they were dealing with first ladies. I want to remind you of one thing. You should all recognise the strength of a woman. Men and women know the strength of a woman. I am beginning to think that women have contributed more to humankind than men

have because they are the owners of our homes. In Kiisiland where I come from in Kenya, homes belong to women. The men could be the owners but everything belongs to the women. The woman knows how to organise children, how they will grow up and all these things are important. I support the Motion and thank hon. Mumbi for moving the Motion.

**Mr. Peter Mathuki (Kenya):** Thank you hon. Speaker, Sir. Let me start by congratulating hon. Mumbi for bringing this very important Motion. Hon. Mumbi sat to think about women and the role they played in this. I want to congratulate her. I believe, as the saying goes, that behind every successful man there is a woman. For sure, we cannot change that statement. That is also Biblical. It is also in the Koran. Men were created first and the women followed.

These are the First Ladies and, indeed, the Community we are enjoying today, what we are beneficiaries of, is the new East African Community. There are also some First Ladies who contributed to the new EAC that we enjoy today. We could also add a paragraph at the end to say that; “appreciating the First Ladies of the new EAC like Lena Moi, Janet Museveni, Anna Mkapu and her Excellency Janet Kagame who has also contributed to this. We are talking about Denise Nkurunziza. I think we should find a way of appreciating how First Ladies have continued to support this process.

**The Speaker:** I will presume that hon. Mathuki has given a proposal to the Mover. Remunerations may lead us to other difficulties. I know where I am leading.

**Ms. Dora Byamukama (Uganda):** Thank you Mr. Speaker, Sir. I would like to add my voice to those who have thanked my sister hon. Mumbi and to thank her for the

compliments of sharing her trait of being hot headed. I would like to say very clearly that if I were there, I would have nodded very vigorously to answer what the President may have asked *uliza Mama Ngina*. We women are shock absorbers and are supportive. Hot-headed as we may seem, we are very understanding. Therefore, I want to thank her. Apart from this light touch, this Motion is very deep hon. Speaker. It is deep because it brings out the culture of respecting senior citizens.

I would like us, as a House to take on this issue of looking out for the rights of senior citizens. If you are blessed to have your parents alive for a long time, you will find that senior citizens have unique necessities. I would like to say, for example, issues of eyesight, diabetes and hypertension. As a House, we could take this a little bit further, build on it, look for the rights of senior citizens, and find a way of addressing them at the East African Community level.

The other deep issue I would like to highlight is that which my colleagues have alluded to, the issue of non-monetary contribution of women. When you find an average housewife and you ask her what she has been doing, she says that she has been doing nothing. When you consider what she does, for example, from 5.30 a.m., like preparing breakfast, making sure that the clothes of children are okay, making sure that the clothes of her husband are okay and preparing food, looking for firewood, you will see that there is a lot. The First Ladies may not have done all that but I am sure that their handling of stress is an issue that we cannot ignore. So, I would like to support hon. Mumbi for bringing out this very important contribution.

Mr. Speaker, Sir, in the first recommendation, hon. Mumbi said that we collectively register appreciation to the First

Ladies as a way of recognising the role that they played and continue to play in galvanising East Africa in the integration process, serving the people of East Africa as informal institutional memory. The work informal caught my attention and this is very sad that this should remain informal. If there was a way, we could get them to document, even if it is in two or three pages their views and thoughts, this would be very good. We would use somebody they like to capture some of the salient highlights of the work that they did. We would move from not just being informal to having something written down and formalising and getting photographs. That would be some form of achievement even if it were published in the form of a small booklet. If we do not publish that, we will perish.

The Rt. Hon. Prime Minister, K.K knows that I have been urging him to write. I know that an opportune time he will and continue writing.

I want to thank you Chris-Opoka for highlighting the fact that I shared a school with one of the first ladies, Mama Miriam Obote of the Republic of Uganda. Allow me to say that Mama Miriam Obote remains to be an epitome of beauty and grace. She is very intelligent, a shrewd politician who has enabled Uganda people's congress to survive all these years to this moment. The Uganda People's Congress is registering more numbers in Parliament than ever before. This party is one that the Rt. Hon. Deputy Prime Minister belongs to, and to which most of our fathers who groomed us, belonged to.

I would like to say, candidly that First Ladies are nationalistic. This particular First Lady, Mama Miriam Obote was able to accommodate and house people from all parts of Uganda including the current Prime Minister, Rukahana Rugunda, the current

Governor, Tumusime Mutebile and others. So, gracious was she that – (*Interjection*) –

**Ms. Nakawuki:** On a point of information Mr. Speaker, Sir. I want to give hon. Dora information that she was also a very good cook to the level that even our President, President Yoweri Kaguta Museveni used to go to her house when she was in exile in Tanzania here to enjoy the sumptuous meals she used to prepare.

**Ms. Byamukama:** Thank you Hon. Nakawuki. You can see what an all-rounder she was. During her Presidential campaigns, I particularly used to look out for her Busuuti, the traditional dress of the Baganda ladies which is also called Gayaza because it was a uniform of the school to which ladies went to because we were being trained to become wives of chiefs. Whether we would have managed, that is another issue. The point is that, when you look at all these First Ladies and you go to Mama Ngina in her own rights, you will see that she has maintained and is still running a very powerful empire.

We always look out for Mama Maria Nyerere on matters concerning Uganda. Her prayers have sustained East Africa. All these First Ladies have something going on and they are unique in every way. We in Uganda under the leadership of the Chapter Chairperson, hon. Opoka, I propose that we pay a visit. We would like to follow the example of the Kenyan Chapter. I hope that even the Tanzanian Chapter will do likewise.

I would like to conclude<sup>3</sup> by saying that maybe at an opportune time, we as a House, should invite, celebrate and recognise the work of the current First Ladies. That is very important. Their interests are our interests. These are power centres and therefore, at an opportune time, this Motion makes my heart

very glad. I thank you, Mr. Speaker, for finding space for it in the Order Paper.

**The Speaker:** Hon. Members, it was within my desire that we conclude this debate by 1900. However, borrowing from Hon. Dora's words, the depth of this Motion, instead of denying a Member whom I had seen standing, I will instead limit the time for contribution. I will give hon. Ogle two minutes, hon. Patricia two minutes, hon. Dr. Odette two minutes and hon. Nakawuki, two minutes. Please, use two minutes. As of now, I am equipped with a gadget to switch off your microphone.

**Mr. Abubakar Abdi Ogle (Kenya):** Thank you Mr. Speaker, Sir. I will be straight to the point and brief. For the information of hon. Dora and Kiangoi, the Swahili words they invoked; *uliza* Mama Ngina and *tutembe bega kwa bega* being attributed to Mzee Jomo Kenyatta were used in a different context. I would rather if we did not go into details of what he meant. That is a source of enjoyment and humour in Kenya. So, we will never go into that context. Back to the Motion, I am glad to say that this is a continuation of a conversation, which we, as the Kenyan Chapter, started with Her Excellency, Mama Ngina Kenyatta.

The gracious old lady hosted us for lunch. We were able to hoist the EAC Flag in her home in Gatundu, and when she was addressing us, she was very passionate in her reflections of the EAC, and about where we were. She could not even believe that at her time there would be visitors talking to her about the EAC. According to her, that matter ended during the days of the old *wazees*. However, here we were, younger generation talking about our passion for East Africa and how we want to take it to the next level. She was very passionate about the issue.

One very critical element we realised was that in terms of giving this Community a profile, it would have been very necessary to engage, not only with her but also with others. In our case, she is very special because she is not only a founder First Lady, but she is also the mother of our sitting President. You can imagine the kind of profile she can give our local chapter and to the Community at large. So, when we made a proposal to the Speaker, fortunately, he accepted, that we get the three living founder First Ladies of the Community to come and grace us during our next Plenary. This is a God sent chance. It is important that we work on this issue.

**Mr. Frederic Ngenzebuhoro (Burundi):** I would like to clarify something. We should thank these ladies as an Assembly for what they did. We are not doing this to upgrade our profile. My understanding is that we should recognise what they did.

**Mr. Abubakar Abdi Ogle (Kenya):** Mr. Speaker, Sir, we are not only recognising their past and contributions to this Community. I was only saying that in addition to that, this was going to give us an enhanced profile and that is what we were seeking in terms of sensitisation and engagement to the public and the private sector at all levels. So, I am saying that this is very critical. I think we should also take this matter forward. We should not only limit it to the founding First Ladies. We should also engage with the current First Ladies or First Ladies as they come including the wife of His Excellency Salva Kirr. The more we engage with them the better. The good thing about our First Ladies in this region is that they are involved in very commendable social welfare issues.

I know the case of the Kenyan First Lady and her *Beyond Zero Initiative*. Madam Kagame

is also involved in something – (*interruption*)  
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**The Speaker:** Your time is up.

**Ms. Patricia Hajabagika (Rwanda):** Thank you hon. Speaker, Sir. I would like to add my voice by saying that I support the Motion. I wish to congratulate hon. Mumbi for coming up with this important Motion, which recognises our elders, mothers and great daughters of this region. I have been privileged to host or to accompany Mama Maria Nyerere, one of these great ladies, on many occasions whenever she has visited Rwanda, including the time she came to receive an acknowledgement of the late Mwalimu Nyerere, along with her daughters and sons – (*Interruption*) -

**Mr. Martin Ngoga (Rwanda):** On a point of information, Mr. Speaker, Sir. The occasion she is referring to is when the Republic of Rwanda awarded a medal to the late Mwalimu Julius Kambarage Nyerere posthumously for his role in stopping the genocide in Rwanda. It is the highest medal that the country can give. I was privileged to read the statement that was made on that day - (*Applause*).

**Ms. Hajabagika:** Thank you Hon. Martin. I was about to reach that point but he picked it up very quickly. I am glad that he talked about it. Rt. hon. Speaker, Sir, during all those occasions, accompanying Mama Maria Nyerere was a privilege in the sense that she is still very strong about integration and about the ideologies of building one Africa, something that remains in her heart. Therefore, the fact that we are asking in this resolution that we invite them here so that they give us their wisdom is something we should have done yesterday. I am glad that we are now doing it.

There was a proposal that we may include the new First Ladies. Let me propose that we move a different Motion because those ones are very active. To date, they are still working. We should find a different opportunity to engage with them, which will be completely different from this one. I am not saying that we should not engage them but let us give this occasion its due respect. Let us have the founders. The others are still working, and they are very active.

The last few days, we have seen Her Excellency, Margaret Kenyatta along with her Excellency Janet Kagame running in Kenya. I think we should engage them in a different Motion, which will also bring about another eminence in our work. I propose that we keep this as it is. I support the amendment by hon. Frederic that we specifically remove the word “founders” so that we do not appear to be talking about the First Ladies as the founders of the EAC of 1967.

With those few remarks, I beg to support.

**Dr. Odette Nyiramilimo (Rwanda):** Thank you Rt. Hon. Speaker, Sir. I support the Motion and thank Hon. Mumbi for bringing such an important Motion.

Rt. Hon. Speaker, Sir, the title for this Motion is “*Motion for a Resolution of the Assembly to thank the founders and the First Ladies...*” I propose that we remove the word “founders.” I do not remember a time in this Assembly when we moved a Motion to thank them. Why can we not start by thanking them? The resolution for me should even to thank the founders alone and even to cite their names for being wise enough to think about the integration process. We should then thank the First Ladies after that. The second resolution where hon. Mumbi is proposing that we invite or request the First Ladies of the founding Members to come to our special

sitting is something I like. I would like to ask, once they come, should we have them sitting here or should we give them awards? I think we should also include in our Motion that we invite them and award them for the great role they played in the integration process.

Members have proposed to have a list of the new First Ladies and the idea that we should limit ourselves to the three first ladies of the founder Members and probably move another Motion to honour the rest. That is okay. I beg to support.

**Ms. Susan Nakawuki (Uganda):** Thank you Rt. hon. Speaker. I will stick to the two minutes. I would like to thank hon. Mumbi for coming up with this very important Motion. I am among those who got an opportunity to visit Mama Maria Nyerere the last time we had plenary here in Dar es Salaam.

She had a wealth of information regarding the EAC integration. In fact, I got very inspired. She was like a history teacher because she had all the details in her fingertips. Rt. hon. Speaker Sir, I know that these First Ladies played crucial roles in supporting their husbands as they were busy undertaking the integration process then and as they were running the country.

Mama Nyerere continues to support her late husband even in death. All the time to you visit Namugongo, you will find her there still supporting the course of canonising her husband as one of the saints, which is very inspiring. I believe that all these First Ladies have been role models for women in Uganda and in East Africa generally.

I appreciate that these ladies at that time played a role, which was unquantified. I am sure they were not receiving salaries as First Ladies as much as they worked a lot in the

background. They played a role of nurturing children that they became points of reference. For example, we have been talking about President Uhuru in Kenya. That was the work of Mama Ngina because the President was too busy with other things. In Tanzania here, we have hon. Makongoro Nyerere, my one and only. We have something to brag about. He is here with us and he is doing a great job in the Community.

In Uganda, we have hon. Jimmy Akena the first son raised by Mama Maria Obote. I am sure that this is something we should be grateful for and brag about as women. I was also inspired a lot by Mama Maria Obote. I did not know her as a politician but when she came from exile in Zambia in 2005, the following day, she stood as a Presidential candidate for Uganda, a position that is meant for men, according to the stereotype. Indeed, that inspired many women.

After 2011 we had Betty Kamya standing for the presidential seat and in 2016, we had Maureen Kyalia. Her message was not so palatable but she stood because someone inspired her. Let us appreciate these wonderful ladies. In Uganda, there is a song which one of the musicians sang “*Basima Ogenze*” meaning you are appreciated after you are gone. But I am appreciating that hon. Mumbi is appreciating these women. I hope that they will look at this *Hansard* to see how they were appreciated for a job well done. It feels good to be appreciated after making a substantial contribution.

My colleagues let us not water down this Motion. Let us celebrate these First Ladies. Let us give them the credit they deserve and later we can move other First Ladies. I support the Motion.

**Ms. Valerie Nyirahabineza (Rwanda):** Thank you very much Rt. Hon. Speaker for

giving me this opportunity. Let me also add my voice to those who spoke before me in thanking my sister, hon. Mumbi, for this wonderful Motion.

I will be very brief. It is good that we appreciate people when they are still alive like hon. Susan has said. There is nothing, which feels as good as that. Many of us do not know those First Ladies. I met Mama Maria Nyerere like my sister Patricia said but the rest, I only hear about them. However, whatever they did is commendable, supporting their husbands not only to revive this Community but also to form it. It is important that whenever they come to Arusha, we give them the respect they deserve and we hear from them. They are not only role models but also our mentors. This is a very good activity. I look forward to seeing them in Arusha to give them the respect they deserve.

**Ms. Mumbi:** Thank you hon. Speaker, Sir. I was carrying your brains and I was waiting to trigger you to talk about it. I was very startled when I started because I wanted to give Members an opportunity to talk about it and they have done justice. I mean justice to this Motion. I cannot say more.

To hon. Frederic, I appreciate and accept your amendment. First of all, I want to thank the Office of the Speaker because when we came to Arusha, our Kenyan Chapter Chairperson, hon. Abisai, hon. Ogle, and hon. Mathuki and I came to talk to you about it. You gave us a simple answer, which was yes, go ahead and include the other First Ladies. Thank you so much. Were it not for your support, we would not be here.

Again, when we came here and I reminded you, you even assigned me a Clerk to help me draft the Motion. Thank you to the Clerk who assisted me when my health was very down

and I had to do all this from work with so much confusion. At long last, we are here. I want to say thank you because every person who spoke appreciated in many words that the three ladies are matriarchs of the EAC. I am trying to paraphrase to talk about all that you said.

I would like to alert Members that this is an amended form of this Motion. The first Motion, which was there up to 10.00 am, had a prayer regarding the current First Ladies. However, with the guidance of the Office of the Speaker, we found that there would be a lot of confusion. I stand guided. I appreciate the guidance that we separated the two and the Speaker took an undertaking that at a later stage, we would recognise the current First Ladies for what they are doing. You know what the First Lady of Kenya is doing. You know what the First Lady of Uganda is doing and even what the First Ladies of Rwanda and Tanzania are doing. You also appreciated that even the First Lady of Burundi, all of them, had something that they are doing and we need to appreciate them.

At one time, I suggested during our last Nanyuki Seminar that we incorporate them and true to your guidance, you said that would not be reported via the *Hansard*. Therefore, I leave this one to your good office. I am sure that with the Commission, you will do justice. Most of the issues that Members have recommended are administrative in nature. I take it that the Motion has been passed. The logistics and whatever you will do is in your able hands. I trust that we will do justice when they visit.

Allow me now to mention those who have supported the Motion for the sake of record. I really want to appreciate my seconders; hon. Shy-Rose. You were chosen by hon. Nyerere, I got in touch with you and you accepted my call. Thank you for honouring my invitation.

Through the Office of the Speaker, I was asked to speak to honourable Chris-Opoka, my brother, *Nyadhiwa*. That is what you are. Thank you for seconding this Motion very powerfully. You have also educated me. The Members who contributed also did justice. I cannot thank all of you. I want to thank my sister hon. Sarah. She brought to the fore the fact that Mama Ngina is the mother of our current President. That is something. I now realise that hon. Mama Maria Nyerere has also a sitting Member just like Mama Miriam Obote of Parliament. This is not a small achievement.

Hon. Kessy, thank you for the spices. You took me to the Spice Islands in Zanzibar. Thank you for enriching the debates. Hon. Nancy brought about the issue of patience. We are a microwave generation. We are sometimes very impatient. Thank you Hafsa Mossi for your wisdom that the First Ladies gave us.

Thank you Hon. Nyerere. When I was looking for Mama Maria Nyerere's telephone number, you could have decided that you did not have to give it to me. But you found it a worthy course and you gave the number to me. I also passed it to Mama Ngina Kenyatta and I am sure they are talking.

Hon. Mathuki, thank you very much. The First Ladies will be touched by the sentiments of Members. Thank you hon. Dora. The culture of respecting seniors is very important and similarly the non-monetary contribution of women and how we should handle stress. Thank you very much. You are also educating me.

Regarding the graceful women like Miriam Nyerere. In Kenya, we talk about the grace of Mama Ngina Kenyatta, the way she dresses and the way she is non-controversial. Thank you. Hon. Ogle, thank you for the idea of the

profile and reminding us that we can make them our partners of integration. That is a good thing. You talked about hoisting of the flag in Mama Ngina's compound. I tell you it was very emotional that she shed tears. When honourable Nancy pinned the small EAC badge on her and on Mama Margaret Kenyatta and hon. Mathuki moved the security of the home to hoist the flag that was very emotional. That created news. This was in our newspapers and in our television networks. The EALA Kenyan Chapter became a household name. I really want to encourage all of you to go out and do more than the Kenyans did.

I am so overwhelmed by the contributions of each of the Members.

**The Speaker:** Thank you hon. Mumbi. Honourable Members, the Motion before the House is that *"This Assembly do resolve to thank the First Ladies of the founder fathers of the East African Community."*

*(Question put and agreed to)*

**The Speaker:** In a very special way, I would like to extend my appreciation and thanks to honourable Mumbi for moving this Motion. But most importantly, I would like to thank Members from the Kenyan Chapter who approached me from Dar es Salaam after our Plenary for this purpose. I would like to confirm with you that the Office of the Speaker would work with the various contacts in Partner States to make sure that the very gallant ladies who contributed massively to the vision of this integration come and address the Assembly - *(Applause)*.

This could not have been done in a better month than in March because two weeks ago, on 8<sup>th</sup> of this month, we were celebrating the contribution of women towards humanity.



This Motion is very timely in terms of when we have chosen to have it.

### **ADJOURNMENT**

**The Speaker:** Honourable Members, tomorrow, there will be a prayer meeting at the same venue I mentioned. Before I adjourn I would like to emphasise that tomorrow's plenary is in the afternoon and not in the morning.

The House stands adjourned until tomorrow, 2.30 p.m.

*The House rose 6.30 p.m. and adjourned until Thursday, 17 March 2016, at 2.30 p.m.*