



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

71ST SITTING - SECOND ASSEMBLY: SECOND MEETING - THIRD SESSION

Tuesday, 17 November 2009

(The East African Legislative Assembly met at 10.00 a.m. in the Chambers of the Assembly, AICC Building in Arusha.)

PRAYER

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

(The Assembly was called to order.)

PAPERS

The following Paper was laid on the Table:

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(by the Chairperson, Committee on General Purposes (Ms Lydia Wanyoto)

The Report of the Committee on General Purposes on the East African Community Annual Report Format

MOTION

FOR THE PRESENTATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON GENERAL PURPOSES ON THE EAST AFRICAN COMMUNITY ANNUAL REPORT FORMAT

Ms Lydia Wanyoto (Uganda): Mr Speaker, I beg to move that the report of the Committee on General Purposes on the East African Community Annual Report Format be adopted. *(Applause)*

Dr Odette Nyiramilimo (Rwanda): Seconded.

Ms Wanyoto: Mr Speaker, this report was circulated last week and I beg to run through it by raising highlights so that we are able to adopt it as a document of the Assembly.

Mr Speaker, this Assembly, pursuant to Article 48(3) and 49(2)(c) of the Treaty of the establishment of the East African Community and in accordance with Rule 79(1)(c) and (2) of the Rules of Procedure of the Assembly, did consider and adopted

the report of the General Purpose Committee on the East African Community Annual Report Format. The Assembly previously held that the East African Community Annual Report lacked consistency with the Community strategic plan; had no relation to the annual work plans and had disconnected with the budget outlook.

It also was held that the previous annual reports did not reflect achievements, the challenges met and future projections. The committee was then tasked to find an agreeable format that addressed all the above features. It is on this basis that I am presenting this report for the House's consideration and adoption.

We engaged the East African Community management team in October 2009 at the Snow Crest Hotel to come up with these conclusions.

Consideration of the Format

The consultative meeting took place on 27 October 2009 and a meeting was held between the committee members and the Community management team led by the Deputy Secretary-General, Finance and Administration, Dr Julius Rotich. Using the Draft Annual Report 2007/2008 as a guide, we resolved that the following features will guide Management in preparing the East African Community annual reports.

- i) The report should principally be compliant with the requirements for Parliamentary oversight and budget making and not for public relations;
- ii) The report be based on the financial year for which it refers;
- iii) The report should contain progress reports of the activities that are provided for in the approved work

plans; it is being understood that these work plans were drawn from the development strategy of the East African Community and budget including supplementary of the financial year;

- iv) The report should clearly identify challenges faced by sectors to facilitate their discussions and resolution;
- v) The report should contain reports from all the organs and institutions of the East African Community prepared by them;
- vi) The report should contain the audited accounts or draft accounts signed for by the Internal Auditor for the financial year in question;
- vii) The report should contain an annexure of the approved work plans and a clear progress reporting on these plans based on budget utilization and actual achievements and quarterly performance targets;
- viii) The report should endeavour to provide evidence, that is, to also include quality of the achievements or outcomes towards attaining the bigger goal and benefits or impacts of integrating the region. An attempt should be made to analyse salient trends and indicators to show value addition from one financial year to another;
- ix) The report should include a procurement report for the particular financial year, annual operational plan and a monitoring and evaluation framework, tool and quarterly performance targets.

Mr Speaker, I request that I make a little emphasis on this last item. An operational

report is very important for performance of any budget and I want to say that in this particular financial year, I do not know whether there is any Committee of Parliament that has been able to have an operational report or plan that is following in terms of oversight for any sector. Therefore, the reason why we want an annual operational plan is to help different committees to oversee sectors following that operational plan.

The other issue is a procurement report. At the end of every financial year there is a procurement plan and programme that we want to see; what has been procured and at what cost?

Consideration of the Draft Annual Report 2007/2008

Using the case in point of the 2007/2008 financial year report, to align it to the above considerations in section 2.0, there was an agreement on the following issues;

- a) That there was an appreciable improvement in the formatting and contents of the draft Annual Report 2007/2008.
- b) That the draft report was in line with the criteria agreed upon subject to improvements in some areas.
- c) That there was a need to annex to the existing report the structure of the Community at the end of the financial year the approved annual work plans for the year and the annual procurement plans, like I said earlier.
- d) It was recommended that the East African Community Management considers adjustments of the following specific issues in the report;
 - Removal of unnecessary photographs from the report;

- There should be better description of what was planned, the achievements and the challenges in the report's overview and ensuring that these summarised challenges are reflected in the relevant sectoral areas.
- Merging the statements of the Chairperson of the Council of Ministers and the Secretary-General at the beginning of the report to make up the Chairperson's statement since the report is from the Council of Ministers.
- Correcting the information in the Report in some areas for accuracy; for alignment with the approved work plan and approved budget.
- For the reports under East African Legislative Assembly (EALA)/Counsel to Community's office to include the progress on the implementation of the laws passed by EALA, in addition to the various EALA visits to the partner states for oversight responsibilities.
- Under customs and trade, that an indication be provided for the impacts and beneficiaries of the expanded intra – regional trade and progressive roll out of the implementation of the Customs Union. Hon. Speaker, hon. members there is a lot of progress going on in terms of statements being made in figures and volumes of paper but we need a clearly spelt out studied trend of what we have been able to achieve that can be aligned to the Customs Union as a phase of the integration process.

On the part of the East African Community Secretariat, it was resolved

that the management observes the following;

- a) The appropriate timing for presentation of the annual reports to EALA should ensure that they match with the proceeding budget and work plans. The annual report should be presented to the Assembly in time to make it relevant and current and to allow for its utilisation as a reference document for the next budget cycle.
- b) The Secretariat develops operational sanctions on those staff members who do not provide inputs required for the compilation of the annual reports in time.

Mr Speaker, you we have realised through this work that staff members can get away with a lot of things not done as per requirements. So, we hope that within their staff manuals they can put those guidelines and then put sanctions.

Way Forward

On the way forward the meeting agreed that:

- i) The 2007/2008 Draft Report should ideally be finalized in time for adoption by the Council of Ministers at its November 2009 meeting so that the Assembly can consider it at its next meeting.
- ii) The 2006/2007 Annual Report should be developed in the format of the 2007/2008 Report and be submitted to the Assembly for noting. This was the beginning of the problem report in Nairobi. We want it done properly and brought to the House for noting.
- iii) The compilation of the Annual Report of 2008/2009 be expedited. The Secretariat undertook to finalise the first draft by the end of November

2009. In the same spirit, all other institutions of the Community should abide by the timeframe given by the Secretariat.

- iv) There was a need to plan within the calendar of activities, a structured and detailed briefing for EALA committees on the projects and programmes of the Community.
- v) EALA should henceforth be availed with the quarterly performance reports after their consideration by the Council.

Mr Speaker, I would now like to conclude by saying that annual reports provide a Balance Sheet of what an organization has been able to achieve within the established framework of the work it sets out to accomplish within a given time period. In our case it is annual.

It is on this understanding that the Community's annual reports are of great interest to the Assembly to interrogate the activities and programmes of the EAC in its quest to deepen and widen the Community's integration process. It is a duty that has been bestowed on the Assembly by provisions of Article 49 of the Treaty and our Rules of Procedure that we have a duty to assess the performance of the Secretariat and other organs and institutions of the Community so that corrective measures are taken where necessary.

On this account, therefore, I beg to move that this report be adopted.

(Question of the Motion proposed)

The Speaker: Debate is open.

Dr Nyiramilimo: Mr Speaker, the report that was presented by the Chairperson of our committee is indeed complete but I rise to strengthen some points about

individual reports. As you all know, the annual report is one of the most important document of the Community and any other organisation and the report that was provided before was totally incomplete. Therefore, I would like to thank the Secretariat that facilitated this discussion and we came up with very good resolutions that were stated in this report. Not only will the annual report facilitate but will of course be the truth of accountability of the executive of any organ of this Community. It has also to facilitate to know what has to be done in order to continue the deepening and widening the good process of this East African Community integration process.

What has been discussed in this meeting that the report that was given last year and what was said in this Assembly was kind of a press release. Now, what is being agreed on is that the report be composed of what has been achieved in accordance with what was planned and the future progress of this community integration process. I therefore, beg to ask all the members to adopt this report as the Chairperson has asked. (*Applause*)

Dr Said Bilal (Tanzania): Thank you, Mr Speaker, for allowing me to make some comments on this report of the General Purpose Committee about the annual report format.

First of all, let me begin by agreeing with the chairperson of the committee that this report is of interest to the Assembly and if my memory serves me right I think in Nairobi, about one year ago, we requested that the report that was purported to be an annual report - I think it was 2006/2007 - on the grounds that it did not have features in terms of substance and format that would make it a functionally useful document for the stakeholders.

The annual report surely should be for the stakeholders and not for public relations

purposes, as the committee Chairperson ably pointed out. And I quite agree with the observation on page 2 that this report must be functionally useful.

Mr Speaker, in Nairobi we also suggested that the annual report must convey the accomplishments of a phase in the implementation of the process of integration. It must have dynamism. In Kiswahili we say, *kupanga ni kuchagua*, and that means we have to have a dynamic prioritisation in a dynamic way of what should be the issue that will help us to achieve as processes of political integration.

So, the annual report must convey this dynamism because we do not have a static work. Unfortunately, that is an utopian world but in the real world we face real challenges both individually and in terms of the Community, and so we cannot afford, but to take into consideration the daily challenges that a Community, as people who work under the Community are about to face. A report that is supposed to convey a message or to convey the features of what has been obtained during the process in a year must, of necessity, take into consideration all the challenges that the Community will feature during the year.

I want to register my appreciation to the General Purpose Committee for being so precise and thorough in having this useful format in terms of guidelines that will help us come up with really functional annual reports.

The format also suggests that the annual report should be based on the financial year and I could not agree more with this because the financial year is what should be the defining theme of whatever is taking place in a corporation or in a Community that we have.

I want to say that in a financial year that is beset by calamities like financial crises will definitely feature in a major way in the performance of various departments of the Community. I therefore, agree that the financial year must feature in a very significant way in the annual report.

The proposal that that format is truly an East African Community report, we have at this time - as we celebrate the 10 years of the East African Community anniversary - we still have people of the view that EAC is a byword for the Secretariat and I want to say that that is misguided thinking.

I want to say that the East African Community is a regional economic corporation. That is why I commend the Committee on General Purposes on what they are emphasising; that the annual report must be a Community report in the true sense; that it must incorporate all the various institutions and organs and institutions that come under the umbrella of the East African Community as a regional economic corporation.

Allow me at this point to applaud the Committee on General Purposes for the concise and thorough guidelines that will come up in this format on how to prepare for the Annual report.

Let me now go to these specifics. Mr Speaker, on page 2 of this report at the top of the page, we are told that the report should capture reports from all organs of those institutions prepared by them. We have been too specific in this respect. My point is that in the performance of the regional corporation, as we may find that institutions or organs might want to outsource expert or consultant opinions, it may be necessary to sometimes include the views of the expert or the consultant in the general report. Therefore, I am suggesting that this is too confining when we suggest

that we must prepare it ourselves. This is not realistic.

Also, on page 4 we are told that the report should also focus on the removal of unnecessary photographs in the report. I think the message should be on the inclusion of useful and dynamic photographs. *(Laughter)* I want to point out that there are static photographs and dynamic photographs. These pictures speak a thousand words. We may find that the picture can bring out the real message and so I am saying that the emphasis should not be on the removal of the unnecessary photographs but on the inclusion of dynamic and necessary photographs.

Mr Speaker, let me continue on the same page. *"The statement of the Chairperson of the Council should be merged with the one of the Secretary-General."* I would like to say that this is too demanding in a corporate situation and I am saying that this inter-governmental organisation is also sometimes organised in the same way.

We must also not forget the importance of featuring the statement of the Secretary-General. I think you may agree with me that the Secretary-General's office is the co-ordinating office for various functions of the Community. He's also the Secretary to the Summit and the only way for not watering down the importance of this report, I think the speech of the Secretary-General must feature in its own right instead of merging it with that of the Chairperson of Council of Ministers.

I am saying that the statutory definition of the origin of the annual report from the Council of Ministers, is not what is important here, with regard to the substance of the speech. I am saying that what is of importance here is the substance of the report which features performances of the various organs and institutions of the Community and therefore the

Secretary-General of the co-ordinating institutions must feature in the report.

Finally, I want to end by thanking the committee for a very concise and precise work on how we should come up with the annual report of the East African Community as the regional economic co-operation.

Ms Valerie Nyirahabineza (Rwanda): Thank you hon. Speaker, for the opportunity. I will try to be brief.

First of all I would like to thank the Committee on General Purposes for coming up with this concise report in which guidelines have been set up so in order for us to provide good reports, which can eventually be handed over to different authorities.

My second point, which is a fundamental one, is that we can compare this report to a policy. Before a policy can be developed or agreed upon - because when somebody is developing a policy, it means that you want to cure a problem, which is occurring in a way. However, you also have to show the implementation plan. There are guidelines, which should be adopted for us to harmonise different policies that we are developing within the Community.

This report is showing us different guidelines to be adopted by the House to follow in order to harmonise reports from different organs and the Community as a whole. It will be very easy for us, through the report, to see different lacunas that can eventually occur and to see whether one or different organs of the Community have been able to perform.

I would like to thank the Committee on General Purposes for coming up with this report and the proposed guidelines that will help us to run the Community in a smooth way. So, mine is just a congratulatory message to the committee

and I got time to go through the report. I hope that every organ of the Community is going to follow them so that the Assembly is given a concise report and so that we can be able to see whether each organ is performing as we expect it to be.

While congratulating this committee, I also want to know whether the annual report which was considered by the Accounts Committee; the one we discussed in the previous meetings, has followed these guidelines? I can see in some pages though that it has somehow been in line with these guidelines or not. And if not, these guidelines should be distributed in all the Community's organs so that the Assembly can be given a concise report and it will be very easy for us to discuss this report with whoever wants it and whoever wants to see the actual performance of the Community as a whole. Thank you, Mr Speaker. *(Applause)*

Ms Margaret Zziwa (Uganda): Thank you very much, Mr Speaker, Sir for the opportunity. I want to add my voice to my colleagues who have supported and congratulated the Committee on General Purposes for this important report.

I beg to also support the report and to say that this August Assembly has four major roles; the first one is the one of representation and as you know we also represent our partner states in this August House. The second is that of legislation and we are doing very well in that line. The third is for appropriation; when we normally come into this August House to appropriate the monies for the respective activities of the Community, and the fourth one is that of oversight.

I want to support this report, Mr Speaker that it is going to enhance our oversight function, particularly, in the respective sectors of the Community. It will give us an opportunity to evaluate the activities of

the Community and it may be very important for us to be able to appreciate and know how the activities are proceeding.

Mr Speaker, in national Assemblies there is always an opportunity for policy statements. These policy statements are always given towards the beginning of each financial year and in this policy statement, the respective sectors or ministries are able to outline their achievements and challenges and they are also able to detail the activities for the following financial year.

This being an inter-governmental body, we don't have the opportunity of getting specific sector reports or policy statements and I am now envisaging that this annual report given in this particular format will be able to give us an opportunity to look at respective sectors critically to be able to follow on how they have been able to perform, their achievements and what challenges they still have.

I also want to add that I salute something which looks like it is new; the call for procurement reports. Acknowledging that this East African integration is people-centred as a process, I want to salute the innovation, because it will give us chance to, as an inter-governmental body, be transparent. The public will be able to see that their monies have been expended in a manner, which is commensurate with the agreed international standards.

I also want to laud the proposal of the format report including the audited accounts. This one will also help for the public will also be able to know how the funds, which have been committed to the East African Community, have been expended. This will give them more confidence on how to support the Community further.

Perhaps, I also want to agree that in the presentation of the report that the photographs should be reduced to acceptable minimum and may be to support Dr Bilal, perhaps using static other than talking pictures. It would have been more appreciated in that when it is a dynamic picture, it tends to be reduced to individual interpretation whereas if it is static it tends to be a little more institutional and then people will really relate it to the position of the picture other than the owner of the picture. However, of course I appreciate that previously, particularly, in the report of 2006/2007, there were many more pictures, which were indicating, perhaps individual personalities in the Community doing work other than the Community itself.

So, I want to support this point and to say that making this report is for the good of all of us and I support the fact that all the institutions should be given adequate space; equal space.

In some instances, you will find that the East African Secretariat is given a lot of space and others are given a paragraph or two, and that gives less importance to the others. I think for purposes of equity let every organ of the Community know that it has an obligation to make its report which must be included in the annual report.

Mr Speaker, with those few remarks I want to congratulate the committee and I want to support the report.

The Speaker: Hon. Members, before I call the chairperson I do not know whether the Ministers want to say anything.

The Chairperson, the General Purpose Committee (Ms Lydia Wanyoto (Uganda): Thank you very much, Mr Speaker. I have about two or three issues to respond to in way of question to answer

and then some comments from Members arising from the Floor.

I would like to begin with the mood of the committee to appreciate the Council of Ministers and also the East African Community Secretariat leadership. We began in Kampala then we ended up giving the report in Nairobi and I remember in one of the meetings hon. Kategaya was really upset. Actually he sounded very emotional by what type of report we wanted and by producing this format today. We had a meeting and we have been able to create a format that is in tandem with the requirements of the Treaty but also with the thinking of those of us who want to do the oversight role.

I would like also to appreciate the contribution of the Council of Ministers, the hon. Speaker and the leadership for accepting that we should meet and discuss this matter and have an agreeable format within the requirements of the Treaty and it now looks like a committee.

We are happy that the future reports will reflect what we want to see and that everybody should follow the format. Before that, it looks like people did not understand. We didn't have the meeting of minds on what an annual report was. It was not an annual report that was going to the Summit or Council of Ministers; it was an annual report to the Assembly by the Council of Ministers. So, if we follow this format, according to us, we shall get the document that we want to see within the requirements of the Treaty.

So, having shared that mood with everybody and the Members of the House I would like to thank Dr Odette for contributing and expanding on the report. *(Applause)* I would also like to thank hon. Dr Bilal and for raising two issues which I would like to respond to.

Hon. Bilal asked whether the issue of preparing the report should not be confined to institutions or organs of the Community. I think this is an issue of semantics. The face of a document, whether used by experts or not, should reflect the institution.

If EALA is producing a report, they must own their report. Whether they want to pick someone from the street in Arusha to do it for them, which is not our problem, the problem is that the report must have the face and ownership of that institution. Let the Secretariat produce a report and the face of that report should be the East African Community Secretariat.

The second question was raised on the issue of photographs. I have been very hesitant to comment about the issue of photographs but I agree with Dr Bilal and our committee did agree on what you call dynamic pictures. We call them action pictures; pictures that tell a story for the Community.

I do not want to give you some of the examples of pictures that we saw. Maybe, if I must bring you to the picture; we did not want to see pictures of judges seated outside in the gardens with the chairs. These are the judges of the East African Court of Justice. These are not action pictures but if you can get a beautiful picture of judges in a court session and maybe without breaking the rules of the court, that would be a nice picture to show that the East African Court works and that it is in session. If the case has already been disposed of, you may quote the ruling of that case, whatever. However, we do not want to see static pictures, Mr Speaker.

There was a picture for example, which was removed from the report, of Members of EALA with the hon. Speaker; only male members standing in one line at Carnival and the caption was that they had gone to observe elections. I mean, we cannot

accept such a picture. So those are some of the pictures we want removed from the record of the annual report.

The Speaker: Hon. Lydia, is it because they are all male Members or you have a problem with the photograph?

Ms Wanyoto: Mr Speaker, the point I am trying to express for Dr Bilal to appreciate, is the comment of unnecessary pictures. Pictures should tell a story. It should be a picture of action and of purpose. This Assembly reflects both women and men.

Secondly, when this Assembly goes out to observe elections, it should be in the field; either checking ballot papers, with some observer materials but not standing at a meeting place. I mean, I want to be very candid on this. *(Laughter)* Action pictures must tell a story. *(Applause)*

Mr Speaker, I want to be firm on that one and I should be counted. We cannot have pictures that do not tell a story of an institution but action pictures that tell a story of integration are welcome.

There was another very beautiful picture with *RV Jumuiya*. Now those of you that have been doing the oversight, the Committee on Agriculture and Natural Resources, you have better sight than the Members of the Public Accounts Committee do. If you see that beautiful picture, they have already told us what you told us in your document. Although the ship is beautiful and colourful, but what is it doing? It is there standing near the lake.

I, therefore, stand by the comment of our report that we should have pictures that tell the real story of integration; pictures that are in action not static pictures and not deceptive pictures. I thank you hon. Speaker. I guess Dr Bilal will agree with the committee position.

The other issue is on the issue of statements in the preface. This is an issue of format again. The preface of the annual report is a Treaty matter. Maybe you want to make an amendment. The Treaty says in Article 49(2)(c) that, "*The Assembly shall consider annual reports on the activities of the Community. The annual audit reports of the Audit Commission and any other report referred to it by Council.*" So, we are saying let the preface be owned by the Council of Ministers; in this case the Chairperson of the Council.

The Secretary-General is the head of an organ of the Community. We have no problem as a committee, and even as a meeting that the Secretary-General can have comments on the organs of the East African Secretariat report but not on the annual report of the East African Community. The statement should come by the Chairperson of the Council of Ministers. This is a Treaty requirement hon. Members, and I hope it should be taken on.

The other issue that Hon. Nyirahabineza raised is the issue of the report that we have seen before, from the committee on Accounts. The Committee on Accounts and the Committee on General Purposes are like cousins. We have a lot to share. We share the same blood and same synergies but one difference is that while the Committee on Accounts looks at the quantitative story of the financial year; the figures and expenditures, the Committee on General Purposes looks at the qualitative; the story that tells what happened; where did you go; the details of the quantitative story.

So, if the two committees can produce the quantitative and qualitative reports then we would be having the meeting of minds that the money was spent very well in terms of figures and the audited accounts. But our work is to look at what were the details in terms of qualitative-ness of the audited

accounts. So there is no conflict in what we are doing and I think the Committees have not complained. I think they are happy to have their own format. For us in the General Purpose Committee we had issues with the format and that is why we took it on.

I would like to thank hon. Zziwa for her contribution; it has expounded on our report and importance of this report.

Hon. Speaker, I would like to conclude by making a very passionate appeal to the Council of Ministers that is here. This report raises two important issues that you need to take up as the Council.

1. That the Members of EALA at committee level should be able to meet quarterly in terms of tracking the operational work plans of a financial year and therefore be able to oversee the different sectors. What does that mean? It means that every quarter we shall receive a quarterly report from Council to the various Committees. I hope that we will be able to work together and meet that annual work plan and calendar of the legislative programme.
2. The second issue is that we need to have a timely report before the Assembly so that it is relevant for the purpose for which it is written and this again is an assignment of the Council of Ministers.

Mr Speaker, I want to end here and thank you and the Assembly for supporting this committee. It has been a long journey; the story about this format but finally we have it. I beg that everybody supports the format and then we can proceed as per the requirement of the Treaty. I thank you.

(Question put and agreed to.)

(Report adopted.)

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAST AFRICAN COMMUNITY AND PARTNER STATES TO TAKE URGENT AND CONCERTED ACTION TO END VIOLENCE AGAINST WOMEN IN THE EAST AFRICAN COMMUNITY REGION AND PARTICULARLY IN THE PARTNER STATES

Ms Safina Kwekwe Tsungu (Kenya): Thank you, Mr Speaker. Pursuant to rule 35(1) of the rules of this Assembly, I beg to move that this Assembly do dissolve to urge the East African Community and the partner states to take urgent and concrete action to end violence against women. I beg to move.

Ms Dora Byamukama (Uganda): Seconded.

Ms Kwekwe: Mr Speaker, I beg to move that this Assembly:

“AWARE that discrimination on the basis of one’s gender especially against the female gender is contrary to the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention on the elimination of all forms of discrimination against women, the African (Banjul) Charter on Human and Peoples Rights, provisions of the Millennium Development Goals and all other international human rights instruments and that its elimination is integral to enshrined principles of justice and fundamental rights of human beings;

RECALLING that this Assembly has previously adopted resolutions in support of the rights of women;

FURTHER RECALLING that a number of efforts have been directed towards the elimination of Violence Against Women (VAW), especially on the global and regional scene, especially by the United

Nations system in general and specifically through its organs and specialized agencies in various fora, particularly, after the Beijing Declaration and Platform for Action adopted in 1995 by the Fourth World Conference on Women, the follow-up action by the Commission on the Status of Women on violence against women and the outcome of the 23rd Special Session of the UN General Assembly in 2000;

WELCOMING the significant work throughout the world in the last 15 years to eliminate violence against women and girls, its causes and consequences;

SPECIFICALLY COMMENDING the establishment of the United Nations Division for the Advancement of Women;

NOTING with appreciation that the UN launched in 2008, through United Nations Secretary-General, Ban Ki-Moon's "Unite to end violence against women campaign", which is a multi-year effort aimed at preventing and eliminating violence against women and girls in all parts of the world and which calls on governments, civil society, women's organizations, young people, the private sector, the media and the entire UN system to join forces in addressing the global pandemic of violence against women and girls.

COGNIZANT of practical efforts by UNIFEM through its campaign, "Say no to violence against women", which is a global advocacy effort on ending violence against women, designed to support UN's multi-year unite to end violence against women campaign and aimed at demonstrating that there is an ever-growing movement of people who Say NO to violence against women and say yes to make ending it a top priority for governments everywhere;

CONGRATULATING the United Republic of Tanzania as a signatory to UNIFEM's

say no to violence against women campaign -(Applause)- on 24 May 2008 and the subsequent dissemination of various information regarding violence against women in order to sensitize her citizens on issues of outdated, primitive and immoral cultural attitudes and beliefs;

CONVINCED that the above provisions are implied in Article 3(b) of the Treaty for the establishment of the East African Community and binds the EAC partner states to adhere to universally acceptable principles of good governance, democracy, the rule of law, observance of human rights and social justice while participating in any of the Community's activities;

NOTING THAT Article 5(3)(e) underscores the mainstreaming of gender in all the Community's endeavours as an objective of the Community;

FURTHER NOTING that one of the Community's central obligations is to enhance the role of women in socio-economic development as stipulated in Article 121 and 122 of the Treaty;

RECOGNISING that the Republic of Burundi; the Republic of Kenya; Republic of Rwanda; Republic of Uganda; United Republic of Tanzania each signed and subsequently ratified the CEDAW on 08 January 1992; 09 March 1984; 02 March 1981; 22 July 1985 and 20 August 1985 respectively -(Applause)

FURTHER recognising that all the EAC Partner States are signatories of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol) which is instructive on promotion of human and peoples rights;

CONGRATULATING the Republic of Rwanda and the United Republic of Tanzania for having ratified the Maputo

Protocol -(Applause)- On 02 June 2004 and 03 March 2007 and deposited the instruments of Ratification with the AU on 01 July 2004 and 07 May 2007 respectively;

CONCERNED THAT the Republics of Kenya, Uganda and Burundi are yet to ratify the Maputo protocol -(Laughter)

FURTHER CONCERNED that the Republic of Kenya expressed reservations on the Maputo Protocol, in 2003 alongside Sudan, Tunisia, Namibia and South Africa, specifically on Article 6 on marriage and Article 7 on separation, divorce and annulment of marriage; reservations of which have not been resolved to-date;

DEEPLY CONCERNED that the intersection between Violence against Women and HIV/AIDS is a major cause and consequence of HIV/AIDS infection and death for women and girls;

SADDENED by the critical and unfair allegations made about the Maputo Protocol such as that by Human Life International of Virginia USA on its 2007 publication titled "The Maputo Protocol: Clear and Present Danger";

DEEPLY CONCERNED that some groups of women, such as women who find themselves in refugee and internally displaced persons situations, women in situations of armed conflict, destitute women, women living in rural or remote communities, women in detention centres, migrant women, the girl child, women with disabilities, elderly women and widows are often the chief targets of organized violence against them because of their vulnerability;

REAFFIRMING the responsibility of all states to put an end to impunity and prosecute all those responsible for violence in all its forms including violence

against women and using these 16 days of activism against the vice;

Now, therefore, do resolve as follows:

1. *That we affirm that the term "violence against women" is as understood by the United Nations system and categorically means, "any act of gender-based violence that results in, or is likely to result into physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life, and including domestic violence, crimes committed in the name of honour, crimes committed in the name of passion, trafficking in women and girls, traditional practices harmful to women, including female genital mutilation, early and forced marriages, female infanticide, dowry-related violence and deaths, acid attacks and violence related to commercial sexual exploitation as well as economic exploitation";*
2. *We strongly condemn all acts of violence against women and girls and urge the Partner States to continue with practical measures to eliminate all forms of gender-based violence whether in the family, within the general community and where perpetrated or condoned by officials, and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women and to take appropriate and effective action concerning acts of violence against women, whether those acts are perpetrated by officials, by private persons or by armed groups or warring factions, and to provide access to just and effective*

remedies and specialized services, including medical, assistance to victims;

3. *We note with added emphasis, that violence against women has an overall impact on their physical and mental health, including their reproductive and sexual health. We therefore encourage and urge the Partner States to ensure that women have access to comprehensive and accessible health services and programmes whether by government institutions or private practitioners to minimise the adverse physical and psychological consequences of violence;*
4. *The East African Community Partner States be urged through the Council to take note that ending violence against women requires a comprehensive and an all-inclusive approach. Therefore, in addressing violence against women, Partner States are urged to take into account the context in which women evolve thus all policies, laws and budget decisions should be structured to positively impact on women since they have the potential to increase their vulnerability to violence;*
5. *The East African Community Partner States through the Council do recall that their obligations under the Convention on the Elimination of all forms of discrimination against women must be implemented fully with regard to violence against women;*
6. *The East African Community Partner States through the Council be urged to consider signing and ratifying the Maputo Protocol or any other legal framework of equal*

measure and in as much as is feasible do limit the extent of any reservations to the Protocol(s), and where it is unavoidable, to formulate any such reservations as precisely and as narrowly as possible, to ensure that no reservations are incompatible with the object and purpose of the Protocol(s), and to review their reservations regularly with a view to resolving them;

7. *The East African Community Partner States be urged through the Council of Ministers to implement in whole the provisions of the Maputo Protocol and all international instruments on violence against women as they have ratified;*
8. *The East African Community Partner States, through the Council of Ministers, do take practical steps aimed at building a strong and effective legal framework, which is fundamental to eliminate violence against women, and in this regard, are urged to harmonize laws or enact evidence based legislation that seeks to eliminate violence against women;*
9. *The Council of Ministers and the Partner States do take practical steps to enhance the mainstreaming of gender and human rights into budgets, education as well as sensitization campaigns as a means of heightening the visibility of violence against women from grassroots levels to national structures;*
10. *The East African Community Partner States, through the Council of Ministers, do intensify*

efforts to raise collective and individual awareness about violence against women as away of promoting attitudinal and behavioural change in support of advancement of women;

11. *The East African Community Partner States, through the Council of Ministers, do establish a friendly environment for the development of alliances aimed at eliminating violence against women, particularly, efforts between men and women; forging national and regional consensus on the need to address violence against women as a priority; and building coordinated alliances with stakeholders including political parties, Civil Society and grassroots organizations;*
12. *The East African Community Partner States, through the Council, do support initiatives undertaken by women's organizations and non-state actors on the elimination of violence against women and to establish and/or strengthen, at the local and national levels, collaborative relationships with relevant stakeholders aimed at the development and effective implementation of efforts against violence against Women;*
13. *The East African Community Partner States be urged through the Council of Ministers to build strong institutional frameworks to act as a plan of action against violence against women. Such action should be guided by the need to have parliamentary committees dedicated to advocate for the elimination of violence against women, increased representation of women in*

decision making bodies, development of national strategies to mainstream gender to secure a coordinated approach and response to violence against women;

14. *EALA and all national Assemblies/Parliaments of the East African Community do carry out regular oversight for the effective implementation of legislation through adequate budgetary allocation, access to comprehensive sex-aggregated data generated by strong and credible statistical capacities; setting up of Parliamentary bodies charged with overseeing the implementation of violence against women legislation; promotion and creation of specific inter-institutional mechanisms, put to task the Executive to make them accountable and work with other actors to encourage and support them in putting an end to violence against women; and*
15. *The EALA and national Assemblies/Parliaments of the East African Community do enact and, where applicable, reinforce or amend legislation to enhance efforts against Violence against Women."*

Mr Speaker, I beg to move. (Applause)

The Speaker: The debate is open.

Ms Dora Byamukama (Uganda): Thank you very much, Mr Speaker. I support the motion and I want to take this opportunity to thank you in person for putting this particular issue on agenda. (Applause)

It is a very emotional time for some of us who have been working on this issue for over 20 years; coming to about half of our

lives and therefore, you will excuse us if maybe we do not sound like we usually do.

Having said that, I am going to add that the background to this particular motion is premised on the fact that on an annual basis, the 25th of November is internationally commemorate in order to raise awareness and to promote activism on the issue of violence against women.

It is a build up to the 10th of December, which is the International Human Rights day, and the days between 25th November and 10th December are what are known as the 16 days of activism. It is intentionally done in order to link the issue of women's rights to human rights because for a long time not all of us seemed to understand that women's rights are indeed human rights. So, this is the linkage and I am glad to say that the EALA has began and I hope that this trend will continue.

Mr Speaker, also this morning as we said the prayer, usually I do not pay a lot of attention, but sometimes when these issues come up and they are beyond us, we look to a higher power. One of the phrases that were said this morning that caught my attention - and I want to share it with you - says that, *"... and grant that we may treat and consider all matters that shall come under our attention and deliberations so just and faithful a manner as to promote your own glory and to advance the peace, prosperity and welfare of this region and of those whose interests you have committed to us"*.

Indeed the issue of peace and prosperity and welfare are closely connected to that of violence against women. The question may be how and why? I would like to share with you the fact that when there is no peace, then you cannot have prosperity. Women and girls make up over a half of our populations. They are the most productive group of our community. (Applause) When violence is perpetuated

against women, they lose potential and they are disoriented.

I have worked in legal aid clinics whereby a woman comes and she cannot talk, especially the high profile women. They fear the stigma that comes with the fact that you have said for example, "I was battered by my husband last night".

On an even more sad note, these women do not have choices. They cannot walk out of those homes and even when they walk out, because of the way society is now, they cannot go to their neighbours because the neighbour will not be able to host them for too long. We do not have shelter homes where they could maybe get psychological or medical treatment. Therefore, you end up having people within your community who cannot fully execute what they would otherwise have been in a position to execute fully.

Mr Speaker, permit me to talk about three points:

The first one is the issue of attitude; the man who goes to a school to pay school fees for his daughter, the amount of even US \$10,000, if she is going to do a masters degree and even more, is the same man who comes back to slap his wife.

So, this issue of violence against women is very complex but I would like to say that we do not want to position it as an issue of men versus women because indeed in some cases violence against women and girls is perpetuated by women themselves. We have many cases of stepmothers. (Applause) We have many cases of even women against women. Therefore, we do not have to put it as if it is a male versus female issue. We want to position it as a vice in our society, which we need to address squarely.

On the issue of attitude, Mr Speaker, there is an issue of nurturing. As I grew up in

my community, I heard two phrases, which I did not understand. The first was that if you have violence in your home you should not talk about it. Violence against women is shroud in silence and this perpetuates it.

The other notion I heard was that if your husband does not beat you he does not love you. (*Laughter*) This is true in certain communities but my question was to these people; what kind of beating are you talking about? Because if this woman is pregnant and you beat her and end up kicking her you may end up losing the baby and the woman and so, this issue of attitude is deeply engrained in culture and in our upbringing.

Permit me to speak on religion, Sir. All religions say we are equal, that we are made in the image of God. But some religions or practices or misapplications treat women as minors. Women are discriminated against and eventually this distorts the way women think. When you go to any church or any mosque the majority of the believers are women. Therefore, once the preaching is to the effect that you are not equal and that you must be chastised because you are a woman, this becomes engrained in the minds of women and therefore affects their attitude and breeds low self-esteem.

Sir, allow me to turn to the issue of the role of Parliamentarians. We all know the role of Parliamentarians. I would like to share with you a personal story. When I was campaigning to become a Member of Parliament in Uganda in the year 2000, one of the things I talked about was that for you men who are beating your wives when I go to Parliament you will see. (*Laughter*) By evening, my campaign task force pulled me aside and said, "Dora if you continue with that trend you won't get any votes." (*Laughter*) I said that I have been talking about this issue for all my life, how can I stop now that I am looking

for votes? They said hold on; when you get to Parliament, you will talk about that. First get to Parliament, then you will talk about it and I am glad to say that indeed when I got to Parliament, one of the issues that I worked on diligently, is the issue of violence against women in many ways. (*Applause*)

On the issue of trafficking in persons, on the issue of female genital mutilation, sexual offences law, I would like to say that I am a very happy woman because last week the Parliament of Uganda passed the Domestic Violence law. (*Applause*)

I would also like to say that we have very good examples in the region. For example, I know very well that we have here women Members of Parliament from the Republic of Burundi who worked on the gender-based violence and I hope they will say something about that. I also know that, for example, in Burundi we have a very good case of gender budgeting where the government handles the cost of maternity and related issues. (*Applause*)

This is the issue which we Members of Parliament can take on very seriously; the issue of gender budgeting, not allocating money to women and dissect the budget to ensure that it caters for women. (*Applause*)

I just want to make one point on the issue of maternity issues because currently in some African countries we lose 16 women per day. When a woman gets pregnant, she has one foot in the grave and therefore when you do not take care of the women yet only women get pregnant, you are actually violating women's rights. I could go on because I have been thinking about this issue. I do not know what I could and could not say but allow me to end on this note.

On the issue of the most vulnerable, these are persons with disability, children, orphans and we have men amongst

prostitutes and us who are poor. When you talk about trafficking in persons such people are even more vulnerable and when we talk about havens for justice, there are many limitations. The cost of justice may be lack of laws in some instances and even just lack of self-esteem to be able to get to these laws.

Mr Speaker, as we prepare for this motion we heard of a very sad case in Uganda, where a woman murdered a man. I will not go into names. However, I would like to say that as I said before in some instances; when a human being is subjected to violence, psychological or physical on a continuous basis, then that person becomes traumatised and you may actually get a defence known as a “battered woman syndrome” in order to address this kind of issue.

I used to ask some friends that, “Would you commit murder?”, they would say, “No, I cannot”, and I quickly answered: “it depends on the circumstances because you need to look at the whole story in order to appreciate.” However, what I want to say is that violence against women turns women into animals and I do not think that there is any man in this room who would like to live with an animal in his bed. *(Laughter)*

Let me conclude by urging this Assembly and the East African partner states to take their role as Members of Parliament very seriously and to give visibility and to speak on the issue of violence against women without fear.

Dr George Nangale: On a point of order, Mr Speaker, is it in order for the hon. Member to call other human beings animals?

The Speaker: I think the hon. Member said she was giving an example.

Ms Byamukama: I thank you Mr Speaker for your wise ruling.

I was on the role of Members of Parliament and the need to give visibility against violence against women, the need to enact laws of violence against women. The need for gender budgeting to take into account the cost and education of violence against women and the need to also monitor and evaluate the impact of these laws because sometimes we make laws and they do not have an impact.

Having said that, I would like at some point to propose that we mark 25th November as an annual event in the East African Assembly and that we also urge our East African partner states to take off time in the various assemblies and parliaments to mark this day as a day on which we take action on violence against women and a day on which we may also audit the action that has been taken to address this issue.

Mr Speaker, I urge my colleagues to support the motion because it is noble and worthy, in that, it protects our sisters, daughters, mothers, wives and girlfriends. Thank you very much hon. Speaker.

Mr Abdul Karim Harelimana (Rwanda): I thank you Mr Speaker, for giving me the Floor. I generally support the motion from Safina Kwekwe because I know that naturally women are our mothers, sisters, aunties, wives, daughters, name it. *(Applause)* So, we must respect them because of that, and because they are human beings like us. There is no need for us to torture them, batter them or do anything, which is against the rights of humans. *(Applause)*

In history, women have been discriminated against and many bad things were done against them, not only in East Africa or Africa but also all over the world. If you go to history and go further to Greece,

Canada, and other countries, women were badly treated and in contrast, this made some people including women stand up against violence. This caused another problem. If you go to the western countries now, you find that there is some kind regret on the way they treated the issue of violence against women.

There is this kind of fighting; fighting because of human rights. I was watching on television a few years ago; on BBC, that there are now groups of men who have come together to fight for the rights of men. This means that the way we tried to solve the problem of violence against women was not proper because it created another problem of men being violated also.

For us here in East Africa, Mr Speaker, I think we should look at our culture. We have a good side of our culture, which we can support, but there is another side of it, which we can avoid in order not to follow the western countries' way of solving this problem. If you look at the United Kingdom where these men are creating groups to defend themselves and Canada, you find the same thing. I think we should not follow these people in all aspects; in their way of solving this problem and do it our way – *(Interruption)*

Ms Valerie Nyirahabineza: Mr Speaker, I rise on a point of information and thank you for giving me way. I want to give you information about those people, be they in the United Kingdom or elsewhere in the world, who are misinterpreting or misunderstanding the definition of the word “gender”.

“Gender” means the opportunity given to women and men to share opportunities equally. In some parts of the world, men are fighting for their rights, which mean they have misunderstood the definition of the term “gender”. Because if you know that I, Valerie I am able to head an

institution like this one or another, you should not be frustrated for that matter. Furthermore, you should stand for your rights because I have benefited – *(Interruption)* -

The Speaker: Hon. Nyirahabineza, are you giving information or debating?

Ms Nyirahabineza: That was my information.

The Speaker: Thank you. Hon. Abdul Karim.

Mr Harelimana: Mr Speaker, I would also like to thank hon. Valerie for the information but I think the men who are fighting for their rights must be suffering in some areas. *(Applause)*

In the United Kingdom, the example that I gave, when a wife and husband separate and the children are still young; less than 13 or 11 years, they are under the supervision of their mothers. Sometimes these mothers do not allow their husbands to visit their children. So, this is one of the problems which was created by the way they solved the earlier problem.

So, I was saying it is good for us to look into our culture and support the good side leaving the bad side somewhere far away from us.

I was about to talk about Burundi, Kenya and Uganda; the three East African countries that have not ratified the Maputo declaration. I do not know whether they are supporting those people with a bad culture; those who decide to violate the rights of women.

I support the motion in general but with some reservations. We need to look into our cultures and see what we can do and what we can leave out. For example, in our Rwandan culture, we greet each other by hugging but if we take this kind of culture,

which I think is very good, to Canada, we will be taken as if we have violated the rights of a woman; that maybe you touched her without her permission. *(Laughter)* Mr Speaker, I beg to support but with reservations.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I rise to support – I have not defected - *(Laughter)*-

I think this is a very important motion that we should give good thought especially in this day and age, if we are to enhance the welfare of all the East African peoples. There is this saying that “real men do not batter women”. *(Applause)* Those who do so are not real men. *(Applause)*

The issue of violence is critical and I think we should take it from a premise where we condemn violence in totality. Let us first elevate it to a level of condemnation of violence against humanity -*(Applause)*- then we go to the specific aspect of violence against women. Because if we emphasise violence against women, it is as if violence against other people other than women is okay. So, let us first condemn it in totality and categorise it as violence against humanity. *(Applause)*

After appreciating that violence is a bad thing, then we should look at the specific aspects where it is of disadvantage and appears more in a given section of our society - that would be a very good premise from which to start this debate.

Mr Speaker, I want to talk about one aspect of this, especially in our region, and it is not only on matters regarding international instruments to do with women but there is generally a weakness.

I was engaged in a process of peer review; the best practices and the gaps that we have in our countries, and we do have a problem in our region and even in Africa in general, in that, our governments do not

make commitments. They sign international instruments and undertake international obligations, but when it comes to the level of implementation that is where we have a very big problem. We go and sign international instruments but we never go home to ratify them; domesticate them or come up with municipal laws to have them implemented. So, whenever such issues come up we are quick to say, “Well, we are signatories to instrument x and y,” but on the ground you find that little is done for purposes of implementation.

For purposes of this motion, I think we need to encourage and urge our governments especially those that have not ratified, but even those that have ratified, to create national institutions, structures and funding of such institutions to implement laws and to ensure that this vice of violence against women is taken to a logical conclusion. Signing alone is not enough, let us make laws, fund institutions and have implementation modalities that work out to see that we reduce occurrence of violence. Thank you Mr Speaker. *(Applause)*

Mr Reuben Oyondi (Kenya): Thank you very much, Mr Speaker, for the opportunity you have given me to contribute to this motion.

It is not fair for any man to mistreat a woman. *(Applause)* It is not fair at all because if we remember very well during creation, God created man and said, “Man cannot live alone comfortably, I must give him a helper.” *(Laughter)* That helper is a woman. If I continue further on that one, the woman went to the garden – *(Interruption)*-

The Speaker: Hon. Oyondi if you could get closer to the microphone.

Mr Oyondi: Which God had forbidden. Therefore, God came down and asked Adam, “Where are you?” They had both

gone to the bush. *(Laughter)* “What is happening?” Adam said, “Oh no, you know we found ourselves naked.” “How did you realise that you are naked? What have you done, Adam?” Then Adam said, “Sir, the woman you gave me brought me the fruits.” *(Laughter)*

God turned to Eve and asked, “What happened?” She answered, “Sir, the snake which you created gave me the fruits.” Then God gave a punishment to both man and woman – *(Interruption)*

Ms Margaret Zziwa: Mr Speaker, rising on a point of order, is hon. Oyondi in order to bring the context of the Bible in this very important debate when he knows very well that at that juncture Adam never violated Eve. He has not quoted anywhere! Is he in order to impute that the creation of man and woman in itself was violation against women?

The Speaker: Hon. Zziwa, I think you are quoting the same Bible that he is quoting. Let him finish then you can rise on a point of order.

Mr Oyondi: Thank you very much, Mr Speaker. I was on the story because I am supporting the women. *(Laughter)* Therefore, I do not know why hon. Zziwa feels cheated.

I was saying that when God turned to the woman, she said that it was the snake, which gave her the fruits. Then God gave punishments to both man and woman. He said to man, “You will till the soil and through your sweat will you be able to eat.” God turned to the woman and said, “You will do the same but you will also bear children with a lot of pain and after few months you will go back to the same man to get another child again.” He went on and said, “You will be ruled by man” - *(Interjections)* - Listen to me! Sir, those are the orders from God. I am now appealing to our beautiful women that if

they have any way of appealing to God, they should ask him to change that clause. *(Laughter)* Saying you will now be equal to man-

Another mess, which is happening, while I am supporting the women, when they went to Beijing – *(Interruption)*

Ms Patricia Hajabakiga: Hon. Speaker, is it in order for the honourable Member to be sarcastic in a very important debate by asking us to go and tell God to go back and amend the Bible? I thought this is an important motion on the Floor. The honourable Member has a mother, a daughter, a wife and grandchildren, who are equally affected by the same issues being debated by this House. Thank you, Mr Speaker. *(Applause)*

The Speaker: I think hon. Oyondi is, in essence, not in order because we are debating an important motion.

Secondly, when you talk about violence and say that women should go to God to amend the Bible; God does not also tell you to go and batter women. The motion is about violence against women, and not about who is bigger or superior or in charge of the other! It is about violence against women. *(Applause)*

I think it is an important motion because we will commemorate the 25th of this month on. The reason why this matter is on the Order Paper is that it is an important issue, which we as East Africans and as human beings, not necessarily East Africans, have to condemn. When people say it is your wife, it is something else, but when you say it is your daughter or your mother, it is something else also. Therefore, hon. Members let us be serious on this issue and in passing our resolution. Besides, the people of East Africa are hearing what we are saying. So, please.... *(Applause)*

Mr Oyondi: Thank you, sir. I was on the Beijing meeting which women or women attended. Mr Speaker, when the women came back from Beijing they refused to go to the kitchen. *(Laughter)* They said we are now equal. [HON. MEMBER: Not all women went to Beijing.] *(Laughter)* The few who went came and incited the local women in our countries.

You should not see me as a man against women. I love them because I have one in my house. *(Laughter)* She is in Kisii not in Arusha and I love that woman; she is good, she does work for me and I do work for her. However, there are areas where women should be considerate. Hon. Dora spoke about a woman killing a General; a whole General in Uganda – *(Interruption)*

Ms Byamukama: Mr Speaker, is the hon. Member in order to impute words, which I never said? I was very clear and I said that a woman killed a man. I did not talk about the General!

The Speaker: Hon. Dora did not say anything about a General or anything of that sort. She only said a woman killed a man. *(Applause)*

Mr Oyondi: Thank you Mr Speaker. I have added the word “General”. *(Laughter)* It is not bad that that man was a General who had retired. It is a woman who battered him but then what I am appealing to women is not to look at only the people who are against them because even women are against men.

In my language we say that when a chicken goes to the bush and a wild cat kills it, ask the chicken why it went there, do not only blame the cat and leave the chicken alone-*(Laughter)*

On this note, hon. Speaker, I am asking my friend hon. Kabourou to bring a motion on women against men so that we can debate it next time. *(Laughter)*

Generally, I should say I am not very sure whether I am supporting the motion but I should appeal to both men and women that God created us to love each other and live in peace. In any case, those who are battering women, as my hon. friend Sebalu said, are not normal men because we love women. Those who are not married are really not very comfortable because they do not know what they are doing; a woman in the house – *basi* - that is everything. *(Laughter)*

With that hon. Speaker, I support the motion. *(Applause)*

The Speaker: Hon. Members, I think hon. Oyondi said that he supports the motion. *(Applause)*

Ms Catherine Kimura (Kenya): Mr Speaker, let me on the onset thank the House for this motion and particularly hon. Safina for bringing this important matter to this House. I urge Members that as we debate this motion, we should give it the seriousness it deserves. Hon. Speaker we are sitting here as Hon. Members not as women and men. *(Applause)* So, please let us avoid saying that this seems to be women versus men. We are here as honourable Members debating a motion that affects more than 50 percent of our people.

Many issues have been raised in this motion on the way violence against women is perpetuated and the question to ask ourselves is; does this happen? Why is it that women are battered from childhood, as a girl child, men and women and across the spectrum? Why are the women battered? I want to put the point across that women are battered mainly because of the attitude within our society that needs to be changed; women are battered because they are not economically empowered and I would urge the owners of this motion, even as we debate it, that somewhere along the line we need to talk about

women empowerment. *(Applause)* If you are not empowered somebody will batter you by telling you - they do not even have to touch you - they will simply tell you, "Walk out of my house!" This is because they know the woman has no way of surviving on her own because she does not have economic empowerment. There are women who are economically battered; they will sit and accept all kinds of mistreatment, whether physical or psychological, and that is real battering. Even as we debate this, let us see how our women can be empowered. *(Applause)*

The other issue that I wish to bring to the attention of Members here is that we have emphasised over the years the empowerment of the girl child. We have talked about empowerment here and there. We have talked about women being battered, but we do not ever talk about the boy child; how they are battered psychologically. They have not been empowered and we forget that the boy child is the husband of tomorrow, the employer of tomorrow and therefore the attitudes from our homes are the attitudes we take into our societies.

Therefore, I want to urge Members that even as we debate this motion, we should recognise the importance of empowering the boy child just as the girl child has been empowered. Children take bad habits from home and more likely if they have experienced or seen battering at home towards their sisters or mothers. Therefore, we have a responsibility as a society to educate and inculcate the right morals and values to both the girl child and boy child.

Mr Speaker, I also want to urge Members to put the point across using the various forums that we have; that the issue of violence against women is, of course, an abuse of human rights and that this is a society problem, which we need to find a way of fighting. It is not a problem for women alone or men alone.

I want us to acknowledge that we have three countries in our region that have not acceded to the Maputo Protocol. We urge our national assemblies to accept that there is a problem irrespective of whether it is issues of marriage and divorce that are preventing them from acceding to the Protocol. Surely these concerns are already in our various laws and the Maputo Protocol, the way I see it, does not in anyway stop member states from carrying out issues of divorce in accordance with the national laws. Acceding to it is accepting that we are joining the rest of the international community.

Yes, the issues have been raised, and Hon. Byamukama put it very well; this is not a matter of men versus women. It is a society matter. *(Applause)* Let us acknowledge that peace at home is peace in the country because we know the role that women play. Statistics in certain areas will show that women head most households and a battered woman cannot possibly be able to support the family. Women play an important role; from child bearing to bringing up both men and women and to be breadwinners alongside men.

Hon. Members, I support this motion and would like to say that we need to put it beyond talking here and see what plans can be put in place. *(Applause)* I want to support hon. Byamukama when she says that maybe the Assembly can find a way of observing this day of 25th November alongside other institutions that mark it. Thank you, Mr Speaker. *(Applause)*

Dr Sabine Ntakarutimana (Burundi): Thank you, Mr Speaker, for giving me this opportunity to contribute to this important resolution as moved by hon. Safina.

As we all know, violence against women is a very bad act. For instance, sexual harassment, denying a girl child education, genital mutilation in many regions, forced

marriage, school dropouts due to pregnancy and refusal of family planning by men is all categorised as violence against women. All this exposes women to consequences like HIV AIDS and disabilities. It also reduces on women's life expectancy and I am sorry for my English. *(Applause)*

Mr Speaker, if you permit me I would like to share a bad story, which was in Burundi recently. It was about female genital mutilation. One man cut the two arms of his wife because she gave birth to girls only! It was publicised in many newspapers. This is to show you how important the resolution that is being debated here is.

In supporting this important motion, I would like to ask this August Assembly to say no to violence against women. *(Applause)* Women are vulnerable in our society.

I thank you Mr Speaker, for giving me this opportunity. *(Applause)*

Mr Dan Kidega (Uganda): Thank you so much Mr Speaker for the opportunity to contribute to this important motion.

From the onset, I am a son of my mother, born in a family of nine; five girls and four boys. I have a beautiful woman I love and I have hopes to produce many girls in my family, so I have no option but to support this motion. *(Applause)*

I would like to join my colleagues and friends who have said that we should treat this motion with a lot of seriousness. It has a very strong bearing on the well-being of our people, the production of our population and the totality of what we are looking for in our lifetime.

I condemn in the strongest possible terms violence against women. *(Applause)* I condemn in totality discrimination against

women. I am a victim of discrimination against women because my mother had to stay at home while her brothers went to school and I have found myself being born by an illiterate woman. I can neither send an e-mail to my mother nor write her a letter but I can do so to my father. It limits my communication when I am away from home. This is how I am a victim to this discrimination.

Mr Speaker, violence against women should not be looked at in the practical sense of what exactly happens. I do not like philosophising about this issue because it is a reality, and we must look at the tendencies of these actions, and see how to stop them. *(Applause)* When a man is violent towards a woman, he is actually wearing some form of a shield and is putting on glasses of defeatism. When a man is defeated mentally, that is when he resorts to violence.

Violence against a woman is to accept that you are actually mentally abnormal or that you are defeated. We should subject ourselves to logical discussions of problems. *(Applause)*

I do not think that in this Assembly, with the calibre of people we have here, anybody should raise an issue to the question moved by Hon. Kwekwe. *(Applause)* I would like to congratulate her and her team and I would like to declare that I want to join the forum for the women in this House. *(Applause)*

This leads me to my first point, which is change of strategy. I have been in a struggle for helping people who are disadvantaged in our communities for some time now. I have moved a lot in my national Parliament together with hon. Dora. She knows my position on this and I think that what my assistance should do is to expand the horizon of recruitment in this trap. We need to recruit more men at the forefront of this struggle. *(Applause)*

We need to explain to them what exactly they are supposed to do. We need to devolve; take the struggle to the grassroots. Violence does not take place in these boardrooms. It is taking place in homes and it is there that women who are suffering.

We have a team of women in this region who are workshop tigers. They have their bags packed full of papers moving from one workshop to another; philosophising and theorising about all these things yet the old woman, the young girls in the villages remain suffering. *(Applause)*

If you consider the number of non-governmental organisations compared to community based organisation, which are nearer to the women, you will be shocked. They have made this struggle a means of livelihood; a means of survival. Gender issues are now an academic discipline. They use it to acquire academic credentials leaving the ordinary woman suffering. I plead with my sisters that we should change the strategy. Go down to the grassroots and recruit more men into the struggle.

My second point is the question of culture. There are certain practices embedded in our cultures that we need to look at carefully. We may not handle culture using protocols and legal frameworks of international nature. There are people who are responsible for handling culture in our communities and we need to take the struggles to our cultural institutions. Culture is dynamic, depending on how you approach it. I come from a community where a woman can celebrate a slap from a man - *(Interjections)* - it is a reality! I come from a community where a woman suffers quietly and that is the source of pride for that family. As hon. Byamukama has said, issues of the home, you do not bring them outside the bedroom. I think we need to change this mindset.

The other form of violence that we must address ourselves to, is the mental torture to which hon. Kimura referred earlier. There are women dressed up in very beautiful suits, they sit in high profile offices but their husbands batter them mentally. There are women out there whose husbands psychologically torture them. You will find a man - polygamy is part of our community yes, - and a man goes and marries two wives and puts them under the same roof. Today he is on the bed with one of the women while the other woman is lying down. To what amount of torture are you subjecting the women? Therefore, there are issues of mental torture that we need to deal with.

On the question of poverty, and I am taking it from a different perspective, of course poverty among women has a lot of intertwining with culture. It begins with let us share our property equally among our children without discrimination of gender. *(Applause)* I have urged my father to make sure my sisters own land and that is where it begins. The way we respond to poverty will have a strong bearing on stopping this vice in our society.

Studies of several microfinance institutions show that women are the best at saving and multiplying money. If you lend to a woman the chances of recovering your money is higher than when you lend to a man. These are empirical studies, and they tell us that women are having a stronger argument of entrepreneurship but we need to reach out to them. Because at the end of the day when a woman has her job, why must she go and declare her profits to the man who will eventually either marry a second or third wife or get a portion of it to go and enjoy the evening with another lady? Therefore, we need to sensitise the women first on how to access resources, and then how to use the resources they have.

My last point, Mr Speaker, is why should women use their gender to define

themselves differently from men? It is just a creation of God that a man has certain different organs from that one of a woman. However, when you over emphasize the difference as a way of defining them and men, it becomes an issue of segregation. Yes, poverty affects all of us, but why must young girls take to the streets to use their body as a means of livelihood. The same urge and the suffering and pinch that the young girl feels because of poverty is the same urge that the young boy feels. Therefore, we must change the way we view our gender from looking at it as a way of livelihood or solving problems.

Interestingly, when there was confusion in the neighbouring Republic of Kenya, interesting things happened. Women used their gender to push men. They declared that there would be no sex unless something was done. I do not know how much it yielded. They said, "If these men do not do this, we are going to mobilise women and prostitutes, and there would be no sex in this nation," – *(Interruption)*

Mr Mike Sebalu: The information I want to give is that that story defiantly went around and the Kenyan men benefited from the fruits of integration. There was wider supply. *(Laughter)*

Mr Kidega: Thank you. What obtains from social integration can go that deep. *(Laughter)*

My sisters and the honourable women of this region should not use their gender to fight certain wars because that is a divide between them and us yet we are supposed to be equal.

Over the weekend, I was in Dar-es-Salaam – *(Interruption)*

Ms Byamukama: Mr Speaker, I want to thank hon. Kidega for giving way. We said earlier that this is not about men versus women but because of the magnitude of

cases of violence against women, we take time off to think, to plan and reflect on what has happened.

I just want to give you an example of a case whereby you have witchdoctors and wizards who exercise power within a community and it was reported that in Ksii in particular – *(Laughter)* – the women were being attacked by robbers and being burnt because of the wizard. Therefore, it is a power issue, whether it is marital power or power within the Community. In addition, much as we may not want to use the issue of gender, there are some facts from which we cannot run away. For example, the issue of a physical fight, I cannot fight a man!

Therefore, I want to say that we need to give due attention to the issue of magnitude and muscle power engrained. That is why we are taking off time to reflect and to put up an action plan. Thank you Mr Speaker.

Mr Kidega: Thank you hon. Dora and most obliged; I totally agree with you that there are distinctive differences between a man and a woman from which we cannot run away.

Mr Speaker, I was concluding by saying that over the weekend, I was in Dar-es-Salaam and we were having discussions on creation of awards for young people who have excelled in various things and the categories of those awards. I was in the middle of very many young people from all over Africa; very brilliant people. There were five categories then I added the sixth. I said that there should be a category for a young African woman who has excelled in any area of her leadership, be it academic, entrepreneurship or anyhow. The resistance I met from my academically endowed female friends shocked me. They have a unique sense of argument on how to empower a woman.

So, my request and plea to my female counterparts who are here is; I think there is a new front and the new front are these female friends who are calling themselves the academicians; who are philosophising about this issue and maintaining these things in the boardroom and not going down to the grassroots. I beg to support the motion, Mr Speaker. *(Applause)*

The Speaker: Hon. Members, I now call hon. Safina to respond. I think there were a few questions from you to which she needs to respond.

Ms Safina Kwekwe (Kenya): Thank you, hon. Speaker, for giving me the opportunity to respond to some of the issues and comments made on the Floor. Before I do that, let me thank hon. Byamukama, hon. Abdul Karim, hon. Sebalu, hon. Oyondi, hon. Kimura, hon. Dr Sabine and hon. Kidega for their participation.

I thank hon. Dora for her elaboration and persuasiveness and I hope that she will move an amendment to cement the issues that she raised if they are agreeable. I have no reason to oppose.

The issues raised by hon. Abdul Karim about culture and taking care of violence against women, I would like to go on record that violence against women is an issue of human rights and you do not take issues of human rights to the realms of culture. For example, you cannot use culture... there is a cultural practiced in this region whereby if a man kills his wife, the penalty is 15 cows, but if he kills another man, the penalty is 49 cows, the reason being that his wife is his property. That is the practice among a pastoralist community in this region.

Mr Speaker, we cannot use culture to cure human rights abuses because violence against women is a human rights abuse.

(Applause) Culture is about how you live with your neighbour.

The Speaker: Hon. Safina, there are many pastoral communities here, to which one are you referring? *(Laughter)*

Ms Kwekwe: Mr Speaker, if you insist, it is the Maasai culture.

Therefore, I want it to go down on record in the *Hansard* that we should not and we cannot relegate issues of violence against women to the realms of culture because we have seen culture used as an excuse specifically on issues of domestic violence; that our culture allows us to do this or to say that!

I refute the notion that we must put violence against women in its rightful place; it is an issue of human rights, and human rights instruments should taken care of it by including legislations and other instruments that have already been agreed upon.

Mr Speaker, hon. Sebalu said that violence against women should be secondary; that we should instead highlight the issues of violence against humanity because it is a bigger picture and violence against women should therefore be subsequent to that.

I also disagree with this because actions should live up to circumstances and prevent practices. The practice today is that violence against women is more rampant than violence against men and I want to give an example; in 2007, Kenya went into elections and, of course, you know what happened after that. However, there is one institution called the Nairobi Women's Hospital. It handles all sorts of cases of abuse. I want you to note this one out of the many cases that it handled on sexual violence. There were more than 1,500 cases between January and April 2008, and out of these, over 1200 were

women and girls while 254 were cases of sodomy.

Who bears the brunt of sexual violence alone? Therefore, I say that this violence against women or abolishing of violence against human beings should be the issue that carries our flag in campaigns. It should not be an issue of abolishing violence against humanity and then subsequently we take care of violence against women. Every religion says, "Be fair to your fellow man" and culture says, "Be good to your neighbour, be good to your people," but the practice is different!

Therefore, we cannot hide it under the weight of violence against humanity as the more critical issue because the critical issue here is violence against women and it is the most rampant.

Hon. Oyondi quoted the Bible but I want to say this - and I do not know what version he was quoting. The Bible that I read, - I did Christian Religious Education for eight good years of my education - and the Bible that I read said, "God made Eve as a companion to Adam." That is the Bible that I subscribe to. I do not want to be portrayed as a "helper" because a helper gets instructions; do this, do not do that, help me here but do not touch here, whereas a companion is someone who goes with you all the way. If we believe that our God is a just God, then that is a definition that I would like to give. A woman is the mother of humanity; she is a companion.

On the issue of religion, I want to another example of the experience in Kenya during the presidential elections. There was a woman presidential candidate and believe you me, I come from a region where there is a lot of Islam. The same radios that are religious in nature had women calling in and saying they could give her their vote and that she was a bad example of a woman. "How can she go there fighting

with men to want our vote? In fact, she is not even covering her head." This they did without visualising the ambition that the woman had. However, if someone called in and said, "Which Koran or verse, are you quoting from?" Because we know, it is on record that the prophet said that if you want to go to paradise, paradise is at the feet of women. Do you know what they said that she was "*Mupotofu*"? (She was misguided.) Therefore, quoting the prophet whom we fear so much - and peace be upon him - was *upotofu* only to perpetuate the notion that a woman cannot live is a right thing.

Mr Speaker, I want to agree with hon. Byamukama that religion is noble but the practices by men and women are what give religion bad names.

I want to conclude, but before I conclude, I want to react to what with hon. Kimura said on the issue of women empowerment. Yes, it is vital, but we should not say that women empowerment is the only cure because we know women who are economically empowered and they continue to suffer violence. In fact for them they suffer more because they cannot come out openly and say, "I am a victim".

They will say; *nakisomo kyote*, meaning, "With all her education, with her big cars, how can she?" This is a very bad mentality because I should not be asked why I was walking in the park for me to be raped. I have the right to walk in the park and in the streets of Nairobi, Kampala and elsewhere. They should not start asking, "What was she doing at that time of the day that she had to be raped?" "What was she wearing?" "How did she speak?" I should not be subjected to that kind of judgment. (*Applause*) I have the right to walk anywhere, to dress the way I like without infringing on anybody's rights and nobody should infringe on my rights either.

Hon. Sabine had a very sad story. It is a story that we have read and it is so sad. We want action. How does a woman who bears girls; an issue in which she had not choice - we do not choose the colour of our skin so we cannot choose where we are born, we cannot choose our parents and we cannot choose the sex of our children. How do I get punished for something that is not of my own doing; for things which I have no control over and I am punished on standards that are set by man?

Mr Speaker, the time for action is now. We need legislations - *(Applause)* - and policy frameworks. We need actions and alliances of everybody who is a believer in the fact that when we were created as men and women, we did not choose to be what we are but we are what we are and we must live and live happily in our countries. *(Applause)*

One of the speakers used an example of how Kenyan women denied sex to their men. It is a sorry state. I will not even quote that example. The end was noble but the means was very wrong because it perpetuates the notion that women are sexual objects and Mr Speaker, I did not participate in that campaign because I am not a sexual object and I know it and therefore I would not like such an example used to demonstrate women empowerment.

Mr Speaker I wish to end by thanking you in particular as a leader of this August House for giving violence against women the prominence it deserves. *(Applause)*

I also thank this Assembly for the demonstration that they have done today. We cannot relegate violence against women to secondary status. It is a primary problem, which we have to deal with as people who believe in humanity, and in the rights of people as equal human beings. I

thank you, Mr Speaker, and I beg to move. *(Applause)*

The Speaker: Hon Members, before I put the question, there is an amendment that we have received from hon. Dora on this issue. Maybe she should read it out.

Ms Byamukama: Mr Speaker, pursuant to Rule 32(5) of the Rules of Procedure of this Assembly, I beg to move a friendly amendment. It reads, "The Community and the East African Partner States commemorate November 25th as international day to say no to violence against women and that the Community adopts the principle gender responsive budgeting, audits and reports to the Assembly on action taken to end violence against women annually."

I beg to move. Thank you. *(Applause)*

The Speaker: Hon. Members you have heard. Any comment?

The Secretary-General to the EAC (Mr Juma Mwapachu): Mr Speaker, I was getting a bit concerned about the amendment. In principle, I do accept the form of the amendment proposed by hon. Dora but I am also concerned about the area of action. The commemoration is a good idea but in terms of actual action being taken, I was wondering whether we can do it at the Community level in as much as the centre for decision-making is at the partner state level. Thank you.

Ms Dora Byamukama: Mr Speaker, I would not wish to prolong this debate but my premise is Article 16 of our Treaty, which is very clear. It says that the regulations, directives and decisions of the Council, given the pursuance of this Treaty, shall be binding on the partner states and on all organs and institutions. I presume that if this motion is current then the Council of Ministers have it within their powers to notify or to communicate this directive. Therefore, it is in this spirit

that I had proposed the amendment. Thank you.

Ms Kwekwe: Mr Speaker, I accept the amendment and it should come as amendment 16 and 17 in that order.

The Speaker: I thought the Secretary-General seconded it.

(Question put and agreed to.)

(Motion, as amended, adopted.)

The Speaker: Hon. Members, I would like to say that we are commemorating the 25th day of November because we will not be here on that day. That is why we brought this resolution to the House so that at least the world can know that the East African Community and EALA is trying to do something about violence against women, and hopefully next year if our calendar and budget agree, we will have something that we can do as an Assembly to commemorate this day.

Before I go to the next item on the Order Paper, I would like to recognise Members in the Speaker's gallery who are Members of Parliament from Rwanda. *(Applause)* They are: hon. Semasaka Gabriel, hon. Esperence Uwimana; we saw her on the football pitch and I would like to add that she is a very good striker, *(Applause)* hon. Safari Begumisa and hon. Henriette Umulisa. They are taking part in the football tournament and wanted to see how EALA conducts its business. *Karibu! (Applause)*

MOTION

FOR A RESOLUTION OF THE ASSEMBLY URGING THE COUNCIL OF MINISTERS AND EAST AFRICAN COMMUNITY PARTNER STATES TO TAKE PRACTICAL STEPS TO ENHANCE THE STANDARD OF LIVING OF EAST AFRICANS IN ACCORDANCE WITH PROVISIONS OF THE TREATY

Ms Dora Byamukama: Mr Speaker, pursuant to rule 29 of the Rules of Procedure, I beg to move that this Assembly do resolve to urge the Council of Ministers and the East African partner states to take practical steps to enhance the standards of living of East Africans in accordance with provisions of this Treaty, I beg to move. *(Applause)*

Mr Abdullah Mwinyi: Seconded.

Ms Byamukama: Mr Speaker;

“WHEREAS Article 5 of the Treaty for the establishment of the East African Community articulates that the objectives of the Community shall be to develop policies and programmes aimed at widening and deepening co-operation among the partner states in political, economic, social and cultural fields, research, and technology, defence, security and legal and judicial affairs, for their mutual benefit;

AND WHEREAS Chapters eleven (11) to twenty three (23) of the Treaty provide that partner states shall co-operate in trade liberalisation and development; investment and industrial development; standardization, quality assurance, meteorology and testing; monetary and financial aspects; infrastructure and services; development of human resources, science and technology; free movement of persons, labour services, right of establishment and residence; agriculture and food security; environment and natural resources management; tourism and wildlife management; health, social and cultural activities; enhancing the role of women in socio-economic development and in political matters;

AND WHEREAS in furtherance of these provisions, Article 14 of the Treaty spells out the functions of Council as the policy organ of the Community with the mandate to make policy decisions for the efficient

and harmonious development of the Community and to promote, monitor and keep under constant review the implementation of the programmes of the Community and to ensure the proper functioning and development of the Community in accordance with the Treaty;

AND WHEREAS in accordance with Article 16, the regulations, directives and decisions of the Council taken or given in pursuance of the provisions of the Treaty are binding on the partner states and on all organs and institutions of the Community other than the Summit, the Court and the Assembly within their jurisdictions, and on those to whom they may, under the Treaty, be addressed;

AND WHEREAS in furtherance of its mandate, the Council of Ministers established directorates under the Secretary-General, collectively called the Secretariat, which Secretariat is the executive organ of the Community and is responsible for functions stated under Article 71 of the Treaty. These functions include: initiation of studies and research; strategic planning, management and monitoring of the programmes; general promotion and dissemination of information on the Community to the stakeholders, the general public and the international community; general administration and financial management of the Community; mobilization of funds from Development Partners and other sources for the implementation of projects of the Community; the submission of the budget of the Community to Council for its consideration subject to the Treaty; and the implementation of the decisions of the Summit and the Council;

AWARE that Treaty provisions are aimed at addressing challenges faced by peoples of the Community, which include: food and water shortage; drought; conflict; poor health; the negative impact of HIV/AIDS; poverty; unemployment; land and

environmental degradation; the negative impact of climate change; imbalance of trade especially in agricultural produce; low industrialization; low earnings from tourism; discrimination against women, children and Persons With Disabilities; and the need to evolve a harmonized legal system and an East African identity through culture and sports”

Mr Speaker, the rest of this motion expounds on Chapters 11 to 23 as I had earlier stated, therefore, permit me to put it on record and move to the proposals for the resolutions.

“NOW, THEREFORE, this Assembly do resolve to recommend to the Council of Ministers that:

- 1. Council provides the Assembly with an update on progress made in respect to the establishment of a customs union, a common market, a monetary union and a political federation.*
- 2. Under co-operation in investment and industrial development, Council takes measures to expedite the completion of the development of an East African industrial development strategy as mandated under Article 80(1) (a) of the Treaty as a means of job creation for East African youths.*
- 3. In respect to co-operation in standardisation, quality assurance, metrology and testing, Council ascertains whether partner states comply with the East African Community’s Standardisation, Quality Assurance, Metrology and Testing Act, 2006.*
- 4. Council provides this Assembly with progress made in co-operation in development of human resources, science and technology; health, social and*

- cultural activities; enhancing the role of women in socio-economic development; and co-operation in political matters.*
5. *In respect to co-operation in infrastructure and services, Council directs partner states to review and re-design their inter-modal transport systems and to develop new routes within the Community to ease access to markets in fulfilment of Article 89(c).*
 6. *Council provides to the Assembly information on agriculture and food security in respect to seed multiplication and distribution; livestock multiplication and distribution; plant and animal diseases control; irrigation and water catchments management and food security.*
 7. *In accordance with Article 110(e) and 106(a),(b) and (d) of the Treaty, Council immediately takes practical measures to initiate the establishment and maintenance of the East African food and seed reserves to mitigate food shortages and improve the quality of agricultural produce.*
 8. *Council directs the Secretariat to develop a mechanism to establish an East African livestock-breeding centre in each partner state in fulfilment of Article 107(a) of the Treaty.*
 9. (a) *In respect to co-operation in environment and natural resources management, Council expedites the enactment of the Lake Victoria Commission Bill, 2007 into law;*
 (b) *And that Council do support the East African Tourism and Wildlife Management Bill, 2008 introduced in the Assembly by Hon. Safina Kwekwe so as to effectively implement Chapter 20 of the Treaty.*
 10. *Council makes regulations as to the management of the budgetary process from the time of submission by the Secretary-General up to the time of consideration by the Council of Ministers taking into account the fact that it is no longer necessary to subject a pre-determined budget by partner states to a review by partner states' Civil Servants.*
 11. *Council makes regulations under Article 14(d) of the Treaty to provide a guide for the relationship between the Secretariat and the Committee on Finance and Administration taking into account the provisions of the Treaty which vests the Secretariat with administration of the Community.*
 12. *Council do give directions to partner states and all organs and institutions of the Community in pursuance of Article 14(3) of the Treaty as this will ensure compliance with this Resolution."*

Mr Speaker, I beg to move. (Applause)

Ms Margaret Zziwa (Uganda): Thank you, Mr Speaker. I want to take this the opportunity to thank hon. Dora for bringing this very important motion.

In support of this motion, I want to add my voice to the observations made by hon. Byamukama, acknowledging that the Treaty provisions are aimed at addressing the challenges faced by the people of the community. She has made a long list, which I beg to echo in the areas of food and water shortage, drought, conflict, poor health, the negative impact of HIV-AIDS, poverty, unemployment, land and environmental degradation, the negative

impact of climatic change, the imbalance of trade especially in agricultural produce, low industrial earnings, low earnings from tourism, discrimination against women, children and persons with disabilities among others.

Mr Speaker, this is a very important lift and I want to mention that we have had an opportunity of international organisations taking off time to cast their mind on some of these challenging areas. Currently, the issue of climatic change is the highest on the agenda and all governments are reminded to take practical steps to see that devastating effects of climatic change are addressed.

I would like to add on the issue of housing. I want to raise this issue because housing is a practical human need and you will appreciate that it is the first aspect, which improves human esteem. Many people who come from well-built houses usually have a tendency of having a good self-esteem. Many cities, which have good houses or good buildings, are also internationally acknowledged as good cities.

I appreciate the fact that within the East African region, the issue of housing has not been brought out significantly to the deserved attention. We had a workshop in Kigali-Rwanda, where the Human Rights Commission addressed us and I appreciate that it was a very significant workshop, which reminded us of human rights. It is also important to acknowledge that housing is a social human right but as it were it really brought in the limelight the aspects to be dealt with.

I appreciate that in the 1990s many governments moved away from directly providing housing and relegated to putting in place mechanisms to provide the citizenry with what I may call affordable building materials. Consequently, you will find that many of our people live in slums.

It is unfortunate that many of our people who live in slums constitute the biggest portion of the population; constitute our voters but they live in very bad conditions. I think this aspect also needs to be drawn directly into the areas of concern, not only of the East African Community but also in the partner states' limelight.

I also want to mention that in one of the opportunities we got of you taking us around the region, for instance when we went to Zanzibar, I noted that the Government of Zanzibar and that of Tanzania have done a lot in constructing houses for many people in the city centre and that is a commendable effort. However, it was also noted that many people in the outskirts and the villages had tried to construct houses but only to say, window level or maybe beam level, which brought in the aspect of the cost of construction materials. I think it is a very important aspect for our governments to be notified about in order for them to see how best they can support our people and provide accommodation – (*Interruption*)

Ms Kwekwe: Mr Speaker, I am rising on a point of order. Is it in order for us to debate this resolution, which is urging the Council of Ministers when there is no Member of the Council in this House to hear what we are saying?

The Speaker: I think whether the Council of Ministers are here or not, we have to debate this issue because I think if we went by them not being here, we might have had no business in this House. Continue hon. Zziwa.

Ms Zziwa: I also wanted to add that when we had the opportunity to visit the different parts of Tanzania, when we were visiting Kigoma area, we also appreciated that many beautiful houses did not have the opportunity of acquiring permanent roofing materials. Many of the houses had been roofed with grass and I think it is

upon government to find a way of enabling the citizenry to acquire these building materials. If the materials can be acquired then the quality of housing would be improved upon.

When we were going to Malaba through eastern Uganda, it was also important to acknowledge that many of the houses there were made of mud and wattle and were grass thatched. Really, cement is manufactured and taken miles away but there is no affirmative action to enable these people to be able to access the materials.

I also want to add on this important component of a human right or a social right. If our governments must take the issue of housing of its people seriously then the issue of slums must also be addressed and the governments must be held accountable when cities are becoming unmanageable and when the villages are becoming unattainable. We must be able to provide regional policies and tangible solutions.

Mr Speaker, as I conclude, I want to salute the *KITUO CHA KATIBA* who organised for us a workshop on human rights which Human Rights Bill, I think at an appropriate time, - and actually to be able to add to this motion, Legal will have time to look at some of these clauses which hon. Dora has brought forward and have touched on many areas which are always partly talked about in the corridors but have now been brought to the Floor of the House for proper communication.

Mr Speaker, we know very well that next week the common market_ I think it is proper to prepare a brief to this August House. What is going to take place? What is contained? What are the areas, which were eliminated from the time when we were debating the report on audited accounts?

I also raise the issue on the land policy. The hon. Third Deputy Prime Minister, Eriya Kategaya, was objecting a bit to my raising of that issue but you find that the land question or the land policy question was the key issue in the common market preparations and we just hear in rumours that it has been put aside or it is not part of the Common Market Protocol. It would be good not to leave us in suspense. We need to a briefing early enough because we all know that issues of land and environment tremendously affect our people in East Africa.

I know that this motion is not only going to call on the Council of Ministers to expedite some of the areas which they have committed to the peoples of East Africa but also to encourage or demand of our partner states to put in place the respective mechanisms to address some of these social and economic ills which affect our people, like poverty.

Mr Speaker, with those remarks, I beg to support. *(Applause)*

(Question put and agreed to.)

(Resolution adopted)

The Speaker: Hon. Members, before the next item on the Order Paper, we have Members of Parliament from Tanzania National Assembly. They are Dr Luke Siame, hon. Dr Talaba Ali and Dr Oscar Mukasa. *(Applause)* Like I said earlier, they are here to observe the proceedings of the East African Legislative Assembly and they are members of the football team. *(Applause)*

I would also like to recognise students from Arusha University who are also here. You could also stand up for recognition. *(Applause)*

I can see the honourable Members are now seeing people who will be competing with them in the next Assembly. (*Laughter*)

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAST AFRICAN COMMUNITY PARTNER STATES TO EMBRACE THE AFRICAN COMMON POSITION ON CLIMATE CHANGE FOR THE COPENHAGEN CONFERENCE OF PARTIES (COP15)

The Chairperson, Agriculture, Tourism And Natural Resources Committee (Dr George Nangale): Mr Speaker, pursuant to Article 111(1) of the Treaty for the establishment of the East African Community, I move that this Assembly do resolve to urge the East African Community partner states to embrace the African position on negotiation on climate change for the Copenhagen conference of parties (COP 15). (*Applause*)

Ms Patricia Hajabakiga: Seconded!

Dr Nangale: Mr Speaker, during its 12th ordinary session of the African Union Assembly of Heads of State and Government in February 2009 at Addis Ababa, the African Union adopted a landmark decision by agreeing that Africa negotiate as a bloc to forge a common position at the international meetings on climate change. In May 2009, ministers from more than 30 African countries met in Nairobi and adopted the Nairobi Declaration on climate change at the African Ministerial Conference on the Environment (AMCEN) in Nairobi, Kenya.

Climate change clearly has an impact on Africa in every way. According to the latest indicators, globally the climate is changing more rapidly than estimated. Today, nine out of every ten disasters recorded are climate related. Rising temperatures and more frequent and prolonged floods, droughts and storms are making an impact on millions of people's

lives. Moreover, East Africa is feeling the brunt of the changing weather patterns. Increasing numbers of natural disasters have left people grappling with drought, flooded houses and growing poverty.

This year's drought in northern Kenya and parts of Tanzania and Uganda where people and their herds of cattle died of hunger is a case in hand. Only last week, heavy rains triggered floods and landslides in some district, 200 km from here in Arusha and killed at least 20 people.

East Africa is home to the major eco-systems in the world, yet climate change is threatening 20-30 per cent of the species in Africa, which now face the danger of extinction if global warming continues. These eco-systems in East Africa include Mt Kilimanjaro whose ice cover at its peak has decreased by 80% since 1912.

It is common knowledge that endemic poverty; limited access to capital, markets, infrastructure and technology; ecosystem degradation; and multifaceted disasters and conflicts have all contributed to Africa's struggles. The continent represents less than 10 per cent of the carbon trading in the world even though its forests absorb a huge amount of the carbon emissions. These in turn have contributed to Africa's weak adaptive capacity, increasing the continent's vulnerability to climate change.

Mr Speaker, for the run-up to the meeting in Copenhagen, it is clear that Africa will need a detailed strategy for combating climate change in a way that will help achieve sustainable development, particularly in terms of alleviating poverty, with an emphasis on the most vulnerable, such as women and children who are bearing the brunt of the impact from climate change.

I, therefore, move a motion for a resolution to urge the East African Community

partner states to embrace the African common position on climate change for the 15th Session of the Conference of Parties (COP 15) in Copenhagen as follows:

“WHEREAS under Article 111 (1) of the Treaty for the establishment of the East African Community, the partner states have undertaken to adopt policies and mechanisms to foster cooperation and undertake environmental management strategy for the protection and conservation of environment against all forms of degradation and pollution arising from development activities;

AND WHEREAS in view of the fact that global development activities have resulted into climate change and its impact, and that the East African Community’s ecosystems are amongst the most fragile in the world;

TAKING into account that the East African Community ministers responsible for the environment and natural resources, having met in Arusha on 12th November 2009 endorsed the conceptual framework of African climate change programmes and the African common position on negotiating a comprehensive international climate change regime for now, up to and beyond 2012;

RECOGNISING that the 15th Session of the Conference of Parties on Climate Change (COP15) in Copenhagen in December 2009 is a vital opportunity to secure the means to address the adverse effects of climate change from stepped up climate change action which aims to negotiate a deal on climate change, including emissions cuts to limit global warming and finance to help developing countries including East Africa cope with climate change;

CONSIDERING that global co-operation in the area of climate change that has the

potential to leverage global support for financing the impact of climate change of which Africa is the least responsible for global warming and one with the fewest resources to combat it; capacity building and technology development and transfer;

AND CONSIDERING further that since Africa has for the first time in history agreed to send a single team to negotiate a major global treaty thus having a stronger voice on climate change at Copenhagen;

NOW, THEREFORE, this Assembly do resolve to urge:

- 1. The East African Community partner states to embrace the African position at the 15th Session of the Conference of Parties on Climate Change in Copenhagen in December 2009. The position includes, inter-alia; not accepting an emission regime that risks greater than two degrees warming which is widely regarded as the unavoidable minimum change; pushing for clean and renewable energy projects and payments for carbon-storing ecosystems.*
- 2. The East African Community Partner States in the African position context to negotiate for more predictable and sustainable resources to support both adaptation and mitigation; increased priority be given to African countries adaptation in climate change; and funding that is responsive to the long-term sustainable development priorities of Africa.”*

Mr Speaker, I beg to move. (Applause)

Ms Patricia Hajabakiga (Rwanda): Thank you hon. Speaker for the opportunity. I wish to support this motion. Climate Change today is a topical global issue, which has over the past few years continued to impact negatively on the

world's citizens and especially the African people, including East African Community citizens.

I do not need to dwell on the impact of global warming on the livelihood of the people because the mover of the motion has elaborated it and I agree with all she has said.

However, climate change negotiations began in 1992 with the adoption of the Global Convention, the United Nations Convention on Climate Change and subsequently there was an adoption of the Kyoto Protocol, which is supposed to operationalise the Convention.

The Convention divides the world into two groups called: Annex 1 parties, and non-annex 1 parties. Non-annex 1 parties being the developing world including Africa and in particular East Africa, the major emitters have continued to refuse to actually sign and ratify the Kyoto Protocol. These include the United States, who is the major emitters of the carbon dioxide.

The present negotiations intend to operationalise the Convention beyond the unfulfilled promises of the Kyoto Protocol. Therefore, one wonders, if we could not implement the Kyoto Protocol, which ends by 2012, are we ever going to go beyond and actually implement the new prospects of the operationalisation of the Convention.

Initially, the non-annex 1 parties were led mainly by a group of 77 particularly China, India, Brazil and the eastern emerging giants. However, today those countries are no longer with us because they have also emerged as emitters of carbon dioxide, which means that Africa remains almost alone in this limbo. When the global warming affects all humanity but the extent of this impact differs -

The mover of the motion, hon. Nangale, has indicated that if some states in the United States of America or in the developed parts of the world are affected by floods, they will quickly be able to fund, to feed the affected citizens and to quickly rebuild the infrastructure. On the other hand, in our region; Africa and East Africa - for example, the recent floods in Same in Tanzania, and the many landslides all over Africa - we are unable to restore the livelihood of those affected and neither do we have mechanisms to tell us that actually the floods are coming. So, people actually die like flies and it is pathetic because we cannot even have the early warning system to help us save the lives of our people.

Mr Speaker, while I recommend the position taken by the African ministerial conference on environment for Africa to negotiate as a continent, there is also need to go a step further as African governments. Unfortunately members of the Council are not here and since this is an urgent issue which needs to be communicated to our partner states, they need to have strong negotiators and also in good numbers.

One of the things, which we have witnessed as I participated in a number of these negotiations, is that the European Union, United States of America and China bring about 100 people for negotiations whereas the Africans are about maybe 10 or 15 people. So the negotiation drags on and on. What does that mean? It means they cannot participate in all the negotiations and in all the different topics during these negotiations in all different topics, so they end up waiting for the plenary because everything comes back to the plenary. However, at the plenary level, it is a question of adoption; the negotiations have already been done.

There is also a very sad situation where our negotiators are funded by the countries we are negotiating with. Therefore, what these countries do is to give them what they call the economic direct route tickets and visas, which end on the very night of the official meetings. What happens after that?

I was in Kyoto and in Berlin when these current negotiations, which are supposed to be concluded in Copenhagen, stalled. What happened is that all African negotiators' visas and air tickets were limited to that day and we had to leave. So Kyoto Protocol was actually concluded when all African countries' parties had already left. It was the same thing in Berlin and I remember we sat until 2:00 a.m. yet we had to go to the airport because our flights were at 6 a.m. They were left to do the negotiations alone. Therefore, you imagine what we are going to get out of these negotiations. It is critical that we negotiate and that we change the way in which we negotiate.

Mr Speaker, from the corridors I understand that that the Copenhagen Conference of Parties might not be conclusive because they are not agreeing on commitments to both mitigation for Annex 1 parties, that is, reducing the emissions, and even on funding for adaptation programs for non-Annex 1 parties and that is Africa. Therefore, we might not even reach a consensus or even the agreement. They might not be concluded at Copenhagen. Where does that leave Africa? We are remaining with only two years for the Kyoto Protocol to wind up, which means we might reach 2012 without an agreement on the way forward!

What I wanted to say is that Africa - there is a saying in *Kinyarwanda* that '*akimuhana kaza invura ihise*' which means that waiting for external support does not necessarily come in your favour -

(*Applause*)- it always comes after the rain is over. We, therefore, need to do it ourselves and I am saying that all the answers are in this Treaty.

If you look at the Treaty establishing the East African Community from Article 105 which talks about agriculture and food security; Article 109 which talks about irrigation and water catchments management; Article 110 which also talks about food security; the whole of Chapter 19 on co-operation in environment and natural resource management, they all tells us what we should be doing to get out of this scourge of poverty. (*Applause*)

Climate Change is evil but the worst evil is poverty. Today, if you go to Dubai, as much as their temperatures are very high, none of their citizens suffers because of heat; they can all afford to have air conditioners in their homes and in all shops. So, the issue is not the global warming for Africa, it is actually poverty.

I want to conclude hon. Speaker by urging the Council of Ministers to help the citizens of East Africa - I am told that they are not here but there is the *Hansard* - to operationalise this very noble book which is our Treaty establishing this Community. That is the only way out otherwise waiting for the people who have made you what you are today to be the ones to give you a solution. (*Applause*) Mr Speaker, I support the motion. (*Applause*)

Mr Leonce Ndarubagiye (Burundi): Thank you so much Mr Speaker, for giving me the Floor. What I was supposed to say has been said very well and in an elaborate manner by Hon. Patricia Hajabakiga. I think the exact thing about how the world is ruled today is that we are still going back to those who have made us poor to ask them again make us rich.

I was given an example; once there were millions of Italians in the world; 16

million living in Italy and 40 million in Argentina. When there was an economic crisis in Argentina, Italy never wanted to help their brothers. So, how do you expect them to come and help us?

The truth of the matter is that I support this motion not because it is going to do much but because I presume that lack of results from Copenhagen will make our governments to at long last open their eyes and see the real problem they are facing. You cannot go and ask those who rule the world to reduce emission of gases because by so doing, they also reduce their standards of living. Of course, they will see how to convert the issue by pretending to give some assistance that will never help us do anything.

I agree with hon. Patricia on the issues of food security and poverty as being the real issues. Even the motion we just passed some minutes ago on violence against women is actually a liberation issue; the need to empower people so that they can decide and make laws.

In Rwanda today, they have so many parliamentarians who can decide to end violence against women by law but this is not happening in many countries because they have not given power to the people. Consider it as a liberation movement issue. So, climate change is a liberation movement issue; we must liberate ourselves from our former masters, colonialists and the neo-colonialists who are very active.

The situation we are facing today is very vital because we may die due to floods or if we do not produce enough food for our people, but who is responsible? You might feel shy after Copenhagen but since we are going to talk as one; Africa is one entity, I hope that we will come back, sit down and find the solution as a one entity. This is a liberation issue. Thank you very much and I support the motion but I know the result.

(Question put and agreed to)

(Resolution adopted.)

The Speaker: Hon. Members, we have come to end of our business today and I would like to announce that we are still having our special session on Thursday 19th at the Simba Hall to commemorate the 10th anniversary for the East African Community. The Speakers will address us from our respective National Assemblies. *(Applause)* One of them has sent apologies but said that the Deputy Speaker will be coming so we will be a whole House.

We have also invited all the other members of national parliaments who are here for football and others. Therefore, we will have a full House.

We will not only have the address from the Speakers, but also a motion by this House to commemorate East African Community's 10th anniversary. You should be seated in Simba Hall by 9.30 a.m.

I would also like to add that the finals are for the number one position on today, that is, Uganda versus Tanzania; and East African Community versus Kenya for the number three and number four positions. Therefore, you are most welcome to cheer the East African Community team.

With those few remarks, I would like to adjourn the House until Thursday. *(Applause)*

(The House rose at 1.20 p.m. and adjourned until Thursday, 19 November 2009.)