



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

170th SITTING - THIRD ASSEMBLY: SIXTH MEETING—FIFTH SESSION

Tuesday, 23 May 2017

(The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the East African Legislative Assembly, Arusha, Tanzania.)

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

WELCOME REMARKS BY THE SPEAKER

The Speaker: Good afternoon, honourable members. I would like to welcome you to the Sixth Meeting of the Fifth Session of the Third Assembly. This is a very historic plenary because it is our last meeting as the Third Assembly.

From the onset, I would like to thank all Members for the various activities they

have been engaged in from the time we adjourned *sine die* from Kigali specifically, the sensitisation activity. I congratulate you upon completing that activity.

I would like to also report, on your behalf, that I undertook a number of activities. Most notable, I attended the Summit on 20th of this month, in the great city of Dar es Salaam. I was privileged to have been given a slot to say a word or two in two minutes. I, therefore, wish to thank the Summit and East Africans for according us the opportunity to serve at this level.

Honourable members, during the Summit, I took the opportunity to reassure East Africans that we shall leave a very firm and committed Assembly by pursuing its legislative, representative and oversight function in the furtherance of regional integration. I also pledged that we shall remain permanent ambassadors of the integration especially, for those of us who shall be leaving the Assembly.

On that note therefore, allow me to congratulate Members from the Republic of Burundi who have been re-elected to the Fourth Assembly; hon. Jean Marie, congratulations. In a very special way, in absentia, I would like to also congratulate hon. Leontine, who is joining us as a Member of the Assembly. I congratulate our very own, hon. Isabelle, for being appointed the Minister in charge of EAC Affairs. We thank the Government of Burundi for that wisdom.

Further, I would like to extend my congratulations to the United Republic of Tanzania upon concluding the elections of their representatives to the Assembly. In that regard, I congratulate hon. Maryam Ussi and hon. comrade Kimbisa Adam, upon being re-elected.

Similarly, I congratulate the Republic of Rwanda for concluding their elections. In specific terms, I congratulate hon. Oda, hon. Rwigema, hon. Kalinda and hon. Ngoga upon being re-elected to the Fourth Assembly. In particular, I would like to congratulate hon. Ngoga, for becoming a character of international repute in football. *(Laughter)* He has been appointed on a select team of FIFA to interrogate certain things related to World football. We are proud of you, hon. Ngoga. To the Members who have not made it somewhere else - where you are going is a great place. Just have the commitment and continue with our work from there. *(Applause)*

Honourable members, the Clerk will be circulating a piece of paper for you to register especially, for those who wish to renew their health insurance with AAR for at least a year. Otherwise, we do not want anyone to collapse at the gate here when they are not being attended to. We are in discussions and negotiations with AAR to have a group insurance, for Members who are willing to have them as their health service providers for a period of at least one year.

Honourable members, I would like to appeal to the leadership of our cooperative society to call a meeting of Members in order to resolve some issues as soon as possible, so that we can discuss how to move forward.

MOTION OF PUBLIC IMPORTANCE UNDER RULE 30(1)

CORRUPTION AND FINANCIAL IMPROPRIETY IN EAC

Mr Abubakar Ogle (Kenya): Mr Speaker, point of procedure - I rise to move a Motion of Public Importance, moved under Rule 30(1) of our Rules of Procedure.

The Speaker: Hon. Ogle is rising under Rule 30(1) of our Rules of Procedure to move a Motion of Public Importance and Urgency. Can those seconding hon. Ogle's Motion, rise up?

Hon. Ogle, for your motion to be supported, you need to first of all, tell us what the Motion is about. When you are seconded as per the rule, I will give you time to go into the details of the Motion. You can proceed, hon. Ogle.

Mr Ogle: Thank you, Mr Speaker. I stand to move a Motion under Rule 30(1) of our Rules of Procedure. The motion is about a matter of public importance related to corruption and financial impropriety in this

Community. That is the gist of the matter and, if you give me some time, I will give you the details of the Motion, I intend to move. Thank you.

The Speaker: Hon. Ogle, for you to move effectively on that matter and being a matter of public importance and urgency, I would like to request you to seek the indulgence of the Chair to give you a chance to read the Motion, so that Members can listen and support it. You can proceed, honourable.

Mr Ogle: I thought that was the procedural way to do it.

Mr Speaker, thank you very much. I am aware that the Council of Ministers of this Community received a complaint, alleging widespread instances of mismanagement and financial impropriety in this Community.

I am also aware that upon receipt of that complaint, the Council of Ministers immediately moved to constitute a task force; an inquiry team comprising of all the Permanent Secretaries (PS') of the Ministries responsible for East African Community Affairs in the Community to conduct an investigation based on those initial complaints.

Mr Speaker, I am also aware that, that task force report to the PS' has been completed and therein confirms the initial allegations that were made. The Task force even discovered much more incriminating instances of corruption and financial impropriety in this Community.

Mr Speaker, the report of the task force was handed to the Council of Ministers for deliberation and further action, during the 34th Meeting of the Council of Ministers.

I am cognisant of the fact that the Council should have duly submitted that report to the Summit, which should be the next course of action for the Council. Mr

Speaker, I am concerned that the Council did not give this report to the Summit and therefore, leaving the Community at peril; we are on tenterhooks. Actually, we are almost on a cliff and that is the import of the inability of the Council to submit the report to the Summit.

I am also concerned that, should the status quo be allowed to stay as it is without any action and direction from the Summit, like it should have been, the Community stands endangered. In fact, the Community is at a total standstill; this place has been turned into a den of thieves and corrupt officials.

The Speaker: Hon. Ogle, can you concentrate on the Motion and then justify later?

Mr Ogle: Mr Speaker, I am cognisant of the fact that the Treaty empowers this Assembly under Article 49(2)(d) of the EAC Treaty, to discuss all matters pertaining the Community and make recommendations to the Council, as it may deem necessary.

I have the following prayers to this Assembly:

1. That the Council should immediately ensure and guarantee that the report in question is accordingly presented to each Member of the Summit within four days. I am talking specifically about four days because I am conscious of the lifespan of this Assembly, which is coming to an end sometime next week;
2. That the Chair, Council of Ministers should tender proof of the submission of this report to the individual Members of the Summit in the next five days. In other words, there are four days to ensure that this report is presented to the Summit members accordingly. I also request that on the fifth day, the Chair, Council of Ministers should come before this Assembly and tell us what he has so far done;
3. That the Chair, Council of Ministers should give us a comprehensive explanations on

the Floor of this Assembly, regarding what led to the formation of the inquiry team that led to the constitution of the PS' team and the report therein; and

4. That the Chair, Council of Ministers be personally held responsible in the event that no remedial actions are taken. Otherwise, as I said, the Community is on tenterhooks.

Thank you, Mr Speaker.

The Speaker: Honourable members, you have heard hon. Ogle's Motion moved under Rule 30(1). May I ask for the seconders to stand up? Otherwise, the rules require us to have a third of Members present and from my judgement, we have more than a third of them seconding the Motion.

Honourable members, the Motion is hereby duly moved. Hon. Ogle, you can go ahead and substantiate your Motion.

Mr Ogle: Thank you, Mr Speaker. I think my Motion was self-explanatory and Members got the gist of its content. However, we do not operate in a vacuum.

The Speaker: For ease processing, a copy of the Motion should be given to the Speaker and the Clerk because it is moved under 30(1). Otherwise, I have not had prior access to the Motion.

Mr Ogle: It is presently in but I will make it available to the Clerk in due course.

The Speaker: Yes. Could it be photocopied as it is and brought here to the Clerk and the Speaker?

Mr Ogle: Mr Speaker, I was saying my Motion is self-explanatory and I think Members got the gist of what was happening but I will give you a quick rundown of what was happening.

First of all, an officer of this Community, in his wisdom, found some incidents of

corruption; a range of sustained corruption obtaining in this Community and he put that in writing. He was asked to formally submit those complaints and allegations to the Council of Ministers, which he did. Upon receipt of that claim of corruption, the Council of Ministers appointed their respective PS', which is the technical arm of the Community; they depend on the PS' for all the decisions they make.

The technical arm went and investigated these instances and the investigators were here. At the time when General Purpose Committee was considering the Budget, we met them here and they were given a time frame of about three to four days, to ensure that, that report was completed. The instructions given to the committee was that it should be made available to the Council in time, before for the Summit meeting, which was to take place in Dar es Salaam on 20th.

Mr Speaker, the PS' did their work. They were all here and we met them, and at the able stewardship of the PS in charge of Ministry of East African Affairs in the Republic of Uganda. They did their job very well. They not only confirmed those allegations but sampled many more incriminating instances to a point where the report – I do not operate from a vacuum. I have got a copy of the PS' report here which says –

The Speaker: Hon. Ogle, our rules do not allow us -

The Minister of State for East African Affairs, Uganda (Ex Officio) (Mr Julius Wandera Maganda): Point of procedure. Mr Speaker, thank you very much. I want to take this opportunity to thank the Assembly, for this debate this afternoon and also thank hon. Ogle, for the Motion, which has been moved as a matter of public importance.

As a Council, we would like to appreciate the concern that hon. Ogle is raising. The concern regards to an investigation that was instituted by the Council, based on the fact that there was an investigation done by the Assembly and, that investigation created the basis on which, the Council made a programme with the PS' of EAC, so that they would be informed at a technical level about the circumstances that would be investigated to justify the cause.

Yes, the investigation of the PS' is ready. They concluded it during the last meeting held on 7th May. However, the report has not been submitted to the Council and I want to put it on record that the Council has not received the report. Mr Speaker, my prayer is that we do not debate in anticipation. I would like to request that we should be patient until we receive the report.

Mr Speaker, I also have a feeling that there is a lot that we believe will come out of the report and so, we should not pre-empt it, since the Council would report back to the Assembly.

I know that Members of this particular Assembly have taken a lot of interest in this matter. However, I am worried that some Members of this particular Assembly, may not debate this report based on the time we are left with. But we believe that there is a procedure that can save this Motion for the incoming Assembly to debate it.

Mr Speaker, as a matter of procedure, I would like to beg that we defer this matter until the report is ready before the Council and then it will be tabled before the House. Thank you very much.

The Speaker: Honourable members, Article 49(d) of the Treaty is very clear. It entrusts this Assembly to do certain things pertaining the integration process. The Council is a fully fledged organ of this Community and therefore, we cannot

interfere or hijack what they are doing; that is clear. Also, Article 49(d) and rule 30(l) of our Rules of Procedure states that a Member has a right to move a Motion on a matter of public urgency and importance.

What I wouldn't like us to do or tolerate in this sitting is to discuss the report of Council because we do not have that responsibility now. It was the Council that sanctioned the taskforce, which is supposed to report to back and then the Council reports back to the House.

Honourable members, this Motion is seeking to urge the Council to speed up the urgency of dealing with that matter. I wish to guide the House that the only way we can shape this Motion is by confining it to prayers of the Council, in terms of what the Council should do, but not to discuss the report of the taskforce that is supposed to be submitted to the Council because the same Council will decide what to do with that report.

My opinion is that hon. Ogle's Motion cannot go because the report is not yet before this House; it is still with the taskforce and it has not yet been submitted to the Council. Therefore, hon. Ogle, I would advise you, without stampeding your right to move the Motion to confine it to urging the Council on how to deal with the matter.

Mr Ogle: Thank you, Mr Speaker, for that guidance. My understanding of the honourable minister's intervention was that we could possibly at some point amend certain provisions of this Motion. The fact that there is no Council report - I have alluded that there was - because that was my information. Now that he has confirmed that there is no Council report -I think the best he could have done would have been to possibly amend that particular provision of the Motion and then we proceed because it does not really compromise the other issues. Mr Speaker, we are talking about

fundamental issues about the future of the Community.

The other point he alluded to was on the Fourth Assembly. Mr Speaker, I have no business referring to the Fourth Assembly here. I am in the Third Assembly, I have taken an oath to defend this Community until the last day and my last day has not come. I am still there and so, do not refer to some –

The Speaker: Hon. Ogle, could I give some guidance a bit? Honourable members, we should not bring to question our work here. The Fourth Assembly is going to do its work and we are also doing our work. That is not a matter of contestation. I would like to guide that there are only two options to process this matter. First of all, you either withdraw or we change this Motion because they cannot submit a report to Summit that the Council has not yet considered. Therefore, that prayer cannot suffice as per what the Chair, Council has advised.

Otherwise, hon. Ogle, the best way you can proceed is to urge the Council to hasten the process of dealing with this matter.

Mr Ogle: Mr Speaker, in the context of your guidance, I will accept any amendment that shall come from the Floor so as to tailor this Motion, to fit into those circumstances. We are just asking him to ensure that this report is made to the Summit. In view of the fact that there is no report of the Council, we could now amend it to make sure that they do so immediately and report back to this House. We are talking about the life of this Assembly without any reference to the Fourth Assembly.

We must have some guarantees from the Chair, Council of Ministers that at some point, he is going to report to this House. Mr Speaker, we are talking about an incriminating report in regards to corruption and impropriety. We are also

talking about some sustained theft of the very meagre resources of this Community and therefore, the Chair, Council of Minister must give that undertaking.

With those few justifications, Mr Speaker, I beg to move.

The Speaker: Thank you. Honourable colleagues, take into consideration the guidance from the Speaker.

Mr Bernard Mulengani (Uganda): Thank you so much, Mr Speaker, for the opportunity to speak to this very important Motion.

Mr Speaker, before I make my contribution, I want to remind this House that we have had several investigations arising from the conduct of the leadership of the Secretariat, including the African Peace and Security Architecture (APSA), procurements and the audited accounts.

Mr Speaker, if the Chair, Council can rise to say that they are basing the constitution of the Permanent Secretaries on what the Assembly has been doing, I think he needs to go further and tell this Assembly that other than what we raised, there are other issues that arose. We know these facts, we only do not have the evidence. There are other issues that arose that led to the constitution of a committee to investigate into the matters of the mismanagement of the Community.

Mr Speaker, the Motion hon. Ogle is raising and if we want to see progress in the Community, just like we have been debating on this Floor during the audited accounts, handling of the budget and other subsequent reports, there is need for expedience of action by the Council.

Time and again, I have referred to the Council as a policy organ, which has to take very serious and painful decisions that are supposed to salvage the Community. If the

Council, in its wisdom realised the importance of constituting such an investigation, it should not have let time go by before looking at the report from the coordination committee of permanent secretaries. I actually wonder why the Council is taking this long to consider a report when the Council itself is aware that the rate of implementation of activities in the Community in the previous year, has been extremely low in the history of the Community; it is unprecedentedly low in the history of the Community and this will not fall to the Executive alone, in terms of the managing of the Community but even in the hands of the Council since it oversees the Secretary-General and others below him directly.

The issues obtained in the Community, as you will see in the reports that are yet to come are worrying. If you are going to leave these actions unattended to as urgently needed, we will set a bad precedence. I see the Council dealing with its issues in terms of consensus with a fear of walking out and all that; you have a challenge in taking decisions.

The issues hon. Ogle has raised in the Motion – Mr Speaker, I rise to support the Motion with the amendments. Of course, we are not privy of whether the Council had seen the report or not but we think the Council must have seen this report although they just decided to defer handling it. *(Interruption)*

Ms Dora Byamukama (Uganda): Thank you very much, Mr Speaker. I would like to seek clarification. Maybe, I am one of those Members who do not have full information regarding what we are talking about.

The Motion moved by hon. Ogle and which I fully support - if we are to expedite action, I think there are other areas that should be clarified to Members. I would like to draw the attention of Members to the second and third prayer, which he made that the Chair

to the Council should be held personally accountable - I wrote it down when he was talking – if no remedial action is taken - Mr Speaker, if this view remains as part and prayer of the Motion, I think there is a challenge because when you look at the Treaty, Article 73 of the Treaty talks about issues of immunity; that persons employed in the service of the Community are immune from such – I think this is another area in the Motion which should be amended.

Secondly, I would like to debate a Motion upon which I have information. Otherwise, I have not seen the Council's report and I think we need more information. That is my humble view. Therefore, I would like to implore Members that instead of debating in anticipation, we should be given more information so that we can concretely debate this matter. Sincerely, we still have about two weeks here. Otherwise, we all want expedited action because we were all concerned about what is happening in the Community.

Mr Speaker, since we are not on the same page, I feel like expressing this in order not to seem like I am sabotaging anything. In effect, I am supporting the Motion but we should be given more information on some areas, which seems to be against the Treaty. I beg to seek clarification.

The Speaker: Thank you, hon. Dora for your clarification. Hon. Mulengani, you can comment on it but I will clarify more.

Mr Bernard Mulengani (Uganda): Thank you, Mr Speaker. The clarification was too long. However, I want to say that when a person raises an issue of public importance, it is not a necessity that every Member should have knowledge and that is why he raised it because he had privileged information.

I want us to carryout things the way they are done in the Commonwealth Parliamentary

practice. For example, if someone is knowledgeable of something, you do not necessarily need to have the entire House knowledgeable about it. A Member can raise something that is of importance because that Member is an authority on that particular matter, and in this context, I think hon. Ogle is the authority - (*Interruption*) - I will not take it in the interest of time.

Ms Byamukama: My clarification is simply based on Article 73 of the Treaty, which says any person in the service of the Community is immune. Is the honourable member, in order to impute otherwise?

The Speaker: Thank you very much. Honourable members, there are two things; one is that we go by the rules of this House so that we cannot debate in speculation.

The Second issue is that the report as stated by the Chair, Council has not yet reached the Council.

I think we need to applaud the Council for taking action based on the loud cry of this Assembly; put the task force. There could be other numerous basis for the creation of that taskforce but the solid reason as testified by the Chair, Council is the resolution of this House urging the Council to do something about what they consider misbehaviour in the management of Community affairs, which formed its basis. That is actually the fundamental basis of this Motion moved by hon. Ogle.

Honourable members, I have guided the mover or any other person to help us save this Motion by narrowing it to urging the Council to expedite whatever they are doing.

In relation to what hon. Dora raised, I would like to urge that we read our rules in conjunction with the Treaty. The person of 'a person in service of the Community' is protected. He can only take responsibility as an officer and I think it is only fair for us

and the Mover of the Motion to consider that the creation of a task force itself is an action by the Chair, Council.

Mr Ogle: Mr Speaker, there is no big deal about this. I accept that, that personal thing should be removed in terms of the provisions of the Treaty. What we were insulating against was the probability of an accomplice in this matter because there could be instances of complicity by the failure of the Chair, Council to present this report to the Summit in good time. That was our information.

Now that the Chair, Council has told us clearly that there is no report of the Council, I think we are done. There is nothing personal here; we are not going to hold somebody personally responsible. It is as simple as that and there is no big deal about this thing. I accept to eliminate that 'personally'. Thank you.

The Speaker: Hon. Mulengani, I thought you had finished. Oh! You were disrupted by the order. Honourable members, I would like to urge that we debate this Motion in the context that there is no report from the Council; it is not within our realm of work.

Secondly, the Mover of the Motion has accepted to be narrow it down by urging the Council to expedite whatever they are undertaking to deal with the problem. Hon. Mulengani, can you summarise your submission?

Mr Mulengani: Mr Speaker, Sir, listening is also a good thing because if you do not learn to listen, then you are not a good commander.

Lastly, I would like to urge the Council to expedite issues in the report of PS'. That is why I said we have had a lot of challenges in the Community. Although, I have not particularly, referred to anything concerning the report, I want to emphasise

that the Council should not sleep; they should be awoken to handle things that come to their table expeditiously because without doing that, they will delay the integration process.

Mr Speaker, I want to thank you, for the opportunity and I support the Motion with amendments. Thank you so much.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker, for affording this opportunity to speak about the Motion moved by hon. Ogle.

Mr Speaker, I need to commend the Council of Ministers for the action they took. It helped to realise that we have had credibility problems arising out of orchestrated perceptions of corruption at the Community. The fact that they constituted a task force to come up with findings that were investigated, which corroborated to form the basis of the intervention is something to write home about.

Regarding our colleague, the Mover, hon. Ogle, we thank him for the initiative to have used his resource to come up with a report, which the Council of Ministers is yet to have. *(Laughter)* I would like to really appreciate that it is his word against theirs but that will be a debate for another time.

On a more important note, we have had low morale from the Partner States. If you look at the rate of contributions of the financial year ending, it has been one of the worst since this Community was established and that must be explained; it must be explained by certain developments that do not seem to give Partner States the necessary morale to make their contribution in time to be able to achieve the stated objective. Therefore, when you have such an environment pertaining, definitely you need to ask what is working and why, what is not working and why and being the good leaders the

Council are, they had to come up with an intervention and that must be appreciated.

The Chair, Council indicated that we should not debate in anticipation; we are not anticipating. The response of the Chair, Council should also not be in anticipation of our exit. It should be that we are at par operating and undertaking our respective mandates, up to a point when that becomes an issue.

Mr Speaker, we need collaboration on this matter. The Council of Ministers have taken a right decision and step in the right direction. The Motion is simply saying, you are doing a good job but you are better off doing it even faster by coming up with desirable results in good time, so that if there are any interventions that can be made, then they are made to apply in good time.

In that regard therefore, we call upon the Council to fast-track. This term may not be very popular but it remains a useful term; fast-track the process. Could we be in the know – maybe the Chair, Council may be kind enough to share with us the terms of reference they gave to the task force in terms of the time frame and anticipated time frame that they wanted to conclude this.

We have a serious interest as an Assembly to see this matter concluded in a logical way and we have a common good. We want to leave the Community better than we found it. We do not want to be out there in the world and we are having a challenge in terms of reference by leaving the Community in a worse situation than we found it. So, if there are any interventions that can make good that situation and if there is a possibility of doing it before our term ends, that would be the best case scenario. Of course, the normal thing is that it could take its course but as interested parties, we are better off being part of that conclusion.

Hon. Ogle's can only be considered as a whistleblower to the House because he has useful information. Therefore, the Chair, Council should put this whole exercise in perspective by giving assurances in terms of the time frame, terms of reference and conclusion of this matter, which should have been concluded in good time. Thank you very much, Mr Speaker for the time afforded me to make my thoughts known, regarding such a very important subject of discussion.

The Speaker: Thank you, hon. Sebalu.

Ms Patricia Hajabakiga (Rwanda): Thank you, Mr Speaker for giving me time to give my short contribution on this Motion and I would like to thank the Mover.

Mr Speaker, I have not been privy to have a full report of the PS' although it has not reached the Council but it has been in the public domain, including the media. We have only seen abstracts without knowing exactly the final and detailed report of that particular issue.

I would like to also thank the Council for having listened to the cries of this House. In the Kampala session held in January – for some of us who were not in the committees, which scrutinised those two reports, it as an eye opener and we could not believe what we heard from the Floor of the House. Mr Speaker, for the Council to have constituted a task force to look into this matter is a very important thing and I should applaud them.

Mr Speaker, we are talking about taxpayers' money. If you go to the Treaty and look at how many provisions talk about issues of good governance, corruption, etcetera - it is not only spelt in the Treaty but also in our own constitutions. Therefore, if matters of corruption and mismanagement are raised on the Floor of the House, something the Assembly has a right to discuss - I would like to urge the

Council of Ministers not to take this issue lightly. It should be cleared in very good time. Otherwise, if there is a problem then we should know the actions which are going to be taken by whichever organs responsible.

We are talking about taxpayers' money, the integrity of this Community and the donors' money we receive, which constitutes more than 50 per cent of the EAC budget. The credibility of this Community is at stake unless this whole issue is cleared.

Mr Speaker, my problem with the Chair, Council is on the way he was proceeding. He did not ask for adjournment of debate but he just gave us explanations. I actually do not know exactly what he wanted the Assembly – what action should we take vis-à-vis this Motion. Did he want an adjournment of the debate or was he asking for more time? Otherwise, he did not specify any rule, which we should have looked at and probably considered.

I, therefore, request the Council of Ministers - even if I anticipated, I won't be re-elected in Rwanda to be in the Fourth EALA. What I would like to say is that whoever will be here should follow up this matter even if we do not conclude in this term. Otherwise, it is the Community resources we are talking about.

Mr Speaker, the credibility of the institutions and organs of the Community should uphold the credibility of the East Africans who pay money for us to be here. Thank you, Mr Speaker.

The Speaker: Thank you.

Ms Byamukama: Thank you, Mr Speaker, for giving me an opportunity to talk. However, I have one challenge regarding the matter on the Floor. What is the Motion? Maybe this would help us to process the matter. What does the Motion now read like? Otherwise, after hon.

Patricia submission, I realised that we may be debating a Motion, which we are not very clear of. Has the Motion limited itself to only one prayer which is to request the Council to expeditiously present a report on this matter? What is 'expeditiously'? Do the four days still hold because there were several prayers?

Mr Speaker, one of the prayers of the Motion was to present it to Summit. There was also another prayer, which I cannot remember to the Assembly but most importantly there which talked about prayer of personal accountability. The first prayer fell by the wayside because the Council told us that they do not even have the report and therefore, they cannot present it to the Summit in four days.

I presume the second prayer may still hold water and the third prayer on personal accountability fell by the wayside. Maybe the mover of the Motion should help us. We can support the Motion but I think we need to have clarification on some of the issues, so that tomorrow or any other day, anyone taking up this matter or even if we did it ourselves, we would know that the Motion of hon. Ogle on this date read as follows. That is the clarification I would like to seek.

The Speaker: Hon. Dora is right in terms of procedure. I also guided here that there are certain things that we cannot sustain in this House along this Motion. This Motion was duly moved and seconded, as per our rules and it is being debated. What I need you to do is to bring the amendments to this Motion based on the guidance from the Speaker, information from the Chair, Council and also what hon. Dora raised in terms of immunity. That is what we need to do in the debate; to tie it up.

Mr Ogle: Mr Speaker, thank you for that guidance. With a lot of respect to hon. Dora, it is not fair to say that she does not understand this Motion after all this debate

and contributions by honourable members here.

Mr Speaker, this Motion had specific prayers. Some Members may not even agree with the prayers of the Motion but the right thing to do now is to seek amendment and we vote on it. That is the way to go about it. However, for a respectable honourable member, no less a lawyer of that eminent discipline, to stand here and to tell us that she does not understand the Motion - I needed to find - (*Interruption*)

Ms Byamukama: Mr Speaker, you clearly guided that the mover puts the Motion in writing which he didn't. Maybe, if it was put in writing, it would have been read to us. I would like to state very succinctly at this point in time that no one here can say that the prayer reads as follows, except for maybe two or so words like we would like to urge the Council to expedite the matter. That is all.

Mr Speaker, therefore, is it in order for hon. Ogle to personally impute misunderstanding and start pointing to my political and professional career, when I am actually helping him to clarify the Motion? Is he in order?

The Speaker: Thank you so much. Hon. Ogle has submitted his Motion and he read out four prayers. However, in the course of the debate and based on information from the Chair, Council, I guided that certain aspects of the prayers are not tenable because the Council that acted on the basis on the call of the Assembly had not yet received the report from the taskforce.

The other prayer of asking the Chair, Council to be personally responsible - the mover has heeded to the guidance as per the law. What Members should do now is to just put pen to paper, summarise and move an amendment. I think it is too much to expect that hon. Ogle should amend his own Motion.

Mr Sebalu: Thank you very much, Mr Speaker. I would like to seek guidance on whether there is anything procedurally wrong when Members debate and specifically, emphasise a given aspect of a Motion. What has emerged is that Members have put emphasis on the expedition of the process. Does that cause any procedural problem? That is the only issue and in my view, consensus is emerging on how we want the Chair, Council to proceed. I, therefore, do not see any problem in the way we are proceeding.

The Speaker: Hon. Sebalu is just on point. The debate is proceeding very well. Anyone who has an amendment should come up with it before we conclude this debate. So, is there anything offending the Motion? The Motion is on the Floor and guidance is being sought from the Council and everybody. Let us proceed.

Mr Ogle: Thank you, Mr Speaker. I think the House also appreciates my magnanimity in accepting these amendments to this Motion since we are making it into a particular provision of expeditious submission of this report to the Summit and before this House. It is as simple as that. The rest are ethical issues. The point is, the roof is collapsing on this Community somehow and there are no two ways about that.

Therefore, something must be done immediately; that is what we are saying. I do not think that people have got to spend a night on some border issues here. It is a fundamental –

The Speaker: Thank you, hon. Ogle.

Ms Agnes Mumbi (Kenya): Thank you, Mr Speaker for giving me an opportunity to speak on this Motion. I want to start by saying that it takes courage for anyone like hon. Ogle to bring this kind of Motion. Most of us would complain here and there

under *uko chini* but I want to thank hon. Ogle, for that courage to bring it here either procedurally or with some amendment. It is good.

Mr Speaker, we all know that we have a problem and I want to thank the Council for doing what they were supposed to do; getting the technical arm together and asking them after hearing the cry of the Assembly. The only problem is that they have not received the report and you have guided well, Mr Speaker that we can speak. Let them have their report and as an Assembly, we are urging them to fast-track the process because we are in the last days of the Third Assembly. Otherwise, we wish to deal with this matter conclusively but I got sad when the Chair, Council stood up and talked about the Fourth EALA. It actually prompted me to feel that I need to speak to it.

First of all, I would like to urge the Council to help us, as the Third Assembly, to conclude this issue. Did I see in this Assembly programme that we also have a Budget Speech that we are supposed to handle? Mr Speaker, the last budget we handled in this Assembly had issues and those of us who sit on the Accounts Committee had an interaction with the Audit Commission and we had issues about governance and use of Community resources. Like my colleague said, we would like to leave the Assembly better than we found it. That is very important to me.

Secondly, I would like to inform the Chair, Council that normally when the Assembly is coming to an end, Members are not taken seriously, even in other national Parliaments. They usually say, “Oh they have a few days to exit and how we shall be able to deal with those that are left”. Therefore, I want to urge the Council that this Community is not in a healthy situation, not even for the members. The staff of the Assembly is taking a long time

and their salaries will be paid in the second week. I know it because I received an email; hence, it is not a healthy situation for us to exit.

As the Speaker of the Assembly, I do not think that is something good for you to feel. When you gave leave to this Motion that we should proceed, I really felt that you were also thinking about what Community you want to leave behind.

Mr Speaker, as I join hands with the mover of the Motion, hon. Ogle, it is very important that we conclude this issue by the time you declare that the Third EALA can go home and that those who are coming back can do so. However, I would like to request that it is very important that we start on a better slate.

I do not want to dwell on amendments. I listened carefully and I know that there are many of us who will even have it in writing and probably not even grasp the gist of the arguments. I also listened to hon. Ogle, the guidance of the Speaker, the contribution of the Members and I think it is a very important Motion that should be concluded within the time frame that hon. Ogle was talking about. Where it is not applicable, Mr Speaker, you will guide and I am sure if it is not possible, in your Commission sittings, you will find a way to have us deliberate and conclude this matter.

Mr Speaker, I would like to ask a question to the Chair, Council of Ministers: suppose we whitewashed what has been happening in the Assembly and that when you are presenting the Budget, we do not pay the due attention - I request that both sides of the House should try to be fair to the Assembly. Thank you.

Mr Ogle: Mr Speaker, I thought it is a procedure in this House that when a Member wants to contribute to a debate, he or she rises on his or her feet; it is not a matter of raising your hand. I have just seen

a Member do that and it is very un-procedural. I think you should reprimand him accordingly.

The Speaker: Honourable members, when you want to catch the eye of the Speaker, just rise up. Proceed, hon. Sarah.

Ms Sarah Bonaya (Kenya): Thank you, Mr Speaker, for giving me the Floor. I would like to start by saying that this is a very important Motion of serious public importance because it involves huge resources of the people of East Africa and the benefits that the citizens of the region were expecting out of that resource and how we are managing it.

Mr Speaker, this is my tenth year in this Assembly and I am sadly leaving this Community; feeling very low because the graph, according to my own observation, of how we have performed has gone down instead of up or even stabilising. So, I am really appreciative to hon. Ogle for having moved this very important Motion because the whole objective and reason why we were integrating is at stake.

Mr Speaker, after listening to what the Chair, Council of Minister stated, I think as a responsible Parliament, we have a moral obligation and duty to ensure that we leave behind a surviving Community. From my observation and understanding, even the so-called Fourth EALA and the survival of the whole Community is at stake. Actually, we may not have the Fourth EALA as we would really wish because of the happenings that were observed over the years.

In recent years, I have never, in any of the sessions, been told that my salary would not be there, nor for the staff members. I have never actually heard of services delivered which is not being paid for. I have also never heard reservoirs for this Community totally depleted. Mr Speaker, I have never heard of member states being unwilling to

contribute; the Chair, Council said that the Member States are not willing or they are suspicious and that the donors are not forthcoming as they have always been. This tells us that we should not just sit and watch the scenarios unfold to rock bottom, which is actually what we are observing.

Therefore, I would like to urge and pray that the Council of Ministers takes up this matter very seriously. They did a good job and set up a task force which came up with a report, which I am sure is somewhere on their tray waiting to be deliberated on. To save us the embarrassment of leaving the Community in this situation, let this report be handled and dealt with and the recommendations be implemented as a matter of urgency.

Mr Speaker, that good job that the task force has done when the Parliament has consistently raised the red flag on certain issues – I think the time is now. We should not hide our heads in the sand. The time is now and we should think and re-think how we are running this Community. Maybe, the scope of engagement, which we promised for this Community, is too much that we are failing to cope in terms of finances and implementation. We shouldn't only focus on the issues regarding financing but also look into exactly what we want and what our capacity is as a region, so that we can be able to move forward.

This report – I am not talking in anticipation but the fact that suspicion has been raised and an investigation has been instituted, which has a big impact on the integrity of this Community and the officers involved. Can we clear them? If they are clean, the soonest we can - let us not talk of the Fourth EALA which might not be there or even the Community which might not even survive this. Can we clear the integrity and name of the Community – *(Interruption)*

Mr Sebalu: Thank you very much, hon. Sarah. Actually, this Motion has the effect

of guaranteeing the Fourth EALA. The import of it, is to guarantee good continuity, sound grounding of the Community so it is a guarantor.

Ms Bonaya: Thank you, Mr Speaker. I really wish that it was true. However, as far as I am concerned, the happenings and reality around us do not reflect that because the contributions of Member States are not forthcoming as we would wish, the donor funding is not forthcoming and I think without proper and sustainable financing mechanisms, we are not moving far. Maybe, this is not an issue to blame one individual for. It is a systemic issue that needs to be treated with the urgency and seriousness it deserves. Thank you, Mr Speaker and I support the Motion.

The Speaker: Thank you, hon. Sarah.

Mr Martin Ngoga (Rwanda): Thank you, Mr Speaker. I will not take much time talking about the substance of the Motion because enough has been said about it. As regard to the amendments that need to be done to match the context that has been discussed, as we put it in law, *mutatis mutandis*; where necessary, we correct so that we see the bigger picture that we seem to be agreeing upon.

Mr Speaker, I rise to seek clarification from the hon. Chair, Council on whether the report has not been submitted or not been discussed because those two situations are different. The clarification is: has the Council not received the report or have they not discussed it?

The Speaker: Thank you so much, hon. Ngoga. The honourable Chair, Council will be given a chance to say something later.

Ms Dora Byamukama (Uganda): Thank you very much, Mr Speaker. I think I have contributed indirectly but I am following up to what hon. Ngoga said on the issue of *mutatis mutandis*. I have been able to confer

with the mover, my brother, hon. Ogle and I thought maybe for the record, I would like to state what I would like to move as an amendment in view of what was discussed.

The first prayer, if it is agreeable to the mover, is to urge the Council to expedite the presentation of the report on the investigations on financial mismanagement in the EAC to the Summit.

The second prayer is urging the Council to present the same report to the Assembly for debate.

These are the two prayers I wish to move as amendments based on that principle of *mutatis mutandis*. I beg to move.

The Speaker: Hon. Dora has moved an amendment to the Motion moved by hon. Ogle and we need to dispose of the amendment. Are there seconders? It is seconded by hon. Ndahiro, hon. Rwigema, hon. Yves and hon. Opoka.

I think we do not need to debate what hon. Dora has moved. Hon. Ogle?

Mr Ogle: I have had discussion with hon. Dora regarding that particular amendment she has just read out and I concede. I think it captures the essence of the Motion. Thank you.

The Speaker: Thank you. Can I put the question to amend the Motion of hon. Ogle as moved by hon. Dora? I put the question.

(Question put and agreed to)

The Speaker: So now the Motion we are debating has two prayers, succinctly put as hon. Dora raised. Debate is still going on and I had appointed the order of speech already.

Mr Ogle: Clarification. Mr Speaker, we have agreed on the two amendments but it is important that the Chair, Council should

answer the question which was raised by hon. Ngoga because it will give us some latitude to develop other prayers.

With a lot of respect and I cannot contest this with the minister because I do not sit in the Council. The information is that this matter was actually presented to the Council and they agreed but the only problem was that they did not want to create some drama in the Summit. I do not want to go in that area –

The Speaker: Hon. Ogle, do not answer on behalf of Council because you are yet to join later maybe. Let me give hon. Jean Marie to –

Mr Jean Marie Muhirwa (Burundi): Thank you, Mr Speaker for giving me the Floor. What I can submit about this Motion move by hon. Ogle is that I am not against it. No one can stand in favour of corruption, mismanagement or whatever. I stand to fully join my voice to those who really are in favour of reinforcing this spirit of having good governance within our Community, so that we may move forward. We need a Community which is exempted from corruption.

As Members of the House, we have to stand for our citizens and documented issues very well so that we are – we are really working for the welfare of our population.

Mr Speaker, I am highly motivated by good governance and the spirit of fighting corruption in the Community. This issue should be concluded as soon as possible even by the Third or Fourth EALA. Though we are in the last days of our Third EALA, we are not exiting the Community; we are here to contribute, either within EALA or outside it.

What is very good and would sound more relevant is to have that idea that we are citizens of East Africa. The doors are still open to everyone who is there to bring

contributions to help the Community to go up this bridge of – (*Interruption*)

Mr Sebalu: Thank you very much, honourable. The information I would like to give is that at the moment, we are still Members of EALA with a mandate, platform and we have responsibility to do our work up to the last day of our term. Also, outside EALA, we will be East Africans although with no platform and no mandate. So, let us do our work while the mandate is still in our hands.

The Speaker: Thank you, hon. Mike.

Mr Muhirwa: Actually, my view is not different from what hon. Sebalu has said. What I am saying is that considering the seriousness of the issue and its necessity, I want to beg the Council to go slowly and be prudent enough to identify tangible facts, so as to produce a well-resourced and well documented report for the House, which can be debated on. Thank you. (*Member rose on order.*)

The Speaker: The honourable member has already resumed his seat but let me listen to your order.

Dr Nyiramilimo: Thank you, Mr Speaker. I wonder if the Member is in order to advise the Council of Ministers to work slowly when a majority of us want this work to be expedited. Thank you very much.

The Speaker: Much as the honourable member has already assumed his seat, I would like to say that people think differently. His thinking could mean that slowly and carefulness may produce better results. That is his thinking which he is entitled to; whether the Council will take the advice or not, it is up to them.

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker for giving me the opportunity. I would like to start from that note of slowly and carefully.

It is not very interesting when it is being done – I do not know whether that is a risk at which the pace instead of being expedited is done slowly. Maybe we should remember that there are people out there who have obligations; they have to be paid their salaries on time because some of them pay mortgages and other debts. Some have to pay suppliers on time and so many other things like school fees. I think we do not want to go into debts and that is exactly what we are talking about.

Mr Speaker, we need to understand that this Third EALA – and thank you, my brother hon. Ogle. We are looking at this with foresight that this matter should not come to the Fourth EALA and to the Community at large. It is also important that some of the issues that have been questioned should be addressed.

Going back to what hon. Ngoga raised, I find it hard to understand how Members of the Assembly can have information of a report of the coordination committee of which the Council of Ministers have no idea. That really is the question. Mr Speaker, in terms of seniority and how the organs of the Community – I know that we are diplomats and we would like to handle most of things in a diplomatic way. However, I think there are times when things have to be said the way they are. We cannot sugar coat problems when it comes to issues of good governance and accountability.

Therefore, if there is something that has to be done before the end of the Third EALA - I second the amendment moved by hon. Dora on expediting that report as soon as possible, to make sure that we get an explanation as to what is happening and find a way forward, so that we do not leave it as a debate that Members talked about it in the House and nothing was done. This issue really needs to be acted upon. Thank you, Mr Speaker.

The Speaker: Can I request the honourable Chair, Council of Ministers to make a few comments. Otherwise, it would be unfair for him not to comment on some of the factual situations that have been raised.

The Minister of State for East African Affairs, Uganda (Julius Wandera Maganda): Thank you very much, Mr Speaker. I want to thank the Members for the debate and most especially, I want to thank hon. Ogle for raising this matter.

I am aware that the Assembly had a lot of passion, especially on issues of accountability and good governance. Like in my earlier submission, I said that the basis of the Council to have come up with a task force had a generation of the report that as an Assembly, you had debated it and passed a resolution. These resolutions were urging the Council to take some actions.

Mr Speaker, the entire discussion is based on urging the Council to fast-track or expedite the process. As I said earlier, we have not received the report and probably, I would be answering the question of hon. Ngoga that indicates that we have not yet discussed the report. I believe that we have taken note of all the concerns you have raised. I can only assure the House that at an appropriate time, we shall report back to the Assembly.

Mr Speaker, we take it with passion that definitely this will not be a matter of talking; this is a matter of taking action based on the report that will come from the task force. Thank you very much, Mr Speaker.

Dr Ndahiro: Thank you, Mr Speaker. First of all, I would like to seek clarification from the Chair, Council of Ministers whether he is going to report to this Assembly.

The second question is: what is appropriate? Does it mean that even after

this Assembly, it will still be appropriate? I would like to also find out whether he is committing to report back to this particular Assembly. Thank you.

The Speaker: Honourable members, if I heard the Chair, Council of Ministers well, he said that they will take action in the shortest possible time. I do not know whether – the way the Council and for purposes of being fair to the Chair, Council who is here with one other colleague, a member of the Council, the Council is more than just the sectoral Council of EAC Affairs. Can we take the commitment from the Chair, Council of Ministers that this matter is sieged with the Third Assembly not the Fourth Assembly?

Honourable members, we should work within our time frame so this Motion is passed within the context of our time in office. Anything beyond that, we may have minimum say over it.

With that guidance therefore, the Motion is that we urge the Council of Ministers to expedite presentation of the report on investigations of financial mismanagement in the EAC to the Summit. That is the first prayer.

The second prayer is that we urge the Council to present the same report to the Assembly.

I now put the question to those resolutions as read.

(Question put and agreed to.)

The Speaker: Thank you so much, hon. Ogle for bringing this Motion. Honourable Chair, Council of Ministers, this Assembly has been having this debate for so long. It is important that you act. Thank you.

LAYING OF PAPERS**WASTE MANAGEMENT IN EAC
PARTNER STATES**

The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms Valerie Nyirahabineza): Thank you very much, Mr Speaker. I beg to lay on the Table the report of the Committee on Agriculture, Tourism and Natural Resources on the oversight activity on waste management in East African Community Partner States. I beg to lay.

BILL*Second Reading***THE EAC SEXUAL AND
REPRODUCTIVE HEALTH BILL, 2016**

Dr Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker.

The Committee on General Purpose has worked on the EAC Sexual and Reproductive Health Bill, and we successfully conducted public hearings.

We met with all the stakeholders from the Partner States, many organisations, including faith based organisations. We were very happy that this Bill raised a lot of interest from East Africans and they strongly wish to have this Bill passed.

However, there are still organisations that are sending us addendums and enriching the Bill and others petitioning against some provisions of the Bill.

Mr Speaker, on behalf of the Committee on General Purpose, I would like to ask you, to give us more time, so that we complete our report and schedule of amendments according to the wishes of East Africans because we are preparing this Bill to become an Act for East Africa.

Mr Speaker, we request not to do the second and third readings today. We are only requesting you to give us more time so that we can incorporate all the suggestions we are receiving from East Africans.

The Speaker: Thank you so much, hon. Dr Odette who is the Chairperson of the Committee on General Purpose.

Honourable members, you know for a fact that our pivotal philosophy of this integration is people centeredness. We take it serious when East Africans decide to make contributions to enrich a Bill before this House. Personally, my office has received several petitions and emails on this Bill. I would like to salute the position of the Chair of the General Purpose Committee and the members for taking and accepting to defer this process to allow further consultation with stakeholders on the Bill. I thank you so much. You can do more consultations.

MOTION**REPORT OF COMMITTEE ON ATNR ON
WASTE
MANAGEMENT IN THE EAC REGION**

The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms Valerie Nyirahabineza): Thank you very much, Mr Speaker. I beg to move that the report of the Committee on Agriculture, Tourism and Natural Resources on waste management in the EAC region be adopted. I beg to move.

The Speaker: Seconders? Hon Shy-Rose, hon. Frederic, hon. Patricia, hon. Sarah. Honourable chair, please proceed.

Ms Nyirahabineza: Thank you again Mr Speaker.

**INTRODUCTION AND
BACKGROUND INFORMATION**

Mr Speaker, Sir, Pursuant to Article 113(1) of the Establishment of the East African Community, Partner States undertake to cooperate and adopt common positions against illegal dumping of toxic chemicals, substances and hazardous wastes within the Community from either Partner State or any third party. Sub-clause (2) of the same Article stipulates that Partner States shall harmonise their legal and regulatory framework for the management, movement and utilization and disposal of toxic substances. Sub-section (3), clearly states that the EAC Partner States are signatories to the various International Environment Agreements.

Within this background, the East African Legislative Assembly Committee on Agriculture, Tourism and Natural Resources undertook an oversight activity in the EAC Partner States on Waste and e-waste Management with a view to see how best they can manage their wastes.

1.1 Objectives of the Oversight Activity

The main objective of the oversight activity was for EALA Members and other relevant stakeholders to understand how best EAC Partner States can manage their waste and learn best practices from each other.

1.2 Participants

The meeting brought together Members of EALA Committee on Agriculture, Tourism and Natural Resources Committee and relevant stakeholders in waste Management. In the Republic of Kenya, where a workshop was held, the Committee received presentations from experts and interacted with other relevant stakeholders from the Republic of Kenya, identified by the Kenyan Ministry of East African Cooperation and Labour.

2.0 METHODOLOGY

The following methodologies were adopted:

Visiting some dump sites and waste management plants in Partner States;
Interacting with responsible authorities and institutions in charge of waste management to learn practices in Partner State;
Holding a workshop to receive experts' presentations and views on management of liquid, solid and electronic waste and Kenya as a case study.

3.0 FINDINGS OF THE OVERSIGHT ACTIVITY PRESENTATIONS

3.1.1. KENYA CASE STUDY ON WASTE MANAGEMENT

1. Presenter: Dr. Anne Nyatichi-Omambia, Head of waste management, NEMA-Kenya

Waste includes any matter prescribed to be waste whether liquid, solid, gaseous or radioactive. The prescribed matter is discharged, emitted or deposited in the environment in such volume, composition or manner likely to cause an alteration of the environment.

Hazardous waste on the other hand refers to any waste which has been determined by the Authority to be hazardous or belong to any other category of waste provided for in Section 91 of the Environmental Management Coordination Act, Cap 387 of Kenya.

There are various waste streams that can be transported upon licensing. These include:

- Municipal waste or garbage
- Industrial waste
- Biomedical wastes
- Hazardous wastes
- Recyclable materials (waste paper, waste plastic, scrap metal, used oil, asbestos, e-waste); and
- Sewage

Regulated activities under the Waste Management Regulations 2006

The activities and standards for waste transport and waste management facilities are regulated through issuance of licences for the following categories:

- Waste generators;
- Waste transport vehicles;
- Waste treatment facilities which include:
 - ❖ Transfer stations - for all waste streams
 - ❖ Recycling facilities –for scrap metal, paper, bottles, plastics
 - ❖ Composting facilities
 - ❖ Incinerators - which are mainly used for hazardous waste.
- Waste disposal facilities which include:
 - ❖ Open dumpsites;
 - ❖ semi controlled tipping sites;
 - ❖ controlled tipping sites;
 - ❖ landfills (final resting place of the waste); and
 - ❖ Effluent treatment facilities.

Waste generators are responsible for disposal of their waste by:

- ensuring waste is placed at designated collection points;
- hand over waste to licenced transporters for disposal;
- minimize and segregate waste; and
- Adopt cleaner production.

Obligations of waste transportation vehicles include:

- Receive waste from generators and transport to licensed disposal sites;
- Ensure waste is not scattered along the way;
- Ensure vehicles are appropriately labeled;
- Carry dully filled tracking documents; and
- Ensure documents are stamped by waste disposal facility.

Trans-boundary Movement of Hazardous Waste (Basel Convention)

Trans-boundary movement of hazardous waste is regulated through the Basel Convention. The Convention was adopted in 1989 and came into force in 1992.

The main objective of the convention is to protect human health and the environment

against the adverse effects of hazardous waste. The Convention covers wastes such as toxic, poisonous, explosive, corrosive, flammable, eco-toxic and infectious wastes.

Kenya is a signatory to this convention and National Environment Management Authority (NEMA) is the operational focal point and issues permits for trans-boundary movement of hazardous wastes.

Guidelines on the safe management of hazardous waste

NEMA has developed the following guidelines on hazardous waste management:

- National guidelines on E-waste Management;
- Guidelines on the safe management of Asbestos waste; and
- Technical guidelines for the management of used oil and oil sludge in Kenya.

In addition to the guidelines, NEMA has completed drafting the following regulations, awaiting approval:

- Draft E-Waste regulations;
- Draft waste oil regulations;
- Draft waste tyre regulations.

Current interventions

Currently, the following interventions on waste management are in place:

- i. Legislative Framework - there are various laws and regulations on waste management;
- ii. Environmental and Social Planning Tools & Frameworks;
- iii. National Solid Waste Management Strategy;
- iv. Compliance assistance programme which enhances compliance, promotion and education;
- v. Incident Management, Inspection and Monitoring;
- vi. Enforcement and prosecution; and
- vii. Control of waste streams like the Plastic carrier bag ban gazetted in March 2017.

3.1.2 LIQUID WASTE MANAGEMENT

1. **Presenter: Mr. Robert Orina, Chief Environmental Enforcement Officer, NEMA-Kenya**

Kenya generates a lot of wastewater from industries, households, and etcetera. Large amounts of untreated effluent water are also released to the environment. Only 5 per cent of waste is collected by the public sewer systems but the rest contributes to liquid waste.

Effluent treatment efficiency of public sewer systems is only 20 per cent national wide. This makes the Water Service Providers (SPs) one of the biggest polluters in the country. The problem is exacerbated by exhauster services provided by the private sector, which dump illegally the untreated human waste into the environment. This has greatly compromised the water quality.

Why is water quality important?

Mr Speaker, 90 per cent of the Kenyan population drinks water directly from water sources including rivers, lakes, wells, boreholes and streams, among others. Discharge of waste water into the aquatic environment indiscriminately therefore, endangers the lives of the people.

It is therefore, inevitable that Kenya needs a very pragmatic policy and regulations to encourage use of wastewater. Currently, waste water use is illegal, restricted and limited due to lack of a policy and recognition by the existing legislations like the Water Quality Regulations 2006. However, the Water Act, 2012, has attempted to recognise the importance of waste water recycling and reuse.

Water Quality Management in Kenya

Water quality is regulated by the following legislations:

- The Environmental Management and Coordination (Water Quality) Regulations, 2006;

- Water Act 2012, which established Water Resource Management Authority, Water services Boards and Water and Sewerage Companies;
- Constitution of Kenya 2010 Fourth Schedule, which specified Storm water management systems and water and sanitation services, as a function of the county governments.

Current approaches to waste water Management

Little effort has been geared towards embracing other technologies of managing wastewater, thus leaving it to common conventional treatment systems and approaches to waste water management. Some of the water treatment technologies available include:

Sewerage Treatment Plants (stabilization ponds). These are operated by local authorities and sewerage service providers; Effluent Treatment Plants (ETP). These are operated by the industries as a pre-treatment measure or final discharge;

Septic Tanks plus soakage pits. These operate efficiently under soils with high percolation rates and low populations;

Cess Pits (Conservancy tanks). They are ideal for soils with low percolation/purification rates and entails frequent exhausting since discharge into the environment is not allowed;

Oxidation ditches. They may be used to polish final effluent to meet stipulated standards before discharge into the environment;

Constructed wetlands. These are used as a primary treatment measure or to polish final effluent to meet stipulated standards before discharge into the environment depending on the pollution loading; and

Oil interceptor or Oil-water separator are used where wastewater is contaminated with oil and grease.

Other approaches include:

- Lagoons/evaporation ponds;
- Trickling filter – used where land is scarce;
- Activated carbon;

- Sequencing batch reactor;
- Activated sludge;
- Package treatment plants.

Barriers to waste water management

- Poor public acceptance of reclaimed water. This has to do with perception;
- Lack of means for delivering reclaimed or recycled water from water treatment facilities to various users, for irrigation, industrial use, landscaping and domestic purposes or even for possible in-home use;
- Lack of Value Added Tax (VAT) exemption discourages local manufacturers of plants and equipment in the sector;
- Limited number of water engineers and technicians;
- The cost of wastewater treatment is always higher than that of river water or water from other fresh water resources. The conveyance and distribution systems for reclaimed water represent the principal cost of most proposed water reuse projects; and
- Unfavorable building code for recycling.

What are the possible solutions?

- Sensitise local communities to de-construct the underlying myths and perceptions regarding wastewater re-use for agriculture aimed at improving food security in the plight of climate change;
- Enhance awareness and build capacity towards wastewater management for re-use;
- Encourage eco-friendly and cost-effective technologies for managing wastewater for different uses;
- Establishing decentralised water treatment plants;
- Finance innovative and medium to long term, low cost and accessible means of financing liquid waste management; and
- Treating waste is not cheap hence, there is need for some cost support and economic incentives.

3.1.2 ELECTRONIC WASTE (E-WASTE) MANAGEMENT

Presenter: Mr. Eric Guantai, CEO, Recykla International

Electronic waste (E-waste) is electronic product that has ceased to be of any value for the current user or any appliance using an electric power supply that has reached its end-of-life (Porter, 2002). It also includes unwanted, obsolete or unusable electronic products categorized either as household appliances, office appliances and machineries. This is attributable to planned obsolescence strategies. These strategies ensure that Original Equipment Manufacturer (OEM) remain in business.

Components of e-waste

Electronic appliances contain different types of elements that are both valuable and hazardous. They include the following:

- **Valuable metals** like gold, silver, platinum, copper Aluminum, iron, steel, Glass, Plastic, rubber, wood, ceramics among others;
- **Hazardous substances** such as cadmium, mercury, lead, barium, cadmium, chromium, Brominated flame retardants, polybrominated diphenyl among others.

Due to the presence of these substances, e-wastes are considered hazardous and if improperly managed, they pose significant human health and environmental risks which translates into economical costs. However, on the other hand, e-waste has ripple benefits if sustainably managed.

Problems of e-waste

Management and disposal of e-waste has become a serious problem in developing countries for the following reasons:

- It is growing at an unsustainable rate. It is now the fastest growing and most toxic component of municipal garbage stream;
- A lot of end-of-life electronics are neither disposed of nor recycled. Much of it, especially old computers are kept in storages at home, offices and warehouses and some people do not know what to do

with the e-waste. This further complicates the issue of management of e-waste because re-cyclers cannot gain access to the valuable resources these electronics contain;

- Local governments do not capture this toxic stream or handle it in an appropriate manner. The leaching of heavy material like mercury and cadmium from e-waste may pose potential long term effects on human health and the environment. For example, the ground water will most certainly be polluted. Of particular concern is Lead in e-waste because it causes lead poisoning, which can be harmful especially, to young children;
- e-waste takes up valuable landfill space. Research estimates that the growing of e-waste such as consumables is three times the rate of other waste streams; and
- Much of the focus of managing e-waste revolves around Cathode Ray Tubes (CRTs). Appliances such as computer monitors, televisions and other electronic devices contain CRT. A typical CRT contains between 2 and 5 lbs. of lead. The environmental challenge occurs when monitors are permitted to weather in landfills, releasing these toxic chemicals into soil and subsequently into the water systems.

Other challenges of e-waste include:

- Illegal imports of e-waste from the developed countries disguised as second hand electronics or through donation of ICT equipment;
- Uncontrolled burning and disposal causes human health and environmental problems and economic challenges; and
- Source of conflict like mineral and urban conflict in terms of landfills.

Sustainable e-waste management

This entails embracing ethical behaviors or morals in -

- e-waste disposal;
- e-waste collection;
- e-waste transportation;
- e-waste recycling.

Disposal options

Re-use. Preventing and minimising waste in the first place is the preferred management option. In other words, it means sustainable consumption. This can be achieved through repair, maintenance and upgrading of used electrical equipment by adding memory to a computer and upgrading the software. The shortcoming of this method is that it only applies to certain electronics.

Recycle. Makes use of take back programmes or reverse logistics if any. Reused or dismantled appliances can be recycled (Green ICT).

Refurbishment - upgrading of electronic equipment like a computer either internally or externally to bring it to a usable condition. It delays the disposal of e-waste to a landfill.

Dispose - entails reverse logistic, take back program, legally approved collection points and legally approved Recycling centers and eco-design.

Challenges of e-Waste in the EAC Partner States

- Lack of infrastructure for appropriate e-waste management;
- Lack of legislation specifically, dealing with e-waste.
- Lack of any framework for end-of-life (EoL) product take -back or implementation of extended producer responsibility (EPR) and payment of Advanced Recycling Fee (ARF);
- Lack of real time data on e-waste
- Absence of effective and efficient closing loop or circular economy and industrial symbiosis strategies;
- Absence of the right technology to scale up closing the loop or circular economy and industrial symbiosis process;
- Lack of legislation to control imports of second hand electronic products from developed countries;
- Lack of awareness by public on inherent dangers of e-waste.

- Lack of adequate recycling facilities;
- Poor sustainable corporate responsibility by industry on e-waste management;
- Challenges of access to financing for sustainable e-waste management; and
- Open tenders for disposal of obsolete e-waste from government institutions as well as from private sectors.

Recommendations

- Regional Legislation by EAC on sustainable e-waste management should be initiated;
- Accompany sales of new consumer electronics with recycling fees;
- Encourage genuine and registered recyclers;
- Manufacturers should take items back at end-of-life with incentives;
- Establish data base of imported electronics at point of entry;
- Fast-track capacity building on management of e-waste for key stakeholders;
- Incentive schemes for garbage collectors and general public for collecting and handling e-waste;
- Awareness programmes on e-waste for school children and general public;
- Formalise informal e-waste entrepreneurs sector; and
- Scale up industrial symbiosis of e-waste and other waste stream relationships.

3.2

3.1.3 FIELD VISIT TO CHANDARIA INDUSTRIES

On April 13th 2017, the Committee visited Chandaria Industries in Nairobi to learn and appreciate waste management. Chandaria Industries is the largest waste paper recycler in Kenya, East and Central Africa.

The motivation to use waste paper as a raw material is to among others to conserve and maintain a clean environment and provide employment to millions of Kenyans engaged in waste paper collection sector. The company also makes use of its own waste, which is still paper in its production.

In the long run therefore, they do not have waste that ends up in the landfills.

The paper used as raw material is collected from schools, government offices and other corporate organisations and the company produces toilet paper, napkins and tissues for multi-purpose usage.

The industry appreciated that its products are acceptable across the East African Community and has distributors across the Community.

Observation

The Committee was concerned that with the great migration to digital platforms, the company risks shortage of waste paper which is the main raw material.

Members were informed that paper is still highly used in the country. A survey by Kenya Revenue Authority revealed that quantity of used paper which is one of the raw materials has increased more than twice over the years.

SPECIFIC COUNTRY FINDINGS REPUBLIC OF BURUNDI

The Members visited two institutions in-charge of sanitation. At the Ministry, Members met with the Director General in charge of urbanisation, water and Sanitation.

Meeting with SETEMU (Services Techniques Municipaux)

Members interacted with SETEMU organisation. The organization was established in 1993 to help Bujumbura Municipality in sanitary services. It also helps in the management of used water and solid waste in Bujumbura.

The organization has the following two aspects:

Management of solid waste. This involves collection of waste from Bujumbura and transfer to Buterere which is the main dumping site.

- ii. Management of liquid waste. The organisation has constructed a purification centre in Bujumbura.

The organization explained that they receive some little contribution from the local population and administration. However, they were not satisfied with the services rendered to them and aspired to do more.

The Committee was informed by the organisation that they launched a new project “Clean Waste, Free Bujumbura”. The project was intended to keep Bujumbura town clean although, it this was done in three phases:

- i. Buterere;
- ii. Musaga; and
- iii. Muzinda.

The Committee was also informed that the project was still at its initial stages and that the organisation was mobilising funds to complete the project.

Further, the committee was reported that the organisation works closely with the private associations in the management of waste. The committee however noted that currently, there is one private organization in-charge of waste transport and another collection and another institution charge of collecting e-waste for return to the manufacturer at the end of its useful life.

The organization conferred the main challenge they face which is lack of capacity to separate wastes and are therefore, forced to deposit at the dumping site.

Visit to the Ministry of Environment

Members met with the Minister for Environment and they were informed that the Government had adopted a policy on sanitation, which was operational; the policy aimed at streamlining activities around wastewater management.

The committee was informed that the policy is in line EAC rules and norms on water treatment. During its adoption, the Ministry participated in a number of meetings with the EAC Secretariat.

The Committee observed that there were different standards used in water treatment in the country by different players. For instance, wastewater is treated before release to Lake Tanganyika. Members were also informed that there were laboratories that test the treated water before it is released to the lake to ensure it does not introduce toxic substances to the lake.

In addition, the Committee was informed that soon there will be a law prohibiting the importation, manufacturing, sale and use of plastic bags in Burundi.

REPUBLIC OF KENYA

The Members held a meeting with the Nairobi City County Government.

The Kenya Chapter Members of the Committee on Agriculture, Tourism and Natural Resources visited the Nairobi County Offices and the following were some of the highlights of the presentation.

Types of Solid Waste

The types of solid waste are limited to household waste, market waste, commercial waste, street sweeping waste and office waste.

Institutional, Organization, and Human Resources Development

The Department of Environment (DoE) of City County of Nairobi is primarily responsible for providing and regulating the Solid Waste Management services in the efficient provision of Solid Waste Management. The inefficient operation of the Solid Waste Management services is attributed to the following inefficient organizational structure and improper management of the solid waste management services:

- Over-staffing under the complicated vertical structure;
- Overlapping and duplication of responsibilities of staff;
- Poor intra-department and inter-department coordination and communication;
- Unclear individual mandates and job descriptions;
- Unaccountable and slow decision-making of managers;
- Insufficient monitoring of individual work performance; and
- No standardized and planned working procedure.

Improper Zoning for Solid Waste Management Services

The current zoning for the waste collection and transportation services is basically based on constituency boundaries, and there is currently no concept on the internal cross-subsidizing system where revenue from high-income zones is transferred to a fund in order to provide Solid Waste Management services to the low-income zones. At present, private service providers are charging various levels of collecting fees in different zones, reflecting the lack of proper zoning system for cross-subsidization.

Lack of Information on Costing for SWM Services by Private Operators

Although a proper tariff setting for private service providers is also essential for sustainable provision of Solid Waste Management services, financial and cost information such as variable cost, fixed cost, total cost and break-even point for the services provided by the private service providers are not accurately calculated.

FINAL DISPOSAL

(1) Assessment of Current Condition

The Dandora Dumpsite is the only official dumpsite currently operating in Nairobi, where waste collected from the city are dumped. It is an open dumping site located at approximately 7.5 kilometers northeast

from the center of Nairobi that commenced landfilling operations in 1981. It covers a large area of approximately 46 hectares. However, about two hectares consists of the former stone quarry filled-in, owned by the City Council of Nairobi (CCN), while the remaining area is a privately owned land.

The site is adjoined by residential houses on the eastern and western side, and a school to the south of the site while Nairobi River flows past north side.

The amount of waste carried into the Dandora Dumpsite is weighed by the truck scales installed at the site entrance in 2006. The total amount of waste so far disposed at the site is estimated to be approximately 3,500,000 tons while landfill volume is estimated to be around 1.8 million m³.

In 2009, the estimated amount of waste was 220,000 tons and three privately owned heavy equipment were hired to operate at the Dandora Dumpsite. However, earth covering was not carried out and there was hardly any appropriate landfill management being undertaken.

It was noted that there were approximately 70 illegal dumpsites scattered throughout the city and waste collected by the private collectors were dumped at these sites. Besides, wastes in slums and low income residential areas were dumped illegally along the roadsides and vacant open spaces.

In addition, the Committee observed that Kayole temporary dumpsite located at approximately 13 kilometers from the city center, used to be a former stone quarry with the capacity of approximately 930,000 m³. This temporary dumpsite commenced landfill operations in 2009, mainly receiving wastes of approximately 400 tons per day, from the cleaning activities in the Nairobi River. It was however, noted that although the Kayole temporary dumpsite was managed by the National Environment Management Authority (NEMA), the

wastes from Nairobi were not to be dumped in this particular site and yet it is an open dumping site on which no management activity apart from weighing is carried out.

(2) Identification of Issues

Generally, the committee was informed that since Dandora is an open dumping site and landfill management is not adequately conducted in the site, it impacted negatively on the local environment, posing health risks among the local residents such as generation of odour, landfill gas, among others. The committee therefore recommends that it is necessary to establish a new landfill site close the Dandora Dumpsite as quickly as quickly as possible.

The committee was further informed that Kayole temporary dumpsite that started operating in 2009 and that, so far, there was no negative impact confirmed on the local environment. However, the Committee observed that if landfilling is continued in the current open dumping state, it raise a concern for generation of the landfill gas. Accordingly, the Committee advised that was desirable to take improvement measures such as earth covering and installation of gas exhaust pipes.

ENVIRONMENTAL AND SOCIAL CONSIDERATIONS

The Committee observed that the current situation of the environment and social aspects related to solid waste management in Nairobi City were surveyed by utilising available information in the institutions of the sector and field observation.

The following are the finding and evaluations of the survey are as summarized below.

General condition

Water

The committee was informed that the quality of rivers in Nairobi is deteriorated by pollutants from the domestic sector such

as sewage and solid waste, agrochemicals and industrial sector wastewater.

Sewage

The Committee observed that the main problem affecting public health is the lack of proper sewage disposal because Nairobi is partially served by sewage lines. It was noted that sewage in the slum areas is diverted to open channels which finally ends in watercourses thereby, deteriorating river water quality.

Air Quality

The committee was informed that the main sources of air pollution that affect Nairobi City include; vehicles and industries, emissions, use of charcoal or firewood, open-burning of waste and unsanitary waste disposal sites.

Environmental Problems due to Solid Waste

Water Pollution

It was observed that Leachate is generated at many collection points and existing disposal sites which pollute the rivers in Nairobi. The Committed further observed that solid wastes are dumped intentionally along the roads or the riverbanks by resident. This fact brings as a consequence the transfer of uncollected wastes to the rivers, drains, streams and lowland areas every time Nairobi experiences intensive rains.

Air Pollution

The committee observed that the sources of air pollution in Nairobi City are vehicle emission and factory emission and haphazard generalised burning of wastes.

Landscape

It was further observed that Nairobi City has proliferation of illegal disposal sites along the roads, beside the rivers and in open spaces. This fact brings about the degradation of the city environment as well

as presenting unhealthy landscape to residents.

Soil Contamination

The Committee was informed that designated disposal site in Dandora had in the past received not only domestic wastes but also hazardous water, due to the lack of control of public sector. Therefore, since there have been no remedial action to restore the place to the present, it was assumed that the soil is still contaminated with some heavy metals.

Social Problems due to Solid Waste

Situation of waste collectors

The Committee met the waste collectors who stated that their daily income depends on what they obtain from waste, because they have no other option to earn money for subsistence. The Committee therefore, noted that the waste collectors work at the disposal sites without using any kind of equipment and materials to protect themselves from the unsanitary condition of those sites.

Public Health

It was observed that a lot of solid waste collection points in the city became open temporary disposal sites because Nairobi County could not provide regular collection services. This has resulted into adverse presence of offensive odor, smoke and disease vectors such as cockroaches, rats, flies and mosquitos at these collection points and disposal sites.

The Committee therefore, noted that the officials of City Council of Nairobi and the residents living in and around the dumpsite, wished to be protected from the adverse effects caused by air pollution.

REPUBLIC OF RWANDA

The Members held a meeting at the Office of the Mayor of Kigali's and they were informed on the status of waste management in Kigali City.

The Committee visited Kigali dumpsite and other institutions. In their interactive session, they were informed that there is a specific technical agency in charge of water and sanitation referred to as Water and Sanitation Agency.

Members were further informed that Rwanda Environment Management Authority (REMA) is an oversight and regulatory body but does not have mandate of handling sanitation activities. Handling of Water and Sanitation and waste management is a mandate of the municipalities.

The Members noted that the ban on plastics has significantly reduced amount of plastic wastes in Rwanda. Additionally, there are five companies that recycle plastics for reuse.

It was noted that waste collection is done by private companies. For example, at Sector level, which is the lowest level of administration, contracts are signed between the private sector and the Government for collection of both solid and liquid waste.

The Committee was however notified that there is no centralised liquid waste treatment plant in the country. Liquid waste is collected in individual septic tanks for households. They are emptied and transported to the central disposal site. The Committee was informed that the site has been divided into two namely; liquid and solid waste.

Regarding solid waste management, separation of waste is done at the dumpsite by people employed by City Authority.

It was observed that there are other institutions that play a major role in waste management. For example, the Ministry of Health collects and disposes all wastes incidental to their work for incineration. However, Members were informed that E-waste management is a function under the

Ministry of Trade which the Committee was unable to visit. They were however, informed that e-waste was not controlled but that the Private Sector of Rwanda was building a plant in Bugesera for recycling all e-waste.

It is important to note that a number of ways to address waste management in the country. These include:

i. **Central water treatment plant**

The Committee was informed that by the year 2020, Kigali would have a centralised water treatment plant of international standards. The project is funded by the World Bank and to kick start the process, the site for the construction of the plant has been identified.

ii. **Landfill**

Members were informed that a new landfill would be constructed very soon. They were further informed that the site has been identified and the Government was expecting funds from the Green Fund to finance the project and that the project and the water treatment plant would run concurrently.

iii. 29 local municipalities were able to raise income from land taxes that would facilitate waste management such as construction of a modern landfill.

Challenges

The Committee encountered a number of challenges as follows:

- i. Plastic bottles and bags are too many and have been collected at the dumpsites and packed at the dumping site. However, REMA is conducting a study that seeks to make use of the plastic bottles in cement factories as a source of energy. If the study is positive, then the technology will be shared across the EAC; and
- ii. Some intuitions like the Waste and Sanitation Agency Lack knowledge on the EAC policy and interventions on the environment.

REPUBLIC OF UGANDA

The Members held a meeting at National Environment Management Authority

(NEMA) Uganda headquarters and interacted with the Executive Director of the authority and the Director, in-charge of waste management.

The Committee was informed that environment and waste management are decentralized to the municipal and local government although liquid wastes are handled by National Water and Sewerage Company.

They were further informed that NEMA's mandate was mainly regulation, monitoring and coordinating licensing of waste management entities and different actors and enforcement is done at the local government.

The Committee noted that through licensing, NEMA is able to oversee collection, separation, transportation and disposal of solid waste which should be done in a proper manner. NEMA also issues license to waste collectors once they have met some requirements. However, it was noted that decentralisation of waste management presented some challenges, especially in relation to coordinating the various agencies involved.

It was further noted that NEMA has three instruments that form a framework for its operations:

Environmental Law;
Environmental Policy; and
Environmental strategy.

Members noted that Kampala City has an advanced waste management system compared to other local authorities, arising from limited capacity, in terms of infrastructure and logistics required in collection, separation, transportation and disposal of waste. For example, the Committee was informed that Kampala Capital City Authority has a system that ensures composite waste does not infiltrate into water bodies. The challenge is that this

technology is expensive and so, the local authorities cannot afford.

In order to address the above challenge, the Committee was informed that local governments in conjunction with the World Bank built 12 municipal areas on waste management, and close 10 localities were already lined up for the same intervention with the support of the European Union.

Members were further informed that for effective and efficient management of e-waste, NEMA was in the process of building the capacity of its actors and draft a policy on e-waste. This according to the authority would be embedded in procurement laws, whereby suppliers of computers and other electronics to the Government would be required to cater for their disposal at the end of their useful life.

In addition, the policy would require some mechanism for collection, transportation and disposal of e-waste by specialised agencies to ensure their proper disposal. However, the Committee was informed that the main constraint facing environmental management in Uganda was budget allocation. It was observed that NEMA and the Ministry of Water and Environment are not allocated adequate funds to carry out their mandate hence limited results are realized. It is important to note that even within its small budget, the agency has been able to apply various strategies to manage wastes such as composite management and industrial symbiosis.

Recommendation

The Committee recommended that NEMA should identify a mechanism of rewarding good performance in waste management and sanctioning poor performers.

UNITED REPUBLIC OF TANZANIA

The Members met with the Mayor of the City of Dar es Salaam. The meeting was opened by Mr Bernard Haule, Acting Director, Investment and Trade Department of the Productive Sector. He welcomed the

Dar es Salaam City Mayor, hon. Isaya C. Mwita, who thanked the Members for their attendance.

The honourable mayor emeritus and the Member of East African Legislative Assembly, Adam Kimbisa was applauded for the foundation of Pugu Kinyamwezi dump site. Hon. Adam Kimbisa informed participants on the aim of the particular oversight, which was to have a common strategy that can be of assistance on having a common decision in handling the waste management and its challenges observed in EAC Partner States cities.

The Committee was informed that the city administration focusses mainly on solid waste management and two institutions deal with liquid waste management. These are include;

Dar es Salaam Water and Sewerage Company (DAWASCO), which deals with the day to day activities of liquid waste management; and

Dar es Salaam Water and Sanitation Agency (DAWASA), which deals with water and sewage infrastructure.

However, it was noted that disposal of e-waste is done by individuals.

The Committee was informed that Dar es Salaam has a population of about five million people. It was approximated that about 4,000 tons of garbage is generated per day. However, it was reported that they face similar challenges in waste management as in other EAC Partner States cities. It was also reported that the city authority collects only a quarter of this garbage per day. This implies that they are unable to cover the city comprehensively and the rest of the garbage is disposed unconventionally mainly behind houses or released into the drainage systems.

The Committee was further informed that authority is in the process of sourcing for resources to initiate another landfill to

accommodate the waste generated in the city.

Members also noted that DAWASCO provides water services through Water Machine sources of Ruvu Juu, Ruvu Chini and Mtoni. The Director informed the Committee of the attained achievements including; increasing revenues up to 8 billion per month and the expansion of service.

Challenges

The Committee was informed of the following challenges:

- Outdated meter readers;
- Use of old and scrapped infrastructures, which causes blockages and leakages;
- Overrunning of infrastructures like in Dar es Salaam;
- Misuse of infrastructures like throwing of hard waste materials in sewage systems;
- Infrastructures theft and sabotage associated with scrapping and metal recycling business; and
- damage of sewage system infrastructures due to construction of road infrastructures;

Preparedness to enhance DAWASCO services

- Plan for production of 846,000 million liters by the year 2020;
- plan to build three dams for waste water treatment in Mbezi Beach, Jangwani and Kurasini areas;
- plan to locate waste water collection machines in Kinondoni, Ilala, Msasani, Kurasini and Mbezi Beach areas; and
- Plan to create scattered small systems for waste water treatment in different areas.

Dar es Salaam City Council

The Committee met the Director of Dar es salaam City Council who made a presentation on management of dump sites but mainly focused on Pugu Kinyamwezi dump site.

He informed the Committee that the dump site is used to store waste materials of different kinds which are segregate in accordance with their origin. For example, the waste materials from electrical products are separated and recycled for other uses and the remaining junk waste materials are burned.

Challenges faced by the management of waste materials at the dump sites.

- Formation of poisonous liquid made of waste water.
This situation left the Pugu Kinyamwezi dwellers use and drink water with a mixture of such poisonous liquid;
- Lack of commitment of citizens to contribute for costs of waste products collection from their areas;
- Establishment of residence buildings near dump sites, which brings about complaints on foul-smelling;
- Lack of appropriate areas serving as dump sites; and
- Absence of manure production industries.

Preparedness to find solution to challenges

- Dar es Salaam City Council is conducting a plan to sensitise the population on waste products recycling;
- The City Council has organised the vocational trainings on the coal production through waste materials to women and youth groups;
- The Council is conducting talks with investors of waste materials recycling and coal production industries;
- Allocation of budget for the construction of feeder roads to the dump site;
- The City Council has organised radio programs to sensitise citizens about awareness on the opportunities of waste materials, including employment break through; and

- Continuous enhancement of plastic and glass processing industries for better and effective production.

GENERAL OBSERVATIONS

The committee made the following observations arising from the presentations, field visits and interactive sessions with relevant stakeholders:

1. Wastes cannot be completely eliminated but minimized;
2. Environment management institutions are not allocated adequate funds to run their activities, which this limits the results. Most of the budget allocated is tailored towards recurrent expenditures, leaving a limited amount to operations. This shows that the environment has not been prioritised by the Partner States;
3. Treating the waste is not cheap. Therefore, there is need for Government to support the cost and give incentives to those involved in waste management;
4. Partner States appreciated the EAC Polythene Materials Control Bill, 2016 and pledged their support to it although only a few manufacturers were opposed to the Bill. Therefore, once the law is in place, companies that are engaged in manufacturing plastics will change their production lines to other products;
5. That Partner States should emulate the following strategies or practices embraced by of NEMA Kenya:
 - Developed solid waste management strategy that aims at improving practices in this area.

NEMA Kenya launched the rapid results initiative on waste management whose objectives was mainly to create incentives for county governments on waste management. To achieve this, the authority has a scorecard for counties used to assess their achievement with regard to their responsibility on waste management. The Committee was informed that this would come into effect by July, 1st 2017 and run for one year.

 - Enhanced sensitisation of the citizens and county governments.

The Committee noted that NEMA-Kenya has a department dedicated to create awareness. The department works closely with local administration including; the offices of the County Commissioners. Further, NEMA is working with Urban Residents Association and educating urban dwellers in waste management, illegal dumping and enforcement of regulations.

- Encourage separation of wastes by producers. However, the main challenge with separation of wastes lies with the different roles played by persons engaged in the disposal process.
6. Presentations seemed to have accepted wastes and focused on the business that could be generated from the waste as a form of management, yet the Committee seeks to eliminate waste generation in the Partner States.
The Committee therefore noted that waste management is costly in the first instance and so, any waste generated should be incidental and not purposeful. Furthermore, they noted that more attention should be paid to minimising waste and then managing effectively the unavoidable waste.
 7. National Environment Management Authorities (NEMAs) have not been impactful on solid waste management. This is in regard to dumping sites. For example, in Uganda, NEMA is against construction on wetlands. Therefore, there is need for more work to be done to improve other areas of core mandates.
 8. The issue of storm water has not been highlighted in the presentations. Members were however, informed that storm water is not classified as liquid waste, as it is anticipated that there are adequate infrastructure on land to direct the water into rivers.
 9. Continuous growth in technology implies that the problem of e-waste is bound to remain for long. This is exacerbated by unethical business practices such as counterfeits in the market, translating into increased potential for release of toxic and dangerous emissions to the environment.

This therefore, means that management of e-waste is of prime concern. Members noted that competition and undercutting can compromise professionalism in e-waste management. There is therefore need for synergies and capacities to be built in this area. Further, people should be sensitised on the dangers of e-waste and how they can dispose obsolete phones and other household electricals and electronics correctly.

There have been discussions on banning the use of plastics in the region although it has not been received well. However, there is need to emphasize that waste cannot be banned completely or controlled. These include food waste and plastic carrier which should be managed properly.

The Committee however noted that due to the high population densities in some urban quarters and limited sewerage networks, people have developed a tendency of releasing sewage into storm water. This has made management of liquid and storm water more complicated. This situation has been worsened by the fact that counties have focused more on clean water supply, without planning for adequate sewerage networks at the same time. The Committee therefore recommends that this issue should be addressed to achieve a proper system of liquid waste management in urban areas.

11. Enforcement by NEMA has proven to be a challenge when Government institutions have to be regulated by their counterpart like in Kenya, where water companies are run by the Government and county governments. It is therefore, easier to employ enforcement mechanisms with the private sector.

The Committee therefore recommends that this issued should be addressed.

RECOMMENDATIONS

From this oversight activity, the Committee made the following recommendations:

1. Partner States which do not have a legal framework on waste management should come up with a policy on waste management as soon as possible since it poses a threat to the lives of citizens and harms the environment safety.
2. Partner States Governments should have a regulation on take - back programs for obsolete electronics, such as phones and computers to facilitate proper disposal of e-wastes. Further, eco-friendly products should be advocated for as they are not harmful to the environment even after their end-of-life.
3. Partner States should encourage industrials symbiosis to reduce industrial wastes. In this case, wastes from company "A" for example are used as products in company "B".
4. Partner States' National Environment Management Agencies should conduct extensive sensitisation of the citizens on waste reduction, separation and management. Further, these Institutions should embrace a multistakeholder approach to waste management by engaging citizens, leaders, government agencies, local authorities and the private sector in this exercise.
5. Partner States' environmental Management Agencies should create some degree of visibility and enforcement. This entails sanctions on institutions that do not embrace proper waste disposal mechanisms and incentives for institutions that perform well.
6. To control industrial wastes, investors should provide their plans on waste management before being licensed. This should be firmly based on regulations across all Partner States.
7. The Committee urges the Council of Ministers to follow up on implementation of waste management and report to EALA every two years.

8. The Committee recommends EALA to adopt this report with all its recommendations.
- 9.

6.0. CONCLUSION

The Committee Members appreciate the collaboration of all stakeholders they interacted with during the oversight activity, in particular, the enthusiasm with which experts, Environment Management Agency's representatives and other key stakeholders made presentations.

Members hopes that Partner States will take into consideration the recommendations contained in this report so that citizens are protected against hazardous waste and e-waste, which are harmful to their lives.

Mr Speaker, the Committee found this activity very timely since it provided a platform for EALA Members to engage with different Partner States on waste Management.

7.0. ACKNOWLEDGEMENT

The Committee appreciate the Rt Hon. Speaker of EALA and the Office of the Clerk for allowing the Committee to implement this activity, which they had yearned for quite a long time.

The Committee also express its appreciation to all experts on waste, liquid, solid and e-waste management and all other relevant institutions, which received and availed them with the needed information. Conclusively, the Committee hopes for a better collaboration with new coming Members of the Committee.

Mr Speaker, Sir, I beg to submit.

The Speaker: Thank you so much, hon. Valerie, Chairperson, Committee on Agriculture, Tourism and Natural Resources.

Honourable members, the Motion before this Assembly is that the report of the

Committee on Agriculture, Tourism and Natural resources on waste management in the EAC region be adopted. Debate is open.

I will allow not more than five Members and each one taking the Floor shall not take more than four minutes.

Ms Shy-Rose Bhanji (Tanzania): Thank you, Mr Speaker for giving me the Floor. I would like to begin by expressing my sincere condolences to the Arusha regional commissioner, hon. Mrisho Gambo and the families of the 33 people, who were involved in a recent road accident in Karaso, where 32 students were killed. I pray for the fast recovery of those who have gone to America for further assistance.

Mr Speaker, let me add my voice to the report of the Committee of Agriculture, Tourism and Natural Resources on the oversight activity on waste management in East African Community Partner States. This report is very timely because with the population growth in the urban centres, the move to have industrial management waste programme is very timely and necessary.

Mr Speaker, the challenge lies in the management of waste water and various products that come from residential and industrial waste. Disposal of water waste and related products still remain a huge challenge not only in developed Partner States but also in the developing countries. Therefore, there is need to borrow a leaf from some of the developed countries instead of reinventing the wheel. Partner States should therefore, invest in waste water management technology in order to reduce the negative impact on environment. For example, in London, water is recycled for reuse as a clean for drinking.

Mr Speaker, I want to commend Rwanda for what they have done in as far as waste management is concerned. This report indicates that Rwanda has plans to recycle water systems. I would like to also

commend Kenya for embracing this process, although they are not yet well equipped to use the recycled water.

Mr Speaker, I think that we should exempt Partner States that invest in the waste water management technology, from paying taxes because these technologies are very expensive to purchase and maintain. Like I said before, the biggest challenge is urbanisation and so, if we are not careful, we could be damaging the environment instead of protecting environment it.

Lastly, I would like to also commend Dar es Salaam city authorities, under the Fifth Phase Government, of His Excellency, Dr John Pombe Magufuli for planning a modern way of tackling waste water challenge in the country. I beg to submit.

The Speaker: Thank you, hon. Shy-Rose.

Ms Susan Nakawuki (Uganda): Thank you very much, Mr Speaker. First of all, I would like to appreciate the Committee on Agriculture, Tourism and Natural Resources to which, I am a Member for job well done. This created a lot of work for the Committee to traverse the entire region and get the required information.

Mr Speaker, many of us had actually not paid any attention to the dangers of e-waste and its management. I would like to really say that this was an eye opener for all of us.

In that regard, allow me to also appreciate our Partner States because all of them were equally concerned about the management of waste. In the Committee's interaction, they noted that the Partner States had put in place some policies to try and manage waste, especially e-waste. I hope that all these policies and strategies will be implemented so that we can get results.

Mr Speaker, I am going to try to be as brief as possible and focus my submission on e-waste. I know that this is a big challenge in

the region and all of us have not paid attention to it. Today, the developments in ICT, coupled with wanting to be hi-tech - a lot of electronics have been manufactured and they are on the market, both cheap and expensive.

I remember when I was growing up, my father had a cassette radio that he got from his father and we grew up with it, without it breaking down. Mr Speaker, today, when you buy a radio system, trust me, in one year or less, it will not be functional anymore.

Therefore, because of the short product life, our environment has been susceptible to all these products ending up in our environments. Mr Speaker, it is absurd to note that East Africa and Africa at large has ended up as a dumping site for these electronics from the Western world. For example, USA, on the days of collecting wastes, they take out all the electronic systems they do not need and put them at the front of their yards for the garbage trucks to come and collect. Actually, before garbage collectors come to pick the wastes, individuals come around to particularly pick the electric appliances. The reason the individuals pick them is because they have market for them, and that market is in Africa and East Africa.

Mr Speaker, I am sure you are aware that in Europe for instance, it is more expensive to recycle these electric appliances like washing machines, dish washers, televisions computers, among others. They find it much cheaper to donate or dump them in Africa, where they can even get a price for them. Even if it were you, other than spending to recycle or dispose of something, you would rather take it somewhere where you will get something for it. That has been a continuous happening.

I would like to appreciate the United Republic of Tanzania and the Republic of

Kenya on the ban on very old vehicles. In fact, in Kenya, you cannot import a vehicle which is more than five years and in Tanzania, more than seven years - I hear even in Rwanda and yet other Partner States are still open. This is because those older vehicles are already in dangerous mechanical condition.

Mr Speaker, vehicles as old as 50 years are still being imported in the region, and we shall continue to suffer with dumping of these wastes in our gardens - they will sit on our soil for ages because we do not have the capacity to recycle.

Mr Speaker, you know very well that our people have been buying second hand refrigerators. A case in point is when you go to Katwe in Uganda, where you find refrigerators as old as yourself and yet in the developed world, there is a time limit for a refrigerator; you are not supposed to use it beyond a certain point because of the dangers because it may leak mercury, lead. In fact, we have a stereotype that old things like refrigerators are more durable. We think the older, the better. That is why we end up taking something that has reached the end of its life span and we keep it at our homes and yet at the end of the day, it causes cancer to our people without knowing.

Mr Speaker, I want to commend the position of the Committee to do more sensitisation because if our people knew how bad these second hand items can be to our health and environment, none of them would be rushing for them. We would rather go for the newer brands because the quality of the old things are bad.

We have our development partners - The Chinese have seemingly been very generous to us but at the same time, very detrimental.

Mr Speaker, I remember I got my first cell phone which was Nokia brand when I was

in my senior six vacation in 2003. I had that phone for quite some time until I realised it was out of fashion though it was still very functional and the battery was perfect. I never missed network until I got tired of it and gave it out to someone. Today, you buy a cell phone that looks flashy, you can use all the social media but in one month, it is gone especially once it falls down.

We are very happy because the Chinese are giving us – they do not mind about the lifespan. If you use it in one month, you will then buy another and they will continue to benefit more. Of course, someone cannot buy a phone of US\$ 300,000 when there is a cheaper one of Ug. Shs 50,000. They will definitely take the cheaper phone even if it cannot last for two days. That is still a challenge.

As I summarise, I would like to recommend that manufacturers should fund recycling efforts. As these manufacturers make these phones that we see on the market, they should also commit themselves to fund them. Otherwise, we should not allow their products into our markets because recycling is very expensive and our Partner States cannot afford it right now. Therefore, I would like to implore manufacturers to commit to recycle their products before they reach the market.

In addition, now that we have a huge market that we can even brag about, no manufacturer would risk missing it. We should therefore encourage the manufactures to heed to our terms by paying some money to enable us to recycle because we will lose out.

Mr Speaker, I have seen a practice that I have come to appreciate. The Committee proposed corporate take-back of these gadgets. For example, when you go there and buy any gadget from there, you will realise it has a provision for return in case it is spoilt. In the event that they fail to fix it, they give you a new one. That way,

manufacturers will produce things knowing that in case they do work, they would be returned to them. I think this can work, if it is well implemented.

I have also heard of a practice called call to recycle. It is being used in the developed world. When you have something - I know that all of us have electric gadgets in our houses which are not working, you just make a phone call stating what you have that you need to dispose of, they will ask for your residence and direct you to the nearest point to recycle it. These are things that we can borrow.

Our economies depend on agriculture but our environment is littered with all this junk. So, we need to wake up if we are still going to depend on agriculture. I thank you, Mr Speaker and I beg to support the report of the Committee.

The Speaker: Thank you so much, hon. Susan.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I would like to commend the chairperson of the Committee to which I belong, for representing our views in such an effective manner. My submission is just to complement her good work.

Mr Speaker, this is one of those oversight activities that we undertake within our region. It was very well received because it gave us an opportunity to touch base with the environment management bodies. In particular, the kind of reception that we got in Kampala was overwhelming, if not humbling because we were received by the Executive Director who happened to be someone with good orientation of how EAC works.

In his submission, he put it on record that for the first time, NEMA had been given attention of the regional body because it had never got such opportunity to host a

regional Committee or any initiative at a regional level. They appreciated because it was an indication that their work is valued, not only in national boundaries but at the regional level.

Mr Speaker, the issues that came out clear in the report was budget. These bodies play a very crucial role that we cannot under estimate and yet they suffer budget cuts yearly. These environment management bodies are among those that always run to the Government for more budget. This is issue came up when we met in Nairobi, where other Partner States shared their experiences and it was noted to be a common denominator affecting most of the Partner States; they all suffer budget cuts. This is something we need to pronounce ourselves on. If anything, we need to invest more because it is about our future, livelihood and the welfare of our people.

Mr Speaker, the process through which they operate – they have really built the capacity of people in solid waste management, especially in the selection, collection, transportation and disposal of wastes because it is a decentralised service in literally all our Partner States.

In Uganda, it is the districts and municipalities that are in charge of waste collection and in Kenya it is the counties. So, it is a devolved kind of service but they face challenges of funding. Nonetheless, they have been able to build capacity in these areas.

Liquid waste that is handled by National Water and Sewerage Corporation in the case of Uganda has limitations. However, what we need to emphasise and build more capacity is on the issue of e-waste management. This is the main challenge yet it is growing rapidly due to high technological innovations and inventions. Being a third world market, you find that what is obsolete the first world market is something we receive with a wide smile and

yet it has negative effects on our environment. Therefore, we need to build capacity in this area in terms of sieving what must come to the market and how it must be handled when it gets to the stage of waste. Hon. Susan, has illustrated very well but if I found a fridge as my Speaker, I would buy it also for purposes of a vantage kind of item in my home.

Mr Speaker, I want to conclude by saying that we need to implement the recommendations at the regional level. The best practices with such modifications and adjustments should be shared across because different Partner States apply different standards and activities, so that we do not reinvent the wheel.

I want to support my chair and the report. I will conclude by calling upon Members not to hesitate to do likewise. Thank you, Mr Speaker.

Ms Dora Byamukama (Uganda): Thank you, Mr Speaker for giving me this opportunity. First of all, I would like to thank the Committee on Agriculture, Tourism and Natural Resources, chaired by hon. Valerie Nyirahabineza. I salute hon. Valerie for the aptitude because she transformed from being a professional lawyer to now being a farmer; actually an environmentalist.

Mr Speaker, this is a very good report; it is highly technical and professional. I have a humble plea to raise. First of all, can we find a way of binding this report so that it is shared with all the Partner States and other sister committees can take these issues into account, apart from the Ministers of East African Community Affairs? Otherwise, because what we have here is mainly for Partner States.

As far as I am concerned, this is very noble cause and I think, it should not just be left on the shelves of the East African Community. This is my humble plea.

Binding a report is not very expensive and I hope that this will be the case for all the other Committee reports so that they can be easily shared.

Secondly, Mr Speaker, you put in place a tracking mechanism. I hope this mechanism will continue to track the resolutions of this House. I know we are concluding our term here but there are some best practices which should actually be adopted, so that we have this tracking mechanism, whereby at any one time, maybe bi-annually or annually or at any time the Assembly so chooses, we are able to track what has been done.

Mr Speaker, I have noted that the matter in this report is a matter of life and death because our waters are contaminated. It means that whatever we are consuming can make us sick and therefore, negatively impact on our life.

Article 113 of the Treaty talks about the issue of illegal dumping. I think this has been captured well in the report specifically, the issue of dumping counterfeit products in our communities.

Mr Speaker, I would like to add my voice to illegal dumping, especially, in our water bodies. For example, there is a lot of illegal dumping into Lake Victoria. I know for a fact and the committee also knows that construction of houses or even factories which use a lot of water should have certain legal requirements. Dumping sites are supposed to be away from the water bodies but this has not been enforced.

When we talk about illegal dumping in Article 113, I think we need to highlight - I hope this activity will be taken seriously especially in the Partner States where there are illegal dumping of toxic chemicals in shared water bodies. Even most of our forests have become illegal dumping sites. So, we need to look at this more concisely and I know that this will be done.

The second aspect of Article 113 (2) states that *“The Partner States shall harmonise their legal and regulatory frameworks for the management, movement, utilisation and disposal of toxic substances.* We therefore, need a legal and regulatory framework to conserve our environment from illegal waste dumping.

Mr Speaker, as far as I am concerned, as a back bencher - I have served as a backbench commissioner for a long period of time. This would call for a quick private members' Bill. I would like to request the Council of Ministers not to sabotage such a good Bill but to work with Members to ensure that we have a legal framework in the EAC.

Mr Speaker, I say this with a lot of passion. For example, as a House, we have passed over 20 Bills but when it comes to assent – maybe because we do not have the support of our brothers and sisters in the Council of Ministers, the Bills that are assented to, are those brought by the Council. They include the appropriation Bill, supplementary Bill. The truth is we are not moving forward. I, therefore, humbly implore the Council of Ministers to look into the issue of Private Members' Bills, which are catered for in the Treaty as a very constructive way of operationalising the Treaty and therefore, facilitating integration.

Mr Speaker, I would like to seek clarification on some of the issues highlighted in the report. Page 28 of the report talks about reporting mechanism and particularly recommendation No. seven which says, *“The committee urges the Council of Ministers to follow up the implementation of waste management and report to EALA every two years”*. Why every two years? Do you know the kind of damage that would be caused if we wait for two years? Why are we only looking at waste management? Why don't we talk about implementation of Article 113 and then maybe we make it an annual report?

This the clarification I would like to seek –
(Interruption)

Dr Nyiramirimo: Thank you, hon. Dora, for giving me way to give you information. Actually, I am a Member of this committee. However, as a Committee, we thought if we asked the Council of Ministers to report to EALA every year, they maybe have enough information about facilities constructed for waste management. Members should also note that it takes a lot of resources and time for a Partner States to construct those facilities.

As a Committee, we therefore thought it would be appropriate if the Council of Ministers reported every two years about the status of implementation of the waste management policies in the Partner States. Maybe, it is not very clear it also depends on the waste management policy of the different Partner States. Thank you.

Ms Byamukama: As I conclude, I would not want to dwell on this. However, I think we you are making recommendations in anticipation. Why didn't the Committee say they should report every after one year, so that we can see how things will move rather than say two years, which would seem business as usual?

Mr Speaker, somewhere in the report I saw a scorecard. The United Republic of Tanzania has put in place a score card. Maybe, the committee can incorporate scorecard in order to come up with common positions against illegal dumping, under Article 113, saying that we expect the country to do the following: Put in place a dumping site and refurbishing area among others. I think that would be more proactive than just saying, please come to us every two year because if the Council of Ministers report annually on the implementation of Article 113, it would be easy to identify that countries A and B, have not implemented the resolution and so, their scorecard would be zero.

As I conclude, I heard my sister hon. Nakawuki talk about that fridge of 40 plus years. I know that is where you belong and I heard that you and hon. Sebalu wouldn't buy it. Mr Speaker, let me confess that I am one of those people who love to buy antiques; things which are vintage. Hon. Nakawuki, if you still had the brick phone - the Alcatel today, you would be surprised. You may even sell it for over \$ 100. There are people – *(Interruption)*

Ms Nakawuki: Mr Speaker, the information I would like to give to hon. Dora is that we are talking about two different things. The refrigerator has a life span that it should not be used beyond seven years because it may begin emitting dangerous fumes to the food we keep in them.

The issue of phone is completely different. Thank you.

Ms Byamukama: As I conclude - I wish you were a bit more patient.

What I wanted to say is that when you look at antiques and what you call vintage, I think we need some experts in our communities to tell us clearly what qualifies as a vintage and an antique.

As you know very well, some of us have very old cars. For example, you find a very old Benz or Chevrolet parked in people's garage, and yet there are still in good condition. We have actually named; some are called lady, others historical and we really love them dearly.

Mr Speaker, what I am trying to say is that we need some expertise and information regarding these products and the manufacturers should actually tell us the kind of phone or refrigerator we buy so that they can be refurbished to the aspect which is gaseous or that can bring toxic

substances. By doing this, we can know the antiques – *(Interruption)*

Mr Sebalu: Mr Speaker, some of these things are quite interesting. I have seen some high profile people moving around with two sets of phones; the smart phone and then the analogue, reason being that they cannot be tapped on the other one and yet on the smart phone, you are vulnerable. So, these things apply differently.

Ms Byamukama: Thank you very much. You can see how important this topic is. I will conclude here but I want to thank the Committee, and I support the report fully. Thank you.

Mr Leonce Ndarubagiye (Burundi): Thank you very much, Mr Speaker, for giving me the Floor. I am a Member of this Committee and very grateful that our chairperson presented our report very ably and well.

When we were finishing our report, I had an issue but I have been reminded that it was catered in the report, although it still wish to raise it here so that I can emphasise the importance of the issue. The issue is how correlated the environment; solid and liquid waste material and the demographic growth of the population, deforestation, fragmentation or arable land, fast growth of urban population, migration from rural to urban areas and the need for all those infrastructure that make it possible for people to live well.

Mr Speaker, I think we should live a legacy and task to our colleagues who will come back to the Fourth EALA to remember the correlation between population growth and infrastructure. That is extremely important.

As I said before, a town like Bujumbura after independence had 50,000 people. Today, its population is it about 500,000 people, if not more. Before independence, the county had a population of 2.3 million

people but today, we are almost 12 million people, which is not proportionate to infrastructural development. That is the reason I insisted on the importance of demographic growth.

Mr Speaker, if we can recommend this to our colleagues who will come back to the Fourth EALA – (*Interruption*)

Dr Nyiramilimo: Thank you, hon. Leonce, for giving me chance to give you information. The Sexual and Reproductive Health Bill we talked about is intended to take care of demographic dividend. Once we adopt that Bill, I think the people of East Africa will benefit much from it. Thank you.

Mr Ndarubagiye: Thank you very much for the information. I do not have much to say and I am very glad that from Dr Odette Nyiramirimo - I have information that we are going to stabilise the numbers of East Africans so that progress comes.

In my language, the word kirundi, means that when you want to –

The Speaker: You can say it in Kirundi, I will interpret.

Mr Ndarubagiye: When somebody is a very bad person, they call him *umurunzi wa masoko* loosely translated as the poisoner of the water sources. That is why when we talk about waste and toxins, it goes deep than just wellbeing and welfare of the East African population.

Just as Dr Nyiramirimo said, if we are going to face one or two children like the Chinese policy, it would be very good because in Kirundi again, they say *nikubyara abushobora kurera* meaning give birth to those you can raise to live well. Thank you very much.

The Speaker: Hon. Mumbi, I am giving you four minutes. Hon. Chris, I have

recognised you but in the interest of time – I am not interested to invoke our rules to extend the time.

Ms Agnes Mumbi (Kenya): Thank you, Mr Speaker. From the onset, I am a member of this committee and I want to thank the chair for ably presenting the report.

Mr Speaker, I appreciate what is contained in the report but I have about two or three concerns that are probably not captured in the report. You are aware that we were operating when the resources of the Community were very tight and so, Members of the Committee worked a day in their country and then we converged in Nairobi to do the general report.

Members have appreciated the report. I heard hon. Dora say, can it be bound since this is a very good report? Thank you, hon. Dora. Just imagine the quality of the report, if the Committee had two days in their Partner States. I think we would have produced even been better report because we would have engaged more stakeholders and it would have all the information required.

Mr Speaker, I wish to zero down my debate on the issue of e-waste management in Nairobi. I have heard Members talk about an old fridge and phone. I think Hon. Nakawuki was not very fair to us and tell us that we do not qualify for that obsolete age.

There is a programme that has been implemented in Nairobi and I think it is only embraced in Kenya; the programme of e-waste management including obsolete electrical equipment; fridges, phones, Televisions among others. Other than Nairobi, it is also being piloted in Kisii although we were not able to visit.

Mr Speaker, the committee visited the Nairobi site where people are being encouraged to call waste collectors. Actually, they have a garage where you can

take those things. Even the presenters in the workshops gave information that enriched the Committee.

Hon. Nakawuki conducted a research about e-waste and gave reference to some crucial UN data that maybe Members would have managed share with others. I want to give an example of the business aspect in e-waste. Mr Speaker, e-waste contains precious metals estimated between 26-40 million tons. Every 1 million cell phones especially, those that she talked about that are recycled have 16,000 kilograms of copper, 300 kilograms of silver. The same 1000 cell phones inside can have about 34 kilograms of gold and about 13 kilograms of another earth mineral called pyridium.

What is happening in collection centers in Nairobi and the one that is supposed to be opened in Kiambu County where I come from - You can imagine the wealth of 16,000 kilograms of copper? Since we do not have enough funds, for EAC to take the whole Committee to a project like this, may be challenging. We are not reporting the good practices that are going on in other Partner States.

Mr Speaker, I would have loved to see what is going on in Dar es Salaam but the challenge was that the Committee divided itself into groups so that all resources were available to visit all the Partner States.

Therefore, my plea to the Chair, Council of Ministers is that when Members talk about burning issues for very serious reason like in this particular case - this exercise would have been very successful if all Committee Members went to Burundi, Kigali, Kampala and saw the richness of the history of waste management in our cities different countries. I think it is only Kampala that has a functional land fill.

Mr Speaker, I support the committee report but it would have been better if had we enough time. Thank you.

The Speaker: Thank you so much, hon. Mumbi. Honourable chairperson, could you summarise?

Ms Nyirahabineza: Thank you very much, Mr Speaker. The report was very comprehensive and this is clearly demonstrated by the huge support it has received in terms of the contribution of Members.

Mr Speaker, I do not much have to say since most of the Members who spoke to the report appreciated the activity and the recommendations in the report.

Mr Speaker, I would like to speak to a few aspects which have been raised by members. Hon. Susan Nakawuki brought in an amendment, which she wants us to add as another recommendation. It read "Partner States should introduce a manufacturer responsibility to fund recycling efforts." This is accepted but in the report there is also - I cannot find the page but there is somewhere where it is written that we should not absorb everything just for the sake of it. We should tell the manufacturers who in a way are contributing to the pollution of the environment to support or to bear the cost. So, even if we take this recommendation, it is somehow clearly enshrined in the report. However, to cater for those who might read the report, I think we should take this recommendation seriously.

Another recommendation that was put forward by hon. Dora is recommendation No. seven. She proposed that the Committee urges the Council of Ministers to follow up the implementation of the recommendations presented in this report and report to EALA annually." I think this is also very good, considering the bad effect of the issue we are dealing with, which is highly and clearly highlighted in this report. I take your recommendation on behalf of the committee and I think this will give the

Council responsibility to take care of the lives of East Africans. I know they are still doing it but the very fact that they will be reporting annually will give them a kind of responsibility to take care of the lives of East Africans better than ever before. I, therefore, take the recommendation and I urge the Clerk to correct the report accordingly.

There is another small amendment that was proposed by my sister, hon. Odette, on page 20, the first line, where it is said at sector level – In fact, in Rwanda, the lowest level of the local administration is cell not sector. This is also going to be corrected.

I think those are the main issues which I was supposed to pronounce myself on, on behalf of the Committee. For that purpose therefore, let me take this opportunity to thank all Members who contributed namely; hon. Shy-Rose Bhanji, hon. Susan Nakawuki, hon. Mike Sebalu, hon. Dora Byamukama, hon. Leonce Ndarubagiye, hon. Mumbi and hon. Odette. I thank you all for your support and those who could not be afforded the opportunity to speak to this report.

This was a timely activity and I think the Fourth EALA should really know that this is a recommendation which has been expressed by so many colleagues – (*Interjections*) - If they want – I am not putting pressure on anybody but –

The Speaker: Honourable chair, just address the Chair.

Ms Nyirahabineza: Thank you, Mr Speaker. This recommendation was expressed by many Members. So, if they find it desirable, they may take up the matter.

Mr Speaker, there is something that was alluded to by hon. Dora. She said this report should be shared with the Partner States so that sister committees undertake the same

activity and know exactly what transpired in the exercise we undertook. This is a very good recommendation and that is why I was addressing myself to some of my colleagues, who made it to the Fourth EALA.

With those few remarks, I thank you, Mr Speaker, for giving me the opportunity. I urge my fellow colleagues to support the report. Thank you.

The Speaker: Thank you so much, Chair. Honourable members, I know many Members like hon. Chris Opoka and others had caught the eye of the Speaker, but in the interest of time, I am sure since some of the committee members have had a chance to share their interests, the Treaty and our Rules of Procedure are clear. Procedurally this report will have to be remitted to the national Parliaments' but hon. Dora has put a special appeal for designing the report, binding it and sending it to the stakeholders the Committee met and other actors. That will be done. (*Applause*)

Honourable members, the Motion before the Assembly is that the report of the Committee on Agriculture, Tourism and Natural Resources on waste management in the EAC region be adopted. I put the question.

(*Question put and agreed to.*)
Report adopted.

ADJOURNMENT

The Speaker: I thank you so much. Honourable members, there is still other business to handle on the Order Paper but we will continue tomorrow. However, I would like to remind you again to register for continuation of your medical insurance. The Clerk is going to circulate this paper. You will sign your name, country and number of people you want to benefit on the policy. We have capped it for one year and after that, other people can continue. This is the best way we can help ourselves to move

and the office of the Clerk will help us to coordinate this even after you have left here.

I thank you so much, the House is adjourned to tomorrow 2.30 p.m.

*(The House rose at 6.30 p.m to reconvene
adjourned to Thursday, 25 May 2017 at
2.30 p.m.)*