



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

165TH SITTING - THIRD ASSEMBLY: FIFTH MEETING – FIFTH SESSION

Thursday, 16 March 2017

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

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Good afternoon, honourable Members. This is the last day of our Fifth Meeting of the Fifth Session of the Third Assembly. I thank you for the hard work that has brought us this far amidst all the challenges. Thank you so much for the good work. *(Applause)*

MOTION FOR A RESOLUTION OF THE ASSEMBLY ON AN URGENT MATTER OF PUBLIC IMPORTANCE (THE EXPIRY OF THE CONTRACTS OF EAC STAFF)

(Moved under Rule 30(1))

Ms. Susan Nakawuki (Uganda): Mr. Speaker, I would like to move a Motion of urgent regional importance.

The Speaker: Yes, hon. Nakawuki.

Ms. Nakawuki: Rt. hon. Speaker, I beg to rise on a matter of urgent regional importance as one of the Motions moved without notice.

There is a situation in the Community that needs urgent attention. This is the issue of the senior EAC staff members who are leaving by the end of this month. Some will be leaving at the end of the year. Mr. Speaker, as you are aware, by the end of this month of March- *(interruption)*-

The Speaker: Hon. Nakawuki, before you proceed to move your Motion, you have risen on a Motion based on our Rules of Procedure under public concern. Is this Motion seconded?

(Ms. Margaret Zziwa stood up in her place)

The Speaker: Hon. Margaret Zziwa has seconded. Please, proceed.

Ms. Nakawuki: Thank you Rt. hon. Speaker. As I was saying earlier, we have a problem in the Community of senior EAC staff members who are leaving. I would like to report to the Assembly that by the end of this month, 32 senior staff of the Community will be leaving after serving their tenure of two terms and yet no staff have been recruited to replace them.

I would like to inform this House that the Director General of Customs and Trade is leaving the Community; our own Principal Legal Draftsman of this Assembly and of the Community is leaving in a matter of days. The day after tomorrow, he will be leaving. The Director, Human Resource and Administration is leaving; the Director, Planning and Infrastructure is leaving; the Principal Planning and Research Officer has already left. In fact, he was taken over by the Bank of Uganda because they knew of the skills and knowledge that he has.

The Principal Education Officer, the Principal Civil Aviation Officer, the Principal Librarian, the Principal Tourism Officer, the Principal Environment and Natural Resources Officer and the Principal Agriculture Officer are leaving. The Senior Monetary and Evaluation Officer, the Principal Political Affairs Officer and the Principal International Relations Officer have left. The Senior Statistician of the Community, the Senior Records Officer, and the Senior Human Resource Officer are

leaving. The Customs Officer and Trade Officer are also leaving, among others. As we talk now, by 31st March thirty-two of the top officials of the Community will be gone.

I am aware that these positions were advertised and that people were shortlisted. However, people have not been recruited. I want to inform this House that as of Saturday, we will not have a Legal Draftsman. We have Committee work and we are supposed to continue working as an Assembly, but without a Legal Draftsman. I am just using this as an example. The shortlist has been done pending Council meeting. We know that there are times when the Council sits but lacks quorum, or something else happens and they postpone the sitting. However, we have all these senior officials leaving.

I am aware that when the Director for Infrastructure left, there was a gap. We had donors from World Bank coming in because they wanted to sponsor some infrastructure projects but there was no one to give them the information they needed. So, Council has had to whisper silently and to call Mr. Wambugu back to attend the meetings and to address concerns, much as he is no longer a staff member of the Community. We are now here, seated and all that the Council of Ministers could do was to hold a farewell party and bid farewell to these members so that they go and try their talents elsewhere. I am concerned because – *(interruption)* -

The Speaker: Hon. Susan, could you tell us the prayers of your Motion?

Ms. Nakawuki: Rt. hon. Speaker, one of my prayers, first of all, is for Council to ensure that in future, replacement of staff whose contracts are expiring is done at least three months before the expiry of the contracts. Secondly, the Council should review the

policy on the two-term performance contracts of staff members.

Let me first of all inform this House that Council directed the Director of Human Resource to go and undertake a study in all regional blocs and see how their recruitment is done. He was to see how employees of these regional blocs are treated and under what terms. A report was done by the Principal Human Resource Officer, which showed that blocs like Economic Community of West African States (ECOWAS) and even the African Union (AU) use the retirement age and performance contracts. Where officials have performed very well, their contracts can be extended. The report was brought, research was done but it was put away, and the Council did not act.

The other prayer would be for the EAC to come up with a – (*interruption*)-

Mr. Abubakar Ogle (Kenya): On a point of procedure, Mr. Speaker, the hon. Member is a member of the General Purpose Committee. This Committee, to the best of my knowledge and recollection, is currently investigating matters related to recruitment of staff in the EAC. We have not completed that exercise yet. So, I want to understand whether her Motion is intended to pre-empt that investigation, which you rightly committed to the Committee and which the Committee is still investigating.

The Speaker: The Motion, as moved by hon. Susan Nakawuki has strong connections with the Motion that has been referred to the Committee on General Purpose on the matter of recruitment in the Community. The matter she has raised is a matter of urgency because of the exodus or the massive movement of senior staff of the Community by the end of this month of March. The matter addresses what is in place as a stopgap measure. That is

why I insisted that she comes out clearly with her prayers before going into justification so that we can treat this in line with what is before the Committee of General Purpose.

Hon. Susan, please, finish the narration of your Motion.

Ms. Nakawuki: Thank you hon. Speaker. I would like to say that I am not aware of anything to that effect that is being handled by the General Purpose Committee. However, among my prayers is for the Council to explain to the House an interim measure to address the gap, which will exist after today. We need an interim measure between now and whenever Council will address this issue.

My other recommendation is for Council to think about the short-term contracts for the outgoing staff until recruitment is finally done. I also have a proposal for the Council to come up with an EAC employment policy since we lack one. Finally, the Council should review the EAC Staff Rules and Regulations. Those are my prayers.

The Speaker: Thank you so much. Hon. Susan has moved this Motion and it was seconded. This matter is before the House. This matter does not require a lot of debate. I will allow two people who want to comment on this Motion but, of course, give the Seconder the first priority. The Chairperson, Council of Ministers should be on standby to respond.

Ms. Margaret Zziwa (Uganda): Thank you Mr. Speaker. I want to thank hon. Nakawuki for this very important Motion. I am happy that the Chairperson, Council of Ministers is in the House. This is a very important issue. I know that it has been debated and discussed by the Council, and that it is in the minutes of Council.

At this juncture, I think that most organs and institutions of the Community were praying that an approach, which is similar to the one employed by the East African Court of Justice (EACJ) of staggering respective officers so that they do not go at the same time, is found to be applicable. It was agreed that those who finish their contracts should retire and go so that recruitment starts. However, now, there is a crisis. The recruitment has not commenced, and as it were, we will have a vacuum.

I rise to support the very important prayer that, at least, a period of six months is given to these officers, either at contract level, or at an extension level, so that we are not plunged into this kind of a crisis. This is within the powers of the Council. There is a chance that this issue can salvage the human resource crisis that the EAC is facing. I beg to support the Motion.

The Speaker: Thank you Margaret Zziwa. Any Member who wants to comment on the Motion before I give the Chairperson, Council of Ministers?

Ms. Patricia Hajabakiga (Rwanda): Thank you Rt. hon. Speaker. I want to support this Motion. If you remember very well, the Commission and the Assembly have always been concerned about this particular situation at the EAC level about staff who have no career development. They come in and leave as they came.

On several occasions, if I remember very well, we have submitted our concerns on this issue to Council, but to date they have not acted on it. It is quite disturbing that at the EAC level there is no permanency in terms of staff. People come and leave. When they leave, those who come start from scratch to learn what EAC is all about.

Therefore, I support this Motion. The Council should look into this. This is a very important situation, which needs to be dealt with.

Mr. Martin Ngoga (Rwanda): Thank you Rt. hon. Speaker. I will probably start from a point of information. On the issue of the draftsman, the Commission has already handled the situation. This Assembly does not stand to face any risk in terms of what he was doing.

Regarding the other prayers, they all require serious attention. However, they are all issues of management.

Dr. Odette Nyiramilimo (Rwanda): On a point of clarification, I would like hon. Ngoga to clarify that because I was talking to the Counsel to the Community about the issue of the draftsman. As from tomorrow, we will not be having a draftsman. When he says that it was handled, I do not understand how.

The Speaker: Hon. Ngoga, do not bother about that. Before I invite the Chair, Council of Ministers, I will give the Commission's position on the matter of the draftsman. Proceed with your debate.

Mr. Ngoga: Thank you Mr. Speaker. I was actually encroaching into an area that is not mine. Sorry about that.

When we talk about permanency that is just one option. There is another option of how the departures of those who complete their contracts can be rearranged in a manner that ensures institutional memory without necessarily doing away with the policy that we have. We can give that to the relevant organs to handle but, of course, it is very important that we avoid the kind of gaps we are experiencing now.

I support the Motion to the extent that it calls upon the relevant organs to ensure that proper preparations are made the next time to avoid the problems we are going through this time.

The Speaker: May I invite the Chair, Council of Ministers to say something about this Motion before I put it to vote?

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio): Mr. Speaker, I have taken note of the concerns raised by Members regarding the Motion that has been tabled. I want to assure you that the Council is aware of the fact that most of the positions that have been mentioned here will be vacant. As you know, the *Ad hoc* EAC Service Commission has already done its work. We are now waiting for the Council to meet to approve the names. The list is there. We know that they will meet on 30th March.

The Speaker: Thank you hon. Chairperson, Council of Ministers. The Commission, as an administrative body of this House, is quite alive to the fact that the functions of the draftsman are almost 80 per cent with the Assembly. Without the draftsman's presence in the Assembly, we cannot proceed. The Commission is also aware that by the time we adjourn here, some Committees will roll out into work to feed into our last Plenary Meeting in May. The absence of a draftsman will cause a stalemate to this Assembly.

Therefore, we sat as the Commission and that is why I called for an emergency Commission meeting. That is one of the issues we addressed. We agreed that the Treaty and the Rules and Procedures of this Assembly allow the Speaker to invite any technical person who is an East African to come and help the Assembly with work when the Speaker and the Commission deem it necessary. In the

interim, whenever a Committee of this Assembly needs the services of a draftsman, we shall invite a draftsman to come and work with the Committee and the Assembly. The most reliable one we know of is the current outgoing draftsman. That is how we have handled it at the Commission level. *(Applause)*

Honourable Members, hon. Nakawuki's prayers are as follows. I would like to refresh the mind of the House before we vote.

One, the Council should ensure that future recruitments and appointments of staff to replace the existing ones are done at least three months before the expiry of the contract of the sitting employee or staff.

Two that Council makes a commitment to the House on the interim measures put in place to address the human resource gap, which seems to be glaring.

Three, give short term contracts to existing staff, where necessary, until appointment for their replacement has been done in order not to disrupt the smooth operation of the Community; and the forth one is that the Council must come up with an EAC Employment Policy and review the current policy that exists employees after two-term contracts.

Hon. Susan, this was verbatim from you. Is my summary in order?

Ms. Nakawuki: Yes, Mr. Speaker, Sir.

(Question put and agreed to)

Resolution adopted.

Ms. Nancy Abisai (Kenya): Rt. hon. Speaker, Sir, I rise on a matter of urgent public importance under Rule 30(1) to

address matters of urgency and importance on a financial crisis in the EAC.

The Speaker: Seconders?

(Hon. Valerie, Dr. Odette, hon. Yves, hon. Kalinda, hon. Chris Opoka, hon. Dora, hon. Nakawuki and several Members stood to second the Motion)

The Speaker: Hon. Nancy, go ahead, read your Motion and justify it.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL OF MINISTERS TO COMPEL PARTNER STATES TO MEET THEIR FINANCIAL OBLIGATIONS TO THE EAC BUDGET FOR THE FINANCIAL YEAR 2016-2017 FULLY IMMEDIATELY.

(Moved under Rule 30(I))

Ms. Nancy Abisai (Kenya): Rt. hon. Speaker, I rise on a Motion for a resolution of the Assembly to urge the Council of Ministers to compel Partner States to meet their financial obligations to the EAC Budget for the Financial Year 2016/2017 fully immediately.

WHEREAS ARTICLE 132 (1) of the Treaty for the establishment of the East African Community (the Treaty) provides that there shall be a budget for the organs and institutions of the Community; and this being the basis for annual appropriations;

AND WHEREAS a total sum of USD41,890,538 was approved as the budget of the EAC Organs and institutions to be funded by equal contributions from Partner States to cater for the Secretariat, the East African Legislative Assembly, the East African Court of Justice, the Lake Victoria Basin

Commission, the Kiswahili Commission, the Science and Technology Commission, the Health Research Commission and the Competition Authority;

AWARE that to-date a total sum of USD18,644,645 only has so far been remitted to the EAC accounts representing a 44.51 per cent contribution thereby leaving an outstanding total sum of USD24,016,930 as at the last quarter of the financial year which , represents 55.5 per cent in arrears;

FURTHER AWARE THAT the Council of Ministers previously resolved that all Partner States should be fully paid up by 30 December every financial year to enable the Community to function and operate smoothly;

CONCERNED that to –date, the partner states have not met their obligations as directed by the Council of Ministers;

AND FURTHER CONCERNED that none action towards the Council’s directive has led to an amazingly shocking levels of arrears by the Partner States for the budget of the FY/2016/2017 in which each partner state is required to pay USD8,378,108 as follows:

1. Republic of Kenya has contributed USD4,395,707 (52.47per cent) leaving an outstanding of USD3,982,400 (47.53 per cent);
2. United Republic of Tanzania has contributed USD2,553,203 (30.47per cent) leaving an outstanding of USD5,824,905 (69.53per cent);
3. Republic of Uganda has contributed 7,668,419 (91.53per cent) leaving an outstanding of USD709,689 (9.47per cent);
4. Republic of Rwanda has contributed USD4,027,316 (48.07 per cent)

- leaving an outstanding of USD4,350,791 (51.93 per cent); and,
5. Republic of Burundi has not contributed any amount to this financial year's budget (0.00per cent) leaving an outstanding of USD8,378,108 (100per cent) excluding arrears for the previous year amounting to USD771, 037.

The above scenario means that out of total contribution of USD41,890,538 by all Partner States, they have only been able to pay USD18,644,645 representing 44.51per cent leaving USD24,016,930. This figure excludes the Lake Victoria Fisheries Organization which has so far received USD455,486 (29per cent) out of a budget of USD1,554,207 excluding arrears of USD969,433. It also excludes the Inter University Council for East Africa which has received USD1,066,445 (26per cent) out of a budget of USD4,121,967. This excludes the arrears of previous years amounting to USD10,945,835. The projections do not include CASSOA, which is a self-accounting institution of the EAC.

DEEPLY CONCERNED THAT the non-remittance of the fund and recurring of problem has completely disrupted activities of the Community; it has led to non-payment of entitled allowances; It has led to non-payment of service providers; it has led to delayed payment of personnel emoluments; it is causing persistent accumulation of debts; and overall, seriously affecting the EAC integration process, particularly for those organs and institutions that mostly depend on Partner States' funding;

NOW THEREFORE, this Assembly do resolve as follows:-

1. We urge the Council of Ministers to convene immediately under matters of

urgency to resolve the financial crisis in EAC by ensuring immediate and full disbursement of funds to EAC organs/ institution as per the approved budget.

2. We urge the Council of Ministers to look into avenues that will comprehensively address this issue once and for all and to ensure that it does not recur;
 3. We urge the Council of Ministers to be proactive ensuring that this matter is on the agenda of the next EAC Summit meeting as a priority and matter of urgency and public importance.
- Mr. Speaker, Sir, I beg to move.

The Speaker: Thank you hon. Nancy. Honourable Members, this Motion has been moved under our Rules of Procedure, Rule 30(l), and a majority of you duly seconded it. This is a serious matter that I want this House to debate. However, I beg your indulgence that you allow me to use my prerogative to allow the laying of Papers first, and then we will resume debate on the Motion.

Let the Papers on the Bills that have been returned, which is on our Order Paper, be laid and then we debate this Motion.

(Debate on the Motion for A Resolution of the Assembly Urging the Council of Ministers to Compel the Partner States to meet their financial obligations to the EAC Budget for the Financial Year 2016-2017 fully immediately, interrupted)

PAPERS

The Speaker: Honourable Members, as you may be aware, when this House passes Bills, my Office notifies the Heads of States, the Members of the EAC Summit, requesting them to assent to the Bills that have been duly passed. As you know, legislating for the Community is a shared responsibility between the Assembly and their Excellences

the Presidents of the Partner States. Once we pass Bills, the Heads of States assent to or withhold their assents to the Bills.

Article 63 of the EAC Treaty gives direction on how the assent procedure is handled. However, should there be reason to withhold assent, this is communicated to the Speaker who is duty bound, under Rule 73(1), to inform this august House.

In line with the provisions that I have cited, I would like to inform you that three Bills passed by this House were returned by the United Republic of Tanzania on 3 October 2016 vide a transmission letter dated 27 September 2016. These Bills are the East African Community Forest Management Bill, 2015; The East African Community Cultural and Creative Industry Bill, 2015; and the East African Community Electronic Transaction Bill, 2015.

Our Rules of Procedure, Rule 73, requires that I inform the House, and that the Member whose name the Bill stands in lays a copy of the returned Bill and the reasons advanced, and that the Bill be referred to the relevant Committee for scrutiny and report thereof and then finally return it to the Head of State, if necessary.

I, therefore, give opportunity for provision 73 to be tested. I call upon the Clerk so that we proceed and lay the Bills on the Table.

Hon. Members, the notes are given and I will start with copies of the returned Bill.

(i) The East African Community Forest Management and Protection Bill, 2015

The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms. Valerie Nyirahabineza

(Rwanda): Thank you very much, Rt. hon. Speaker. I beg to lay on the Table the returned copy of a Bill entitled *The East African Community Forest Management and Protection Bill, 2015*. It was returned for the following reasons:

Hon. Speaker and hon. Members, you will all recall that on 27 November 2015, this House passed *The East African Community Forest Management and Protection Bill, 2015*. The Bill was accordingly presented to their Excellencies the Heads of State to commence the process of assent. However, the United Republic of Tanzania, vide a letter dated 27 September 2016, returned the Bill citing the non-ratification by some Partner States of the Protocol on Environment and Natural Resources. It, therefore, advised that a regional law on forest management and protection should await policy guidelines from the Council.

In line with the provisions of Rule 73(2) of our Rules of Procedure, I beg to lay on the Table a copy of the returned Bill.

(Ms. Nyirahabineza laid the Bill on the Table)

The Speaker: Thank you hon. Valerie, the Chairperson of the Committee on Agriculture, Tourism and Natural Resources. The Bill stands referred to the Committee on Agriculture, Tourism and Natural Resources.

(The Bill was referred to the Committee on Agriculture, Tourism and Natural Resources)

(ii) The East African Community Electronic Transactions Bill, 2015

The Speaker: The second one is the East African Community Electronic Transactions Bill, 2015.

Dr. James Ndahiro (Rwanda): Hon. Speaker and hon. Members, on 8 October 2015, this House passed the *East African Community Electronic Transactions Bill, 2015*. The Bill was processed for assent, and the United Republic of Tanzania returned the Bill with reasons.

I beg you, Mr. Speaker, that I request the honourable Member next to me to read the reasons and to table the Bill.

The Speaker: Hon. Ogle, proceed on behalf of Dr. Ndahiro.

Mr. Abubakar Ogle (Kenya): Mr. Speaker, you will recall that on 8 October 2015, this House passed the *East African Community Electronic Transactions Bill, 2015*. The Bill was accordingly referred to the Heads of States to commence the process of assent. However, the United Republic of Tanzania, vide a letter dated 27 September 2016, returned the Bill, citing the reasons that matters pertaining to electronic transactions are dealt with by the EAC Taskforce on Harmonisation of Cyber Laws. It further reasoned that prior to enacting any law on electronic transactions a situation analysis has to be carried out in order to identify the gaps within the national laws of the Partner States.

Mr. Speaker, in accordance with Rule 73(2) of our Rules of Procedure, I would like to lay on the Table, on behalf of Dr. Ndahiro a copy of the returned Bill, the *East African Community Electronic Transactions Bill, 2015*. Thank you.

The Speaker: Bring the Bill to the Table.

(Mr. Abubakar Ogle, laid the Bill on the Table on behalf of Dr. James Ndahiro, the Chairperson, Committee on Communications, Trade and Investments)

(iii) The East African Community Cultural and Creative Industries Bill, 2015

Dr. James Ndahiro (Rwanda): Thank you hon. Speaker and hon. Members. In August 2015, this House passed the *East African Community Cultural and Creative Industries Bill, 2015*. The Bill was processed for assent, but the Republic of Tanzania returned the Bill with reasons.

Again, I will ask my colleague to take you through the reasons and to lay the Bill on the Table.

Mr. Abubakar Ogle (Kenya): Mr. Speaker, you will recall that on 26 August 2015, this House passed the *East African Community Cultural and Creative Industries Bill, 2015*.

The Bill was referred to the Heads of States to commence the process of assent. However, the United Republic of Tanzania, vide a letter dated 27 September 2016, returned the Bill, citing the reason that it contravenes the provisions of Article 9(1)(h) and 59(2) of the Treaty for the Establishment of the East African Community. It further reasoned that by establishing the Creative Cultural Industries Council under Clause 5, and by establishing the Creative Cultural Industries Fund under Clause 16, this would impose charges to the Community fund.

In accordance with Rule 73 of the Rules of Procedure, I, therefore, beg to lay on the Table a copy of the returned Bill, the *East African Community Cultural and Creative Industries Bill, 2015*, on behalf of Dr. James Ndahiro.

The Speaker: The Bill is referred to the Committee on General Purpose.

(Mr. Ogle laid the Bill on the Table)

(The Bill was referred to the Committee on General Purpose)

(iv) The Report of the Committee on Legal Rules and Privileges on the Consideration of Proposals to Amend the Rules of Procedure of the East African Legislative Assembly

The Speaker: The Chairperson of the Committee should lay the Report on the Table. It appears as if the Chairperson of this Committee is not available. We will defer this business.

(The laying of the Report of the Committee on Legal Rules and Privileges on the Consideration of Proposals to Amend the Rules of Procedure of the East African Legislative Assembly, was deferred)

The Speaker: Honourable Members, I wanted us to lay these Papers on the Table and then we proceed with the Motion. I thank you for your indulgence.

Hon. Nancy, I invite you to justify your Motion for a short time and then I will give the official Secunder to contribute.

(Debate on the Motion for A Resolution of the Assembly Urging the Council of Ministers to Compel the Partner States to meet their financial obligations to the EAC Budget for the Financial Year 2016-2017 fully immediately, resumed)

- (Interjection) -

Mr. Ogle: On a point of procedure, Mr Speaker, before we proceed, the Report on the Committee on Legal Rules and Privileges is a very important matter. We cannot allow it not to be laid on the Table, just because the Chairperson is not around. Any Member can do it.

The Speaker: Hon. Ogle, the Speaker has deferred it. We will continue as the Committee organizes itself. Hon. Nancy, proceed.

Ms. Abisai: Thank you very much Rt. hon. Speaker. I brought this Motion as it is. Look at the figures. I do not know whether we will have a Community anymore if this trend continues. We cannot be delaying activities of the Community due to failure to disburse funds. There is no institution or organ anywhere that can function if the funds that are supposed to be remitted by the Partner States are not remitted on time.

The other problem facing the Community is that...In my own findings, I found out that in Uganda, the remittances are handled by the Ministry for EAC Affairs, which makes sure that the money comes in time to the Community. I do not know about the other Republics, but I know that in some of them the money is handled directly by the Ministries of Finance. In others, the money is handled by other line Ministries or Treasuries within the countries. Owing to the bureaucracies, the time and procedures, the remittance of this money ends up being delayed. If we continue with this trend, this matter will affect the coming Assembly. This is a trend and a precedence that must be stopped.

Secondly, you cannot proceed to take any action when you do not have your finances planned for. Unfortunately, some Members and staff members have travelled with meagre resources. Why are people being treated this way? This is because our Partner States are not remitting funds. We cannot even say that we are committed to integration when you look at the figures that were given to me. These figures are not from my head. They are official figures. If out of a total of USD41 million you only have USD18 million, which has so far been remitted,

honestly are we serious about integration? Why is it that we do not have any Partner State with zero arrears? There is no Partner State with zero arrears. All of them have arrears. Are we serious in the way we want to move as a Community? What about the Partner States that are not able to remit any funds at all? What are we doing about it? I think that as an Assembly we need to pronounce ourselves on this.

Look at the commissions, those of us who have gone to visit these commissions during our oversight activities know that the commissions cannot function because they do not have funds to carry out activities. They receive money that is just enough to pay emoluments, which at times is staggered because the remittances they are given are not enough to carry out any projects. When we ask, as an Assembly, what they have been doing in a particular financial year and what they do since they do not have funds...Right now we are here. We have all been sitting for activities and plenary with no allowances, even to staff members. We all have other commitments and families and we must continue with life.

I said that this is a matter of urgent importance. We should pronounce ourselves and look towards engaging the relevant organs to find a lasting solution so that we are not put in this quagmire anymore. Otherwise, this will continue.

Today is the last day of our meeting, and we have no information, whatsoever, on whether we will resolve the financial crisis. We are still in a crisis. We do not know whether the activities that are scheduled to be carried out, will take place. Are we going to go on like this? This matter is very important in terms of integration. Even a poor person in the village can plan better because they know that between now and a certain period they will have either a dollar or two dollars. They will

know that they probably need to take one meal in a day, and whatever else they need to do. Everything needs to be planned. We need to know whether our Partner States are serious in terms of integration within the EAC, and whether these organs and institutions will continue to run without timely disbursements.

On that note, even though they are in arrears, it is important to congratulate the Republic of Uganda because they have done extremely well. They are in arrears but we need to recognize that they have put in some effort. I think that the rest must rise up to those standards. We are not saying that we exonerate them totally, because they are still in arrears. However, we cannot be having Partner States with arrears of over 50 per cent and then we say that we are serious in integration matters.

Mr. Speaker, I beg to move.

(Question on the Motion proposed)

The Speaker: Yes, hon. Dora, the official Secunder of the Motion.

Ms. Dora Byamukama (Uganda): Thank you Mr. Speaker for giving me this opportunity. I fully support the Motion raised by hon. Nancy. I thank her for being proactive, because this Motion is not only timely, but it is good that it has come at this time. We have talked about this issue several times. I hope that the Council of Ministers will give us a concrete response on the way forward. As this House may recollect, at one time we implored the Council of Ministers to invoke Article 143 of the Treaty, which provides for sanctions. If you permit me, I will read it out. It says,

“A Partner State which defaults in meeting its financial and other obligations under this Treaty shall be

subject to such action as the Summit may, under the recommendation the Council, determine.”

Alas, all the Partner States have failed to meet their financial obligations. So, how will this be operationalized? We have already pointed out that this particular Article of the Treaty is an absurdity because such a Council in this circumstance is not able to do what this Article states. So, in effect – (*interruption*) -

Mr. Mike Sebalu (Uganda): I thank hon. Dora for giving way. On a point of clarification, Mr. Speaker, I want to say that I appreciate the fact that all Partner States have failed to meet their obligations. However, when a Partner State has zero contribution, is that comparable to any other, which have expressed concern? Let us look at zero versus the other levels, do you mean that the law cannot catch up, at least, with the one who is at zero? That is what I wanted to ask. They have arrears of the past and are at zero in the current. Let us not level the ground too much.

The Speaker: Hon. Dora, that clarification is for you.

Ms. Byamukama: Mr. Speaker, I do not think I am in a position to respond. I think the House has taken note. This is not even zero contribution, but negative. If you are in arrears, mathematically, you are on negative.

What I want to say regarding the sanctions is that there was an institutional review exercise, which we hoped would put in place a stronger Secretariat, which would whip and take up more administrative powers to ensure that Partner States comply with the Treaty. After spending as much as USD10 million plus on this exercise, we have not seen any inclination by Council of Ministers to put in place what the review recommended. This is

another waste of funds, which is very sad in the circumstances.

Secondly, I would like to say, as hon. Nancy Abisai said, that this kind of picture also shows that there is lack of commitment. This seems to have been dwindling because in the past ten years that some of us have been Members of the Assembly, we have noted that the issue of funding has become worse. At some point we had proposed that maybe it was time for Partner States to sit at a round table and to recommit themselves to the issue of integration. Is it a priority? Is it a do-or-die issue, or is it a secondary issue? I think we need to pose these hard questions to ourselves.

It is important now, especially when some EAC Partner States belong to different Regional Economic Communities (RECs). We will continue to see Partner States wanting to join other RECs, which oblige them to pay remittances, and at the same time, they are not able to meet their current obligations. That does not make sense. Some belong to SADC, others belong to COMESA, amongst other entities. Why are EAC Partner States, which have committed themselves to integrate for a prosperous, secure and politically united East Africa taking steps to belong to other RECs while they cannot fulfil the obligations they have promised to fulfil? These are some of the questions that we need to get answers to.

The other issue I would like to raise is about financial autonomy of the Court and the Assembly. When you look at the Treaty, you will find that it is the Secretariat's role to do the lobbying. I think this is under Article 67. That is what the Secretariat is supposed to do. However, when you look at Article 49, as an Assembly, we are obligated to debate and to approve the Budget of the Community. Our biggest challenge in this is that we do not debate the aspect of revenue. We only debate

the aspect of expenditure. This makes it very difficult for us.

Therefore, at some point we should look critically into the aspect of revenue. It is not enough for you to say that you will spend money on a, b, c and d, without looking at where the money will come from. We cannot institute taxes. Therefore, we are constrained. This aspect of revenue should be looked at more critically.

At one time, the Council will probably tell us that there was a proposal on a sustainable funding mechanism for the EAC. I do not know whether this is on the Table. However, the scanty information that we have is that some Partner States are concerned that if we institute such a mechanism, we will be paying more than other Partner States. However, quoting the words of President Kagame, he said, "The issue of integration is not a zero sum game. Some will lose while others will gain, but eventually it will be for the benefit of all East Africans".
(Interjection)

Dr. Ndahiro: On a point of information, Mr. Speaker, in our last budget conference, we had exact proportions on that but Partner States failed to agree. They agreed on a formula that they levy import duties a certain percentage but the proportions were not agreed upon. Some Partner States wanted 60 to 40. They wanted 40 per cent equal contributions and 60 per cent to come from import duty. The other two, one wanted 70 to 30 and the other 75 to 25. The other one was 80 to 20. Those are the exact ratios and proportions but they failed to agree.

Ms. Byamukama: Thank you Dr. Ndahiro. I think what you have said paints a more dire picture of the situation because when you fail to agree, what is the next recourse? If we continue in the way that we are doing and yet we are getting into the last quarter of this

Financial Year of 2016 -2017, which starts on 1st April and we still do not have 50 per cent of remittances, what does that say? What are the implications? That means that all the activities that were planned cannot be implemented, obviously, due to lack of funding.

We have come to a situation where we are abrogating the rights of Members of EALA and members of staff because eventually, unfortunately, this is an issue that may be taken to court. These are serious issues. I hope that the Council of Ministers will take this very seriously.

At one time, we suggested that instead of getting a lump sum of money as remittances and then it gets to the Secretariat for the Secretariat to disburse it, the different organs should get funding directly so that we do not go lobbying and pleading with the Secretariat. It is very difficult that at the end of day you cannot control what comes to you as an entity. Some of these entities have only been given 26 per cent of what they need. If you get 26 per cent, it means that you are barely paying staff salaries.

Ms. Patricia Hajabakiga (Rwanda): Thank you Rt. hon. Speaker and hon. Dora for giving way. I also thank the Mover.

It is very absurd that we cannot make a decision in such a small region comprising of six member states and yet all the countries of the EAC are all members of the African Union. These countries applied the exact proposals to the Council and Summit on matters of sustainable funding mechanisms. I am just wondering why they can take a decision for a bigger body and not for this region, which has only six members. That is absurd.

Ms. Byamukama: Thank you hon. Patricia for that information. Actually, I was coming

to it. Thank you because you made it clear. I would like to conclude with two points. One point is about another absurdity. We are here in the region and excitedly electing Members to join the Fourth EALA. However, we have not paid our remittances. The question is this. How will the Fourth EALA be financially sustained? At one time, we said that maybe each Partner State should pay for their members of EALA, and there was a big outcry. However, how do you elect Members and yet have not remitted even a single shilling to the EAC? This is very difficult to understand. (*Interjection*)

Mr. Bernard Mulengani (Uganda): Mr. Speaker, I thank my sister hon. Dora. The clarification that I seek is as to whether we should not continue with that agenda of proposing that each Partner State looks after its members.

The Speaker: Honourable Members, let us be cautious to the provisions of the Treaty that give absolute autonomy from interference. If you refer Members to Partner States and they fail to reach the airport because of reasons that may be out of your control as an Assembly, then you will be shooting yourself on the foot.

Mr. Ogle: I am seeking further clarification from the perspective of what Mulengani was saying. If I understood what hon. Dora said to mean that there are elections going on in Partner States, maybe they are right to be the first ones to elect Members, but could that also mean that we should pass a resolution of the House on a member state which has negative contribution not to proceed with the process of elections until they have cleared their arrears with us?

Mr. Ngoga: On a point of clarification, Mr. Speaker, I think we need to proceed with this discussion, having in mind the fact that the Community is entirely affected. This is not

about EALA or the Assembly. We are the spokes organ of everybody in the Community. We need to have that in mind.

The Speaker: Hon. Dora, before you continue, what hon. Ogle is insinuating almost borders on suspension. You know that the powers to suspend do not rest with this Assembly. Proceed, hon. Dora.

Ms. Byamukama: Mr. Speaker, I think I was very clear. I said that those are some of the ideas that were being discussed. My point is that when Partner States remit money to the Secretariat, I would like, at some point, since we have now been given powers of autonomy, a situation where a certain percentage is automatically given to the EACJ, to EALA, and the other organs take their percentages. We do not have control, when money is remitted to the Secretariat, to get our quota. We have to plead with the Secretariat, just like every other entity. Therefore, my point is that with this autonomy and for us to be more certain about our work and activities, we need to do things differently.

I would like to talk about the issue raised by hon. Ngoga. I am cognizant of the fact that this is not about EALA. That is why I talked about a certain entity - I think the Inter University Council of East Africa (IUCEA) - which is at 26 per cent, if my mind serves me well.

I also want to talk about the issue of – (*interruption*) -

The Speaker: Hon. Dora, just to help you debate a bit, you may wish to know that some of the institutions of the EAC, their monies go straight to them from their line Ministries. For example, the one that you have quoted, which is at 26 per cent. The money does not go to the Secretariat. Their problem may be much bigger.

Ms. Byamukama: Thank you Mr. Speaker for that. I also know that the Civil Aviation Safety and Security Oversight Agency's (CASSOA) money does not go to the Secretariat. Therefore, Partner States need to be reminded about direct remittances. That is another aspect that the Council of Ministers needs to take up.

I wanted to move on to the issue of staff. I do not understand how the EAC will retain good staff if they do not feel secure. As per today, most staff members do not get certain allowances. Most staff members are not sure whether they will get their monthly pay. They have been living from hand to mouth. This is very dangerous. It makes one feel very insecure.

If you are a member of staff of the EAC, most of the time, you will be looking for better opportunities. These are some of the best minds that we have in the EAC. This issue of insecurity causes anxiety and, therefore, the output level and productivity is lowered. These are human beings, and they need to be financially secure in a way that they will be paid.

Compounded by and connected to this is the image of the EAC, because, which bank will deal with Members of EALA or staff of the EAC if they are not sure that they will get remittances? This is very serious. This means that at any one time if we pledge that we will be paying on the 31st day of every month, if there are delays, or if there is no money and we pay two weeks later, there is a penalty, which is levied, and the bank becomes very uncomfortable because it is not sure that you will pay up.

The image of the EAC is also suffering. This issue is very serious. It is more serious than we can say. I do not know how else we can put it, but it is a very serious issue, and we would like the Council of Ministers to take it

as such and find a way of remedying or reassuring the EAC that we are committed to what we said we would do under the Treaty.

With those words, I would like to fully second and support the Motion. I thank you.

Mr. Bernard Mulengani (Uganda): Thank you Mr. Speaker. I rise to support the Motion as moved by hon. Nancy Abisai and seconded by hon. Dora Byamukama.

On the onset, I would like to say that the Council, on the issue of funding, put certain facts forward. The first one has been alluded to by hon. Hajabakiga. I do not remember the Sectoral Council, but I think this was the EAC Sectoral Council on Finance, which suggested to the Council that an alternative mechanism of one percent on imports be used. It is a shame, as hon. Hajabakiga put it, that a bigger congregation of the African Union was able to reach an alternative and yet a smaller congregation of five Partner States up to today, are yet to conclude this matter. It is a shame, and we are still grappling, in our minds, as to whether there is goodwill for the EAC integration.

The second aspect that the Sectoral Council on Finance ruled on and directed was that the Community should invoke Article 143. That is in the Council Minutes. I do not remember the Sectoral Council, but I know that the Chairperson, Council of Ministers, knows what I am talking about.

The other fact is that the Council also issued a directive that all contributions should be remitted by 31st December of every year, which is six months before the end of any financial year.

Now those are facts by the Council. So, whatever we are talking about can also be blamed on the Council. I do not know whether Council recognizes some of the

directives that they made so that they are implemented. I do not know, but since Chair Council is here, he will substantiate what I am putting on the Floor.

Mr. Speaker, when you look at the Motion, you will see that it raises issues of remittances. If you average the total remittances to date, you will get about 44 per cent, or thereabout. We are getting into the fourth quarter - (*Interruption*) -

Ms. Hajabakiga: Rt. hon. Speaker, I thank hon. Mulengani for giving way. The percentage raised does not include that of independent institutions like CASSOA and the IUCEA, some of which are less than 30 per cent. Therefore, the percentage is more than what you are talking about.

Mr. Mulengani: Thank you so much for the information. That creates better clarity. This percentage will go much lower to approximately 25 per cent remittances.

If you look at the percentage of the recurrent budget, which comprises salaries and administration costs that come from the Partner States, it goes up to a level of 80 per cent. What does that mean? Just as hon. Dora put it, people are not getting their salaries in time. That is a fact.

Staff are not getting salaries on time, and Members are not getting their entitlements. We are here *pro bono* in this city. (*Applause*) We are unable to meet our respective demands in this city. We do not have money, but because of the call of duty, we are here. The suppliers are threatening to take the Community to court. The Community is unable to meet its obligations to suppliers. The operations at the Community are almost collapsing due to lack of recurrent budget, which is mainly supplied by Partner States.

Hon. Dora has raised the issue of the image. When I reflect back on the issue of the African Peace and Security Architecture (APSA) staff, the procurement issue and other irregularities in the Community, maybe some of those issues need to be put straight. Maybe they are the reason why countries are pulling back. The image of the Community will collapse amongst the suppliers. Whom will we deal with if we are not creditworthy? That is a challenge. Therefore, we need to call upon Partner States to come up and meet their obligations.

The Secretary General moves around saying that he is saving money. Maybe this is also a way of telling Partner States that we do not need money, but where is the money we are saving? We need to call upon Council to desist and to inform the Secretary General to stop using the terminology “saving” where there are no savings. You cannot save what you do not have. This is a serious item that we should also look into.

Before we pronounce ourselves, what is the Council doing? These are Ministers from our Partner States. Our Partner States are not remitting. You are here seated with us. What are you doing? When you go back, what is your return home information of what we have debated? What do you tell your Ministers of Finance when you are in Cabinet? Do you correspond what we talk in this House really?

What puzzles me is the level of linkage between the organs and institutions of the Community and the ministries responsible for finance back home. The picture you portray before your colleagues may demand that what you say is taken with the weight it deserves. As an Assembly, we do not want to take this very lightly. This is a two-way issue. Partner States have direct representatives in this House as both Members of Parliament and as the Ministers who sit in Cabinet.

Mr. Speaker, I am puzzled. I want to know what is happening to the Community. What has caused this? Who has started this behaviour? What is the hidden agenda? Where is the commitment we had before such that we are seeing the Community almost collapsing without any activities except for paying salaries to staff and other people who are working under the projects?

As I conclude my submission, it is my humble appeal to the Council, from the commitments that you have already made in your Council meetings that you ensure that those Council directives are implemented.

I beg to support the Motion.

Mr. Yves Nsabimana (Burundi): Mr. Speaker, I would like to start by thanking Members of the Rwanda Chapter who assisted me to attend this meeting here in Kigali because it was not easy for me to come here to transact business. Thank you Rt. hon. Speaker and Members from Rwanda. *(Applause)* I also want to thank the President of this beautiful Republic for coming to open our session. I want to thank the Parliament of Rwanda for welcoming us when we arrived here. *Nyagasani abampembere.*

The Speaker: Honourable, may you please translate for those who did not understand? The Speaker did - *(Laughter)*.

Mr. Nsabimana: *Nyagasani* means God, and *abampembere* means should reward you.

I support this Motion. However, I want to go beyond the figures given by hon. Nancy. If you analyse the figures, you will see that the performance of our budget has been below 45 per cent. When we pass a budget, we attach the schedule showing figures and planned activities. The percentage of budget performance shows that there are many activities that have not been undertaken.

We have a problem of management. You should ask yourself how the Community is being managed. The Community is not being managed. This Report shows the very important issues that are transacted in our Community. If our budget performance is below 50 per cent, that shows that there is money coming from somewhere, which the Community has been using to transact. Where did this money come from? If you ask a financial manager in this Community, you will realize that we do not have any reserve. What we had as reserve is finished. We started using reserves to compensate for the none remittance of money.

The other way they are doing this is by withholding money for suppliers. If you go to Arusha, you will find many suppliers waiting to see the Clerk and the finance manager. They have now reached a point where they do not want to deliver goods. The kind of management we have at the Community makes me think that the Community has stopped operating. That is why we must think about how to manage the Community. Today, I urge you to send a very direct message to the Council of Ministers on how this Community is managed.

If you go to Arusha, you will see that the staff there are demoralized. They do not do anything. Even if you went to buy paper, it would be very difficult for that paper to be supplied. The figures we are using do not represent the whole Community but the organs and two institutions. If we had all the institutions represented here, Lake Victoria Commission Basin (LVBC) and CASSOA, things would have been worse.

Rt. hon. Speaker and honourable Members, I urge you, after we adopt this Motion, that we send a very strong message to the managers of this Community. The situation is becoming worse and the image of the Community is becoming worse. I am

imagining a Community of five countries, which cannot pay its bills on time. Members of EALA and staff have some engagements with banks. One day, we may be called by our banks to be told that we are in arrears. Rt. hon. Speaker, I urge this Assembly to request the Council of Ministers to take up a decision and to apply what is in our Treaty. I support the motion.

Mr. Mike Sebalu (Uganda): Thank you very much Rt. hon. Speaker for the opportunity you have created on the Order Paper. You found space for this important Motion, which needs to be given due consideration by this House.

Rt. hon. Speaker and honourable Members, this Motion could not have come at a better time than this. If we, at the end of our tour of duty, leave the Community in this state of affairs, without any intervention, that will easily be interpreted to mean that we lacked goodwill for this Community. We found this Community good and we are under obligation to hand it over to another generation of leaders as a better Community. There is no other way than leaving it in good financial health to sustain the operations and activities of the Community. I would like to salute the Mover and the Seconder for a well thought-out Motion, which I consider timely and necessary in order to engage the state of affairs with a view to bettering it.

Rt. hon. Speaker, the issue of integration seems to be losing steam. I find this to be a very serious undertaking. Our founding fathers, God bless their souls, should be worried wherever they are, to see the Community getting into the state that we are in. We need to get back to course in terms of directing the affairs of the Community.

Good performance should be acknowledged because it serves as a motivation to encourage all of us to read from the same

page. Therefore, allow me to acknowledge, with appreciation, the contribution by Uganda - (*Applause*). That applause is mean - (*Laughter*). When there is good performance, acknowledge it because it serves as an inspiration to the rest of us to play on the same level. I still want to encourage Uganda to go to zero balance. That is the best-case scenario. Good performance but we want to see zero balance. Allow me also to thank the Republic of Kenya. They come in second in this performance, then the Republic of Rwanda, the United Republic of Tanzania, and then our brothers and sisters from Burundi.

I am thanking in order of performance, because I want this to be an encouragement. I do not want to condemn - (*interjection*) -

Mr. Fred Mukasa Mbidde (Uganda): On a point of order, Rt. hon. Speaker, this Motion is not intended to thank by whatever manner of order. It is particularly for purposes of reprimand. Is the hon. Member in order to thank almost everybody, therefore, rendering the Motion almost derogatory?

The Speaker: I think the Member holding the Floor is using some approach to instigate some kind of thinking on the part of the Partner States. He is not exactly being direct but he is using his skills in debate to say, yes, we are seeing how you have done nothing but thank you anyway. He is being ... I do not want to use the word sarcastic, but pursuing the debate by appealing to the spirit of the Motion.

Mr. Sebalu: That is the very reason that you are the Speaker. Your sense of judgement is at a level that makes me proud. There is what we call positive engagement, because in everything there is a positive aspect.

This Motion is challenging all of us, from the one who appears to have done well to the one

who appears to have done nothing. This Motion is a challenge to all of us because we are looking at the collective aspect of it. My approach is not to discourage anyone. My approach is to encourage everyone from wherever they are to meet their obligations, as they ought to. There is what we desire, but there is what is on the ground. Now because this was in addition to appreciating the Mover, allow me to say that the Mover has done us proud because she has created an opportunity for us to engage on this subject so that we hand over a Community that is in a better state of affairs.

Mr. Speaker and honourable Members, the issue of interpretation is a strategic one. It is a strategic issue. When we manage issues to do with this, we should not lose sight of the strategic aspect of it. It is a priority issue, it is a public relations issue, and it is something of a best practice.

We are appreciated as a Community for the framework we have set. The Community that is moving towards a single political authority is regarded as the best model of integration in the whole world. Even the European Unions of this world, in their big scale they are not focusing on becoming single political entities. We are the only ones that have designed our integration model to become an entity, and that has made us the envy of all the other integrations.

When it comes to our Assembly, it is admired across the board because it makes laws for the entire Community. Therefore, we are unique and we need to keep that uniqueness and to take it to another level. Therefore, we need to have that at the back of our minds. We need to appreciate that even our current levels of funding are low compared to the activities, projects and programmes. The funding levels are very low. However, what makes it worse is when they do not come in time. That makes the situation hopeless because you have low

levels of funding but you are not even giving the funding in good time.

We have always talked about alternative sustainable funding mechanisms. This is what I want us to focus on as an Assembly. All organs are suffering. There are those other modes of funding. We really do not have to reinvent the wheel. There is the funding applied by ECOWAS. They are charging a percentage of their imports, and this is funding the operations of ECOWAS in a manner that is enviable. It would be an easy aspect for us to look at their mode of funding and to customize it to our situation so that we make the situation better.

I am wondering why we are not getting through with an alternative funding mechanism. Hon. Ndahiro has given us very useful information regarding the different proposals that were on the table. However, we still could not agree on one single proposal to get things working better. So, what is the problem? Do we really desire for this Community to go on, or have we simply given up on it and we are just shy to say so?

This Community is the best thing that ever happened. Our people out there expect much better from this arrangement of working together. So, let us pull it off and ensure that we are safe. The alternative funding mode, like brother Ndahiro has suggested, where we do not have to go back to the contributions would make the funding predictable. Therefore, even the people managing the funds would have an easier time in terms of credibility and in terms of when funds should come. It would also be easy to execute plans, which would be reliable and timely in terms of disbursements, without going into costs in terms of time and other initiatives to get the funding made good, but most importantly, that would be sustainable.

This has been on the table ever since some of us joined this Community ten years ago. EALA has always requested that we give the funding mechanism a new look in order to meet the demands and the challenges of the day. However, what is disturbing is why it is taking so long and yet we have good examples of where it has worked well.

Finally, I just want to give some bit of advice to the Council of Ministers, especially where there are strategic offices. I am giving this advice in good faith. Some of the offices entail more responsibilities. For instance, the Chair, Council and the Minister for Finance of a country that is chairing need to be proactive because leadership in these matters would be very helpful. I know, and I am very sure, that our Heads of State are not the ones who deal with these matters. They have Ministers who deal with these matters. Therefore, our colleagues who are in the Council of Ministers, it is important that you go and engage the Ministries of Finance to make sure that they act in a manner that protects the image of our Heads of State, because they are not the ones who process the money.

It is imperative for our colleagues who are in the Council to use their good offices and to engage with their colleagues in the Ministries of Finance to give priority to some of these issues because they end up being public relations and image issues. We should get things moving in good time. We should engage them early enough. We should not wait for a time like this because for sure our Heads of State are very committed to integration but the different cadres and bureaucrats need to be sensitized. Some of them take integration as if it is a by the way.

I encourage the Council of Ministers who in our case are the Ministers in charge of EAC Affairs, who coordinate issues of the Community within our Partner States, to

engage and create much more awareness. When the Community gets into a situation of this nature, then the image of our individual Partner States is questioned in terms of commitment, and yet I know for sure that the commitment is there.

I want to encourage the Council to be our linkage because these matters are more in the Executive arm. Even as Members of EALA, we always engage and try to blame, but let us engage these people to a level that they get to appreciate that integration is a strategic matter, and that is why our countries and Heads of States got into a partnership under the Treaty to ensure that this undertaking is given due consideration.

I wish to conclude by thanking the Mover once again. This is a noble Motion. We want to hand over a viable Community. We do not want the next generation of leaders to imagine that we did not care, or that we saw it but we did not care or even react. We want a viable Community. We want it to go to a better level than we have made it, and you cannot do that without sustainable, regular, reliable and predictable funding mechanisms.

Rt. hon. Speaker, I beg to submit.

Mr. Abubakar Ogle (Kenya): Thank you hon. Speaker. Aware that this is the last day of our session in Kigali, I want to take this opportunity to debunk an erroneous impression that was created about me regarding the Motion that was moved by hon. Nakawuki on Tuesday for adjournment based on lack of quorum. Many Members have confronted me because she told them that she moved that motion because hon. Ogle had intended to move a Motion related to the absence of the Burundian Members. Nothing could be further from the truth.

The Speaker: Hon. Ogle, this is a rule-based House.

Mr. Ogle: I need to clear this.

The Speaker: If you have a personal statement to make on a matter that is not in our records, there is a way that we do it. That happened outside the records of our House. However, I have taken note.

Mr. Ogle: That is noted. That is why I called her Madam Quorum yesterday, although I apologized. (*Interjection*)

Ms. Nakawuki: On a point of clarification, Mr. Speaker, since he has talked about hon. Nakawuki, which is me, I can also make my position very clear.

Hon. Ogle had discussed with me the issue of moving a Motion regarding the suspension of Members from Burundi from the Assembly. We had a discussion. However, I think there is a better way of bringing this to the Floor.

The Speaker: Honourable Members, let us not dilute this very important debate. Let us stick to this matter. This is the House of our Community – (*Interjection*) -

Mr. Ogle: Let me have the last word on this. She knows that we do not discuss matters on anything at all. We do not agree on so many things, let alone discussing anything with her anyway. That much she knows. But let me proceed. (*Laughter*)

Rt. hon. Speaker, before I make my substantive contribution to this very critical Motion, I want to suggest an amendment. I will make it available to the Mover, but I first want to read it. This is an additional prayer. Therefore, it will be prayer No.4.

I am proposing that this Assembly appoints a Select Committee to and fully interrogate the causes of the obtaining financial crisis urgently, and to propose measures to address these causes accordingly. The Council should immediately avail resources – “immediately”

means after this resolution is adopted, and from wherever they will get it – to the said committee to start work and to report to the Assembly during our next session, our last session, in Arusha. That is my prayer, and I will give it to you in writing.

Rt. hon. Speaker, I want to look at the differences between the EAC and ECOWAS. A very important point in terms of the existence of these communities is peace and security even before we come to matters of trade and integration. This issue is more critical now than it has ever been.

What has ECOWAS done? They are very progressive. One erratic member and they took that action very swiftly. This was in their interest. While we, in the EAC were disbanding our APSA Programme, the programme on peace and security, and while waiting for a very long process of funding from EU to AU and then to EAC, ECOWAS mainstreamed their project in their budget. Therefore, they are funding their APSA programmes. However, what are we doing in the EAC? We are disbanding our APSA programme. That is the difference between the EAC and the rest of the RECs in this world. However, this problem might have started somewhere. It did not start one morning.

This Community was there and these countries were there. How come this problem is so much pronounced over the last couple of months, or the past six months? I have heard stories that some of these things were inherited. Yes, they were inherited but the previous leadership managed some of these things. I do not know how they did it but they managed it.

I know that one way that the previous leadership or secretaries general managed these kind of matters is that they had charisma. They had personal responsibility to

go from one Head of State to another looking for money. That is how they managed to do these things. But when you close yourself somewhere, just waiting for a little funding to trickle down and as soon as you get it, you go and do your own trips around...What is happening to our Secretary General currently? Instead of sitting through this meeting here, he prefers to go to South Sudan. He should have been here - *(Interruption)* -

The Speaker: For the record, it is Republic of South Sudan. *(Interjection)*

Ms. Patricia Hajabakiga (Rwanda): Rt. hon. Speaker, it is true what hon. Ogle is saying. The programme for our sessions and the entire programme for EALA from the beginning to the end is given to the Secretary General. Being an *ex officio* Member, he should make it a priority to attend EALA sessions instead of going to other places.

Mr. Ogle: That is my very point of argument. The Secretary General, the Chief Executive Officer, is very disinterested in this Community. I submit that he is possibly the cause of the current financial liquidity problems that we have. This man just wants to sit there. I think the Council... from the chemistry that we are seeing on their faces, I think they are either not engaging our CEO or they do not have anything to discuss amongst themselves. He does not even give a damn about what is going on - *(Interruption)* -

The Speaker: Hon. Ogle, our rules do not allow debate on speculation. Now, the way you are reading the chemistry on the faces of the Council of Ministers - *(interruption)* -

Mr. Ogle: Mr. Speaker, it is very apparent that they do not have much to discuss anymore. Therefore, the very existence and essence of the Community is being put to many questions. Honestly, this is not the

Council that I saw in past four years. It is not the very engaging Council that was so much concerned and which picked up everything that we resolved. But this is a Council that apparently does not give...there must be some explanation.

The Speaker: Hon. Member, I think you should be fair to the Sectoral Council for EAC Affairs, who are *ex officio* Members of this House. You should audit them factually. You should contrast them fairly. We are very good in giving words as we gave to hon. Shem Bageine. We will see who will get the next one.

Mr. Ogle: I am talking about that one. *(Applause)*

Honestly, I am disappointed with the performance of the current Council. I want to tell them, right on their faces, that their performance has not been good in relation to getting the CEO working for us. He is not. What I hear from the Secretary General is that he is conducting reforms and he is doing this and that. Where are they? What are these? When do we get them? When will they help us? We have a crisis. Therefore, we must get an answer. Short of that, we had better call off the bluff. If there is no integration, we had better call it off. There are no two ways about these things.

There is either a Community or not. We have a responsibility to contribute and to ensure its sustainability or otherwise. We have a history of a broken Community. If we want to take that route, fine. This is not a ping-pong game. There is a Community, and we have certain responsibilities.

We crafted a Treaty and said that the Community should do this and that. We are doing nothing close to that. If we are fed up, it is possible that people are trying to develop their own communities. Others are proposing

to go to SADC, among other communities. Call it off! There are no two ways about that. We have a history of this. I do not know whether this is a parliamentary word but there is an element of dishonesty in the way we are handling the Community affairs. We are not very serious about it. Therefore, I want the Select Committee, if that proposal is accepted by the House, to find out the root causes. *(Interruption)*

The Speaker: Hon. Ogle, when you sit down with your proposals, I invite you to look at Rule 74, and in particular sub rule (4) in terms of implementation of the budget. Please look at the role of the General Purpose Committee and see whether they can do the same. Please, proceed. You can conclude your debate. That does not stop you from submitting.

Mr. Ogle: Mr. Speaker, I will take cognizance of that particular provision that you have referred me to. In the meantime, I would like to make it very clear that this select committee should start working in conjunction with the Council so that we can clear this mess. That is the word that I want to use. We are in a real mess. Thank you, Mr. Speaker.

Dr. James Ndahiro (Rwanda): Thank you hon. Speaker, I also associate myself with the issues raised by my colleagues. This is not the Community that I knew five years ago. There is loss of appetite for integration. In my mind, I am trying to figure out what went wrong, or what is going wrong. Without speculating, I want to support the recommendation moved by hon. Ogle that we need to get to the bottom of these things.

Honourable Members, you all followed the last Summit. The Chair Summit, then, made serious statements indicating that either there is unfairness in the way integration matters are conducted or there are serious problems that we need to address before we talk about

integration. I do not want to engage in business that I will not handle well, but the indication was that this Community is poor and requires people with integrity to use taxpayers' money well. We need to be accountable and transparent in our different programmes.

Honourable Members, do you not think that that might be one of our problems? Since EALA Two, EALA has always called upon the Council of Ministers to supervise the programmes of this Community closely. There was a time that we even proposed that Council should share different portfolios, and that they should have their offices in Arusha. The initial idea of setting up the EAC Ministries was to give supervision to the integration process. Now, they are doing supervision from different capitals where integration matters sometimes become secondary business. It is no longer a primary matter. *(Interruption)*

Mr. Byamukama: Mr. Speaker, I am giving information that you already know and have. There is a trend where we no longer have specific Ministers for EAC Affairs, as you know. Partner States are now using Foreign Affairs Ministers and other Ministers who are holding other portfolios such as Trade and Tourism. Therefore, we have divided interests when it comes to EAC matters. When it comes to the issues of national politics, these take precedence because the Ministers are answerable to the master at that level. So, what you are saying should be improved so that they not only reside in Arusha, but they should also be answerable to the EAC.

Dr. Ndahiro: Thank you hon. Dora. I think that reinforces the argument by hon. Ogle that probably this is the time to revisit our integration agenda. This is probably the time we should tell one another that we had thought that integration would take a slower

pace, but now we can see that it is moving very fast. We are not ready to move at that fast rate. Maybe we should break and concentrate on a few projects, which are within our means or preference, and we move on like that. Otherwise, we cannot have our cake and eat it, too.

Mr. Speaker, the Secretariat of this Community has a huge mandate. It is now clear that they cannot fulfil their mandate in the current structure and composition. We need an institutional review and reforms so that we have a Secretariat with powers to deliver on our integration agenda. That exercise has taken more than 10 years. How come that all the sensitive programmes of this Community take long and are not delivered at the end of the day? They are very nice proposals. We always hear that the Council of Ministers has approved this or that, but where are they? They are not there!

There is a need for us to rethink. For us to arrive at that conclusion, as an Assembly, we need to get to the bottom of these things. That is why we need a select a committee to look into the lack of appetite to see what is causing it. They should come back to us with proper recommendations and then we will get back to the Council and the Summit with facts and evidence.

The Council of Ministers is made up of policymakers. That means that it is within their powers to decide otherwise and to re-examine their policies. It is also within their powers to – there is a term that one Head of State uses when he is referring to the Obama Healthcare – to repeal and replace the Treaty. It is within your powers to repeal the Treaty to reflect the integration agenda. What are your priorities? What do you want to give East Africans? Be specific. You can tell us it is one, two, three and four and we stop there so that in the next five years, we do not think of anything else.

Mr. Speaker, I want to add a fifth recommendation to request the Council of Ministers to establish a clear mechanism on how to supervise the programmes and activities of this Community to assure East Africans and the Governments of East Africa on their integration agenda.

Mr. Fred Mukasa Mbidde (Uganda): Thank you Rt. hon. Speaker. This is yet another moment when this Assembly is discussing the same topic about Partner States who are signatories of the Treaty for the Establishment of the EAC are either failing or refusing to remit their obligatory contributions for the purposes of carrying forward the integration agenda to which they appended signatures.

My discussion is going to be a bit short. It is going to cover the role of the Partner States. We will look at the role of the Council, and then I will give my proposed recommendations. They were four but my colleagues have already given two of them, and I subscribe entirely to those that have been given. Thereafter, in a short speech, I will justify the recommendations that I will propose.

When you look at the matrix, it is common knowledge that Partner States need to contribute in the manner and formula that is established and known to all, because they have done it before. In this case, I thank the Mover and the Seconder of this Motion for the reason that they are not tired of doing this.

When you look at the matrix, you cannot do anything else apart from starting by thanking the Republic of Uganda for making good their remittances to the level of 91.53 per cent, and to recommend to the Council, particularly the Minister from Uganda, that the remaining 8 point something per cent, the pocket change, should be remitted.
(Interruption)

Mr. Ogle: On a point of order, Mr Speaker, you will remember that hon. Mbidde interrupted the submission of hon. Sebalu in the basis of thanking. However, he is now pursuing the same thing. Is he in order to reduce this Motion to thanks? *(Laughter)*

The Speaker: Do not qualify that. This is a point of order and, therefore, the Speaker should declare it either in order or out of order. Hon. Ogle, the Speaker ruled that, that was a style of debate to express the spirit of the Motion. Hon. Mbidde has taken it from there. Please, proceed.

Mr. Mbidde: Thank you very much hon. Speaker. Hon. Ogle needs to know that I was not doing an omnibus thanksgiving ceremony. I am being selective on what I am thanking the country for, and what I will reprimand another Partner State for. I am following this *seriatim* - *(Laughter)*.

Rt. hon. Speaker, the Republic of Kenya is at pass mark at 52.47 per cent. We need to recommend that they quickly jump in to make good the remaining remittances required.

The Republic of Rwanda is slightly below pass mark. Remittances must be made as extremely urgently as practicable. You do not belong where you are - *(Laughter)*.

The United Republic of Tanzania is at 30.4 per cent. That is extremely below pass mark, particularly where the Chair of the Summit is "*Hapa kazi tu*" - *(Laughter)*. Therefore, we want this to be made extremely urgently clear - *(Interruption)* -

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-Officio): On a point of information, Mr. Speaker, I do not like the

language used by the Member who is on the Floor. He has talked about my President and referred to his personal phrase. That is improper.

The Speaker: Hon. Mbidde, what did you exactly say?

Mr. Mbidde: I referred to "*Hapa kazi tu*." I did not say that was a personal phrase.

The Speaker: Hon. Minister, please be specific on the phrase because we do respect our leaders.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-Officio): Hon. Speaker, the comment he made and joined with the statement is improper. People heard and that is why they were laughing.

Mr. Mbidde: Rt. hon. Speaker, I can repeat the comment, because I subscribe to it. We are elected here under Article 50, and nobody is elected to represent a Partner State. Article 50 is extremely emphatic that nine members are elected by a Partner State Assembly not from among themselves. This Assembly has nothing to do with a single Partner State. It is intended to make sure that we further the precincts of integration as agreed upon under this Treaty.

I subscribe fully to the objects exhibited by the Motion as moved by the Mover and Second, and as enumerated by all the Members so far that have done so. I equally own up to all this as I am stating it.

The Speaker: Hon. Mbidde, I do not want to leave the matter raised by the hon. Chair of the Council hanging because I did not get the phraseology that the Minister is uncomfortable with exactly.

Mr. Mbidde: Let me restate it.

The Speaker: Just a second. I heard you say that the President of the United Republic of Tanzania, who is the Chair of the Summit has a mantra of “*Hapa kazi tu*”, or something like that. I want to know exactly what the Minister is uncomfortable with so that if it is not parliamentary and it is derogative to our leader, a Member of the Summit, it is withdrawn and expunged from the records.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr. Suzan Kolimba) (Ex-Officio): I am talking about the way he spoke, which was full of sarcasm. We are all grown up people. I will repeat that I would not want my President to be referred to in that way.

The Speaker: I do not have the expression clearly. Is this about the way you spoke? Proceed and speak in the decorum of the House.

Mr. Mbidde: Thank you Rt. Hon. Speaker. The United Republic of Tanzania is at 30.47 per cent. We are blessed that the Chairman of Summit is from the United Republic of Tanzania and the Chairperson of the Council is too. This performance is below average and extremely regrettable. Therefore, something has to be done as quickly as possible within the precincts of the overall objects within which the Community was established.

Rt. Hon. Speaker, the Republic of Burundi is at zero. It is at zero within the precincts of the assessment of the Financial Year 2016/2017. It is in arrears, which also amounts to negativity. Now with the Minister not attending the session, and with all the Members who can access Burundi not

attending, and only those who cannot access that land attending – (*Interruption*) -

The Speaker: Hon. Mbidde, for the record, you may wish to know that hon. Leonce attended last week on Thursday. Please, proceed. Right now, as we speak, he has sent an apology for being unwell.

Mr. Mbidde: Rt. hon. Speaker, something has to be done. I am giving effect to this Motion because if we gloss over particularities relating to what we are raising as a Motion, this Assembly will continuously sit to discuss the same Motion over and over again without arriving at a possibility of a solution. Now, what is the role of the Council?

Article 14 is very effectual: to promote, monitor and administer constant review of the operations of the Community. It is the role of the Council to save us from an environment of this nature. In my opinion, I do not want us to spend a lot of time discussing what we have often discussed. This would not be parliamentary practice. A parliament of our magnitude with a membership of our calibre should not continue to discuss a matter that does not get solved. Moreover, we continue to give the same recommendations to the same Council and wait for a solution. This would amount to someone promising you that he or she is bringing a certain amount of water in a basket. Now because you are extremely trusting, you begin waiting for such water.

Rt. hon. Speaker, I have two recommendations to make for purposes that amendments can be done, in addition to the recommendations that have accompanied this Motion. I am mindful that for all the other Partner States, the recommendations available are conclusive.

I want to recommend that Council commence, under Article 14, a process of investigations with a view to applying disciplinary measures against the Republic of Burundi for purposes of the Motion that is before this House.

I pray that all these will be accepted, and that this august House will grant leave to a Member of this House to access House materials regarding all these for purposes that court can address itself on the existing financial state of affairs of the EAC. *(Applause)*

Rt. hon. Speaker, I beg to move.

The Speaker: Hon. Mbidde, on your last amendment, how do you ask for leave before the subject matter? I think the best we can do for that purpose is that when a Member wants to have materials of this House, he or she will apply directly to this House, and the request will be considered for that purpose.

Mr. Mbidde: Rt. hon. Speaker, if leave is granted by way of a recommendation, then on account of solicitation, one can obtain the materials administratively. This House should pronounce itself on such leave so that a Member who solicits for such leave does it administratively without recourse to a sitting of the House.

The Speaker: We will dispose of the amendments. Yes, hon. Mumbi.

Ms. Agnes Mumbi Ng'aru (Kenya): Thank you Rt. hon. Speaker for giving me an opportunity to speak to this Motion. I stand to support the Motion in all its pronouncements and prayers. I thank my dear sister, hon. Nancy, for giving us this Motion, and for giving us an opportunity to speak about this issue. I am proud of you. You make me proud because I am your older sister.

Rt. hon. Speaker, allow me to walk you through my experience in the less than five years that I have been a Member of this Assembly, as far as this Motion is concerned.

In my first year, I heard my sister, hon. Sara Bonaya, speaking about the funding of the EAC programmes. In the first audit, there was 70 per cent, and 30 per cent was by Partner States. She kept on asking why we allow the Community to be funded by development partners. She then brought out the issue of a special organisation called Trademark East Africa (TMEA), and we were all up in arms.

When I was young, where I come from, there would be whirlwinds, especially in the dusty areas. When this wind came about, it was an indication that some rain would come. In other areas, this wind is referred to as a Tsunami. In this Assembly, we have seen this trend coming.

Rt. Hon. Speaker, last year your office wrote to Chapter Chairpersons. You said that you needed help to have Partner States remit their contributions. Our Chapter Chairperson presented that letter in our Chapter meeting. Our Chapter Chairperson designed a plan to move to the Ministry of Finance, and with that, something came from Kenya.

The reason I am talking about this walk is to alert the Assembly that this issue has not just come without us seeing it coming. We have been looking at it. We have been looking at the Council and telling them that something is not right. I remember, in Arusha when we were discussing the accounts of the Community, we raised some concerns. I called that a performance contract ceremony. Mr. Speaker, you asked me to clarify. Now, this is it. You are getting the answers as to why we needed some answers from the Chairperson, Council of Ministers then.

The sad thing is that we are all trying to be very “nice”. We praise a Partner State and blame another. We want to leave an Assembly that we will be proud of. Allow me to attempt, in my own understanding, to call a spade a spade.

The problem of the EAC is that the Treaty, the Summit and EALA are not reading from the same script. The only difference is that EALA, as an oversight body, has the leeway to talk loudly about this issue. However, even as we part, we point fingers at each other. We blame each other and forget to address ourselves to the real issues. You do not need to be a professor of politics to understand that even at the Summit level there are gaps. We are not reading from the same script.

The Council of Ministers are appointees. How do you expect them not to read from the same script with the Summit? If we have issues at the Treaty level, they are the policy making body. The Treaty gives them the opportunity to sit in Arusha to discuss policy issues. *(Interjection)*

Mr. Ogle: On a point of clarification, Mr. Speaker, with a lot of respect to my good sister, hon. Mumbi, she is making some very serious allegations about gaps in the Summit. I was wondering whether she attends the Summit meetings. *(Laughter)*

Ms. Mumbi Ng’aru: Rt. hon. Speaker, I do not attend Summit meetings. However, just like all of you, they report to us. You do not need to have four pairs of glasses to read their body language. I respect my brother, but please, protect me. I want to finish because I also want to pronounce myself to this issue.

The Speaker: You are protected. Proceed with your debate.

Ms. Mumbi Ng’aru: Thank you Mr. Speaker. The gaps are there. They are not

reading from the same script. Quote me on that.

Let us now come to the Council. The Summit is the appointing authority and yet we have given them membership here, and they swore to protect integration. However, they have somebody else to report to. These issues are supposed to be addressed in this Treaty. Where shall we start if every time that Kenya is mentioned I get goose pimples; when Burundi is mentioned another Member gets goose pimples; Tanzania is mentioned and a Tanzanian Member gets goose pimples? We will not solve the problem.

I will now go to the Secretariat. This is supposed to be the heartbeat of integration. What do we have there? Those of us who studied Literature and read a book called “Things Fall Apart” by Chinua Achebe know that somewhere in this book, it says; “if the centre cannot hold, things fall apart.” This is where we are. Our Secretariat has issues. I do not need to mention them. Maybe the Council of Ministers has not found time to sit with the Secretariat. This is the centre, and it is where we all belong. This is where things that go to the Summit and the recommendations from this Assembly pass. Things should start at the Secretariat. So, how do you expect that whatever we are saying here will reach the Summit if the centre cannot hold?

Rt. hon. Speaker, this is not any different in the other organs like the East African Court of Justice and all of them. The commitment to integration must be looked into again. It is only the courageous ones like this Assembly, and through Motions like this that - *(interruption)-*

Ms. Dora Byamukama (Uganda): Mr. Speaker, I thank my sister hon. Mumbi for giving way. On a point of information, I want to say that what you are saying is correct. In fact, when you look at the institutional

review, which we talked about, where we spend millions of dollars, the proposal made was that more power and control should be ceded to the centre. However, if you cede power to the centre, the one who cedes power loses power. Therefore, there would be conflict of interest. I agree with you that we need to strengthen the centre. We need to look at the centre in view of what you have said, so that it cannot hold.

The Speaker: Hon. Mumbi, proceed as you conclude.

Ms. Mumbi Ng'aru: Rt. hon. Speaker, I thank my sister Dora. That is why I said we must be candid to ourselves. We must look at ourselves on the face and say it as it is.

Right now, if I were asked whether to cede that power to the Secretariat, I would scream a big “no”, and yet I am the same person who was recommending. This is because we have not addressed the underlying issues. This is why I am asking who will address the issues if the Council – *(interruption)*-

Ms. Sara Bonaya (Kenya): Thank you Mr. Speaker. Since my name was mentioned by hon. Mumbi, I wanted to clarify that there is nothing wrong with people getting funding from elsewhere. However, when 99 per cent of our funding for security comes from our partners, or newly formed agencies to fundraise, design and implement for us as a region, it is not right. That is why I raised concern. In this globalized world, we cannot run away from being supported by partners, but I was worried. We could not manage our financial resources and even pass fiduciary risk assessments year after year. Those were my concerns in the previous engagement.

The Speaker: Hon Mumbi as you conclude.

Ms. Mumbi Ng'aru: Hon. Sara that does not change my way of thinking. I meant exactly

what you have explained. Therefore, I stand by what I said. We have to look at ourselves individually as organs and then globally as a Community.

The proposal to have a Select Committee is a good idea, but there is a big “but”. I have no answer now. Maybe this will come in the next EALA. Once we make funds available, are we going to pay staff first, or are we going to set up the Select Committee?

I support this Motion fully. Let it be embraced without any drama or sideshows. However, please, let us save the Community. I want to thank the Mover for giving us an opportunity to speak on this issue. I support the Motion.

The Speaker: I will give Dr. Odette and four other Members that I have seen that want to contribute, before I give a chance to the Minister.

Please, be brief.

Dr. Odette Nyiramilimo (Rwanda): Thank you Rt. hon. Speaker, I will be brief because most of what I wanted to say has been said.

We are very sad. We are sad as Members of EALA, as the oversight organ of this Community, to see this happening. I am not blaming any individual for this because all the Partner States are responsible for the slow pace of integration, considering how things had been planned. When will the Common Market Protocol be fully implemented? When will we have full integration in terms of a political federation?

At the start of the Second EALA, we hoped that within 15 to 20 years, we would be one country, but today, I wonder whether this will happen in our lifetime. There is a real problem in the way that the Community is being managed.

Rt. hon. Speaker, from the 7th to 19th August 2016, the General Purpose Committee was in Arusha for the Pre-Budget Conference. All the Partner States were represented, and all the Community Organs were there. We discussed the priorities in terms of funding for the coming Financial Year 2017/2018.

While we were examining all these priorities, we realized that there was an issue in the way they had been defined. We asked the Secretariat to review most of the planned activities, and to send communication to all of us, even if we did not sit in the discussions, to make sure that the directives of the meeting were followed. However, nothing has been given to date.

That was in August last year, and in the next one and a half months, we will be going to Arusha to scrutinize the estimates for the next financial year. Personally, I am very afraid. As the Chairperson of the General Purpose Committee, I am even wondering where we will start scrutinizing the budget estimates for the coming financial year.

Rt. hon. Speaker, I have listened to my colleagues with regard to the proposals they have made as amendments. Hon. Dora, we should not be afraid that not all five Partner States have paid up their contributions fully. However, as a Parliament, we need to stick to the Treaty. We would all want this Treaty to be revised - not just amended but also revised. However, today we are still using this Treaty. So, let us come up with another recommendation to urge the Council of Ministers, in accordance with Article 143 of the Treaty, to recommend to the Summit to take action against Partner States that have defaulted in meeting their financial obligations. This is in the Treaty. It is Article 143. Nobody is happy to pay taxes.

In Rwanda, on 31st March, everybody should have paid his or her taxes. If they fail to pay,

from 1st April, they may pay double. I am sure that all people who are supposed to pay taxes will have paid unless they want to pay double. I do not remember the penalty.

If this Article of the Treaty is applied, it may be helpful to the Community. So, please, let us ask the Council of Ministers to apply that. *(Interruption)*

Ms. Patricia Hajabakiga (Rwanda): Thank you hon. Odette for giving me the Floor. That is very true. Sending all these Members and staff to Arusha is like sending children to a boarding school without paying their school fees and without paying for their food. That is exactly what our Community is doing. They send all of us to Arusha and yet they are not paying for our stay and or are they facilitating us to conduct our work.

In that regard, if you look at Partner States, if somebody does not pay tax or a student has not paid school fees, there is always a sanction. Therefore, as we said, we should apply those sanctions.

Dr. Odette: As I conclude, I would like to support this Motion moved by my very good friend, hon. Nancy. I want to give her an amendment, which I propose, and I want her to make a correction on the Motion. The Article cited at the beginning is Article 132(1) and not 132(l).

The Speaker: Honourable Members, if you have moved any amendment, make sure that you send written copies to the Clerk and to the Mover.

I have seen that hon. Ngoga, hon. Opoka, hon. Susan and hon. Shy-Rose all want to contribute, but in the interest of time, and rating from the participation of Members in this Plenary, I will give the floor to hon. Taslima to speak. Afterwards, I will give the Minister and then we conclude, because we

are short of time and we will lack quorum anytime. I know what I am doing.

Mr. Twaha Issa Talima (Tanzania): Thank you Mr. Speaker, this is, indeed, a very special time for me. I will give only three points.

The first point is about our history. We all know that we had a defunct EAC, and we know what happened to it. Our Treaty, in the preamble in paragraph 4 says why the former EAC died. If you permit me, I will read two lines which say, *“The main reasons contributing to the collapse of the EAC were lack of strong political will, lack of strong participation of the private sector and the civil society in the cooperation activities, and the continued disproportionate sharing of the benefits of the Community among the Partner States due to the differences in their levels of development and lack of adequate policies to address this situation.”*

Mr. Speaker, we have to put this in mind in order to avert the situation of having a second EAC collapsing. This does not mean that many words should be used to say it. From the contributions that we have heard here, some Members are either losing hope or fearing they will lose hope in this particular Community.

I would like to say that this is one of the darkest days in the history of our Community when Members stand and say that they do not know whether they have come to do any work because there is nothing to use for their expenses. (Applause) That is very unfortunate. (Interruption)

Ms. Shy-Rose Bhanji (Tanzania): Thank you *Mheshimiwa Spika*. On a point of information, I want to give information to *Mheshimiwa Taslima* that it is true that the EAC at the moment is in a very dark situation. For instance, if you take the

example of the EAC Kiswahili Commission, the institution is newly established, it has just been born and yet it has zero budget. The Kiswahili Commission needs enough funding to run to take off.

Ms. Nakawuki: On a point of further information, Mr Speaker.

The Speaker: Hon. Taslima, information is by your right of granting, and they eat into your time. Have you granted hon. Nakawuki?

Mr. Taslima: Mr. Speaker, I will grant hon. Nakawuki only.

Ms. Susan Nakawuki (Uganda): Thank you hon. Taslima. I would like to add information that, indeed, this is a dark situation for our Community because we are having cheques bouncing on the Community's accounts. The Council also pronounced itself and made a decision that all monies should be remitted by 31st December. By the end of the second quarter of the financial year, all monies must have been remitted. However, we are going into the last quarter and Partner States have not remitted these monies. Therefore, indeed, this is a dark situation.

Mr. Taslima: Thank you hon. Nakawuki.

My last point is that while we have about 70 per cent of our development expenditure being funded by our development partners, we are left with about 30 per cent, and when all our five Partner States fail to oblige to their duties, it is very pathetic.

Lastly, I would like to quote Carl Marx who once said, *“Wherever there is contradiction - right now there is a contradiction because the person who is supposed to do something here has not done it. Carl Marx said, “Wherever there is contradiction in the track of development, then there is no development.”*

It is not good for our beloved Community not to have development prospects.

I support the Motion, and call upon all the people concerned to start the process of applying what has been said here even tomorrow morning so that something comes out in a positive way.

The Speaker: Thank you hon. Taslima. I will invite the Chair, Council of Ministers to give a comment.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio): Hon. Speaker, I want to thank you for giving me this chance to respond to some of the issues, which were raised by honourable Members of this Assembly. I appreciate hon. Nancy Abisai who moved this Motion. We, as the Council of Ministers are not against her or any Member of Parliament because we are working together to make sure that the Community is moving forward and working. *(Applause)*

I would like to take note of the observations, comments and recommendations made by hon. Members here. All of them are viable. We, as Members of the EAC Council of Ministers know that you are supporting us. We are working together to make sure that the Community continues to live on and that it is sustainable.

I appreciate and acknowledge the contribution and the lead taken by our brother, the Republic of Uganda. I also take note, on behalf of the Council, to acknowledge the contribution made by other Partner States. Without them, we would not have sat here. At least, some of our activities are going on. We know that we have issues of concern. We know that Partner States are

constrained. We know that but we also know that they are trying.

There are issues that were said regarding Ministers of the EAC who sit in this Assembly with regard to whether they report back. I can confirm to you that the Ministers do report back, and that is why they are here. They do not only report, but also follow up on the matters regarding this Community and this Assembly. We also want to acknowledge Members of this Assembly who have supported us to make sure that Partner States make their contributions – *(Applause)*.

When we met in Kampala the last time, the Rwandan Government told us that they would follow up with the Ministry of Finance to make sure that money is remitted. They have since contributed although they have not contributed all their remittance. However, they have tried. As the Chair, I need to appreciate the Rwanda Government for doing so. If they did not do so, we would not be sitting here – *(Applause)*.

As for Tanzania, by that time they were at nine per cent. However, now they are at 30 per cent – *(Applause)*. They are working hard. We know that they are constrained in terms of other activities but also the Community issues are a priority to all Heads of State of the Partner States.

Hon. Ogle said that he does not see the chemistry between the Ministers for the EAC and the Secretary General. I can confirm to you that whether it is chemistry, physics or mathematics, we are working together – *(Laughter)*. We are making follow ups and we are talking.

Rt. hon Speaker, you know that when I was in Tanzania making follow up on some issues, you told me that the session was starting. Before that, we had written several letters to the Partner States. I came here, and

while you were sleeping, I continued to make follow up with the Secretary General. Therefore, this has been Mathematics, Chemistry and all that. (*Loud consultations*) I meant to say at night.

The Speaker: Hon. Chair, Council of Ministers, yes, you were making a follow up with the Secretary General while the Members of this Assembly were working without sitting allowance. They were not sleeping.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio): Rt. hon. Speaker, I take note of that and I withdraw that statement. (*Applause*)

Some Members asked whether the Ministers of the EAC report back and whether they consult with the Ministries of Finance. They consult, and that is why we are where we are now. However, we will continue to consult and to make follow up because we need to do it.

There was another request that the Council of Ministers should establish a mechanism for making follow up and of supervising projects that the Community is undertaking. We are doing that and we will continue to do it.

There was a good recommendation that we should make sure that we have a centre that holds. Hon. Mumbi repeated several times that the centre is not stable. This is a good idea. We have taken note. All the Ministers are here, and we will make sure that we sit with the Secretary General and the Secretariat to make sure that they are stable enough to implement their work.

There was an issue of whether the matters of finance will be in the agenda of the Summit. Yes, these matters will be there. (*Applause*) It

will not just be a matter of finance but sustainable financing mechanism. This will be there because the Sectoral Council of the Ministers of Finance are working on that and they are supposed to report to the Council so that the matter is taken to the Summit. The members of the Summit are waiting for that.

There was a recommendation, which was requesting that we establish a Select Committee. If the Council is struggling to make sure that we remit contributions so that activities can go on, I humbly ask that we do away with the Select Committee. Let us first exhaust what we have in place. If you ask the Council to finance a Select Committee, as the Chairperson of the Council, I will say that this will be a problem. We cannot confirm to this Assembly that we can do that. (*Interruption*)

The Speaker: Hon. Minister, before you leave that point, I guided on the question of Article 74 on the duties of the General Purpose Committee simply because that is the function of this Committee. We have a budget line of the General Purpose Committee. Instead of prioritising other activities, when they report in Arusha, they can engage in that using those resources other than looking for other resources. That is left for the House to decide. Hon. Minister, proceed.

The Deputy Minister for Foreign Affairs, East African, Regional and International Cooperation, Tanzania (Dr. Suzan Kolimba) (Ex-Officio): Lastly, there was a recommendation from Dr. Odette that we should apply Article 143 to take action against Partner States. As you have said, we have several resolutions from the Council, and I think all these will be discussed.

I thank you so much. I beg you to always support the Council so that we make this

Community work. We are together.
(*Applause*)

The Speaker: Hon. Members, I will guide that we proceed this way. In the interest of time, hon. Members, I beg for your indulgence. I have requests with me. Owing to the tight economic situation, most Members want to check out of their hotels and fly back to their capitals.

In view of that, I propose that we move this way. We should dispose of the amendments first and then you give your brief comments.

Hon. Nancy, please move to the amendments.

Ms. Abisai: Thank you Rt. Hon. Speaker, I would like to thank all those who contributed to the Motion. The official Secunder, hon. Dora, hon. Mulengani, hon. Yves, hon. Sebalu, hon. Ogle, Dr. Ndahiro, hon. Mbidde, hon. Mumbi, Dr. Odette, hon. Taslima. I also acknowledge the concerns raised by hon. Shy-Rose and hon. Susan.

Mr. Speaker, there are six amendments that have been proposed. I will start with the first one that came to my desk. This is an additional prayer. It reads:

That, the Assembly appoints a Select Committee to urgently and fully interrogate the causes of the obtaining financial crises and propose measures to be taken to address those causes and that the Council immediately avails resources for a Select Committee to start work and to report in the next Plenary.

That was the first proposal - (*Applause*). This is an additional prayer to the prayers that are in this Motion.

The Speaker: Hon. Mover, let us start by disposing of your prayers as they are in the paper. Let us dispose of this first and then we

move one by one. Hon. Members, let us start by disposing - (*Interruption*) -

Dr. Odette: I rise to give the proposal that I wanted to make.

The Speaker: Hold on, listen to the Speaker first. I am guiding that we first move to the original prayers, one by one and then we go to the proposed amendments.

The prayers as raised in the original Motion are as follows:

- (1) "We urge the Council of Ministers to immediately convene under matters of urgency to resolve the financial crisis in the EAC by ensuring immediate and full disbursement of funds to the EAC organs and institutions as per the approved budget."

(*Question put and agreed to*)

- (2) "We urge the Council of Ministers to look into the avenues that will comprehensively address this issue once and for all, and to ensure that it does not reoccur."

(*Question put and agreed to*)

- (3) "We urge the Council of Ministers to be proactive and to ensure that this matter is on the agenda of the next EAC Summit meeting as a priority matter, a matter of urgency and public importance."

The Minister did clarify that it would be in the agenda of the next Summit meeting, but let us vote on it.

(*Question put and agreed to*)

The Speaker: We will now move to the amendment read by hon. Nancy on the issue

of the Select Committee. You heard the appeal of the Council Chair, and you heard my guidance, but this is up to you. Dr. Odette, were you moving on the same? *(Interjection)*

Mr. Ogle: Mr. Speaker, I am conscious of your guidance, particularly in relation to Rule 74. However, when you look at it holistically, this one pertains to the consideration of the Budget proposals. The only time that the General Purpose Committee comes into contact with matters financial is at the budget level, and only during its consideration. There is nothing much we can do about adding or removing. We will just consider this one in this context.

What this Select Committee seeks to do...One time when there is a crisis, since we Members are politicians, we can get to know how these things are happening. It is in that context that a Select Committee's role will be different from – *(interruption)* -

The Speaker: Hon Ogle, that is noted but the matter is before the House, and we have to vote on it. The honourable Mover of the amendment says that, although that is the function of the General Purpose Committee, a Select Committee would make better political sense. The Chair, Council of Ministers said that they cannot do miracles to look for funds. However, we have to vote on the matter. The money must be availed. *(Interjection)*

The Speaker: Hon. Dr. Ndahiro, I will not allow debate on this matter because I know that I am threatened by lack of quorum. You should see the number of notes in front of me by Members who are going to catch their flights because they do not have money to pay for hotels tonight.

I am now going to put the matter of the Select Committee to vote.

(Members voted by show of hands)

The Speaker: Those in favour of a Select Committee are 16 while those against are nine.

(Question put and agreed to)

Resolution adopted.

The Speaker: The Motion is passed for us to have a Select Committee. *(Applause)* Let us move to the next one.

Ms. Abisai: There are two that are about the same thing. The only difference is in language.

One is proposed by hon. Mbidde, and it says,

“The Council commences investigations under Article 14 of the Treaty with a view to applying disciplinary measures against the Republic of Burundi for failure to meet its financial obligation.”

It is similar to the amendment by hon. Odette which also says that we

“Urge the Council of Ministers, in accordance with Article 143 of the Treaty, to recommend to the Summit to take action with regard to Partner States defaulting at meeting their financial obligations.”

They are two. I do not know how we will do it.

The Speaker: Let us take the principle, hon. Nancy. The principle in both amendments is that the Council of Ministers is urged to invoke the provisions of the Treaty to reprimand defaulting members. That is the principle in the amendments. Those two can be married. Let us vote on the principle and then the drafting will be done if it passes.

(Question put and agreed to)

Ms. Abisai: The other prayer is to,

“Urge the Council of Ministers to establish a mechanism to prepare programmes and projects of the Community and to report to the Assembly during the next sitting in Arusha.”

The Speaker: Can you explain? I am not picking the gist of the amendment.

Dr. Ndahiro: Mr Speaker, it is *“to urge the Council of Ministers to establish a mechanism to supervise programmes and projects of the Community, and to report back to the Assembly.”*

The Speaker: But honourable Dr. Ndahiro, with due respect, we are talking about funding and financial issues. This amendment seeks to address supervision of ongoing projects.

Mover of the Motion, could you comment on this first?

Ms. Abisai: Mr. Speaker, I do not know how the supervision of projects and programmes directly relates to the financial crisis that we are talking about. I am hoping that I can convince our very able brother to drop it.

Dr. Ndahiro: I concede. *(Applause)*

Ms. Abisai: The last proposal is by hon. Mbidde, and he says

“That an omnibus leave be granted by the House to any Member to administratively access House materials regarding evidence of the financial situation of the EAC where the court addresses itself to matters of this Motion.”

The Speaker: Honourable Members, hon. Mbidde is asking that in view of the thinking that a litigant could go to the East African Court of Justice or any other court in the EAC, that person should be granted leave to access materials of the Assembly to use in court. I think this is a sensitive matter. I implore hon. Mbidde to withdraw this if he can because we have been dealing with this matter. It is speculative, in my view.

Ms. Byamukama: Rt. hon. Speaker, access to records of this Assembly is also predicted in our laws under the EALA Powers and Privileges Act. Therefore, we cannot move a resolution, which contradicts this.

I would like to advise hon. Mbidde that since he will be in the Fourth Assembly, he could think of coming up with an Access to Information Bill, which will clearly show how information can be accessed.

The Speaker: Hon. Mbidde, would you like to comment on this first?

Mr. Mbidde: First of all, I will definitely follow your guidance. However, before that, I will have to address the legality of what I had proposed.

The protection envisaged under the Act creates the overall necessity for leave in this House to be sought. This was leave that I had sought as omnibus, so, it was well within the precincts of law. If it hurts the sensibility of this House at the moment, and considering that other amendments have been taken up, I concede and withdraw. *(Applause)*

The Speaker: In one minute, could you express your appreciation and put the matter to a close?

Ms. Abisai: I want to thank you, Rt. hon. Speaker. I want to thank all the Members who have contributed to this Motion and to all

those who seconded it. This is a matter of importance to all of us. You can see that the Speaker is threatened with lack of quorum because of the financial crisis. I believe that this is something we cannot wish away. I do not think I will belabour this point. All has been said, and it was very well articulated. My prayer, as I conclude and sit down, is that I hope that when we get to Arusha during the next sitting, we will have some concrete and comprehensive response to matters relating to this crisis.

I thank you and beg to move.

The Speaker: Thank you. The Motion before the Assembly is for

“For a resolution of the Assembly urging the Council of Ministers to immediately compel Partner States to fully meet their financial obligations to the EAC budget for the financial year 2016/2017, as amended.”

(Question put and agreed to)

(The Motion was adopted with amendments)

- *(Applause)* -

The Speaker: I would like to congratulate hon. Nancy and this House for expressing itself on this matter. Chair, Council of Ministers, it is in good faith that this House stands with you as Council to promote this most cherished spirit of the integration of the EAC. Take this in good faith and take our recommendations seriously to the Council and to the Summit. We thank you so much for this resolution. *(Applause)*

ANNOUNCEMENTS

The Speaker: Honourable Members, I would like to suggest that we could not proceed with the Order Paper for the reasons that I have advanced. On that note, I would

like to thank you so much - borrowing from hon. Mulengani's words - for your *pro bono* spirit and for working hard from the time that you reported here to this point, in spite of the difficult working environment that you have been operating in. I salute your patriotism and commitment to duty. I would also like to express my appreciation to you for the Bills and Reports that we have passed.

In a very special way, I would like to extend my appreciation to His Excellency, Paul Kagame, and the President of the Republic of Rwanda, for his kind attention and for opening of our meeting in this great Republic. *(Applause)*

I would also like to extend my appreciation to the Speaker of the Chamber of Deputies and the President of the Senate of this Republic for granting us all the facilities and the support they have offered the Assembly to do its work. We are very grateful.

Finally, to the Chapter Members of Rwanda, we thank you so much for the work you have put in. Those of you who are seeking re-election, we wish you well. *(Applause)*

To all the staff of the Assembly and the EAC, we salute your revolutionary patience for working in a very difficult situation in supporting the work of the EAC. We thank you so much. We do not take this for granted.

Finally, I wish you all, safe journeys to your capitals.

ADJOURNMENT

The Speaker: The House is adjourned sine die.

(The House rose at 6.15 p.m. and adjourned sine die)