



**EAST AFRICAN COMMUNITY**

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**EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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

**FOURTH MEETING- FIFTH SESSION - SECOND ASSEMBLY**

**Wednesday, 18<sup>th</sup> April 2012**

*The East African Legislative Assembly met at 9.30 a.m. in the in  
the County Hall, Nairobi, Kenya*

**PRAYERS**

*(The Speaker, Mr Abidrahin Abdi, in the Chair.)*

*The Assembly was called to order.*

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**LAYING OF PAPERS**

**Ms Lydia Wanyoto:** Thank you, Mr Speaker. Mr Speaker and hon. Members, I beg to lay on table a report of the Committee of General Purpose on the East African Community Annual Reports 2007/2008 and 2008/2009. I beg to lay.

BILLS'

FIRST READING

THE EAST AFRICAN ELECTION BILL, 2012

**Mr Dan Ogalo (Uganda):** Mr Speaker Sir, I beg to move that The East African Community Elections Bill, 2012 be read for the First Time.

THE EAST AFRICAN COMMUNITY ELECTIONS BILL, 2012

**The Speaker:** The Bill is referred to the committee.

BILLS'

FIRST READING

THE EAC SECTIONAL PROPERTIES BILL, 2012

**Dr James Ndahiro (Rwanda):** Mr Speaker, I beg to move that the East African Community Sectional Properties Bill, 2012 be read for the First Time. I beg to move.

THE EAC SECTIONAL PROPERTIES BILL, 2012

**The Speaker:** The Bill is referred to the relevant committee.

MOTION

STATE OF THE EAC ADDRESS FOR THE CHAIRPERSON OF SUMMIT

**The Assistant Minister of EAC Affairs, Kenya (Mr Peter Munya:** Mr Speaker, I beg to move the motion that this House do commend the Chairperson of the EAC Summit of Heads of State for the concise exposition of the EAC policy contained in the State of the EAC Address to this Assembly on Wednesday 25<sup>th</sup> January 2012.

**Mr Wilbert Kaahwa:** Seconded.

**Mr Munya:** Mr Speaker Sir, allow me first to thank you, the Rt hon. Speaker of Parliament of Kenya and the government of Kenya for enabling the East African Legislative Assembly to once again sit in Nairobi.

I would also want to take this opportunity to congratulate the hon. Issa Ngendakumana of Burundi for being appointed minister. It is a big honour to this House for this very important appointment.

Mr Speaker, Sir, whenever this House has the opportunity to be addressed by the Chair of the Summit, the Chairperson of the Summit is able to give the House the policy direction that the Community intends to take in that particular year and the issues

and challenges that need to be addressed in that particular year by the Community and by this House.

The Chairperson in his address was comprehensive and tackled many issues that have been discussed and covered in the policy and that are being implemented ranging from the policies in agriculture; the Community policies in the critical area of agriculture.

Mr Speaker, Sir, remember our Community is still basically an agricultural region. Even though we are making a lot of effort to industrialise, we still remain a key agricultural area thus policies that are intended to modernise our agriculture and policies that are intended to move us to the next level to move away from subsistence farming or peasantry to modern mechanised agriculture and commercial agriculture that can be able to feed our people and that can be able to run some business and make money and also as a way of creating wealth for our region is critical. The Chairperson of Summit covered that critical area very well.

Mr Speaker, the Chairperson of Summit also laid a lot of emphasis on infrastructure development. Infrastructure is

critical for again transforming our region and enabling regional trade and integration and again, the Chair of Summit dealt very ably on this key sector.

Thinking about infrastructure especially the infrastructure that would deal with some of the key natural resources that are existing in our region especially the oil that we are waiting very keenly for in Uganda.

Mr Speaker, Sir, if you have also been reading the news, you also saw Kenya giving information that in the county of Turkana, oil has also been discovered there even though we are not celebrating too early because we are still waiting for it to be confirmed whether that oil is of commercial value. I can see a Member from the Turkana County quite animated. *(Laughter)*

Mr Speaker, I am told the member from Turkana County is almost deciding to change from running for Parliament to running now to become governor of the county because I am told if the resources are available, the county is going to take 15 percent of the resources.

So Mr Speaker, infrastructure will be very critical in terms of even able to exploit those new resources and natural resources and of course the United Republic of Tanzania is very rich with natural gas which has been discovered all over. I am told it is very difficult to determine even the quantities because everywhere they check they just find gas.

Therefore, investment in critical infrastructural projects in the East African Master Plan, putting more money there so that that dream of a master plan for East Africa that can be able to drive East Africa to the next level is what again the Chair of Summit emphasised on and I remember the Chair also laid a lot of emphasis on ICT and many other critical areas that the Chair deliberated on and gave direction both to this House and to the Community on what to concentrate on in this coming year.

With those remarks, Mr Speaker Sir, I therefore beg to move this motion to commend the Chairperson of the Summit.

*(Question proposed)*

Debate is open.



**Ms Catherine Kimura (Kenya):** Thank you, hon. Speaker for the opportunity. Let me start by welcoming our colleagues from Rwanda, Burundi, Tanzania and Uganda for being here with us. I want to extend a warm welcome, please feel welcome here in Kenya and enjoy our hospitality.

Hon. Speaker, let me commend the Chairperson of Council of ministers for presenting this motion on the State of the East African Community which indeed contains the policy statement that should give us direction on the way we are moving.

I just want to pick on two issues that are in this policy statement and that is the issue of agriculture for our region. I have been here for almost five years and every year this issue of agriculture has been raised and has been an issue of concern. Much as we pride ourselves as being an agricultural based economy, some of our regions continue to suffer food deficits.

It is an issue that the Community needs to take very seriously that much as there are food deficits in certain areas of the region, there are other areas where farmers cannot find market for their crops and the crops go to waste.

We therefore need to address the issue of post harvest for our crops. We need to address the issue of free movement of food across the region so that no community, region or area of East Africa should be begging for food from outside this region. We see a lot of food being imported from outside the region and this is a shame to the Community.

The issue of mechanisation for the agricultural sector has also been mentioned time and time again. We are not going to move this region out of poverty and being the least developed region to developing countries if we continue just to rely on the old methods of agriculture.

I want to challenge ourselves and the Secretariat to see how they can move some of these issues forward so that we can move from just talking to some action in regard to this area. It is my appeal that something will be done in this area.

The other area I want to mention is the issue of tourism promotion. The policy statement says that tourist arrivals to our region have now surpassed the four million mark. This number is still small particularly when you consider the kind of tourist attractions that we have in every Partner State. We

should be talking about the 10 million mark but we ourselves have placed road blocks to the development of tourism in this region.

The issue of capital flow for development from one region to the other so that the necessary facilities can be built and those who do not have facilities can access capital from the Partner States that can invest there is an issue.

The other one that has placed impediments is the issue of movement of tourist vehicles from one country to the other. We continue talking about one tourism destination. How can it be one tourist destination when a vehicle carrying tourists has to stop at the border, change tourists from a vehicle coming from Kenya to the vehicles going to the other side of Uganda? There is a major NTB towards the development of tourism in this country.

I would urge that the Council of Ministers to address this issue of cross border tourism business very seriously if indeed we want to push this four million to what our neighbours in the region like South Africa and Egypt receive.

I want to just labour on those two points because they are key to bringing very tangible economic results to our region. Tourism maybe has the least investment that you need and the kind of benefits you get in this particular sector are enormous and they affect a whole chain. It affects the farmer, transporter and even the *jua kali* person. So it is an industry that can bring tangible benefits to a cross section of our population.

I would therefore urge that we do whatever is necessary to make sure that the NTBs regarding tourism sector are removed and a time frame placed as to when they should be done away with. Thank you, Mr Speaker.

**Mr Gervase Akhaabi (Kenya):** Thank you very much, Mr Speaker, Sir. Like my colleague and deputy chairperson of EALA-Kenya Chapter, may I also extend my welcome to all the members, colleagues into the Republic of Kenya. Like our President would say, *wujenjoy* in every part of the country. Those who are near Chester House though be cautious because if you are a follower of the Church of Rome then Cardinal Juwe may take offence if he sees you at night. But otherwise, *mujenjoy*.

Mr Speaker Sir, this policy statement by His Excellency President Kibaki is once again a demonstration of his clarity of mind and focus on what we need to do as the people of East Africa, as Partner States in the Community to move the Community from where it is today into the greater prosperity.

His Excellency pointed out a number of areas that our focus should be on now. Before I proceed, for those of us who have associated with His Excellency President Kibaki for some time now, we are well aware of his commitment to the East African Community integration. He is a very committed leader in this area and he does not allow distraction from that path towards achievement of the East African Community. I can vouch to that.

Mr Speaker, Sir, he pointed out agriculture but he did not stop there. He is talking of value addition in agriculture. Value addition is a precursor to industrialisation. Industrialisation is a pre-condition to wealth creation in our region. So we need to utilise the resources that we have; the agricultural land to produce more and as we produce more, to do value addition so that as we do value addition, we promote industrialisation, we create employment and create more wealth.

Next year, I will be representing a rural constituency in the National Assembly and this rural constituency is an agricultural constituency that is hard pressed in terms of unemployment, high levels of poverty and yet we have very rich agricultural lands. What the President is saying, and it borders the Partner State in Uganda, is of great interest to a person like myself and I think it should be of interest to the Members of the East African Legislative Assembly because the Treaty under which the Community is established is emphatic on the objectives of the Community.

It is not just for nothing, it is to improve the wellbeing of the people of East Africa and I believe that if we emphasise

agriculture and value addition, we are going to improve the livelihoods of the vast majority of the people of East Africa.

Mr Speaker Sir, he also touched on Information Communication technology (ICT). Other than agriculture, this is another area that has great potential for East Africa. The innovations that have come from this region from Kenya in terms of development of ICT applications are tremendous. The progress that has been made by the Republic of Rwanda in ICT is tremendous. So when we combine our synergies in the area of ICT, we are likely to see our region develop into a hub in ICT and this will be good for our people and our economies.

In this regard, I wish to point out that Kenya is developing an ICT city not far from here. This should be embraced as an East African project so that we all invest in this ICT city at Konza, about 60 kilometres from here. This is going to contribute tremendously to our economic development.

As hon. Kimura says with regard to Tourism, there is not really very much that individuals who want to invest in ICT need to do other than their brains., their brains would be the most basic investment and we have very good brains in this area as is

attested to by the kind of brain that we export to other parts of the World.

Lastly, as we do this, we need to develop infrastructure; physical infrastructure. We are not going to do this as individual states. We have tried it before and we have failed. We cannot keep on doing the same things the same way and expect different results. Therefore, it is in our interest as the people of East Africa, the people in Mbarara or Kabale where my friend hon. Dora comes from to produce their fruits there and find a market in the coastal cities of Dar es Salaam, Mombasa or Lamu.

It is important. You cannot transport those fruits that are perishable goods without good infrastructure. So we have to develop infrastructure in this region.

Hon. Munya referred to a colleague, hon. Nakuleu's county. I wasn't aware that he has now changed his mind to go for governance; I thought we were in the same boat but the oil in Turkana, when it comes through, will need development of infrastructure to make sense to the people of Turkana and to the rest of East Africa.



So we need to develop the infrastructure so as to promote development of agriculture, industrialisation and the development of the people of East Africa.

With those few comments, I wish to support. Thank you, Mr Speaker.

**Mr Mike Sebalu (Uganda):** Thank you very much, Rt hon. Speaker for this opportunity. Like my colleagues before me who are hosts have welcomed us, I also want to say that we are glad to be in this beautiful city of Nairobi and definitely we are enjoying the hospitality and the courtesies accorded to us by our hosts.

Before I make my few comments on the address by His Excellency Mwai Kibaki, I would like to thank you for always making it a point to create an opportunity for EALA to interact with members of the Summit. You have done this very well and you have given us the opportunity to interact with them. Knowing that there is no very clear structural and institutional arrangement for us to interact and give them our views, you have used your innovation and made this possible. I think it is a very good practice that has given us opportunity to always whenever we meet in a capital, to interact with the Heads of State.

I would also like to thank His Excellency and the Chairperson of Summit for making time available to join us in this session well knowing that he even made a trip to Kampala to come and address us on the State of the East African Community Address. If he were not committed, he could easily say, I addressed you the other time, what more do I have to address you on just a few

months after? But because of his commitment, he once again made it possible to address this august House and he made a very strong, well thought out, well focused and very meaningful statement that will guide us up to the point of our exit.

His Excellency Mwai Kibaki raised very important issues. All of them were very important but I am just going to comment on a few. On page four, he rightly points out that it is important for all East African Community Partner States to fully implement the Common Market Protocol to ensure free movement of people, goods, services, capital, rights of residence and establishment.

He also urges us to focus in this area on ensuring adherence to the agreed commitments in the Protocol for the establishment of the Common Market within the set time frames. We should also fast track the transposition of National laws and make sure that the Spirit of the Common Market is ensured in implementing the same.

This was a very important statement. We are in the stage of implementing the Common Market Protocol but you will appreciate that in many of our Partner States, the necessary laws that are supposed to give legal effect to the Common Market are yet to be

enacted or amended or approximated and this creates a big problem in terms of implementation.

That also brings another problem of implementing it at the discretion of given Partner States so that it is not uniformly done. So I would like to call upon the Council of Ministers to take this statement of the Chairman, Summit of Heads of State very seriously so that implementation is uniform and it is moving at the same pace.

We were informed that Kenya has listed a number of laws that need to be either amended or put in place. We want to see that kind of activity being undertaken in all the Partner States and we know that at this point to that point, we are in the process of identifying those laws that we need so that we know that all Partner States have done that and then we move in a logical sequence of events so that we are able to deliver the Common Markets and the people are able to benefit.

The Common Market is the stage where the ordinary people of East Africa are supposed to benefit and partake the benefits of integration; the free movement of goods, services, right of residence- Once we get these quick fixes like the Speaker of

the Kenyan Parliament indicated in his address yesterday,. Let us get these quick fixes in place so that the people know that we have a journey but we have started partaking of the benefits of the same.

Otherwise, people are hearing these big terminologies that we keep mentioning; Common Market Protocol but they want it translated into tangible activities that they can partake of and they appreciate that this integration is indeed for them otherwise it appears elitist like we just go to Arusha and some of these capitals but they don't seem to see anything tangible at their level and yet this integration process is supposed to be people centred.

So I find this directive and focus given to us by the Chair very important and it is something that we really need to follow and ensure that we even follow the time lines. He clearly indicated that we need to work and ensure that we follow or make achievements within the set timelines.

I believe that the Secretary General must have picked this very well and the Council of Ministers so that we work together to ensure that the directive of the Chair is implemented.

I would also like to salute and congratulate the government of Kenya for the great discovery of oil. In particular, I would like to congratulate the incoming Member of Parliament for the oil rich region of Turkana. I understand he has a well in his backyard, one of these days he will be putting on a turban and flying in a personal jet.

This is a great discovery. It is not for Kenya alone like the precedent set by His Excellency President Museveni when he indicated that the oil in Uganda is for East Africans. So the discovery in Kenya has just increased the amounts in the entire region for us to share. So it is a great discovery but in his address he also indicated the important infrastructural developments that we need undertake like pipelines. We need to see these pipelines criss-crossing the region going to Burundi, Rwanda, Dar es Salaam so that we really benefit from this.

It is indeed a great discovery and all we are saying from the Ugandan point of view is that there are a few lessons that we can give our Kenyan counter parts either to take or to avoid because oil is complicated. There are those lessons that are not so good which we would encourage you to avoid and there are

those good ones, which you can pick up and make sure that this discovery is harnessed early enough for the people of East Africa to benefit. But it is a very good development in terms of positioning our region and in terms of our future as a resource that we can use to make sure that we develop the region.

But we must put it at the back of our minds that this is a non-renewable resource so we really need to plan for it and reinvest the proceeds in other strategic sectors of the economy for purposes of sustainability.

My final comment is one page six regarding the Chairperson's comment on issues of security and how we as a region need to position ourselves to ensure that we make a good contribution. The President implored us as a region to take this regional peace seriously and he indicated that the success of our Community is directly related to peace and stability in our neighbouring states. Our engagement in bring law and order in Somalia is driven by the desire to bring peace, stability and development in this region.

We all appreciate that we are a peaceful region. All our Partner States are peaceful and they are enjoying great stability but

the stability we are enjoying as a region cannot be guaranteed nor sustained if we have neighbours that are not stable. So the issue of Somalia becomes very important to us as a region and definitely Kenya, Uganda and Burundi are doing a good job in trying to stabilise Somalia but how I wish the Somali peace project is undertaken at a regional level. We need to see the entire region working for peace. This idea of having individual countries going there at bi-lateral level is not sustainable. It is not even good practice given that we are operating as a region.

I want us to undertake this peace agenda in the region as a region, as EAC where if we decide to intervene, all the Partner States contribute officers and men in uniform to help stabilise the region. This must be done as a regional initiative like ECOWAS does it. Actually ECOWAS has made a lot of strides in this area in terms of stabilising the region. Even where they have a few errant states, they bring them in line using their muscle power as a regional initiative.

So this idea brought out by the Chairman and President of Kenya is something we really need to take seriously. Some very unfortunate events are unfolding in Sudan and South Sudan. These



are our immediate neighbours and if we do not sit down to plan it and make interventions be it diplomatic or otherwise, as EAC we may engage it when it is too late.

So it is timely that all our Partner States under the auspices of the East African Community ought to take this as a serious threat to regional peace and security and I would like to call upon the Secretary General and Council of Ministers to use their good offices to see that we have an intervention from a regional perspective.

Mr Speaker, Sir, with those comments, once again I would like to thank the President. He has always made time for us and he gave very good comments about our performance. I think we really need a pat on our backs because he wished us well in whatever lives we are going to enjoy after here but definitely he had very good words for us and for us specifically as a Speaker, he did acknowledge and recognise your very good leadership that has been able to register the kind of output of 35 bills over and above- Three times more than the First Assembly.

We want to thank him for those kind words and he wished us well and we hope that those wishes are translated into real wishes

because the mortality rate we have just picked from one of the Partner States should not be anything to follow. If anything, that is not a good practice and we prefer that other countries come with better practices so that continuity is ensured.

I want to thank you again Mr Speaker and to thank Members for their kind attention.

**The Speaker:** Hon. Members, before I call the next speaker, I would like to caution hon. Nakuleu. If you read or watched the news yesterday, there was a governor from an oil rich state in Nigeria who was jailed for 13 years for wearing very many turbans and flying many jets when he was not supposed to. So you better watch out.

**Maj. Gen. Mugisha Muntu (Uganda):** Thank you, Mr Speaker, Sir. I would like to support the hon. Minister who moved the motion to commend the Chairperson of the EAC Summit of Heads of State for the concise exposition of the EAC policy contained in the State of the EAC Address to this Assembly.

When I became a member of this Assembly about 10 years ago, I had hoped that in the process of our service, we would at some point see either originating from this Assembly or from the Council of Ministers or from the Summit, a clear position taken on the question of political integration.

I am raising it because I will talk about my support and the issues raised in the speech by the Chairman of Summit; issues which in a sense to me touch that question and until that question is resolved, I believe we are going to continue, I believe drifting in a number of areas. I think there are also challenges, which arise as we move on in the different development processes in our countries, moving more or less in a sense to me which is not looking or positioning from the regional perspective.

I start with agriculture. A number of colleagues have already talked about agriculture. The state of agricultural production as indicated in the region is not at its desired levels. We commend the States which are so far doing the best they can in advancing their agricultural practices. I think Kenya is more advanced in this region than any other.

However I would like to raise an issue which is being focused on but separate from I think the negative impact it can easily have even on agriculture. I am not so sure we can talk about agricultural development without focusing on the oil industry and I have not seen the relationship being attended to yet in the region.

In as far as I am aware, Kenya is about to hit oil if we go by the information which came out of the press recently. Uganda has already hit oil and we are meant to understand that Tanzania itself is carrying out exploration on oil and gas and there is a high likelihood that it is also going to hit oil.

We are meant to understand that Burundi is carrying out exploration along Lake Tanganyika and Tanzania itself also along that area. Hopefully Burundi will also be able to get oil. If it

does, that means that four Partner States out of five will have oil but look at the impact of oil on Nigeria. Nigeria was a net exporter of food before they hit oil. Right now Nigeria is a net importer of food. Some of the areas in terms of agriculture in Nigeria were literally wiped out.

Look at Angola. Angola is the second largest in terms of export of oil, I think second to Nigeria on this African continent. There is nothing they can say about agricultural production. They import food. You cannot talk about agricultural development in this region unless you also look at oil and yet when it comes to oil, each Partner State is driving on its own in terms of looking at their oil and gas policy.

My question is, why don't these five Partner States sit down? There is a possibility that a sixth may join if the Summit desires so which also has oil. Why on earth are the five Partner States sitting and looking at how they can develop a common regional oil and gas policy? *(Interruption)*

**Mr Kidega:** Thank you so much, hon. Gen. Muntu. I just wanted to give you information that on the continent we should also try to be a bit positive. Yes most people say that oil is a curse and that resource brings confusion but there are good practices to look at on the continent. Ghana has oil. It might be that the difference between our region and Ghana is that we are on shore exploration while they are doing off shore exploration. The practices in Ghana so far have indicated that there are all steps being taken to make sure that the citizens and the government of Ghana benefit from the oil in Ghana.

So one of the things we could look at is to implore our governments and people to study the situation in Ghana and replicate it in Uganda and all these other countries. Thank you.

**Gen. Muntu:** Thank you, hon. Dan Kidega. Of course it is a question of choice. Each country will have to decide which path they want to walk. If they choose right, the countries will benefit. If they choose wrong, oil will be a curse and there is no doubt about that. If Ghana has chosen to work on their oil industry based on good governance practices, certainly the country will benefit and there won't be any negative implications at a later point.

Well we are seeing the nursing stages here in this region and we have not seen any country which has so far exploited the oil and started getting massive oil proceeds. We have not seen it yet so we don't know which path we are going to walk. We are only hoping- Where we come from with hon. Kidega in Uganda, they are still teething problems. There are some areas where we are seeing things going right and there are other areas where they do not seem to be going right but we keep on struggling to ensure that everything goes right and we hope that is what is going to happen in each Partner State that gets oil and gas.

My point today is that I do not see any reason why the five Partner States, even as they venture out at the national level, why they don't work on a common framework at a regional level on



how the oil and gas industry in a coordinated way can help the region develop. Even in as far as it can impact negatively on some of the areas like I have already indicated in agriculture in this particular incident, but more so there are a number of relationships.

Look at Kenya and Uganda. Uganda cannot move its oil unless it goes through either Tanzania or Kenya. Kenya is the shortest distance so logically I suspect it will have to go through Kenya. Kenya is exploring oil but I am not so sure that the two are working together to see the possibilities of how they can coordinate any effort. Turkana where hon. Nakuleu comes from is so close and you can walk from that region into Uganda. So I really hope that the Council of Ministers will need to focus these five Partner states in how to coordinate efforts in some of these areas of common interest.

The other area I would like to talk about is the area of energy. Five Partner States are having challenges in terms of energy. If you are in Tanzania, you see power shut downs quite a number of times. A similar case in Uganda and I suppose in Burundi as well. Maybe it is only in Rwanda and Kenya where you do not see frequent power shut downs but the more they keep on developing,

the likelihood that they are going to get power deficits is highly possible and there are so many areas in which each Partner State is trying to move to see how they can generate power.

There is a power master plan which we have heard about for the last ten years. Ever since we were in the First Assembly we have heard about that. I don't know how advanced it is. Still at this point we have not had the five Partner States working together to say, let us generate power to this extent because our power requirements in this region are this much. Pulling resources, having plans and again we would like to request the Council of Ministers and the Secretary to focus these Partner States to work together, to pull efforts and resources - *(Interruption)*

**Mr Sebalu:** Thank you very much, Gen. Muntu for giving way. The information I want to give is that instead we have had such an initiative coming with a Partner state linking up with a non Partner State. That is the Republic of Kenya working with Ethiopia to get some good power supply. How I wish we could take advantage of available possibilities within the region but that is the closest it has come in trying to work together for purposes of building capacity in power supply.

**Dr. Richard Sezibera:** Thank you, Mr Speaker Sir. I just want to say that the cooperation between the Republic of Kenya and Ethiopia on the Kenya-Ethiopia inter connector as well as the cooperation between the Republic of Tanzania, the Republic of Mozambique on that inter connector is part of the East African Power Master Plan.

**Gen. Muntu:** Thank you for the information, I think we are gratified to know that that is happening. That is the way to go, honestly-

**The Speaker:** I think the Secretary General rectified hon. Sebalu's mischief but you can continue.

**Gen. Muntu:** We are encouraged because the more aggressive you move in that direction, working on these things as a region, the more it will help not only at the Partner State level but also at the regional level because there are countries like Ethiopia, which are getting focused in terms of power generation. I think the dam where they are supposed to be tapping that power from I understand is supposed to generate about 2000 mega watts of power. I suppose if it comes into Kenya there could be likelihood that it can even be moved into Uganda.

There are so many possibilities in this region and I think the biggest problem has now been resources. As we very well all know, the problem has always been focus, planning, coordination so if these can be brought into play, certainly we would see faster advances than we have seen hitherto.

Mr Speaker, Sir, I would like to touch on the question which my colleague hon. Sebalu talked about; the one of peace. In Somalia we are three Partner States out of the five but we have gone there individually under the auspices of the AU. Right now I think Kenya is closely engaged in Southern Sudan and Uganda to some extent to Southern Sudan because there are possibilities of a war between the North and South. We hope that won't happen.

Even when individual countries are out there because maybe we have not fully advanced to a point where we can send troops as a region because we are still thinking as nation States, we will have to overcome certain barriers in our heads to be able to reach that level but even before we reach there, even when Partner States deploy individually, it is still absolutely necessary in conflict to still coordinate as a region to discuss these issues.

I see no reason whatsoever why we should not have an East African desk on Somali. I do not see why we should not have an East African desk on Sudan because we have been involved in these conflicts for a long time and we have raised this issue over and over in the last ten years. We are still operating from bi-lateral- I mean like in the case of Somalia, Uganda went

there under the auspice of AU, Burundi the same and Kenya is now engaged but I am not so sure that there is coordination at the East African Community level. There needs to be coordination because whatever impacts one country eventually once we are a common market, it will impact all of us.

Lastly I want to relate all this to the issue of political integration. The human mind when it is not focused on a clear end state, when it is not focused on a clear objective, the alternative is that it drifts and that is natural. All individuals, organisations and countries which succeed focus on an end state, on clear objectives. They say this is what we want to do, we want to do it by a certain period and this is how we want to do it. If you do not do that, you drift and I think we are drifting on a number of areas as a region.

Where you see clear examples is like when it comes to a Customs Union. There was a clear deadline as to what we wanted. There was a clear deadline on the issue of Common Market. When the protocol was signed on the Customs Union, the stampede that there was by the Summit, by the Council of Ministers and even by the Assembly. We had to sit and pass that huge Bill in two days. The Summit signed on midnight on the day of the deadline. What

do you think was driving them? Because there was a deadline. Had there been no deadline, I can almost guarantee that we would have drifted on endlessly.

That is how the human mind works even at an organisational level. We need to resolve the question of political integration. There is no harm in all of us reaching a point and saying, look we do not have to fully politically integrate, we can integrate in terms of the economy but politically we remain separate states. There is no harm in that because that would be the desire of our people. But if the desire of our people is to politically integrate, we must state so even if it is going to take another 30, 40, 50 years, let us also state it. But we must clearly know. Are we politically integrating or not and there are processes that we need to go through. Some of us think that there needs to be a clear policy on that and we need to have a referendum, some of us think.

In each of the five Partner States, they should agree on the period that they carry this out, they should agree on the question that should be posed, they go out, those who want, integrate, say so and those who do not want say so. Each one sells their idea and then we have people express themselves.



Once they say yes, we want to integrate then the Summit and the Council can sit down and say, you know what, in reality we cannot integrate in one year or two or five or ten, whatever number of years it is going to be. If they say it is only going to be possible in 20 years, let them say so but each country and every society and community in this region needs to know that at the end of it all, we will integrate.

What that would do is that there would be a focus that anybody who is operating now, whatever decisions are being made because there is something that we are working towards that is clear and that each level would be held accountable to because that means that we would even be able to ask the Council and the Summit-

*(Interruption)*

**Ms Byamukama:** Thank you, hon. Muntu for giving way. I really hate to interrupt your statement but I would like to hear from you more clearly. We have a Treaty. The Treaty in Article 5 has objectives set out and the ultimate objective is that we shall politically federate. So when you raise the issue of a referendum and agreeing to politically federate, does this mean that the Treaty is no longer operative? Have we run away from the Treaty?

I am asking this particularly because when we have the Partner States of Rwanda and Burundi who have joined us, I believe for example that they will be questioning because all of us came on board knowing that we are going to ultimately politically federate. So I would like some clarification on this so that the *Hansard* is very clear because the Treaty has not changed, we have all signed onto the Treaty, we are committed to it and here we are acting as if we have never agreed to this. I would like this clarification.

**Gen. Muntu:** Thank you, Mr Speaker and thank you hon. Dora for raising that. In my life experience, I always differentiate between what is written or said and what is practiced.

*(Laughter)*

I am always more convinced by what people do more than what people say in my life because I have seen in my life many people say things over and over and they never do them. I like to cause people to account for what they say. I would like to see organisations do what they say; I would like to see countries do what they say. This is a question of accountability because if we know that we eventually have to federate, why are we remaining open about it? Why are we drifting about it? Our drifting is negatively impacting on the many other things that we are doing.

For example if you look at the manner in which the Common Market was negotiated and the manner in which it is in its written form, you will clearly see that our hearts are not in what we put in that document. We are cheating each other.

**The Speaker:** Hon. Muntu, I think look for another word because we do not cheat people.

**Gen. Muntu:** I think we are not being straight with each other.

*(Laughter)*

So what do we do? Some of us always want to do things in the clear, if you don't want something. Let us sit on a table and say look, we cannot have this thing. Fine and then we know. So someone moves in his direction and other moves in their direction and they succeed in the directions in which they have moved. Or if they do not succeed, they find out that eventually they have to agree with each other and then they sit down and decide so and then move on.

The other one of a referendum is an issue of approach and method and it is open to debate. We need to know because some of us now think that the stakes are so high and we do not want to reach a point where a decision is made up there and at some point you get people who are not focused and they come in and break up everything. So we think that as they did when they asked the population about fast tracking, at least we had clear guidelines and we know which country decided what, we know that the population wants integration, that is very clear. So if they can go ahead and have a referendum or if they don't have it, let the Council and Summit say, okay we are going to integrate and within such a period.

So finally Mr Speaker, my request is that our colleagues who will make it in the next Assembly keep the fire burning on this issue of having a clear indication that we are going to integrate politically. I know for sure that the Treaty says so but some of us would like to be more comfortable. Everybody on the Summit says so; the Council of Minister says so. Then why don't you put a date to it? What is the problem? Sit down and say we cannot integrate in two years that is fine. Think about it because we do not want anybody to be stampeded into it if people are not ready but if you say we will be ready in ten years, say so because once there is that end state, then those people who want to see accountability will have a clear objective stated.

It means that we will hold the Summit accountable, it means that we will hold the Council of Ministers accountable, and everybody who is involved in this process and then we work towards that and we cannot run away from this. We as individuals, organisations, as countries, without clear objectives, without focus there is nothing else that happens. You drift. And even at the individual level ladies and gentleman, colleagues, anybody of you who wants to succeed in what you want to do, focus on an

end state and work towards that end state, whether you fall or whatever happens, rise up and keep focused on that end state. Don't turn left or right, you will reach that end state. If you don't do that, you will drift. That happens at an individual level, it happens at organisational levels, it happens at country levels. You cannot avoid that, thank you, Mr Speaker.

**Mr Christophe Bazivamo (Rwanda):** Thank you, Mr Speaker Sir for giving me this opportunity. First of all I would like to commend this policy and to thank the Chairperson of East African Community for this policy. I also would like to thank the Kenyan government and its people for the warm hospitality we have enjoyed until now.

I want to highlight this issue of agriculture. When we speak about agriculture, I think there are three elements in addition to what my colleagues especially hon. Akhaabi and hon. Kimura have said; the issue of irrigation, seeds and fertilisers. Our region or our Partner States frequently face droughts and yet we have enough water. One has to focus on irrigation to try to find a solution for this kind of problem.

On the other hand, seeds. Yes we know there are some companies producing seeds in some countries but as we know, seeds are not available for our farmers mostly and when available, they are expensive. That is why I say not accessible by most farmers. Here I want to focus partly on this issue to try to avail seeds and to make them accessible for our farmers so that we can increase productivity in the agricultural sector.

The other element is fertilisers. As we know, our region has huge raw material for fertiliser production but here we do not produce fertilisers. My intervention here is to highlight this issue of putting together our energies so that we can have at least factories which can produce fertilisers. Here I want to invite the Council of Ministers to think about this issue and try to put in place a road map so that in the shortest time possible, we can have a producer of fertilisers so that they can be available and accessible for our population to increase productivity and crop production in volition. Thank you, Mr Speaker Sir.



**The Speaker:** Hon. Members, I will give you two minutes each so that we can finish.

**Mr Dan Ogalo (Uganda):** Thank you, Mr Speaker, Sir, for the two minutes. I will use the first minute on the Customs Union and the second one on the Common Market. On the Customs Union, page two of the speech of the Chairperson indicates that intra trade has increased from 2 billion in 2005 to 4 billion in 2010. It is therefore clear that there is something happening in this area which we need to emphasise on.

Mr Speaker Sir, you will recall that eight years ago you were a member of the Trade Committee of this Assembly. You will recall that your committee did recommend to the House an amendment to create one Customs Authority. You will recall Sir that the Council of Ministers opposed it and the House agreed with the Council of Ministers against your recommendation.

I am gratified to have heard yesterday the Chairman of the Summit say that it is time for a single Customs Authority. The people of East Africa can have a Christmas gift from the Council of Ministers. We are just in April. The Council can give the people of East Africa a Christmas gift and that gift would be creation of a single Customs territory.

I am sure that the 2 billion to 4 billion within these five years would be far more if that is achieved. I am also very sure that if this House had heeded the call of your committee eight years ago, it would not be 4 billion; it most likely would be 20 billion.

Two, Common Market on page four. The Common Market as hon. Muntu has pointed out, the Protocol definitely has problems. You hear of Kenya dealing with 13 pieces of legislation in order to bring Kenya into line with that Protocol. You don't hear anything else from the other four Partner States. So how common is this Common Market?

**The Speaker:** Hon. Ogalo, just to help you, the only problem is that they have been talking about those 23 pieces for the last three years so they have not done anything with it. They are just talking about it.

**Mr Ogalo:** That is even more frightening. *(Laughter)*

I think then that in order for us to achieve the call made by the Chairperson of Summit to the effect that there is need to implement the Common Market, there is need for us to review the process and really this will come back to the Council of

Ministers. Frankly reading through the Common Market, you see that everything is left to the Partner States. Where is that central authority which is going to bring these Partner States together? It is the Council of Ministers. Where is the problem why that is not happening?

My humble view, Mr Speaker is that it is because of two things. One, the decision making process in the Community is flawed because it leaves the Partner States to make the decisions. These fellows who come from very far F&A. the problems begin right from there. I have failed to understand why the Council of Ministers has not abolished F&A. this committee is no longer relevant. It was relevant at a time when we did not have a Treaty. It was only relevant when we had that arrangement prior to 1999. It is no longer relevant, please abolish this committee.

When the decision making process is streamlined, the next thing I see is to empower the Council of Ministers to have real political power in Arusha. This will call for a look at the Treaty. F&A is one part, coordination then there is sectoral- All these things are clogging the decision making process and that has to be addressed by amendment of the Treaty.

Lastly and just as an example to show how the decision making process is flawed and it will be difficult to implement the Common Market because of the decision making process is the position on the jurisdiction of the human rights in the East African Court of Justice. Some time ago, the Council did set a date for extended jurisdiction. They sat and said, now extend jurisdiction and they instructed the Secretariat to come up with a Protocol to operationalize that jurisdiction in my view which had already been extended by them.

When that matter went to the Legal and Judicial Affairs Committee, the first time the Attorneys-General said yes, the Council of Ministers has already approved and ordered for the Human Rights jurisdiction to be extended. Recently the same Attorneys-General sat and reversed that. This sectoral council sat and reversed the decision of the Council of Ministers. They in fact made an order that the Secretariat should make a Protocol which does not confer human rights jurisdiction.

We are moving in circles because the decision making process is flawed. My appeal would be for the Council of Ministers to look at the decision making process and look at the Protocol. You

cannot run a Community by Partner States making decisions. I  
thank you, Sir.

**Ms Lydia Wanyoto (Uganda):** Thank you, hon. Speaker for the opportunity to contribute to the motion, which I support. Hon. Members, I have a cold, maybe I over took in the issue of over enjoying Nairobi.

I support the motion but before that I would like to recognise and thank our colleagues from Kenya and the government of Kenya for the usual welcome remarks and the hospitality they accord us whenever we are in Kenya.

I would also like to join hon. Munya to congratulate hon. Issa Ngendakumana and in that same spirit, I congratulate hon. Mwinyi, listening to what happened in Dodoma yesterday for having been re-elected and to also commend our colleagues who participated in that election.

I would also like to add that it is upon this Assembly and other Organs of the Community to help and work with other Members so that we can pull together. People are speaking like if you do not come back to the Assembly, you are either going to die if you are not useful to the integration process. I defer from that discourse. Anybody that has been part of this agenda can fully participate in the integration process. They will be useful and

the choice is for those that are still on the table to ensure that we pull together and utilise every resource that is useful to the Community. So I would like to hear that we should be able to bring on board our colleagues; whether they have been in the Secretariat or in Council or in the Assembly. There is enough space for everybody who has been here or not. I thank you.

On that same note, I would like to pay tribute to our friends who were bereaved during the time when we were on recess; hon. Ndarubagiye lost a son, hon. Nyirahabineza lost a sister, hon. Kwekwe lost a sister, hon. Bucuumi lost a father and Dr Rotich lost two siblings in the same week. That is the information I have while we were on recess. May the Almighty God rest those family members of EALA in eternal peace.

As I finish my opening remarks, I always - Mr Speaker, I want to comment on the speech-

**The Speaker:** Honourable, you had two minutes so you have one minute now because I think the preamble has done everything.

**Ms Wanyoto:** I will use the two minutes-



**The Speaker:** One minute, honourable.

**Ms Wanyoto:** I have already declared my interest and history in Kenya. I also want to pay tribute to the important Kenyans that left us during the time of recess, the late hon. John Michuki and the late hon. Njega Karume. They played a big role in the East African politics and I want to be part of the people that recognise their contribution.

I would like to specifically talk about the issue of peace, stability and development as envisaged in Article 59(3) (c) of the Treaty and on that note congratulate the Council of Ministers because for the first time, they have been able to table a progress report on peace, stability and development which is a very important agenda because it is a stand-alone provision in the Treaty.

I also want to congratulate the Secretariat because we have been asking many questions about this issue, we have been raising matters about this but for the first time, and they have been able to table before this Assembly a report on peace, stability and development.

Mr Speaker, Sir, this will give us an opportunity as an Assembly to discuss the mechanisms and to also augment and build synergies towards the Bill that is before us on peace, conflict management and development.

I have read the Kampala speech of the President and my colleagues have already contributed. To me what is important is for us to first of all manage and put in place mechanisms of the EAC issues on conflict before we even look at our neighbours. It is very easy to talk about Somalia; we speak with a lot of passion and strength. We talk about South Sudan but we have our own conflicts here in Uganda, Kenya, Burundi and Rwanda. The scripture is very clear that before you talk about the speck in your neighbour's eye; let us begin with our own log.

So to me it is very important that we begin debating and discussing matters of peace and security and stability in our own five Partner States with candidness, honesty and then when we are together, we can say let us move to Somalia as a team. We are not yet a team ourselves in terms of security, peace and conflict. We have these things with us; either natural resource based conflicts, politically motivated conflicts, we have them and until we look them in the face and deal with them as the

five Partner States, we cannot sit here and begin saying, Oh you know Somalia, you see Sudan- We shall have one voice if we have sorted out ourselves in the five Partner States.

That is why I would like to congratulate the Council of Ministers for having brought that report so that we begin from home before we go outside to our neighbours.

On infrastructure as I sit down-

**The Speaker:** Thank you very much, honourable.

**Mr Peter Munya:** Mr Speaker, Sir, I would like to take this opportunity to thank all those who have contributed to the speech. They have made very useful comments that are going to go a long way in advising the Council on what to do on various issues.

Though some of the comments are actually giving the right analysis of what is happening, I would want to say that on the issue of Somalia, it is erroneous to say that Members moved there individually because the countries that are there are operating under the AU mandate except for Kenya that moved at the beginning in self-defence individually. But Kenya has now been incorporated under the AU AMISOM command so it is not true to keep insisting that Burundi, Uganda and Kenya are in Somalia individually. That is being very economical with the truth.

Whereas it is desirable and I want to agree with Gen. Muntu that it would be desirable if we could move as a Community, but we are not yet there and we do not have any protocol that gives us a mandate to move to any neighbouring country as a Community and until we reach there, we cannot do that even though we may desire to do that very quickly.

Of course if you want to set up desks, we can do that. I do not see anything wrong with setting up desks to look at problems of neighbouring countries, how those problems affect us- I think that would be a useful thing to do though an administrative decision but until we have a protocol that provides for us to be able to move in neighbouring countries, we cannot do it.

I want to give encouragement that there is already a proposal in that direction. There is already a draft protocol that is being discussed on self defence. Isn't it there? Yes, it is a protocol on cooperation in defence between the Member States and which is likely to provide for a provision to take care of ourselves if we are attacked and it is likely to be signed next month. That is the information I have been given. So that is a lot of progress, Mr Speaker if you ask me. Some of us never thought we would reach there but we are almost there.

Without going into the danger of drifting I also wanted to point out that it is true that there has been a lot of leeway in the implementation of the Common Market. We must admit that because the targets and deadlines that we had set have not yet been met. Although there have been attempts to deal with domestic laws to implement the Common Market, we are not yet there. In Kenya

there is the Miscellaneous Amendment Bill which is pending and is intended to carry out that review. It has not been brought to Parliament because of the deadlines that we have on implementation of the Constitution. The Constitution has taken most of the time in Parliament and time has not been found to bring it there.

Part of it though has been brought like the Immigration Act has already been amended, the Labour regulations have been amended but we have not been able to do the entire amendment of all the legislations that are required because of the problem of deadlines that are required in the implementation of the Constitution.

Generally Mr Speaker, we appreciate the very honest comments that have been coming from Members. We appreciate the spirit of integration that runs through this House whenever there are debates. Specifically I would like to appreciate the contributions of hon. Catherine Kimura, hon. Gervase Akhaabi, hon. Mike Sebalu, hon. Gen. Mugisha Muntu, hon. Christopher Bazivamo, hon. Dan Ogalo and finally hon. Lydia Wanyoto Mutende.

*(Interruption)*

**Ms Byamukama:** Thank you for your indulgence hon. Minister. I heard you talk about a Miscellaneous Amendments Bill. I just want to get some clarification. Why would amendment of substantive commercial laws which impact on implementation of the Common Market be brought under the subject matter of miscellaneous? I just wanted that clarification because I would believe that these are laws which for example touch on issues of immigration and other issues to do with the Common Market so I just wanted to hear from you on this lumping of the Miscellaneous Amendments Bill and how it would impact on the enforcement and implementation of the Common Market.



**Mr Munya:** Thank you, hon. Dora for that clarification. It is a quicker way of bringing changes because if you have amendments on so many laws, if you were to bring a Bill to deal with each one of them. You would take forever so you want to bring an omnibus legislation that covers all of them. In Kenyan speech we call them Miscellaneous amendments because is small amendments here and there that are intended to deal with various laws in various sectors to bring them to reflect what is reflected in the Common Market.

Mr Speaker, I beg to move.

**The Speaker:** Thank you very much, hon. Minister. Hon. Members, before I put the question I would like to say something on this Common Market. I think it is something I always talk about in terms of implementation of the Common Market. You will find that for example Kenya I think has said that it has 23 laws which they are bringing for miscellaneous amendment for the last two years.

The hon. Minister from Rwanda will say that we have already- The Immigration Act has been changed and what have you but I would like to say one thing. We are talking about a Common Market for the region. We are not talking about a Common Market for Rwanda or for Kenya so even if they changed those laws, do we have a Common Market? The answer is no because even if I have those rights, what happens to Rwandans who should enjoy rights in Tanzania or in Uganda? So even if they change these laws, unless they sit down and harmonise their laws to the Common Market, they can talk of 23 laws and say it has done something on immigration but we do not have a Common Market. We just have some laws which have been changed in some countries to sort of comply with something called the Common Market.

I am not going to use the word hon. Muntu used but let us be honest with East Africans and make sure we have a Common Market for East Africans.

Hon. Members, I now put the question that this House do commend the Chairperson of the EAC Summit of Heads of State for the concise exposition of the EAC policy contained in the State of the EAC Address to this Assembly on Wednesday 25<sup>th</sup> January 2012.

*(Question put and agreed to.)*

MOTION

BILLS'

SECOND READING

THE EAST AFRICAN COMMUNITY CUSTOMS MANAGEMENT (AMENDMENT) BILL,

2012

**Mr Munya:** Mr Speaker, I beg to move that The East African Community Customs Management (Amendment) Bill, 2012 be read the Second Time.

**Mr Wilbert Kaahwa:** Seconded.

**Mr Munya:** Mr Speaker, this Bill is an amendment to the East African Community Customs Act and the principle object of the Bill is to amend the Act by inserting in the Act a new section providing for the prevention and suppression of money laundering, drugs and arms trafficking, infringement of intellectual property rights and terrorism.

In this pursuit, the customs shall work together with the relevant authorities in the Partner States in exchanging information, in carrying out joint investigations and in arresting suspected offenders and in carrying out such other functions as may be necessary to achieve the objectives of this Bill.

Mr Speaker, this amendment is intended to fill that lacuna that was left out because the Act did not provide for an engagement between Partner States in dealing with these crimes that are usually trans-national crimes that are closely linked with customs.

Without drifting, this is the basic objective of this amendment and therefore, I beg to move.

**The Speaker:** *(question proposed)*

Debate is open. I would like to call the Committee on Communication, Trade and Investment. Who is going to read the report?

**The Chairperson Committee on Communication, Trade, and Investment (Dr. James Ndahiro):** Thank you, Mr Speaker. As a committee, we have considered this amendment Bill. We have a report to that effect but I just want to make one correction that we do not continue to drift again after receiving the warning because we did not consider the Partner States effort or collaboration as important because we are talking about a regional Bill. We are talking about a Customs Management Act at the regional level otherwise those other details about the Partner States probably the Chair, Council of Ministers just introduced them as a matter of emphasis.

Mr Speaker, I would like to request you to permit hon. Nyirahabineza to read the report on behalf of the committee. Thank you.

**Ms Valerie Nyirahabineza (Rwanda):** Thank you very much, Rt hon. Speaker for giving me this opportunity to read the report on behalf of the Committee on Communication, Trade and Investment.

The report reads as follows: Introduction. The EAC Customs Union was established and became operational on 1<sup>st</sup> January 2005 in Kenya, Tanzania and Uganda. The Republics of Rwanda and Burundi joined the East African Community in July 2007 and have commenced to implement the EAC Customs Union effective from 1<sup>st</sup> July 2009.

The pillars of a Customs Union include application of a common Customs law, Elimination of Internal Tariff (EIT), application of a Common External Tariff (CET) and removal of Non Tariff Barriers (NTBs).

The Partner States therefore started implementing the Customs Union by applying the common instruments. The Directorate of Customs is responsible for initiating policy on Customs and Coordinating and monitoring the implementation of the EAC Customs Management Act, 2004. The law also provides for the role of customs of Partner States as responsible for the day to day

operations of customs including revenue collection, enforcement of the Act, management of customs personnel.

In the course of carrying out the functions mentioned above, the Partner States in the directorate have been identifying areas in the law that need to be amended from time to time to make sure that it serves the intended purpose.

The principle object of this Bill is to amend the East African Customs Management Act, 2004 by inserting a new section providing for the prevention and elimination of money laundering, drugs and arms trafficking, infringement of intellectual property rights and terrorism. To this end,. The EALA Standing Committee on Communications, Trade and Investments convened a meeting from 27<sup>th</sup> February to 2<sup>nd</sup> March 2012 to review the EAC Customs Management (Amendment) Bill, 2012.

Methodology:

The committee met with customs experts from the EAC Directorate of Customs and Trade to provide explanation and rationale for the amendment of the EAC Customs Management Act, 2004. The officials from the EAC Customs department provided the background and rationale for the amendment. The customs experts



advises the sectoral Council on Finance, Trade and Investments that preventive mechanisms should be put in place to prevent money laundering, drugs and arms trafficking, dealings in counterfeits, infringement on intellectual property rights and terrorism.

The customs department further informed the meeting that the amendment is aimed at reinforcing the EAC Customs Management Act because in its current form, it cannot prevent the above mentioned problems.

Observations and recommendations:

Members observed that human trafficking and trafficking in human body parts should be added in sub clause 1. However, the officials from customs department advised that this addition should be first discussed in the customs expert meeting for further consultation before it is included in the amendment since movement of persons is a function of the Immigration department.

Members noted that without a regional customs body in place to fully implement the Customs Management Act, the proposed amendment may not add value on the current Act.

Members observed that definitions should be provided for the aspects mentioned in the amendment such as money laundering, drugs and arms trafficking, dealings in counterfeit, infringement of intellectual property rights and terrorism because Partner States may interpret them differently. However, the EAC Customs officials advised that the customs expert from the Partner States will discuss and come up with agreed upon definitions.

Un-harmonised laws create a loophole in the prevention of crimes mentioned in the amendment. A case in point is where some products and drugs such as Miira are legally traded in some countries whereas they are illegal in others. It was therefore recommended that the products and drugs be categorised so as to separate the legal from illegal ones and the penalties charged on the offenders should be uniform across EAC countries.

Proposed amendments:

The committee recommends the following amendments to the Bill as shown in Annex 1. The annex is about the justification for amendment to the East African Community Customs Management (Amendment) Bill, 2012 by the Committee on Communications, Trade and Investment.

Clause 249 of the Bill is amended:

1. In Sub clause 1 by replacing the word 'suppress' with the word 'eliminate'. The justification is that 'eliminate' is the suitable term for getting rid of NTBs completely within the EAC region.

Clause 249 of the Bill is also amended in sub clause 2(a) by inserting immediately after the word 'authorities' the words 'in the Partner States and at the regional level' and by deleting the words 'when requested'. The justification is to be specific that the relevant authorities are in the Partner States and that information can be provided when available.

It is also amended in sub clause 2(b) by inserting immediately after the words 'in any' the word 'relevant'. The justification is in order to specify that investigation can only be relevant.

It is also amended in sub clause 3 by replacing the words 'a Partner State' with the word 'the Community'. The justification is to clearly specify that the presence of the authority may not necessarily be in the Partner State. Mr Speaker Sir, I beg to move.

**The Speaker:** Hon. Members, debate is open.

**Ms Safina Kwekwe (Kenya):** Mr Speaker, I thank you for this opportunity and I want to start by saying to all our colleagues, *karibu sana* to Nairobi and Kenya, which is your home.

On the Bill on the floor, I wish to react to the report of the committee on page three under observations and recommendations whereby in the first paragraph it says that Members observed that human trafficking and trafficking in human body parts should be added in sub clause 1 but this was not done because Customs department advised that this addition should first be discussed in the Customs Experts meeting and that movement of persons is a faction of immigration department.

Mr Speaker, I wish to defer on the issue of human body parts that this is not an issue of immigration department because when human body parts are trafficked, they are parts and not humans. Therefore it cannot be an issue of immigration. It is illegal trade just like it is illegal to traffick in arms and drugs and just as it is illegal to traffick in dirty money. Therefore I would move at an appropriate time that the issue of human body parts be added to Clause 2(1) of the Bill because one, human body parts are traded across borders most often illegally be they from dead or alive persons. Therefore, issues of trade are

the mandate of customs at the border and therefore, they should be part of the Bill so that we can be able to eliminate this illegal trade in human body parts which by and large is increasing and is becoming a menace.

Therefore hon. Speaker and Members, I wish to put the House on notice that when it comes to the appropriate time, I would like to move an amendment to deal with this matter appropriately. I thank you.

**Ms Dora Byamukama (Uganda):** Mr Speaker Sir, I would like to thank the committee for this very clear and concise report. I have two observations. The first observation is in respect to 3.0 and this is on the issue that was mentioned by hon. Safina Kwekwe also. It states that "Members observed that human trafficking and trafficking in human body parts should be added in sub clause 1. However the officials from the Customs Department advised that this addition should be first discussed at the Customs Experts Meeting for further consultation before it is concluded in the amendment since movement of persons is a function of immigration department."

I would like to support the committee and state here that consultation with the other experts should not take too long and therefore I would have expected that the committee would have had a report on these consultations.

From the offset, I would like to state very clearly that all the East African Partner States are part of an international Treaty which is against human trafficking and this is known as the Palermo Protocol. Therefore, I don't know what these consultations would yield apart from emphasising harmonisation

of the law even on this issue of human and body parts trafficking.

As was mentioned by hon. Safina, this is very important. I know for a fact that Uganda has an Anti-trafficking in persons law so does the Republic of Kenya. I know that other countries have this aspect in their various legislation under the Penal Code but I believe that this is an aspect that we should not leave out because this is happening and we must stem it by using the law. I don't see why we should wait for another amendment. I know we have amended this particular law very many times and I hope we shall have response on this from the Chair, Council of Ministers.

Second is on paragraph 3 under 3 and this notes that "Members observed that definition should be provided for aspects mentioned in the amendment such as money laundering, drugs and arms trafficking, dealings in counterfeits, infringement of intellectual property rights and terrorism." We were informed in the accounts committee that some countries do not have comprehensive laws on the issue of money laundering and therefore, this needs to be taken into account when we are looking at this issue of money laundering.



In light of this, I would like to hear from the Chair, Council of Ministers whether it has been ascertained that we have comprehensive laws on money laundering because we were informed that for example Uganda needs to revise its legal regime on this particular matter.

Finally is the issue of counterfeit and infringement of intellectual property rights and I would like to mention a particular law which also needs to be put in place and maybe which need to be explored. These are laws on consumer protection especially when it comes to issues of medicines as well as other goods which are on the market. Maybe we could hear from the Chair, Council of Ministers on whether we have consumer protection laws and laws against dumping which perpetuate this particular vice because I believe that if we do not have strict laws within our different countries, even when we come in with a law at the regional level, it may not really do much because we shall still have goods dumped in different countries which are counterfeit and these can easily find their way across the borders and therefore harm consumers.

Otherwise, I would like to support the report of the committee and to thank the Council of Ministers for proposing these amendments. I thank you.

**Mr Bernard Mulengani (Uganda):** Thank you, Mr Speaker, Sir. I want to add my voice to the precious members that have spoken on this floor to thank the hospitality that we are being accorded by our colleagues from this country but also to thank the Chairman of Summit His Excellency Mwai Kibaki for his address to the Assembly.

Mr Speaker, I want to support the committee's report but basically I rise on one particular issue they mentioned under 3.0 on the observations and recommendations. Specifically paragraph two that they noted that without a regional customs body in place to fully implement the Customs Management Act, the proposed amendments may not add value on the current Act.

Mr Speaker, I rise to seek explanation from the Council of Ministers to explain to this House the implication of this amendment given that the regional customs institution or body is not yet instituted. Indeed they should tell us for the amendment they are raising, who is going to collaborate with these local authorities at the current setting in the absence of the regional customs institution or body.

This is because it is worrying me. The amendment that is being raised is as if we are saying yes, much as there is no regional body, let the local or Member State institutions take charge. We are moving away from the integration objectives to now encouraging issues of sovereignty within the Member States. This is the way I see this amendment and I would request that the Council of Ministers come out to clearly tell us at what date and what time frame because some of my colleagues have been alluding to these issues that if we are not focused and if we do not have a time frame that will cut off the implementation of some of these Acts, we may be eventually left with no alternative but to drift.

I am requesting the Council of Ministers to come up and tell us when they will consider putting in place the regional customs body. This is because I do not think that these authorities will be consulted by the personnel concerned with customs in the Community. I believe that these are people put in place to implement or put together or harmonise issues of the Customs Union. To that effect, I wish to support the report but after being given clarification on this particular item. Thank you.

**Mr Munya:** Mr Speaker, I want to appreciate the comments that have been made by various Members contributing to this amendment. But I wanted to clarify that this amendment will be followed by regulations. The Council will make regulations to implement these amendments and indeed the amendments were brought because the Council could not make regulations to deal with these particular matters because there was no enabling legislation in place.

So the regulations are the ones that will give more clarity and detail on how these particular matters will be managed, the coordination, how it will be done between the authorities in the Partner states and the customs department in the Secretariat. So really if we look for specific details. I will not be able to get them here. We need to wait for the regulations that will be developed by the Council to be able to get the finer details on how the coordination will be done.

Mr Speaker, it is also important to point out that the road map on a single customs territory will be considered by the Summit next week. The Summit is sitting next week and I think this matter is going to be dealt with by the Summit in finality in that sitting. But whereas I want to agree that it would have

been easier if there was a regional body, it would have been easier if that regional body was there to deal with these matters. I disagree that you cannot deal with them without a regional body because what the amendment is dealing with is mainly crimes and the amendment is providing for collaboration between authorities in different Partner States when dealing with these crimes.

This is not the first time that we have provided legislation for cooperation between authorities in Partner States in dealing with a particular matter so the absence of a regional body is not an impediment even though perhaps it would have been more desirable if that body was there. *(Interruption)*

**Ms Hajabakiga:** Thank you, hon. Speaker and thank you, Minister for giving me way. I just wanted to know because the hon. Minister is saying that the Council will make regulations but under the observation which we had as a committee, there was an issue of definitions of the terms used in this amendment. Will that mean that these definitions will also come under the regulations? What will happen because they are supposed to clarify the use of all those amendments which you have brought for amendment?

**Mr Munya:** Mr Speaker, I don't think the regulations will provide for definitions because the definitions are supposed to be provided for here. So if we have amendments to provide definitions that is okay. The regulations are only intended to implement the amendment when it is already there so definition of terms must be provided for now in the amendments.

**The Speaker:** Hon. Members, before I put the question I would like to ask one thing. I think if you look at the committee report, the committee is saying you are the one who is supposed to provided definitions for those Acts in terms of what counterfeit, whatever. They put a lot of lists there in terms of defining them and as you go further, I think you have an interest here of talking about Mira and saying that Miira is illegal in one place and legal in other countries. We need to pass a law with definitions otherwise people cannot know what- I think we have different definitions for different things in different countries. The Council of Ministers is going to bring the definition because this is your law.



**Mr Munya:** Mr Speaker, I want to agree again that there is some oversight here in not providing for the definitions but most of these terms are already defined in the Internal instruments that deal with these particular crimes and Member States are all Members in these international instruments so I don't think that the lack of definition necessarily negates what we are doing here now.

**The Speaker:** You are telling us to pass the laws on Assembly here and then you are talking about some definition somewhere. How comfortable are we as a House to pass something when we don't know what we are passing? If you look at the good example they gave of miira, it is a drug classified as a drug somewhere and not somewhere else. So maybe to be clear so that we know what we are passing-

**Mr Munya:** Mr Speaker, we will provide those definitions at the Committee Stage in form of amendments. We are assuming that the Committee Stage will not come immediately. If it is going to come immediately- *(Laughter)*

**The Speaker:** Hon. Minister, we will give you that and allow you time to get these definitions. Hopefully we will use the

discretion of the Speaker to jump that order to go to the next one. Hopefully by this afternoon you should be ready, I hope.

**Mr Munya:** Most obliged, Mr Speaker.

**The Speaker:** Hon. Members, I now put the question that the East African Community Customs Management (Amendment) Bill, 2012 be read for the Second Time.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED THE EAST AFRICAN COMMUNITY CUSTOMS  
MANAGEMENT (AMENDMENT) ACT, 2012

MOTION

BILLS'

SECOND READING

THE COMMUNITY EMBLEMS (AMENDMENT) BILL, 2012

**Mr Munya:** Mr Speaker, I beg to move that the Community Emblems (Amendment) Bill, 2012 be read for the Second Time.

**Mr Wilbert Kaahwa:** Seconded.

**Mr Munya:** Mr Speaker Sir, the East African Community Emblems Act, 2003 is one of those Community legislations that is fundamental to the establishment and preservation of the identity of the Community as an international legal entity. It provides for the emblems and their statutory protection.

While that law has played a significant role in the protection of the emblems that currently include the Community flag and seal, we must remember that the Community rose in terms of establishing such programs as will lead to the achievement of the objectives of the Community.

In this regard, it beholds the Community to always address the need to identify more confidence building measures supported by law. It is in this regard that the Council of Ministers, upon consultation with all stakeholders, introduced an EAC anthem. The anthem contains words and lyrics.

Mr Speaker Sir, the object of this Bill is to include the anthem among the emblems provided in the Act. That anthem is very uplifting. I remember I was opening a youth conference in Meru country two days ago and when the anthem was played you could feel that the youth identify with it and clearly it is a very useful instrument in giving the spirit of integration and also in unifying the population.

Mr Speaker Sir, I beg to move.

*(Question proposed)*

**The Chairperson, Committee on Legal, Rules and Privileges (Mr Frederic Ngenzebuhoro):** Thank you, hon. Speaker. Before I proceed with the report, I would like to take this opportunity to sincerely thank the President of this country and the people of Kenya for the warm hospitality we have enjoyed while here. I would especially like to thank the Kenyan Chapter for facilitating our stay in this country.

Having said that, I would like to deliver the report of the committee. The Council of Ministers introduced the Community Emblems (Amendment) Bill, 2012 in the Assembly which was referred to the Committee on Legal, Rules and Privileges in accordance with Rule 66(4) of the Rules of Procedure of the East African Legislative Assembly.

The committee noted that identity, aspirations and legal personality of the Community were the objectives of the amendments brought by the Council. The committee reviewed, the Bill, made observations, findings and have made recommendations to the Assembly.

Mr Speaker Sir, as methodology, the committee reviewed both the parent Act and the amendment Bill, the Hansard report leading up

to enactment of the Act in 2004 and analysed the provisions of both the parent Act and the amendment Bill.

The committee observed that the Community is a body corporate with perpetual succession as stipulated in Article 4 of the Treaty for the establishment of the East African Community that the Community shall have the capacity within each of the Partner States of a body corporate with perpetual succession and shall have power to acquire or manage and dispose of land and other property and to sue and to be sued in its own name.

Further, the Community shall have power to perform any of the functions conferred upon it by this Treaty and to do all things including borrowing that are necessary or desirable for the performance of those functions. The Community shall, as a body corporate, be represented by the Secretary General.

Secondly, the committee further observed that a Summit of the EAC Heads of State approved the anthem on the ... December 2010. This was after a lot of hard work and several presentations. The committee also observed that in as much as Swahili is a *lingua franca*, there is need to translate the anthem into other national languages and in English which is the official language

of the Community. In view of the above, the committee will, at an appropriate stage, introduce amendments to this Bill.

The committee also found that the aspirations of the people of East Africa were ably captured by the words of the anthem which was approved by the EAC Heads of State Summit. It is imperative that a ... and strong identity of East Africa is created so as to bind the people to a common identity.

A body corporate such as the Community must in law have an emblem to distinguish it from other bodies. The committee examined Section 3 of the amendment Bill on amendment of Section 8 of the parent Act and found it imperative to provide for jurisdiction where such cases may be heard and at an appropriate stage, the committee will propose for the amendment of the word 'court' in the parent Act.

In the view of the committee, this Bill is necessary and subject to the amendments proposed herein after, the committee recommends the Assembly to pass this Bill into law. The committee would like to acknowledge the facilitation you, hon. Speaker have granted to it and the committee recognised the wonderful work by the Council of Ministers.



In conclusion, the committee hereby submits this report to the Assembly and humbly urge the Assembly to fully support it.

Mr Speaker Sir, I have the amendments. We propose that -

**The Speaker:** Hon. Frederic, I think everybody has the amendments so they will come during the Committee Stage. You do not have to read them.

**Mr Ngenzebuhoro:** So I beg to move, Mr Speaker.

**The Speaker:** Hon. Members, debate is open on this Bill.

**Mr Dan Kidega (Uganda):** Thank you, Rt hon. Speaker and the Council of Ministers for bringing this amendment and the chairperson for your good report. I am a member of the committee. Mr Speaker and hon. Members, I would like to also join my colleagues who have commended the government and the people of Kenya for their hospitality that we are so used to and that they always give us. We are very grateful and I am personally grateful.

Mr Speaker, the anthem has been introduced into the East African integration and it is going to go a long way to take the integration to the people. In my country when I was growing up, every day when the national radio opens to begin the day, the national anthem was always sung and it was always a reminder to me that I belong to that country and it inculcated into me a spirit of belonging and loving my country. So if we give this anthem effect by allowing it to be sung or played in the national televisions and radio at the beginning of our day, the East Africans will feel and love the integration process.

Borrowing from the Christian concept where I belong, they say music ministers to the soul. If you want to communicate to the

inner being of a person, if you present your message in lyric or melody, the human nature appreciates it and loves it even more.

So I would like to salute the Council of Ministers for introducing this. I look forward to seeing it being popularised particularly taking into consideration the official language of the Community. I thank you, Rt hon. Speaker.

**Ms Safina Kwekwe (Kenya):** Hon. Speaker, I thank you again for giving me an opportunity. From the onset I want to support the motion but make a prayer that at an appropriate time we move an amendment to the Bill so that the lyrics and words of the anthem are in consonance and I want to give an example.

If you look at Schedule four of the anthem, the words of the first stanza, *emungu twawomba ulinde*. If you look at the lyrics of that sentence, it says '*emungu twaomba uilinde*'. So there is an 'I' missing in the '*ulinde*'. Also if you look at the chorus of the anthem where you in the second line it says '*tuwajibike tuimarike*' those are the words but when you look at the lyrics, it says '*tuajibike*' and the meaning of '*tuajibike*' is very different from '*tuwajibike*' in Kiswahili. So I think it is important that we have the lyrics and the words in consonance with each other just to be sure that we are singing what we aspire the message to be. I thank you, hon. Speaker.

**Ms Lydia Wanyoto Mutende (Uganda):** Thank you, hon. Speaker and hon. Members. I would like to support the motion on the floor and congratulate the Committee on Legal Rules for their report. Hon. Members, the anthem is an important achievement for the Community. It took a couple of years for us to agree to an anthem of the EAC like brings together, like hon. Kidega has said, all the souls of East Africans to be together when we are singing this anthem.

I support the idea that for the countries which are very familiar with Kiswahili or for other languages, this anthem be translated but I would like to request that the anthem be sung in Kiswahili because if you translate this to be sung in other languages, my personal outlook is that it will lose meaning. So I would like to say that let people understand the meaning of the words in Kiswahili in this anthem but let the song remain in Kiswahili. It is a beautiful song and the lyrics and everything are so nice. It is a lesson for people that do not know Kiswahili to struggle to learn it. It is an important language for the East African Community and given the Ugandan experience, every time this anthem is sung at functions in Uganda, people are asking for copies. They are eager to learn and be part of the song. So I would like that it be only translated for the

understanding of the words but let us encourage people. Let this be a test case for East Africans who do not know Kiswahili to learn the language.

On that note, I would like to congratulate the Secretariat, the Council of Ministers and all stakeholders because this was participatory and many of us witnessed this. It was a participatory exercise and many groups brought songs, there was competition-

**The Speaker:** Hon. Ministers, I think you should listen to the hon. Member as they listen to you.

**Ms Wanyoto:** Thank you, Mr Speaker. I was commending the Council of Ministers. These are very rare comments from people like me. I congratulate you because it is a landmark for you as Council because this is one of the few landmark achievements that have been really participatory. I witnessed many groups from the East African countries coming to compete and present pieces of the anthem. If you understand the meaning of these words, there is some ownership and you feel you are part of this if you understand the language in some of the words in Kiswahili. It

talks about our nationhood, identity and so many things about the people and the East Africaness in this anthem.

I wish we could have other ways of causing participation like we did with the EAC because I saw musicians coming to participate, I saw schools participating and so many people competing and finally we have a product. This is work for the East African ministries that you have work on your hands to roll out a clear program. Let this anthem be sung everyday on every school assembly and this is the work of dissemination. How is the dissemination agenda? Let it be sung at every Council meeting for those of you who are going to be governors, in schools, at national functions- At least in Uganda we have started doing that. It should be maybe part of the roll out program under the EAC ministries so that when we come, if I have come for a national day, I would like to hear this anthem being sung at every school and function so that we learn and own it and we enjoy it.

With those few remarks, I would like to thank and congratulate the people that were at the centre of this work. This is a good piece of work and we are proud of it. I thank you.



**Ms Byamukama:** Mr Speaker Sir, thank you very much for this opportunity. I would like to add on what my colleagues have said a few points. The first point is that when you look at the body of the report, I think there is an omission. We did discuss the issue of logos, I don't know what happened and this was not captured in the report because we agreed that we would move an amendment to capture the fact that we have two other organs of the Community which have logos and these logos need to be respected and acknowledged in the law. These two bodies are the East African Court of Justice and the East African Legislative Assembly. I hope that this will not be left out because as we agreed, this enhances the fact that these are organs of the Community. It also continuously identifies these bodies as individuals and builds towards the separation of powers which we eventually hope to have when we have an East African Federation composed of the different arms of Government.

So I just wanted to highlight this particular aspect and I hope that this will be captured and carried by the Assembly when you move it.

Mr Speaker Sir, I wanted to highlight two other issues which were raised. These took into account the fact that when you

have persons with disability who are unable to stand if the Anthem is played then this should be recognised and therefore when we say that everybody should stand at attention, we should not disregard the fact that there are some people who are not able to stand and therefore we captured this particular aspect.

Mr Speaker Sir, we also discussed as to whether we should touch our left breast like some of the other countries do but we thought that maybe this may not be very common in East Africa so we decided to just leave it at attention noting that even then, there may be some people who do not have a particular arm like we do have in our country. Therefore it may also be discriminatory.

We also looked at the issue of jurisdiction. When you look at this particular law, you will find that under Clause 3 it says that, "Any person who shows disrespect in speech, manner or writing with reference to the anthem commits an offence and shall be liable on conviction to a fine not exceeding \$ 1000 or imprisonment not exceeding one year or both."

We realised that right now under the Treaty, the East African Court of Justice which is being referred to in this particular

law is not vested with powers to commit someone to prison; the criminal aspect. Therefore we proposed an amendment which would take this into account accordingly.

Regarding the issue of the English version was not so much as to make East Africans sing this anthem in the English version but it was more so to have an official translation of the anthem. We were told by some of our colleagues that in Kenya, you may choose to sing the national anthem in English or in Kiswahili and therefore we thought that this would be a good idea because when someone is singing a language they are very conversant with, they may feel it more in the heart when they internalise what it means.

We also noted that this anthem is not only be sung by East Africans although the Bill was saying in the guidelines that East Africans will be the ones to sing it. We took out this and included everybody who sings it to be able to respect this particular point so that it is sung not only when we have Community functions because these are far and in between.

I want to thank the hon. Minister for mentioning that in Meru. They are already singing this anthem. Let us not confine it to

only Community functions as these are far and in between. Let this anthem be sung along or after the national anthems so that we can continuously identify ourselves maybe first as East Africans of Ugandan origin and then more substantively and in a united manner, as East Africans by making sure that we sing and play this anthem whenever the national anthems are sung.

So this is the background, Sir and I want to thank you.

**Mr Ogalo:** Thank you, Mr Speaker, Sir, for the opportunity and I want to thank the Council of Ministers for bringing this amendment Bill. You will notice that there is a solemn atmosphere when national anthems are being played in our countries. There is something which brings the people together despite the differences we may have politically. When it comes to the national anthem, there is that oneness. So I want to thank the Council of Ministers for coming up with this Bill which brings in the national anthem and brings us together.

I want to thank them for the words which also create the identity for East Africans. Who are we? Just like after independence the anthems created an identity of Uganda, Kenya, Tanzania, Rwanda and Burundi, at least now we have something which we can look to and which creates an identity and oneness and that is very good for this region.

I hope that the Council of Ministers will go out to popularise this anthem so that people come to know about it because it is through its being popularised that we shall be able to further that identity and to emphasise the aspirations that the people of East Africa have.

Lastly, this is called the Community Emblems (Amendment) Bill, 2012. It is amending the Community Emblems Act of 2004 which was a Private Members' Bill. This is important for the Council not as a matter of course, to oppose Bills brought by Members of this House because if this was not there, there would have been nothing for them to amend.

So I want us to look at the Council and Members as complementing each other so that when Bills come from Members, you can help by saying, let us change this here and there and then in future we shall have other people building on it. I thank you, Mr Speaker.

**The Speaker:** I think the Council has taken note when hon. Ogalo moves his Bill later on in the week.

**The Counsel to the Community (Mr Wilbert Kaahwa):** I thank you, Mr Speaker and I thank the Council of Ministers for introducing this Bill and moving the motion for its Second Reading. I also thank the Chairperson and Committee on Legal, Rules and Privileges for its detailed report on this amendment Bill.

Let me also observe that the issue of the EAC anthem is so symbolic and important as can be derived from the contributions so far made on the floor of the House.

At this juncture, let me say that I take seriously the words addressed to the Council of Ministers by my honourable friend Dan Ogalo to the effect that the system of legislating; introducing Bills and debating them should be mutual between the Council and the Assembly for purposes of living to our expectations in enactment of legislation for the Community and I want to assure this august House that much as I am not a member of the Council of Ministers. I support the Council and we try as much as possible to support the Assembly and members of the Assembly in the furtherance of the Bills introduced by the Members.

What makes me stand in particular is with regard to what hon. Byamukama talked about in her contribution. She talked about the importance of including the logos; emblems relating to this august House and the East African Court of Justice. The way in understand her contribution is that these being two organs of the Community, it is important that their emblems also receive the kind of legal and statutory protection that is accorded generally to the Community emblems, seal and flag under this Act.

In the same vein, I want to propose an amendment that we use this occasion as a Legislative Assembly to provide for protection of emblems of institutions of the Community. We are trying to extrapolate this protection and appropriately so to the emblems of the East African Legislative Assembly and the East African Court of Justice but we have institutions of the Community and these are specialised institutions which also have emblems which relate to the functions and responsibilities that they discharge.

You may find that CASSOA has got an emblem just like all other bodies similar to CASSOA are operating under the CAO conventions which have got for example a picture of a plane in their logos.



Lake Victoria Basin Commission may have waters flowing in their logo.

So I want to introduce an amendment which will cater, just like we have done for EALA and EACJ for the protection of the emblems of the institutions of the Community under this same umbrella body. If we do not take that opportunity now, time will come when we need to come up with another amendment Bill or with a separate Bill to cater for the legal protection of the emblems of those institutions.

Mr Speaker Sir, having said that much, I also support the motion and I thank you very much.

**Ms Nusura Tiperu (Uganda):** Thank you very much, hon. Speaker for giving me this opportunity. I would like to join my colleagues in support of the Bill that is before us but before I do that, I wish to thank you so much, Mr Speaker. In your opening address yesterday when you wished us success in our elections that is very crucial at this moment. So *ahsante sana* on behalf of my colleagues and on my own behalf. I think it is very important, thank you for that heart.

I also want to thank the Chairman Summit for the address that he gave us yesterday. It is a clear sign that all is well. Often times when we look at him, we feel at home when we are in Kenya so we want to thank our colleagues in Kenya for the hospitality.

Before I give my full support, I wish to seek clarification. When we talk about the EAC anthem, it is a matter that really touches the hearts of most East Africans. You know it gives serious commitment to the integration process. As you know, since independence the EAC integration is one of the fundamental issues that our Partner States have embarked on and it also involves reconstruction of ideas, of our institutions including some of those that are there in regard to amendment so that they fit the current format.

The national anthem of Uganda was composed by one Prof. Kakoma. I therefore wish to seek clarification from the Council of Ministers as to who composed the anthem of East Africa. It is very sad that I am an MP but I do not know. I feel that must be known to all East Africans so that the gentleman or the ladies or the group that composed this anthem are recognised not only in form of money but the region must appreciate the wonderful work that they have done and in particular the fact that the opening stanzas talk about how we are putting EAC in the hands of God, a clear sign that we really want this integration process to stay on and no more lapse of the integration because we have handed it to God to protect the Community.

So is that clarification is given, I have no option but to support this Bill and call upon my colleagues to do the same.  
*Ahsanteni sana.*

**Mr Munya:** Mr Speaker, I would like to take this opportunity to thank all the contributors who have contributed to this very important legislation that is going to contribute in giving East Africa the common identity that we have been seeking.

I also wanted to say that the anthem was a collaborative effort. It was not written or developed by one person. It was a collaborative effort, competitions were done in the Partner States and one choir was picked from each one that won and then the five songs were played before the Summit and it was not possible to pick one that was the best so the Summit gave a directive that we merge all the songs that had been produced across the East African countries to produce one. So it was a collaborative effort from all the countries in terms of producing one song. It was merged and the song approved by the Summit. I think the East African Community anthem is unique in the direction that it was a joint effort between all the Partner States.

Personally I would love to keep this anthem in Kiswahili but I don't see any harm in whoever wants an English translation having their way. If you feel you want to sing it in English, why not? I prefer singing the Kiswahili version myself. I feel it is closer to me than the English version but I cannot deny you your right to feel closer to the English version whenever you feel like.

Mr Speaker, I wanted to take this opportunity to thank all the contributors by name specifically hon. Frederic Ngenzebuhoro, hon. Dan Kidega who has learnt a lot of Kiswahili recently and is one of the best speakers, which clearly indicates that anybody can learn Kiswahili if they wanted, hon. Safina Kwekwe who is actually an expert in Kiswahili and needs to take more time to explain to us the difference between *kwanjibika* and *kuajibika*, hon. Lydia Wanyoto, hon. Dora Byamukama, hon. Dan Ogalo, hon. Nusura Tiperu and finally hon. Kaahwa.

Mr Speaker, as I continue responding I also wanted to seek your indulgence under Rule 8 to use your discretion to allow us not to go into the Committee Stage on this Bill now so that we can also have the Council of Ministers to have time to familiarise itself with the amendments and also introduce the other amendments that will bring the others laws into the amendments.

If we could go into the Committee Stage tomorrow for both Bills, I would be very grateful, Mr Speaker. We humbly seek your generosity in allowing us to get that extra time.

**The Speaker:** Hon. Minister, I think for the first time you requested for the afternoon. I don't know why you are extending

both to the afternoon. You know we have a very tight schedule as you know for the next two weeks. I wonder whether you can at least try and see what-

**Mr Munya:** Mr Speaker, the assumption is that the afternoon time we can use for other orders that are already there so that we do not really waste time and we are doing research in defining those terms and we did not want to make any mistakes because this is a very important legislation that we have to be careful when we are legislating.

**The Speaker:** Hon. Members, I now put the question that the Community Emblems (Amendment) Bill, 2012 be read for the Second Time.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED THE COMMUNITY EMBLEMS (AMENDMENT)

ACT, 2012

**The Speaker:** Hon. Members, while we allow the hon. ministers to also discuss and see what they can do if they can by this afternoon well and good. If not, we will see how to arrange the

Order Paper and also allow you time to read some of these reports and have lunch, I am going to suspend the House until 2.30 p.m.

*(The House was suspended at ... p.m. Upon resumption at 2.30 p.m.,  
the Rt hon. Speaker presiding)*

*(The House was suspended at ... p.m. Upon resumption at 2.30 p.m.,  
the Rt hon. Speaker presiding\_)*

MOTION

THE REPORT ON THE INTER PARLIAMENTARY RELATIONS SEMINAR (NANYUKI VI) ON THE THEME 'THE ROLE OF THE LEGISLATURE IN ACHIEVING A POLITICAL FEDERATION'.

**The Chairperson of Committee on Regional Affairs and Conflict Resolution (Mr Abdulkarim Halerimana):** Rt hon. Speaker, thank you very much for this opportunity. Mr Speaker Sir, I beg to move the motion that the report of the Sixth Inter Parliamentary Relations Seminar Nanyuki VI be adopted. I beg to move.

**The Speaker:** Seconded.

**Mr Halerimana:** Mr Speaker Sir, I take this opportunity, before going into the details of the report, to thank His Excellency Mwai Kibaki, the President of the Republic of Kenya, the government and people of Kenya but more especially I commend our colleagues, hon. Members Kenya Chapter for the warm reception they gave us since our arrival in this beautiful capital, Nairobi.

Mr Speaker Sir, the meeting was held in Bujumbura on 27<sup>th</sup> to 29<sup>th</sup> November 2011 and the report was made but being very long because it is almost 47 pages, I request the *Hansard* to take my report in summary.

On January 31<sup>st</sup> 2012, the Committee on Regional Affairs and Conflict Resolution met to consider the report of the Sixth Nanyuki Seminar held in Bujumbura Burundi on 27<sup>th</sup> to 29<sup>th</sup> November 2011 on the theme, 'The role of the legislature in achieving a political federation.'

The overall objective of the Nanyuki series is to strengthen the functional relationship between EALA and national assemblies. The specific objective of the Nanyuki Six was to give the legislatures an opportunity to discuss the East African



Community Political Federation and what would be the role of both EALA and national assemblies in its realisation.

The seminar held over two days comprised of a special sitting of EALA and three substantive sessions on re-cap of the 10<sup>th</sup> anniversary celebrations, symposium, addressing fears and catalysing the East African Community agenda towards a political federation and a presentation on the role of Parliaments in realising a political federation.

It also included a special gala dinner held at the end of day of inter-parliamentary games and an interlude of gifts presentation by the Speaker of EALA and of the Burundi Parliament.

Mr Speaker Sir, the special sitting of EALA was graced and addressed by Speakers of Parliaments from Burundi, Kenya, Rwanda, Uganda, Zanzibar, Zimbabwe as Chair of Southern Africa Development Cooperation Parliamentary Forum, Pan African Parliament, deputy Speakers of ECOWAS and Southern Sudan.

Also in attendance were the President of Burundi Senate, Vice President of Rwanda Senate, representatives of IGAD Parliamentary Unit, Secretary General of East African Community,

Council of Ministers, members of Parliament and other invited guests.

Highlights of the Special session of the Assembly.

Mr Speaker Sir, the opening ceremony was presided over by the Speaker of EALA who welcomed the other important dignitaries. In his welcoming remarks, he said the seminar consisted of both a special and formal sitting of EALA and marked the climax of EALA's 10<sup>th</sup> anniversary celebrations. He underscored the historical nature of the seminar since for the first time, the Assembly's sitting had brought together the hon. Speakers of the national Assemblies of all East African Community Partner States to grace and bless it.

He also noted with appreciation the presence of the Speakers or representatives of Speakers of sister regional Assemblies namely from the Pan African Parliament, the ECOWAS Parliament, the SADC Parliamentary Forum and the IGAD.

Most notable in his address was also the honourable presence of the delegation from South Sudan Legislative Assembly with whom he said EALA had established close ties.

In the address of the Speaker of EALA, he thanked Members of the national Assemblies in attendance noting the importance of their continued support that has contributed to the successes of EALA's work at the national level. In the same vein, he thanked the Rt hon. Pie Ntavyohanyuma, Speaker of the Burundi National Assembly for his support in putting together a successful meeting and extending to EALA the use of office facilities.

He further underlined the milestones and successes EALA had achieved over a decade since its inception in deepening and widening East African Community integration. Key of these included;

- From a humble beginning starting with less than five staff required to sit for only 30 days in a year with a budget of \$ 500,000, EALA now has over 40 staff and a consolidated budget of \$ 11 million and has increased its role on Community affairs under various committees. It had increased its sittings to 80 days per calendar year for plenary activities and each committee with a budget to hold three activities each lasting one week.
- Enactment of 38 pieces of legislation, 26 out of which by the current Assembly and more than half as Private Members' Bills.

- Strengthening EALA's role as a voice and link between the people of East Africa and decision making organs of the Community through public hearings, rallies, tours and stakeholders' seminars.
- Interrogated public policies and use of public funds including oversight of East African Community budget and expenditure.
- Spearheaded establishment of an East African Speakers' Forum through which EALA links with national Assemblies and learns what happens in other Partner States.
- Establish and strengthen close links with other regional Assemblies such as ECOWAS, SADC and Pan African Parliament.
- Consulted national Assemblies through the Nanyuki series.
- Popularise the East African Community both within the region and beyond.

The Speaker underscored that other than the European Parliament; EALA is the only other regional legislature in the World with legislative powers and has used these powers extensively for the benefit of the Community and its people.

EALA's role in the integration process is played in three different areas as mandated by the Treaty: legislation, oversight and representation and under each, EALA had made commendable achievements. EALA continued to advocate for increased citizens' awareness of the meaning and benefits of integration so that the people can desire and pressurise for faster realisation of the Political Federation.

He concluded his remarks by underlining that the people of East Africa still require more awareness and the particular area he stressed that need to be addressed relate to the concerns, fears and perceptions of East Africans over the Political Federation. He therefore called upon all Members of Parliaments as people's representatives to take this matter seriously because the benefits of East African Community integration far outweigh its perceived costs.

Substantive presentations from sessions two and three.

Mr Speaker Sir, during the two and a half day seminar, three presentations were made which included presentation of the report of the 10<sup>th</sup> EALA symposium by Dr Collins Odot, seminar moderator catalysing the East African Community agenda and the integration process towards a political federation, addressing

the fears and perceptions of the Political Federation, presentation was made by Ambassador Dr Richard Sezibera, the Secretary General of East African Community.

Presentation on the role of National and Regional Assemblies in realising the Political Federation. This was presented by hon. Dora Byamukama, Member, EALA. There was finally a wrap up by Dr Collins Odot.

After these presentations, there were plenary discussions and responses. Following the above presentations, plenary discussion ensued with proposals of tangible strategies to overcome the fears, concerns and challenges as well as outlining the role MPs should play in the realisation of a Political Federation.

The following are the highlights:

- The need to fast track the establishment of the Customs Management Authority
- The remaining stages of the East African Community integration process should be re-packaged and re-branded to enhance public support.

- Members of Parliament should follow up on the implementation of the resolution arising from the Nanyuki Series of Meetings.
- There is need to evaluate the costs of the Integration process.
- Article 65 of the East African Community Treaty should be fully implemented.
- The use of the East African passport within the region should be enhanced.

It is wrong to assume that the people of East Africa did not know what they want. The people are clear that they would want to integrate deeply but it was the barrier that leaders have established that continue to hold back the benefits of the Integration.

Since the people of East Africa are clear that they need a Political Federation, what was desirable would be to initiate national debates and survey on the question of the type of Political Federation the people would want.

In this regard, it was recommended to form an expert group to develop a Constitution detailing the type and content of the

desirable federation for East Africa as a basis for consultations and debate.

It would also be important that this question is made an agenda for discussion in the respective national assemblies, report compiled and submitted to EALA for onward sharing with the Summit. The task of driving the Political Federation agenda should not be the prerogative of EALA but a shared responsibility including the leaders and the people themselves.

The Partner States are truly passionate and committed to the East African Community integration then this should be reflected in their national Constitutions. The meeting noted regrettably that Kenya's new Constitution that was widely debated and negotiated by Members of Parliament did not give the issue of integration any recognition.

Conclusion and recommendations.

Mr Speaker Sir, I want to conclude by saying that the Sixth Nanyuki Seminar held in Bujumbura, Burundi from 27<sup>th</sup> to 29<sup>th</sup> November 2011 on the theme 'the Role of the Legislature in achieving a Political Federation' proved to be very useful and did show that there are some notable achievements in the



integration project agenda. However, certain impediments and challenges hamper its very progress.

It is my humble submission that all stakeholders have a vital part to play towards resolving the challenges stated in our report in ensuring that the East African Political Federation becomes a reality.

Mr Speaker Sir, the following conclusions were reached during the deliberations at Nanyuki Series meeting in Bujumbura, Burundi:

1. EALA has made commendable progress and realised notable successes in deepening and widening East African Community integration. Key of these included enacted 38 pieces of legislation which we mentioned earlier and the others were also mentioned earlier.
2. Integration process within East African Community is half way. Initial fears existed at the initial phases of the Customs Union and Common Market stages. Despite these, tangible benefits have been realised in the implementation of the Customs Union even though outstanding challenges exist.

3. Fears and perceptions exist as obstacles to realising a Political Federation. While some are based on fears of the unknown, it is enhanced by lack of awareness and sufficient information benefits and opportunities of integration and the achievements so far attained by East African Community. Main fears include loss of national sovereignty, prejudices against citizens of other Partner States, the ... of languages and cultures, disparity in governance systems and practices, economic imbalances and inequitable sharing of benefits, conflict and insecurity, differential levels of competitiveness, impact of level mobility of jobs, loss of land.
4. Political will is at the heart of overcoming fears and perceptions towards a political federation. The Summit and Council of Ministers as the important catalyst of the integration process therefore needs to enhance, discuss and support the East African Political Federation.
5. Parliamentarians have an important role to play in providing leadership and engaging citizens in discussing benefits and nature of the desired Political Federation in East Africa.

6. There was support during the meeting for the Republic of South Sudan and commitment to collaborate with it in efforts to strengthen its democracy and Parliament.

Mr Speaker Sir, based on the above conclusions and deliberations during the meetings, the following recommendations were adopted at the end of the meeting:

1. All national Parliaments should urgently establish a dedicated committee responsible for East African Community affairs.
2. EALA's mandate and representative character should be strengthened. Consideration of direct election for EALA members emphasised.
3. The jurisdiction of the East African Court of Justice should be expanded.
4. Develop an East African identity through promotion of Kiswahili, encourage use of the East African passport, establish markets as border points and develop regional centres of excellence.
5. Improve quality of education and harmonise education curriculum in the region.

6. Establish and strengthen more supra national institutions including an East African Customs Management Authority as building blocks for Political Federation.
7. Support comprehensive reforms of East African Community Treaty, organs and institutions for effective decision making and implementation.
8. The fears and concerns that citizens have towards a Political Federation should be candidly discussed and aired. EALA national assemblies commit to forming a committee to spearhead this process, develop a humanised message and roll out a media and awareness strategy and campaign.
9. Drivers and champions of the East African Community integration process should be identified and supported.
10. Decision by East African Community to develop and implement a score card on implementation is lauded. Results should be shared widely with all stakeholders.
11. An expert group should be formed to develop a Constitution detailing the type and content of the desired Federation for East Africa as a basis for consultations and debate and finally a referendum by the people of East Africa.

12. EALA and national parliaments to urgently and fully implement the provision of Article 65 of the Treaty on their relations.
13. Build on benefits realised and continuously access level of attainment of East African Community objectives to frame realistic plans for Political Federation, implement road map, use bench marks and M&E mechanism including sanctions for no compliance.
14. Adapt and implement a joint and comprehensive East African Community Security Policy and strategy.
15. All Speakers and national delegations to issue statements of support and commitment by parliamentarians to the process of Political Federation.
16. Summit should provide a forum for debate with Parliamentarians on the nature and progress of the East African Community integration and the future of Political Federation. Speaker of EALA to follow up on meetings.
17. Follow up on enactment of laws and a pining Political federation and implementation of recommendations to Nanyuki through the relevant committees responsible for Eats African Community matters.
18. East African Community ministers in each Partner State should address national parliaments on the state of

implementation of East African Community at least twice a year.

Mr Speaker Sir, I want to take this opportunity to thank Members of EALA in general and members of the Committee on Regional Affairs and Conflict Resolution in particular, the MPs from the national Parliaments of the Partner States as well as the staff of EALA for making this report a reality.

I would not be doing justice if I were not to extend my gratitude to the government of the Republic of Burundi and the Parliament of Burundi for hosting this important seminar leave alone AWEPA who funded this activity in Bujumbura.

Mr Speaker Sir, I submit the report of the Sixth Nanyuki Seminar held from 27<sup>th</sup> to 29<sup>th</sup> November 2011 in Bujumbura, Burundi for deliberation and adoption. I beg to move.

*(Question proposed)*

**Dr ODotte Nyiramilimo (Rwanda):** Thank you, Mr Speaker Sir for giving me the opportunity to first of all say that I support the motion and I rise for the first time so let me thank our

colleagues from Kenya for the good reception they reserved to us and wish for all those willing to return back to the Third EALA good luck.

Mr Speaker Sir, these Nanyuki Series are well- Under Article 65 because this Article 65 of the Treaty stipulates well that there should be debates of elected members of national assemblies and the elected members of EALA and these should be done in the manner that is well provided for by the Treaty. But what has been done so far to strengthen the relationship between EALA and the national parliaments has been through the Nanyuki.

We relate to donors, to AWEPA for this. I think this is the time that we should think of integrating these relationship meetings in the budget of EALA and the budget of the Community because it is very important. If you look at Article 65(a) it also says that, "The Clerk of the Assembly shall, as soon as practicable, transmit to the Clerks of the national assemblies, copies of records of all relevant debates of the meetings of the Assembly to be laid before the national assemblies by the respective ministers responsible for East African Community affairs."

Do we have any way of follow up to see how it happens? In the other sub clauses and you shall read it yourselves, there is a question that I have been asking myself since I have been here and actually I asked at the national Parliament of Rwanda. Whenever we elect Bills or take decisions in this Assembly and they are transmitted to the Clerk in the national assemblies, are they laid at the plenaries in the national assemblies? I am obliged to tell you the truth that the Clerk in Rwanda told me that yes, I receive them, I give them to the Speaker but they are never laid in the plenary sessions at the Parliament. I think maybe it is the same in the other countries.

Mr Speaker Sir, I think this is a lacuna that should be corrected and I think with this Nanyuki, maybe we should add another recommendation even if it was not very clear because it said all national Parliaments should urgently establish a dedicated committee responsible for EAC affairs maybe within this establishment because this was decided by all these parliaments. Maybe the committees had already been established and I think we should have a dynamic relationship through that committee and maybe we should also try to remind the national parliaments to do what is stipulate din the Treaty because it is- *(Interruption)*



**Mr Kidega:** Thank you, Rt hon. Speaker. I would like to thank the floor holder hon. Dr Nyiramilimo for giving way. The information I want to provide is that immediately after the Nanyuki series as was promised by the Speaker of the national Assembly of Uganda, the Parliament of Uganda went ahead and reviewed their Rules of Procedure and included a committee specifically for East African Community Affairs and the Parliament passed that. The Parliament did not only stop at that but they have formed a parliamentary forum responsible for East African Community Affairs that discusses Community issues in the Parliament. Thank you.

**The Speaker:** Maybe hon. Odette, I think if you continue with the Article you were showing us and which you read out to us, if you finish the Article, it says this should be laid by the respective ministers responsible for East African Community Affairs. I think they are also members of this House. Maybe they can tell us what they have done also. Continue hon. Odette.

**Dr Nyiramilimo:** Thank you, Mr Speaker Sir. I think there is no need to read it because you have said it all.

**The Speaker:** You could read it for clarity.

**Dr Nyiramilimo:** Thank you, Mr Speaker Sir. "(a) The Clerk of the Assembly shall, as soon as practicable, transmit to the clerks of the national assemblies, copies of the records of all relevant debates of the meetings of the Assembly to be laid before the national assemblies by the respectable ministers responsible for East African Community Affairs."

Thank you, Mr Speaker Sir. This is what I wanted to raise. For the matter of integration, if EALA does not relate in an official manner to the national parliaments, it will be very difficult to advance the integration process. As the hon. Speaker said, the Ministers in charge of EAC affairs should be key to facilitate these relationships.

I would like to give way for hon. Sebalu but- (*Interruption*)

**Mr Sebalu:** Thank you very much, hon. Speaker and hon. Nyiramilimo for giving way. The information I want to give related to the subject matter is that in the Uganda Parliament, the Speaker has also put in place an arrangement to ensure that the Minister for East African Community Affairs I sunder

obligation every session to give the state of the implementation of the integration process. So it is an innovation that has been put in place to ensure that Parliament and the population get informed about what is taking place in the region.

Maybe the hon. minister can also add what he intends to do but in the Ugandan case, that is what is put in place.

**Dr Nyiramilimo:** Thank you and we have to congratulate the Uganda Parliament. I think that is very good progress, at least there is one country that is coping with this and I wish that all the other four Partner States also do the same.

Mr Speaker Sir, the recommendation I briefly talked about of putting a budget for the inter relation of EALA and the national parliaments should be emphasised and we put this in the yearly budget so that we do not depend on AWEPA only but we are sure to have the activity perpetuated every year. Thank you, Mr Speaker Sir.

**Ms Jacqueline Muhongayire (Rwanda):** Thank you, hon. Speaker. I would like to note that Nanyuki VI was historical because it was the first time it was attended and addressed by all the Speakers

of the five Partner States of the Community. In a special way, I wish to thank the Speaker of the National Assembly of Burundi Rt hon. Pie Ntavyohanyuma for his engagement, support and commitment which contributed to the success of Nanyuki VI.

Regarding the report, on page 15 there is one recommendation that states that in East African Community, the Ministers in charge of EAC Affairs in every Partner State should address national Parliaments on the state of implementation of the integration process at least twice a year.

I take the opportunity to thank the hon. minister Monique Mukaruliza because last month she addressed the Parliament in an interactive meeting to inform the House; the two chambers on the progress of the integration process. She decided to invite different key stakeholders like the Central Bank, revenue authorities and the Private Sector because the people of East Africa and parliamentarians have different concerns and questions on all stages of the integration process like the Customs Union, Common Market, Monetary Union and Political Federation.

So this is really a good recommendation and the interactive meeting was very informative for parliamentarians and for Rwandans because it was live on the radio of the Rwandan Parliament.

Mr Speaker Sir, the role of the national assemblies in the integration process must be strengthened. As such, EALA has ensured constantly that there is interaction between EALA members and the national assemblies of the Partner States through the Nanyuki Series, EALA rotational sittings, and interactive meetings when we sit in every Partner State and also through the Speakers' Bill Forum and the Inter Parliamentary Liaison Committees. With these different for a, EALA has been able to constantly keep the national assemblies on board on the integration process.

Mr Speaker Sir, Nanyuki is the right forum for exchange of best practices and improving Parliamentary administration and diplomacy within our Community. It is an opportunity to exchange best practices and I think it is necessary to make a follow up of the different recommendations of the Nanyuki. We can have a clear mechanism at EALA level and also at the national parliament level.

I can inform this House about the proposal from hon. Ndahiro. One is stipulated thus: We call upon the Council of Ministers to cause debate in the national parliaments on the report of the Nanyuki series.

The second one is to call upon the Council of Ministers to expedite the amendment of the Treaty and to take into consideration the most outstanding challenges. This amendment will be put in writing so that the office of the Clerk can put it in an appropriate written way.

On page 15 of the Nanyuki report, the Rt hon. Speaker of the Kenya Parliament urged the Council of Minister's not to rely on the Memorandum of Understanding and Protocol as a mechanism of developing binding obligations amongst Partner States and on page 16, as opposed to legislation and urged the Council of Ministers to desist from this practice and instead generate Bills for EALA.

I think this is a very important recommendation. Up till now, I think EALA does not work on a clear legislative calendar. I think it is very important that the Council of Ministers plan a

number of legislations to be tabled before the house every year so that EALA can plan more effectively and also EALA can have a clear legislative calendar.

The fact that initiation or introduction of Private Members' Bills are limited and I think that by the provision of Article 59(1) of the Treaty in that Members cannot proceed on any Bill which is deemed to impose any charge upon any arm of the Community. This clear legislative calendar is very important for the Assembly and even for the Community to plan more effectively.

Mr Speaker Sir, with these comments, I beg to support the report. Thank you.

**The Speaker:** Hon. Members, I would like to advise you that you cannot make changes to this report because we are discussing what happened in Nanyuki and you had an opportunity to bring your recommendations to that particular meeting. So here we are trying to own that report that we discussed in Nanyuki and not necessarily to start making changes and bring new recommendations that were not discussed in Nanyuki.

**Ms Lydia Wanyoto Mutende (Uganda):** Thank you, hon. Speaker and hon. Members. I stand to support the motion on the floor by hon. Halirimana that this report be adopted.

While this is a House report and we all own it, I would like to congratulate the hon. Speaker and the colleagues that took off time and handled the neatly gritty of this program. It was a success story and I personally was proud of being part of that meeting in Bujumbura. So we would like to congratulate the team that worked longer hours and days than the rest of us who joined you later to own the report.

Mr Speaker Sir and hon. Members, I was looking at this report. I am not making any recommendations but I am looking at creative ways in which we can disseminate this report and in future document who was there in the- This is Nanyuki Six. The day we get Nanyuki 10 or 20, I would like to see how we can document who was there.

I was looking at the attendance of this particular Nanyuki. We were 231 people according to the report that I have and if we are to go by the current ICT revolution, if each of these people have an email address either individually or by institution, if



we had an interactive arrangement of being able to flash reminders about the commitments that have been made in this report or what the next Nanyuki will be about so that we build a coalition of people that support Nanyuki and who feel they were there.

If we were maybe 200 in the first Nanyuki and we keep adding, you will find that the constants could be fewer but the new members who joined this meeting are new so that we build a big coalition of people that know about and own Nanyuki but contribute to the Nanyuki agenda and at the end of the day we will be reaching the goal of why we have these series of meetings.

So I thought that our technical team can be creative and innovative and see how they can keep in touch with people that attend Nanyuki and tell them the progress we have made over the time frames of the commitments we make and recommendations that we have done during the phase of one Nanyuki to the other. I am borrowing this from what the Secretariat has finally done. I was congratulating the Secretariat this morning; the Secretary General was not here. They have been able to come up with frameworks that we have been asking; a kind of tracker on

commitments and implementation and this is going to help us account. We had a meeting and even what happened between now and the next meeting. This is going to help us and I think it works for all of us.

I also want to support the work that the Speaker's Forum is doing. This is also going to help us to ensure that our report does not gather dust because our Speakers were all in that meeting and they made commitments so in their forum and the agenda, they will be able to unpack and make live the commitments they made in this Nanyuki meeting.

Mr Speaker, as I sit down, I support what hon. Nyiramilimo has said but it is also part of the spirit of this report that let this be an important packaged reference document for orientations of all the new national parliaments as they come in but also EALA members and committees. It is a very rich and useful document, it says our history, talks about what we are doing today and also gives us aspirations. So I support this report and I was only standing to contribute on how useful and creative we can make use of one Nanyuki to the next. I thank you.

**Mr Bernard Mulengani (Uganda):** Thank you very much, Mr Speaker. I rise to support the report of the committee on Nanyuki. Mr Speaker, I want to address myself to specifically bullet 2 (6) and (9) of the report I have. Indeed my colleagues have mentioned and alluded to the fact that the Treaty mandates the Council of Ministers to lay reports of this Assembly in their respective parliaments but to the contrary, to date there is no proof of any record that any minister of East African Community has taken on this activity in the history of this Parliament.

I think the framers of this Treaty had good intentions of harmonious living but to the contrary again, it has come out to be true that there is a glaring need of separation of powers within the Legislature and the Executive to the extent that possibly this particular action is being done the way it is because the Council sees it as if it is a conflict of interest for them to lay legislative reports in the national parliaments.

I want to say that it is a good observation by the members of the Member States during the Nanyuki series to realise that there is need to streamline the reporting mechanism from the Assembly to the regional parliaments. Therefore, I want to echo the indeed inclusion of the Speakers' Forum within the Treaty

and I would urge those that are bestowed with the powers that be to ensure that the inclusion of the Speakers' Forum within the Treaty is enhanced.

Why do I say this? Again in those bullets I highlighted, the Nanyuki Series recommends the issue of sensitisation, we have struggled with this and this Assembly is involved in the sensitisation programs. We as Members are facing a lot of challenges within our Member States whenever it comes to what have you done? Who have you told? We have gone out of our way to use our emoluments to address some of these issues much as the Secretariat is going ahead to popularise these particular programs.

I think the only way to avert this is to ensure that the Speakers' Forum and even the respective member States' parliaments come up with sort of an organ within the Treaty that eventually addresses the issues of legislature. In effect we shall one, advocate for the independence of the regional Parliament. Streamlining the reporting back mechanism will also be achieved. I see the enhancement of the strengthening of the role of the East African Legislative Assembly and lastly, strengthening leakages among Member States and parliaments and

between EALA. Nanyuki is achieving it but we need to entrench the issue of the Speakers' Forum within the Treaty.

Lastly, as I said, some of the issues that are raised in bullets 2, 6 and 9 demands that there is deliberate budgeting on issues of sensitisation to be taken up by the Assembly as well. I want to thank you, Mr Speaker.

**Mr Halerimana:** Thank you, Mr Speaker Sir. As you reminded us, this report covers the happenings which took place in Bujumbura and we have no authority to change them because we have already disseminated them to some other members who are not in our Parliaments; national parliaments and the Speakers.

I would like to thank hon. Members who have contributed and deliberated on this report. I thank hon. Odette Nyiramirimo, hon. Jacqueline Muhongayire, hon. Lydia Wanyoto, hon. Mulengani Bernard. Mr Speaker Sir, I beg to move.

*(Question put and agreed to.)*

**MOTION**

**ANNUAL REPORTS ON ACTIVITIES OF THE EAST AFRICAN COMMUNITY FOR  
THE PERIOD 2007, 2008, 2009**

**Mr Peter Munya:** Mr Speaker, I beg to move that the annual reports on the activities of the East African Community for the period 2007, 2008 and 2009 be adopted.

**Mr Wilbert Kaahwa:** Seconded.

**Mr Munya:** Mr Speaker Sir, the Council of Ministers recognises the importance of constantly reviewing and accessing the programs and projects in the EAC integration. Indeed this is a primary responsibility of the Council to prepare these reports as is provided under Article 14 of the Treaty.

Mr Speaker Sir, it is in this regard and with particular reference to Article 14(3)(h) and 49(2)(c) of the Treaty that the Council has tabled the annual reports on the activities of the Community for the period 2007/2008 and 2008/2009/. It is with regret that the tabling of this report is belated. This was on account of problems beyond the control of the Council. The reports need to be comprehensive and to include among others

reference to levels of implementation of decisions and directives by all the Partner States and different organs and institutions.

This takes time because different organs and institutions are charged with the responsibility of preparing them. However I wish to assure this august House that in future, annual reports will be referred to the Legislative Assembly for consideration well in time.

Mr Speaker Sir, both annual reports for 2007/2008 and 2008/2009 highlight progress in the implementation of the EAC development strategy 2006-2010. This is especially with regard to the implementation of key pillars of integration. This includes the Customs Union, the Common Market and programs in such varied areas as infrastructure, productive sectors, financial matters and particularised areas handled by the organs and institutions of the Community.

Mr Speaker, during the period 2007/2008, key achievements included those in the trade liberalisation and development in the integration of the Republic of Burundi and Republic of Rwanda which joined the Community in 2007 and in the area of

good governance and capacity development of the organs and institutions.

During the subsequent period of 2008/2009, these achievements were consolidated and in addition, this significant progress was realised. Programs in infrastructure and productive sectors as exemplified by steps taken forward on the East African road network and the study on the railway development master plan.

Mr Speaker, Sir, during the two periods, this august House enhanced its capacity in legislating for the Community and ably carrying out both supervisory and oversight roles. It was during this period that the Inter University Council for East African Act, the East African Civil Aviation Security and Safety Oversight Agency Act, the EAC Budget Act, the Summit Delegation of Powers and Functions Acts, the Join Train Negotiations Act among others were enacted.

During the same period, this legislative Assembly served to increase people's awareness of the integration process. During the same period, the East African Court of Justice continued to render services in the interpretation of the Treaty and ensuring compliance to law in implementing the Treaty.



A lot of problems were encountered in the progress in of the integration process. These problems include lack of adequate and especially financial resources, lack of adequate capacity especially in terms of human resources, late implementation of decisions and lack of effective intra organ and institutional coordination. I am happy to observe that over the last three years and through effective and purposeful collaboration and consultation, such draw backs are being solved.

Last but not in any way least, I would like to thank the hon. Chairperson and the entire membership of the General Purpose Committee for their insightful consideration of the report. I also applaud all the organs and institutions for ably discharging their respective responsibilities.

Mr Speaker Sir, I beg to move that the annual reports of the activities of the East African Community for the period 2007/2008 and 2008/2009 be adopted.

**The Speaker:** (*Question proposed*). I think somebody from the committee can read the document for the committee.

**Dr Odette Nyiramilimo (Rwanda):** Thank you, Mr Speaker, Sir for the opportunity. The General Purpose Committee met and did a report. I beg to present the report of the Committee on General Purpose on the EAC annual report for the years 2007/2008 and 2008/2009 to the Assembly.

Pursuant to Article 48(3) and 49(2) of the Treaty for the establishment of the East African Community and in accordance with Rule 79(1) and (2) of the Rules of Procedure of the Assembly, the report of the Committee on General Purposes on the EAC annual reports for the period 2007/2008 and 2008/2009 be considered.

The annual report was presented to this august House on 2<sup>nd</sup> February 2012 by hon. Peter Munya on behalf of the Chairperson of the EAC Council of Ministers and was subsequently referred to the committee for consideration and report there from.

Mandate of the Assembly to consider EAC annual reports.

Mr Speaker Sir, the Treaty vests in the Assembly the mandate to perform certain particular functions and this is specifically why the Assembly is empowered to establish committees to look

into matters of legislation, budgeting and oversight of EAC activities.

The General Purpose Committee is mandated to among others carry out oversight of the progress made in the implementation of those provisions which address matters of general application to the EAC in relation to its role and functions.

In this regard therefore, the committee is required to examine EAC annual reports specific to the work of programs and projects of the EAC. Accordingly therefore, the committee met with the DSG Planning and Infrastructure Dr Enos Bukuku and his team on 16<sup>th</sup> April 2012 in the National Assembly of Kenya to consider the annual reports and wishes to present its report.

Consideration of the annual report 2007/2008

The committee read the report and recalled that at the time of presenting its last report on the EAC annual report before the Assembly which the committee rejected (the 2006 and 2007 report) because its format and presentation was more like a public relations document. The committee reminded Dr Enos Bukuku that at the time requested for an annual report that had content that among others reflects the quantitative and qualitative status of

the Community, a reflection of inputs and outputs as well as existing financial human resources and other related gaps in terms of annual needs, annual work plans, procurement plans and corresponding actual execution outputs as well as strategies to avert the challenges. Instructive statistics, financial statements and summaries should be applied and referred to relating to the EAC Development Strategy.

Additionally, an annual report from the Council of Ministers as envisaged by Article 49 of the Treaty is expected to also include challenges met and future outlook in the implementation of EAC activities and programs.

The DSG regretted that the annual report had not been tabled to the Assembly since 2008 and yet the committee and the EAC Secretariat had agreed upon a format three years prior. The committee made the following comments and observations:

1. There had been an attempt by the Secretariat and the reports had improved considerably but the criteria had not been met completely. It was expected that the upcoming reports would improve further.
2. The committee took note of the DSG's explanation on delayed annual reporting due to acute shortage of staff both in

numbers and needed skills such as industrial, agricultural researchers and economists. This leads to failure to implement even when funds are available.

3. That the highlights of the report include consolidation of the Customs Market, the integration of Rwanda and Burundi and Customs Union.

The committee also took note of the updates provided by the DSG on the challenges on the ongoing negotiations and a single Customs Authority that has not as yet been achieved. The serious funding constraints faced by CASSOA to date and the stalemate to finance it through the airline levy which the Partner States have opposed.

The strides achieved in the gender and community development and sports and culture departments. The considerable steps that have to be taken in order to be ready for the Monetary Union which was previously slated to be in operation by March 2012 yet financial markets need to be integrated and convergence attained with insurance in pensions schemes, containing budget deficits and inflation among others is also necessary.

That quality management systems need to be used to access implementation of programs with criteria.

The committee took note of the explanation behind the spirit of allowing Rwanda and Burundi to host institutions of the Community but raised a particular issue with the lack of policy, standards and consistencies with regard to the criteria for hosting EAC organs and institutions.

The committee wondered why countries with differing economies and means would be subjected to criteria and even after they have not applied to host, the policy should ideally equally brand then finance and ensure those standards and not have double standards,.

Recommendations:

1. The committee recommends that the EAC annual reports in the future meet the agreed upon criteria.
2. The committee recommends that the Council of ministers makes clear the policy, standards and criteria for hosting of EAC organs and institutions and does not agree with the setting of criteria which is not fair. Additionally,

standards should be set including the standards of the buildings, quality of facilities and amenities.

3. The committee recommends that a sustainable funding mechanism be agreed upon to finance and support CASSOA fulfil its mandate.

Conclusions.

The committee concludes that the annual report for 2007/2008 though presented to the Assembly very late is satisfactory and recommends that the assembly debates and adopts it.

THE EAC ANNUAL REPORT 2008/2009.

The report highlights that the Customs Union was to have reached its fifth year of implementation by January 2010 and the threshold of zero customs duty would have been attained. The DSG explained that although some of the timelines that the reports refer to have not as yet been achieved even by 2012, significant strides had been made.

The committee took note of the following achievements since then.

1. The single Customs Authority was well underway and the Partner States only had to fulfil the requirements.

2. The one stop border post too was progressing whereby common platforms and integrated systems were in the pipeline. The Arth River-Namanga border was to be a model to be emulated at other border posts.
3. WTO joint trade policy review is to recognise EAC as one block and had been attached.
4. The EAC Secretariat has managed to negotiate for grants and contribution under the partnership fund to be in consonance with the EAC financial calendar.
5. The LVBC headquarters construction is soon to begin.
6. The Arusha-Walili-Taveta-Voi road and Malindi-Lungalunga-Tanga-Bagamoyo roads feasibility studies were finalised in 2010 and negotiations for funding begun then.

The challenges cited:

- The railway concessioning in Tanzania.
- The recent EADB litigation that poses problems for EAC institutions and assets of the Community.
- The EAC broad band infrastructure network; two Partner States Ministers of Finance have not signed.

Observations of the Committee.

The committee made the following observations.



1. That there was a latent absence of reporting of feedback from the Partner States on implementation of projects and programs yet there should be tools for the same so that the Secretariat as a coordinating body is well informed. The DSG informed the committee that there was an on-going project called the East African Monitoring system where this gap would be filled. The system had a matrix system that illustrated implementation not only of projects and programs but also decisions and the tangible impact from various commitments made by the Partner States. The tool was soon to be operationalised.
2. The committee noted with appreciation that the government of Uganda had sustained the EAC institutions of the former East African Community. She hosted as EAC institutions and now these same institutions can still be re-invented as centres of excellence for the region including Soroti Flying School.

Recommendations.

The committee recommends the following:

- The pending annual reports for 2009/2010 and 2010/2011 be tabled as soon as possible before the Assembly.

- The Council of Ministers should ensure that appropriate procedures be taken to protect Community assets and property to avoid any litigations of any sort that may rise in any Partner State.
- The committee urges the Partner States of Rwanda and Uganda to sign the agreement to allow the EAC broadband infrastructure network get underway.

Mr Speaker, Sir, the committee considered the EAC annual reports for the years 2007/2008 and 2008/2009 and presents its report to the House for debate and adoption. Mr Speaker Sir, I beg to lay.

**The Speaker:** Hon. Members, debate is open.

**Dr James Ndahiro (Rwanda):** Thank you, hon. Speaker. First of all I am a member of this committee and I would like to call upon my colleagues to adopt this report as requested because during our discussions with the Secretariat, we realised that they have actually put a lot of effort to improve from the last annual report they presented to this house.

However, we discussed with the Secretariat on three issues. One, we had agreed earlier on, on a template that they could use because it was our understanding that actually an annual report

is a tool for accountability, transparency and a tool that should provide information to all stakeholders. When you are reporting, there are people who have helped you to perform those tasks. Those are development partners who provided money, the implementers who are the Partner States, the members of EALA who have passed the budget and continued with the oversight roles. So that report should provide information to each of those categories.

For instance, partners would like to understand how the programs you carried or you wanted to implement were implemented. That is one and two, what is the effect and that touches on the policy framework. If it was a business organisation, one would say that you expect to see the vision of that business. What is the vision? What is the mission? What have you achieved?

The chairman's statement in an annual report which is related to the statement of the Chairperson, Council of Ministers is not to say what was budgeted for. I am saying this because if you took the 2007/2008 annual report and read the table of contents and you get the budget of that year and read its table of contents, they are the same. What does it mean? Are we doing it just for

the sake of satisfying the Parliament or it is the easiest way of reporting?

As a committee we felt that there must be an improvement in this area although we understood the challenges and commitments from the Secretariat and we were promised that the next annual report will take into consideration those concerns.

The objectives of the Community, the integration process according to the Treaty are in four phases. We therefore have concerns on each of the phases and as a Chairperson of Council of Ministers, it would only be prudent if they informed East Africans about the challenges in each category, about the achievements in each category, about the impact of each category going forward so that if there are some challenges that we want our people to address or participate in addressing then they are put in black and white.

The social, economic and political impact to its people therefore they require more funding in these areas because if you consider that more than 60 or 70 percent of our budgets are donor funded, it is then proper to indicate in the same report where the gaps lie, why we need probably more funds or even

those that we have spent, whether they have got any social, political or have affected the integration process positively.

Hon. Speaker, according to the Secretariat, the template that was agreed upon between members of F&A, the Secretariat and EALA members of General Purposes Committee was either put aside for reasons not clear to them and the guess was probably that F&A did not consider it appropriate or they wanted to amend it which they failed to do in that meeting and we have not received any communication to that effect. I think this actually echoes the request by hon. Dan Ogalo this morning that the Secretariat or the Council should look into possibilities of getting rid of Finance and Administration Committee.

This is because if the Budget process begins with F&A who come to say these are our ceilings, these are our priorities, what are we doing in the process? I thought the flexibility should lie in the hands of the Secretariat and the Budgeting Committee one, to determine the priorities and two, to go back to Partner States and make a case for those priorities and three, implement and report.

We know that the implementation, according to the Treaty, is in the hands of Partner States. In these annual reports, we are not told what Uganda has implemented in the integration process, Kenya, Tanzania, Rwanda, Burundi. If this is a report about coordination of activities approved by EALA, will it serve the purpose of an annual report if the purpose we agree is an accountability to inform all the stakeholders?

Despite those challenges, we commended the Secretariat about the amount and content of information they managed to put together but we thought that this was probably done in a hurry to satisfy the Parliament and we have agreed that they are going to change and provide better reports. Therefore I would call upon all the members to support this report. Thank you very much.

**Mr Mulengani:** Thank you very much, Mr Speaker. I rise to support the report and I have only three or four issues to raise. One is I have a concern that whereas the annual report of 2007/2008 contains the summary of the Secretary General, the annual report of 2008/2009 does not have the summary of the Secretary General. To me, I think this is a very serious omission when we are dealing with the issue of the annual report because this is the report as entailed by the relevant committee which is supposed

to contain a lot of details as the stand of the position of the Community. I would seek from the relevant authorities of this House to give us an explanation why this is not included in the report.

The second issue, Mr Speaker is on the issue of monitoring. We have carried out a couple of outreach and oversight programs as an Assembly. There is a glaring gap on the issue of monitoring. There is a total de-link between the Secretariat and the Member States who are doing the implementation in the issue of monitoring East African Community programs and I would urge the leadership of the Secretariat and the Council of Ministers therefore to really engage themselves into improvement in this particular area.

I want to welcome the matrix and may I request that this matrix really be put to use.

The third point is when you are charged to head an institution and you cannot present timely annual reports that can make informed decisions on the progress of the strategic plan, budget, achievements and challenges, among others then as a legislator, I am left with no option but just to conclude that

you are part of the challenge of the institution. Timely annual reports inform and I think are meant influence the following year's budgeting, planning or consolidation of the gains of the previous year and indeed it is a tool as one of my colleagues referred to it.

It is at this point that I would request that all these reports that have been brought before us- It is good practice that they have been laid. However I see that some of the information contained in these reports is out of the time frame that certain things we cannot really act on them or were acted upon and it is overtaken by the time lag.

Lastly, Mr Speaker, I call for the indulgence of the Secretariat that let us take serious and put necessary attention and we execute the obligations that are given to us. Thank you, Mr Speaker.

**Ms Wanyoto:** Thank you, hon. Speaker for the chance to make a contribution on the report that I support. I am a member of the General Purpose Committee and I would like to thank my colleague hon. Dr Odette for presenting the report of the committee.



I would like to begin by talking about the issue of hosting of institutions. Every time we look at annual reports, you come across an EAC institution going to be hosted by a Partner State. We have been told that Partner States apply. If you want to host a commission, you then apply then there is a criteria and then a vetting committee which goes to your Partner State and then they have a check list which says yes or no and then they come and decide for you whether you are taking it or not.

As a committee, we think that is a wrong policy for the East African Community. We are in this Community together and we should lay on table the institutions that have come up for the Community and have a clear policy and share them as East African Partner States and brand them in those Partner States as East African Community institution and fund them.

I would like to see the Swahili Commission being hosted in one of the Partner States having the same structures, the same funding and the same branding of the EAC image like the headquarters in Arusha. That is where we should be going; same standards, same branding, same funding. It would be unfair to find one Partner State hosting an institution whose roof is

*mabaati* and the other one has tiles. We cannot be here as members of the House and accept mixed standards.

Therefore together with my colleagues, we want to put the House on notice that we are preparing a motion so that we put in place a clear policy on hosting of EAC institutions. We must have equal opportunities and standards and they must be funded by an EAC fund and build an image of the EAC that when you go to a country you say, this is an institution of East Africa.

It is part of the branding and benefits so this business of saying, you know Kenya had applied then they got it but they felt sorry for Rwanda and then they gave it to Rwanda- That should be the last time we hear such stories. Every Partner State is entitled. We do not want to support any more applications and then vetting- No, it is not fair, we represent our countries, we represent East Africa and we want to build a spirit of equal opportunities and magnificent institutions that we will all be proud of, branded in the new world of EAC integration.

This is what we were saying as a committee because when we read the report, we were told that some countries are now hosting. We

do not support the procedure and would like to make a contribution to that process. I thank you, Mr Speaker and hon. colleagues.

The second issue is to congratulate the Secretary General. The reports we are getting are an improvement from where we are coming. I know because he is the one in the kitchen with his team. The Council of Ministers are beginning to bring reports that the Assembly has been asking for, for the last many years. I want to give an example.

My colleagues talked about a template. There is a coloured document here which was an annex to the report, I think it is still in its final stages but it is a beautiful document. It takes about a framework for monitoring. They have put each country in a matrix form to show by colour where you are on decisions agreed on, on protocol and because Partner States do the implementation, we are seeing the end of the Council of Ministers walking or flying into Arusha empty-handed. They should land in Arusha or in Nairobi or in any capital with a report of implementation. How far have you gone as Uganda on this and that? They have to fill the matrix so that we are able to say, in this financial year, this country has reached here. I

am happy that this matrix has come while we are still here, Mr Speaker and we shall see where there are blanks.

We shall see those who are working and those who are not and then we shall hold people accountable because a report cannot be a report without accountability and Partner States do the implementation. The Secretariat does the coordination and hosting of meetings. We want to see the challenges so that we know which country needs support, which one has challenges, which one is just stubborn so that we are able to speak to this and resolve the matters of implementation of the three phases that we have been able to conclude.

My last point is on documentation of these reports. These reports come to us not in a very well packaged manner because they are meant to be for parliament to adopt but after we have adopted them, I would like to propose that they are packaged properly. We must document the EAC process. It is very- We are making history and we must document this process and nobody will do it for us. We must document the process. Let us package every financial year report because it is what is going to influence future budgets, future funding and the future of those who have contributed to it. It is the history that we are making.

So I would like to see that maybe at the beginning of every financial year, we have a beautifully packaged and published document of the previous financial year. Hon. Mulengani did mention the issue of the importance of this report. This report is a qualitative story of what you have been able to do in a financial year. We cannot understand how you can come for money for the next financial year before you have told us what you used the money for in the previous year.

Even in our own homes, every Saturday I have a shopping list but I cannot go to buy anything before I know whether the kitchen has food or not. I have to account for who ate the food and when and if it is finished or not. So we must know what you spent the money on before we put in ore. It makes a lot of sense. How can we give you money before knowing how you spend? The qualitative because with the quantitative there are figures which have to go to the accounts committee. You can have figures but what did the figures do? Where is your annual work plan? The procurement plan, where are they?

So we would like to say that my colleagues and I are happy that this work has begun, we are beginning to see good documents. I congratulate the Council of Ministers and the Secretariat

because we are beginning to see what we have been asking for, for a long time and I beg to support the report and I hope that those who will look at the next financial year report will have a clear picture of what we want to see because the template is there, the spirit is there and the people are there to work. I thank you.

**Ms Safina Kwekwe (Kenya):** Thank you, hon. Speaker. Let me start by saying that I am a member of the General Purposes Committee so I subscribe to the sentiments raised by hon. Nyiramilimo and hon. Wanyoto.

Hon. Speaker, annual reports are post-mortems of what happened and an indication of what the future holds. The annual reports have been more of the post-mortem and less of what the future holds for the Community and hopefully as the committee has prayed, future annual reports will give more of what the future is going to be for the Community.

Hon. Speaker, I want to speak on two things. One is on agriculture and particularly livestock and tourism, that is for the annual report 2007/2008. If you look at the annual reports at least this is the fourth report that we are considering as an

Assembly. There were two other reports before these two. If you look at the sector of livestock, there are always two projects; the avian flu and the trans-boundary animal and human disease project. My question that is nagging me is, is this the most we can do in terms of livestock in the region?

Article 107 of the Treaty is clear on the issue of what we should do as a Community on improvement of the breeds of livestock and this takes me to the next point. That Treaty also obligates us to cooperate on issues of research in animal breeds and also in crop and seed multiplication but it is sad to note that as we do this kind of research, there is very little that we are doing in protecting the outcome of that research.

Particularly in livestock, as we speak now, the region is about to lose one of its trademark breeds; the Borana bull which traditionally is an East African product but because as we trade in - The Treaty calls it semen so I will call it the same. For bulls, South Africa has gone ahead to apply for patenting of that yet the product is Kenyan. So when we do avian flu, when we are doing trans-boundary animal and human disease control, what happens to the issue of seed multiplication and protection of the research that goes with it? It is silent and nowhere in the

annual report has it been reported except where you are talking about protection of intellectual property. But what are we doing in the protection of intellectual property? It is not specified because we have live examples in the Community. We lost the Borgoria enzyme about three years ago. Everybody knows that Borgoria is in Kenya and the enzyme for the bleached genes was discovered in Kenya by a Kenyan who is an East African and we have lost it. We are going to lose the Borana bull soon. So hon. Speaker, I am looking at the issue of protecting what is yours.

Secondly on the issue of EAC as a tourist destination, this has been a song that has been sung over and over again. Chairs of Summit have said that we should market EAC as a single tourist destination. We pretend that we are doing that but when we go to those bazaars in either Berlin or the UK but the truth of the matter is that each country has a stand-alone stand. That is why you hear Rwanda was number one this year, Burundi was number one next year because we do not do it as EAC. Each country does it in competition yet we are saying that we want to promote EAC as one destination, have a circuit that is East African. How can we do that if we cannot even sit in one stand and promote EAC as one tourist destination?



I have a proposal. If and when we introduce the single tourist visa, which countries will say, how will we share the proceeds? Why do we introduce the proceeds? Why can't you re-invest it in the industry? For example, use the proceeds from the visa to promote EAC as a single tourist destination. We have hit 4 million mark on tourism as of last year. Multiply that by \$ 50 per tourist. That is \$ 200 million. It is enough to market EAC as a single tourist destination instead of us going to compete against each other in Berlin or in London.

So my plea is that the reports have been stating that we want to be one single tourist destination but the fact of the matter is that we do not market ourselves as one destination. We market ourselves in competition against each other and we even fight about the \$ 50 that a tourist would pay if it was to be a single tourist visa.

I want to end by saying that as a Community, we must invest in renewable energy because if you look at the two annual reports, all the reporting on energy is about fossil fuel, oil and gas and silent on renewable energy and that is a path that we should be exploiting.

Hon. Speaker, I beg to support. Thank you.

**Mr Peter Munya:** Mr Speaker, I would like to again take this opportunity to thank all those who have contributed to these reports. They have given very useful insights and criticism and comments that are ultimately going to be used in improving the product that will be brought next year.

Again I want to appreciate the acknowledgement by Members that these reports were better than the previous years and we commit ourselves to keep improving the reports based on the inputs of Members.

Mr Speaker, I would also want to comment on one or two issues that have been raised. Many Members have raised the issue of the criteria for hosting institutions. Again we acknowledge those recommendations that have been made by Members and I think those recommendations will be taken into account when Council is finally making a decision or reviewing the criteria.

Not that there is no criteria, the criteria is there but we have many competing principles within the EAC that we have to balance when we are applying a criteria and the criteria that has been

there was for Partner States to apply, those who want to host an institution when an institution comes up and then an assessment is made and then it is determined which Partner State has the relevant facilities to host such an institution.

That has been the criteria that has been used in the past but over time because of the desire to inject equitable distribution of benefits and institutions so that some Partner States do not host too many institutions when others are not hosting any, we have departed from that criteria to try and equitably distribute the benefits and also stamp the presence of our institution in all the Partner States. That is why the latest institutions were given to the countries that are not hosting any specifically Burundi and Rwanda.

Of course the Council of Ministers also undertook to assist those countries to develop those facilities to be able to host those institutions. So I think the Council is already implementing what some of the Members are recommending. It is as if they anticipated what hon. Lydia Wanyoto would say when this report comes here. The Council went ahead to anticipate and implement her thinking on hosting of institutions.

The SG's summary that is missing in one of the reports is an advertent omission, it was never intended and it will not happen again.

Without much ado, Mr Speaker, I would like to acknowledge the contributions of hon. Dr Odette Nyiramirimo, hon. Dr James Ndahiro, hon. Bernard Mulengani, hon. Lydia Wnayoto and finally hon. Safina Kwekwe.

*(Question put and agreed to.)*

## MOTION

REPORT ON THE COMMITTEE ON REGIONAL AFFAIRS ON THE SPOT ASSESSMENT AND STATUS OF IMPLEMENTATION OF THE EAC COMMON MARKET PROTOCOL PROJECT IN RUSUMO/NGARA (RWANDA/TANZANIA) AND SIRARI/ISIBANIA (TANZANIA/KENYA) BORDER POSTS

**Mr Halerimana:** Thank you, Mr Speaker Sir. I beg to move that the report of the Committee on Regional Affairs and Conflict Resolution on the on-spot assessment of the status of implementation of the East African Community Common Market Protocol projects in Rusumo, Ngara, (Rwanda-Tanzania) and Sirari, Spania, (Tanzania-Kenya) border posts be adopted. I beg to move.

**Dr Aman Kabourou:** Seconded.

**Mr Halerimana:** Thank you, Mr Speaker Sir. This time the report is not too long so I will be able to read most of it and maybe skip some parts of it for the purpose of time. I will start from page four on expected outputs.

Mr Speaker, Sir, the expected outputs of the exercise we did on those dates from Rusumo, Ngara up to Sirari and Isibania were the implementation of the Common Market Protocol activities comprehended and appreciated, implementation of the Common Market Protocol brainstormed and understood, Common Market Protocol challenges identified and report produced and submitted to the House for consideration and approval.

The methodology was to review literature on the Common Market Protocol, review media reports including radio, print and electronic, meetings and interactions with various stakeholders at the border posts like revenue authorities, bureau of standards, immigration authorities, business communities, association of transporters, the police forces and local communities and field visits to the three Partner States selected border posts.

Mr Speaker, Sir, we were able to find some issues. During the six day on spot assessment, the committee observed the following general and specific challenges, concerns, fears and emerging issues with regard to provisions on free movement of labour, persons, goods and services as well as on the provisions on the right of establishment and residence.

It must be noted that these provisions though they are separate are all inter connected and they form the overriding framework of the legal provisions that affect the implementation of the Common Market Protocol.

General findings.

Despite the concerns raised, the committee noted that in no border point visited did any stakeholder express opposition to the integration process. It was apparent that the majority of the people did not have enough knowledge on the operations of the East African Common Market Protocol. Their main concern was with the non removal of barriers; tariff and non tariff at customs.

Majority of the business community lacked sufficient knowledge on the certificate of origin, one of the most important documents to facilitate cross border trade within East Africa and customs officers at all the selected border posts visited were conversant with their work and familiar with the operations of the Common Market Protocol. However a few officers still lacked knowledge on Council decisions.

Specific findings beginning with Rusumo, Ngara, Rwanda-Tanzania border.

Interactions with stakeholders at Rusumo, Ngara Rwanda-Tanzania border post on Monday November 7<sup>th</sup>, 2011. It was obvious that the majority of people on the Tanzania side lacked sufficient knowledge on the operations of the East African Community Common Market. Most of them thought of an existence of a big market under one roof where people meet for trading purposes and that is a common market.

For communication between Ngara and the Ministry of East African Community in Dar es Salaam was noted as Ngara did not receive a letter from the minister to notify them of the committee members' visit.

Lack of communication between Rusumo and Ngara was also observed as Rusumo was all aware of the Members visit but did not share the information with their counterparts in Ngara. Exports from Tanzania to Rwanda have increased by about 80 percent since the introduction of the Common Market Protocol. Items exported include cement, food crops, cash crops and factory goods.



It was observed that a bigger volume of items exported from Rwanda to Tanzania were potatoes and scrap metals. Influx of people to Tanzania for business opportunities has tremendously increased from 2 percent to more than 10 percent since the introduction of the Common Market Protocol. It was observed that the majority of the business community lacked sufficient knowledge of the laws and regulations guiding the East African Community Common Market Protocol. They think it is a free zone and their main concern is removal of barriers at customs borders contrary to what they thought the Common Market sought to eliminate.

Lack of electricity which hinders security and business progress at the border was also observed. However it was noted that a study is on going on the utilisation of Rusumo water falls for the production of hydro electric power.

Customs authorities complained that some of the clearing agents give false information about the value of goods and this tends to delay the process of clearing of goods at the border post. Customs related challenges such as the unavailability of the list of common goods on Tanzania side was reported by the stakeholders.

Requirements of work permits by Rwandese expatriates in Tanzania and the charge of \$ 200 is causing frustration to the business community hence hindering cross border trade and drawing back the regional integration and development progress.

There is reported tremendous increment of business since the introduction of the Common Market Protocol which led to the introduction of automated systems for Customs data ASCUDA ++ with high speed contrary to the previously used ASCUDA 2.7 version on Rwanda side.

Lack of enough parking yard for vehicles with goods highly future among the challenges in Rusumo-Ngara border post. However it was noted that with the construction of one stop border post expected to start in March 2012, the problem will be minimised.

Specific findings in Sirari-Isibania Tanzania-Kenya border. Interactions with stakeholders in Sirari-Isibania Tanzania-Kenya border post on Wednesday November 9<sup>th</sup> 2011. Stakeholders expressed with concern a requirement of tax identification number for transit of goods to Tanzania side as a barrier for smooth operations of the Common Market. The issue of illegal

immigrants was quite a topic during interaction. Stakeholders on the Kenyan side expressed concern on the issue of special security units on the Tanzania side whose personnel subject Kenyan traders and businesspeople to pay bribes.

There is a reported increment of goods from Tanzania to Kenya which increased length of time spent at customs for clearing of goods. Stakeholders requested a setup of East African Community officers in all border posts to facilitate clarification of issues with regard to the implementation of the East African Community integration process.

Poor knowledge of the movement of capital from one country to another was reported by stakeholders who requested to be educated on the same.

Several stakeholders on the Kenyan side expressed their concern on the barriers they encountered when transmitting goods to Tanzania including being subjected to multiple fees.

Recommendations:

For a Common Market to operate smoothly there is need for harmonisation of a regulatory authority's laws and procedures for the major players in the market.

Construction of a one stop border will ease trade in both Rusumo-Ngara and Sirari-Isibania borders.

East African Community should provide funds for publicity and promotion of East African Community's Common Market Protocol and the Treaty for the establishment of the Community for raising the people's awareness and showcase its benefits.

There is need to conduct as many meetings as possible about East African Community integration to enhance its image.

Significant efforts are needed to reduce road blocks to ensure smooth operation of the Common Markets Protocol as it was witnessed by the committee in Singereema district in Mwanza Tanzania, just as an example.

Member States governments should explain the restriction they put on movement of goods to other countries to avoid confusion to the people e.g. Tanzania ban of maize to be sold to Kenya.

East African Community should call for harmonisation of value added tax in the region to avoid variations e.g. Kenya being 16 percent while Tanzania is 18 percent.

There is need to provide certificates of origin at all East African Community customs border posts for ease of trade.

East African Community should stress for the presence of Chamber of Commerce officials in meetings that are related to Common Market matters.

There is need for East African Community to facilitate cross border trade for the local people near the borders.

The Assembly should mobilise more funds for publicity of the Community through oversight activities and there is need to fast track electrification of all East African border posts to link and facilitate 24 hour power operations.

Acknowledgements.

Finally Mr Speaker Sir, the committee would like to thank the following personalities and institutions for having facilitated

the on spot assessment to all East African Community Partner States.

a) The Rt hon. Speaker EALA for facilitating and making sure that the committee got the funding on time to enable it carry its oversight functions respectively in all the five East African Community Member States.

(b)The Ministry of East African Community Affairs in all Member States for the coordination, warm reception, hospitality and courtesies extended to the committee throughout the exercise in all the selected border posts.

c) Various stakeholders in the border posts visited for turning up in large numbers to share with the committee the challenges in implementing the Common Market Protocol on the ground.

(d)The Office of the Clerk for ensuring that all logistics were in order prior to the on spot assessment to the respective East African Community Member States.

Mr Speaker Sir, I beg to move.

*(Question proposed)*

**Dr Aman Kabourou (Tanzania):** Thank you, hon. Speaker. Let me just say that I support the report an di do that because I think

it has helped us realise what is really lacking in the integration process of the East African Community.

I remember somewhere in Malaba I wondered aloud as to how we expected to find anything when not a single country in the Community has harmonised the Common Market Protocol so it was a fishing expedition really but I am glad because what we saw happening on the ground reinforces the fact that the East Africans literally want to have integration. They are doing these things even before the Community itself or even the Partner States have taken an active role.

There are a few recommendations in here that I think should be taken and implemented as soon as possible. The one about having an East African Community office in all the border posts- I think that is very important and I think we should not leave it to the East African Community itself because the East African Community's budget may not be able to withstand the kind of expense.

But I thought that because we do have these Ministries of East African Affairs, they should take the lead. These are ministries that are usually centred in the capitals. They are not found

anywhere else. If you go to Dar es Salaam, that is where it is. You go to Kigoma and there won't be an East African Community Ministry office there. Some of the ministries have suggested that they may want to use the local authorities for a basis in the country. I don't see how they can do that. I think it would be important for these ministries to accept this challenge and set up these offices in the border posts.

One of the things I also noticed and I was not very comfortable with was these complaints from different Member States against other Member States. In Sirari and Isibania border, some people actually came and started talking about why Tanzania was having a special security force; the Police and they said that hindered their trading opportunities. I don't know.

This Sirari-Isibania area is notorious for many things and in one of the reports from the regional affairs and conflict resolution committee report 2003, it was stated very clearly in there that there were people from Kenya who would go to Tarime and these areas and actually pay money to the locals in the area so that they could grow marijuana and ban and sell it to Kenya. The report is very clear and so this is a very notorious area for Tanzania.



You also have people who are- I do not know if we want to be tribalistic but they are violent. Killing to them is a common practice and therefore what the government decided to do was to simply put this area as a special police zone. That means a lot of policemen around and they go everywhere. I don't know whether we could compare this to Karamoja, I don't know to Turkana area but this is a notorious place. So if Tanzania is taking care of this difficult situation and now we have Kenyan traders saying these people were put there to simply stifle the trade, I don't think that is right.

So these complaints that keep coming against this and that- I did not like that very much. I thought it was not fair and unnecessary and that by and large from the reception we got from the leaders in the districts, we had the district commissioners from Kenya and Tanzania and as a matter of fact when the traders started complaining too much, I think it was the Kenyan DC who said, but we do not have any trouble here, we do not have problems with these other people.

The other thing I would like to mention because these are minor things is that there was a total lack of the East African

Business Council representation throughout these on spot assessment meetings. I was very surprised. I thought since the East African Community is said to be people centred and private sector driven you would expect the East African Business Council to at least fill in the gap. That is, they should at least have offices in the border posts where they could have the trading exercise.

In Tanzania, we have the Tanzania TCCIA- I don't like the last part but Tanzania Chamber of Commerce which has been charged with issuing these certificates of origin and yet the Chamber of Commerce in Tanzania does not have an office anywhere near the border in Mutuklula for example or even Rusumo. These people had to travel back to Bukoba to get certificates of origin. We noticed that Rwanda was a little ahead of this because they had the certificates of origin issued at the border posts themselves so that is an improvement and I think the other governments have to do that to allow the customs agents themselves to have the certificates of origin instead of asking people to travel 200-300 kilometres and go there.

Actually in Tanzania they pay 10,000 shillings for that certificate of origin whereas in Rwanda this is free. So we

could not see the justification for one country to behave this way and the other the other way.

As I said, I am a member of this committee and I was part of this on spot assessment activity and that there are those few things that I thought we should emphasise to try and find those agencies that can take charge instead of waiting for the East African Community Secretariat itself knowing for sure that it probably does not have the funds to do so. Thank you, hon. Speaker.

**Mr Kidega:** Thank you, Rt hon. Speaker. Three very quick ones. First a general statement on the Common Market Protocol itself. In 2010 when the Heads of States and other dignitaries congregated in Arusha there was a big message of hope given to the East Africans when they signed the Protocol that now business is going to boom, people are going to move easily. To me it looks like it is a white elephant. People are not doing anything and we are actually frustrating East Africans from relating freely and doing business. I think the Council of Ministers and any other organ of the Community should take this very seriously. The East Africans want to trade with each other

and want to do business freely and want to move freely and you should not stop them.

Secondly, Mr Speaker this report has also indicated something that has been so persistent in the findings of the various committees that move for public hearings or on spot assessments; the lack of communication between the Miniseries of East African Community Affairs and where Members are going to conduct business. We have got a lot of frustrations many times where we find the coordination by the ministry of East African Community Affairs is lacking. Members go and they almost talk to themselves or one or two stakeholders. I think that is a serious matter that Council of Ministers should really help us address with the various ministries in our Partner States to make sure work is easy.

Lastly, I am a bit intrigued by the statement on page five number 12; the opening statement. It was obvious that majority of people on the Tanzania side lacked sufficient knowledge. You know this report and maybe the committee will help me but it is assuming a lot of ignorance on a certain group of people of East Africa that it was obvious. What makes it obvious that some people must be ignorant? What made it obvious because you went

there without a constructed position in your mind and you found people ignorant and now you are declaring that it is obvious. I don't understand this construction, Mr Speaker. Thank you.

**Mr Wilbert Kaahwa:** Thank you, Mr Speaker Sir for giving me an opportunity to contribute to this motion. While thanking hon. Harelimana and-

**The Speaker:** Hon. Members, if you could allow the CTC make his statement.

**Mr Kaahwa:** Mr Speaker Sir, while thanking hon. Harelimana and the entire Regional Affairs and Conflicts Resolution Committee for tabling this report, I would like to remind this august House that this report once adopted will be a report of this House and it will be reflected as such in the *Hansard* as the record of this House.

To that extent, it is important that this report should have correct substantiated and well informed positions. There are three issues I wish to bring to the attention of this august House for purposes of rectification, if the committee allows.

The first one is with regard to paragraph two of the introduction. The introduction is part and parcel of this report. As it is now, the paragraph reads that "It is in view of the above that the committee conducted an on spot assessment of the status of implementation of the Common Market Protocol which was ratified by the Heads of State of the EAC Partner States in November 28<sup>th</sup> 2009 and entered into force in July 1<sup>st</sup> 2010."

First of all, the ratification of protocols is not a function of the Heads of State, it is a function of the Partner States. All that the Heads of State can do is to approve and sign protocols.

Secondly, this Protocol was approved and signed on 20<sup>th</sup> November 2009. I therefore propose that the intended wording of the committee in the last two lines should be amended to read as follows, "Which was approved and signed by the Heads of the EAC Partner States on 20<sup>th</sup> November 2009 and subsequently entered into force on 1<sup>st</sup> July 2010."

I humbly believe that that will be an improvement on this report which will be a report of this House once adopted.

Mr Speaker Sir, on specific findings, there is a very minor grammatical correction in specific finding number 15. "Exports from Tanzania to Rwanda has increased for about 80 percent." When you read that, it gives you a wrong impression if it does not confuse you and I propose that it should read, "Exports from Tanzania to Rwanda have increased by about 80 present."

Lastly Mr Speaker Sir, I beg you indulgence in requesting that the Chairperson of the Committee and the committee avail this House with more information regarding specific finding number 20 which I son page six of the report. It reads as follows, "High in flow of people into Tanzania said from Rwanda for business transaction is attributed to the current insecurity."

I don't know whether it is only me who is confused. Is the committee suggesting that the high flow of people to Tanzania from the Rwanda side arises because there is insecurity in Rwanda or is it the feeling of the committee that the influx of people from Rwanda is causing insecurity in Tanzania? That paragraph is not clear and needs to be revised before the House considers adoption of this report and I believe that the Chairperson of the committee and the committee have the time to rectify the message in this specific finding.

Mr Speaker Sir, with those few corrections, I support the motion.

**Mr Halerimana:** Thank you, Mr Speaker and thanks to hon. Members who have contributed to this report beginning with hon. Aman Kabourou who was supportive and is a member to this committee. He was just emphasising some issues which the Council of Ministers or Secretariat should implement as soon as possible. What hon. Dan Kidega said is right. It keeps coming back when we talk about the Common Market and that what people are expecting is not what they are getting although there are some tangible good results which are seen. But I think people expected more and I think the House also thought that they could get more than what they are getting today. So what hon. Dan is saying is true.

The lack of communication between the Ministry of East African Community and where Members are going to meet different stakeholders is very true and we saw it several times but in this report, it was on the side of Tanzania in sirari where the staff there and the immigration officer was caught unawares and said, I was not expecting you people to be here now, I have no communication from Dar es Salaam but anyway, he did his best and



gathered some people who were around and we interacted with them.

Point number 12, hon. Kidega this is what we saw because the people talked to us and we were just asking them what was going on and what they know about the Common Market. They heard about it on radio, they hear people talk about it sometimes unofficially and for them they expected to see a big open market like Owino market in Kampala and others somewhere. So this is what they thought and by the way, one of the recommendations I think in other reports were saying that it is good to have markets like that on both sides for local people around the borders but some of them thought that the Common Market is that big market where they go and exchange goods as neighbours to the borders.

Hon. CTC on point number two I think you were taking it and we take the suggestion that you presented to us and point number 15 we are also taking. Point number 20 - *(Interruption)*

**Ms Nusura Tiperu (Uganda):** Since the Chairman is taking the grammatical errors; I just wanted to outline another one where you are talking about exports from Tanzania to Rwanda has

increased for about 80 percent. Instead of 'for' you could replace it with 'by'. It is the same?

And then secondly, I wanted to seek clarification on what you used exactly-

**The Speaker:** Honourable, you should have had a chance- Now you are talking of clarification yet it was information. You are already done.

**Mr Halerimana:** Thank you, Mr Speaker Sir. About point number 20, if hon. CTC followed me very well, I think I skipped it and it was deliberate because when I read it yester night, I found that it was confusing. So I beg Mr Speaker Sir to remove it from the report.

**The Speaker:** You cannot decide it is confusing because you tabled the document. You know you summarised but this is a report of the house and it is on record. So whatever you have submitted will be a record of this House so you cannot say that you skipped. You skipped but did your Members agree with you or did you do this on your own because this is the report we have.

**Mr Halerimana:** Thank you, Mr Speaker, Sir, for that guidance. Mr Speaker Sir, I suggest that we delete it from the report and continue with the other corrections which were submitted by hon. Members who have contributed. Mr Speaker Sir, I beg to move.

**The Speaker:** Hon. Members, before I put the question, I would just like to say one thing. I think we have been discussing some reports by the committees of this House and some of these things are bringing recommendations for us that are the Community. So most of the time I would request this side including the ministers and even the Secretary General to comment on some of these documents because they help the Community in terms of the development of the Community. It becomes problematic, I know hon. Munya and I must commend him because he is always here whenever we sit all the time but it becomes also difficult when issues are mentioned about specific countries and then he feels shy to say anything because we should be having ministers responsible for those countries also here so that if there is anything about those countries, they can clarify.

Hon. Members, I am getting concerned when hon. Members are standing up to tell us about their countries and they did this-

We are here as members of the East Africa Legislative Assembly. We are not here as members of EALA representing the constituency of Tanzania or Kenya or Uganda. That is the job of the Council of Ministers so I think we need more input from these ministers, maybe the Chairperson of Council can inform them of this.

Hon. Members, you are here as members of EALA for all the countries. You are not here to represent your Partner States to say that Tanzania did this and Kenya or Uganda did that. So please let us take our roles. We should not take roles of other people.

Hon. Members, I now put the question that the report of the Committee on Regional Affairs and Conflict Resolution on the on spot assessment of the status of implementation of the EAC Common Market Protocol Projects in Rusumo Ngara and Sirari Isibania border posts be adopted with amendments.

*(Question put and agreed to.)*

QUESTION FOR ORAL ANSWERS

**Ms Nusura Tiperu (Uganda):** Thank you very much, Mr Speaker. I would like to put the question to the Council of Ministers referenced EALA/PQ/OA/28 dated 2011. Thank you.

**Mr Munya:** Mr Speaker, I beg to reply. On the first part of this question, I would like to inform this august House that both theory and empirical studies have demonstrated that the benefits of the integration stages and this are clearly depicted under the Treaty. The integration process was pre-set during the negotiations of the Treaty. The negotiation process of the Customs Union that took place in 2002 to 2004 was informed by a number of studies and analysis relating to among others, the benefits that accrue with the Customs Union.

More fundamentally, the Customs Union and the Common Market were not an invention of the will as EAC tested the experience under the defunct EAC. A number of focused analytical work was done to inform the principles, tariff regimes and the laws upon which the Customs Union and the Common Market have been premised.

For example, the five year transition period of internal tariff reduction was informed by an analysis of the state of the industrial capacities of the Partner States. Likewise the Common

Market negotiations were guided by the assessment of the state of play of some of the key pillars such as trade in services and movement of capital.

In 2009, an evaluation on the implementation of the Customs Union was undertaken and reviewed a number of benefits that are accruing from Partner States, challenges notwithstanding. Some of the positive aspects including increased trade increased FDI and increased cross border investment and increased revenue and this is proven and that the analysis contained in the EAC trade reports.

Currently, another evaluation of the Customs Union is being undertaken to measure the level of implementation and identify the gaps and propose interventions necessary to keep the process on course.

In a nutshell the movement from one stage to the other has been systematic whereby the previous one builds into the succeeding stage. This however is not to say that there are no challenges faced during the implementation of these stages. It is also worth mentioning that the EAC is undertaking a comprehensive

study to determine the costs and benefits accruing to Partner States.

The second question, I would like to inform this House that the implementation of the Customs Union commenced under a five year transition period. During this period the internal tariff was reduced on a progressive basis until it reaches zero at the beginning of 2010. This was to be followed by facilitation for elimination of NTBs, free circulation of goods, further harmonisation of customs, laws and procedures and a strengthened regional institutional mechanism.

The single tariff regime was attained and a lot of progress has been made in development of harmonised customs instruments. However the other elements mentioned earlier have not been fully attained.

A high level stakeholders' forum was held in October 2009 and recommended for speedy attainment of a fully fledged Customs Union. Thereafter the Council adopted a road map for a fully fledged Customs Union but Partner States requested for further consultations on some policy interventions.

The Summit in 2010 directed that the implementation of the road map be expedited. The Summit also directed that a study on the attainment of a single customs territory be undertaken to inform its implementation.

A proposal on the attainment of a single customs territory will be presented to the Summit of Heads of States for consideration at the 10<sup>th</sup> Extraordinary Summit scheduled for 28<sup>th</sup> April 2012 that is next week.

In the implementation of the Common Market, the Customs Union is assumed in the process since the free movement of goods is a key pillar under the Common Market. Although the Customs Union is characterised by regional legal instruments which replace similar national laws under the common Market, the relevant national laws have to be aligned to the Common Market Protocol.

A fully fledged Customs Union will encompass full harmonisation of Customs laws, regulations and procedures which process is underway. It also entails a strengthened regional institutional framework to ensure uniformity in policy, design and implementations.



The Council while adopting a program for the implementation of the Common Market protocol at the 21<sup>st</sup> Meeting made a directive to Partner States to align their relevant laws to the Common Market Protocol.

Partner States are at different levels of amending their laws with Kenya in the lead of this process having proposed a Miscellaneous Laws amendment Bill on this matter. The Secretariat has been coordinating the process of identification of the laws that will require amendments and has guided the Partner States accordingly. Thank you, Mr Speaker.

**The Speaker:** Supplementaries?

**Ms Tiperu:** Hon. Speaker, since there are no other supplementary questions from any of the colleagues, I wish to thank the hon. minister for having comprehensively answered my question and I rest my case.

**The Speaker:** Next question.

**Ms Kate Kamba (Tanzania):** Mr Speaker, Sir, could the minister kindly give an answer to question ref. EALA/PQ/OA/30/2011.

**Mr Munya:** Mr Speaker, I would like to ask for your indulgence in relation to this question so that we can do proper- The information we have is not enough and we want to do proper research so that we present a comprehensive answer next week.

**The Speaker:** We can defer it to next week. Next question, hon. Zziwa.

**M Margaret Zziwa (Uganda):** Mr Speaker Sir, I beg to move that question EALA/PQ/OA/12 of 2011 be answered. I beg to move.

**Mr Munya:** Mr Speaker, I beg to reply. The Council of Ministers has already directed the Secretariat to undertake a feasibility study on the establishment of the East African Railways Authority to clarify the following issues:

- (a) The form and legal framework for the establishment of the authority.
- (b) The sustainable financing and mechanisms of the authority.
- (c) The effective scope of the responsibilities of the authority in view of the railways concessions and the

proposed privatisation or liberalisation in the railways sector.

(d) The regulatory mandate for the authority in terms of railways investments, tariffs, inter connectivity, financing, consumer and environmental protection among others.

(e) Other regional approaches as we are harmonising under the Tri-Partite arrangement and

(f) A road map on the establishment of the authority.

So the study, Mr Speaker is supposed to look into those issues so that we can be able to give direction on the possibility of having that authority.

The Secretariat in November 2011 reached an agreement with the African Development Bank on an initial support for \$ 500,000 to support an international expert and the establishment of a railways unit and the Secretariat to undertake among others the foregoing study to inform on the establishment of the authority. A report on this study is expected to be ready by December 2012.

Mr Speaker, the Partner States have not been called upon to contribute resources for the development of a Common EAC railway

as this is currently neither a proposal under the EAC railways development Master Plan or the development strategy. The joint development of Common railways by the Partner States would require amendment of the laws under which this national railways system are established, the concession agreements, the national strategic plans for railways development among other policy legal frameworks.

However, the Partner States are committed to mobilising resources through the East African Community development fund. In addition, the Partner States are cooperating closely in the development of railways within their national borders.

The United Republic of Tanzania, Republics of Rwanda and Burundi are cooperating in the development of Dar es Salaam, Ishaka, Kigali, Kezi, Msongati railway line while the Republics of Kenya and Uganda are cooperating in the development of the Mombasa-Kampala-Kasese railway line.

In addition, the Republics of Kenya with South Sudan and Ethiopia are collaborating in the development of the Lamu-Addis Ababa-Njuba railway line. The Council of Ministers has directed the Secretariat to coordinate the Partner States in the

realisation of the Railways networks that they are cooperating in.

Further, the Sectoral Council of Ministers responsible for transport, communications and metrology is regularly considering and giving direction on the progress on the development of the railways in East African Community.

Mr Speaker, on the operation of the Rift Valley Railways Services, the two Partner States of Uganda and Kenya during the 9<sup>th</sup> Meeting of the Sectoral Council of Ministers of Transport, Communications and Meteorology reported that the concessioning agreement has been successfully re-negotiated and new shareholders incorporated in the concession.

The renegotiated agreement provides for stricter compliance while the share holding and a benchmark for performance. The quantum of the capital injection proposed by the Rift Valley railways over the next five to seven years is \$ 300 million.

Arising from the new arrangements, the International Finance Cooperation has agreed to finance additional capital requirements mainly for network enhancement and rehabilitation

of wagons. The two Partner States expressed optimism on the expected performance of the concession to be assessed in two years' time in 2014.

Mr Speaker, the implementations of the EAC Railways Master Plan is progressing though on a slow pace due to resource constraints. As indicated in my earlier response, Partner States are fully cooperating in the development of their National Railways Network including the Dar-Isaka-Kigali-Kesa-Musongati, the Mombasa-Kampala-Kasese line, the Lamu-Addis Ababa-Njuba railway and the Tazara railway line all of which comprise the bulk of the railway development under the EAC railways development master plan.

The World Bank and the African Development Bank have committed to support the Partner States in the implementation of the railways Master Plan and together with trademark East Africa are financing a major regional initiative to establish a framework of public-private partnership with the priority being a railways investment.

In addition, there are financing studies and transaction arrangement costs. The Republics of Rwanda and Burundi have been

substantially integrated in the East African railways Master Plan in particular through the Tanzania Railways system.

**The Speaker:** Supplementary?

**Ms Zziwa:** Mr Speaker Sir, thank you very much and I want to thank the minister for the answer. First I want to note that it has taken a very long time since this question was asked to the minister and-

**The Speaker:** Honourable, it is on the Order Paper now so just continue.

**Ms Zziwa:** Thank you, Sir. I was only very optimistic that he would come up with a more practical answer considering that the resolution was passed two years ago, a directive was give, I want to find out whether it was an open ended directive. The way it looks, it looks like no concrete answers or steps have been registered and that is why I am concerned because even when the hon. Minister notes in paragraph three of the answer that there are joint efforts by the Republics of Uganda and Kenya on the development of the master plan strategy, I realise that what is happening in Uganda is that even the existing railway lines are

being vandalised. If you come from Kampala towards Kasese, there is no railway line anymore. If you go from Tororo to Soroti or Pakwach, there is no railway line anymore. So what is this strategy which the hon. Minister is talking about which the Rift Valley is putting in place?

Those are the specific concerns and considering that the neglect of this sector is causing a lot of pressure on the roads, it is actually a very serious concern and that is why we think that by now if the monies-

**The Speaker:** Honourable, your question please.

**Ms Zziwa:** Would the \$ 300 million talked about go through to rehabilitate the current or existing railway line? I would like to find out because at least by now we should have something tangible to talk about other than promises.

**Mr Munya:** Mr Speaker, Sir, it is good to acknowledge that there is a problem in the railway sector in the region because of the nature of the existing infrastructure that is out dated. But it is also important the efforts that are being made in that direction. In my answer, I have provided that information but it



is also important to note that the money that I have talked about here is not money from government but loans from World Bank to the company that is running the railway and that was concessioned in the railway. So we cannot say that we use the money immediately because it is money being provided by lenders to the East African Railways Company that is running the concession and the money is to come in batches over seven years over a period of time and I have actually already indicated this here; five to seven years.

But efforts are clearly being made to implement the East African Railway Master Plan to come up with a standard gauge railway both in partnership between Kenya and Uganda and Southern Sudan and Ethiopia for the Northern part of the Master Plan and also partnership between Rwanda and Tanzania and Burundi for the Southern plank of the master plan.

So there are concrete steps being taken. In fact I was looking at proposals for the Kenyan budget this new year and I saw big money being put for the commencement of this standard gauge railway. The port of Lamu where the standard gauge railway is supposed to commence from the ground breaking was done by the Heads of State of Ethiopia, Kenya and Southern Sudan and the

work has started. So there are concrete efforts being made but this is an area that requires a lot of capital injection which we may not have immediately and that is why we are talking about Public-Private Partnership arrangements.

Therefore I think, Mr Speaker I have answered the question comprehensively.

**Dr Ndahiro:** Hon. Speaker, I wanted the minister to inform this House on which law is followed when concessioning or to make it clear, the concessions are provided under which law? Two, the Chair, Council of Ministers could tell this House what happened to the Bill on privately funded infrastructure which at least had an approach to concesssioning. Thank you, Mr Speaker.

**The Speaker:** Hon. Ndahiro, maybe you can ask your question later in a substantive question. I think this was something else we were talking about the railways. I don't think the minister can answer that question as it is not a supplementary question. You should ask a question.

**Ms Byamukama:** Thank you, Mr Speaker Sir. I want to thank the minister for what he has provided but I thought maybe at some

point he would be able to point out time lines so that we can have a rough idea on when this work will be projected. Is it possible to have some timelines?

Secondly on page eight he mentions resource constraints; that there is a slow pace due to resource constraints. In the same paragraph, he says the World Bank and the African Development Bank have committed to support Partner States in implementation of this Master Plan. Are there resource constraints anymore? Is there a mechanism for tracking funding for the railway project in each Partner State? I wish the other ministers were here; maybe they would be able to tell us what plans they have because for a fact I know that different countries must have this funding. Is it being tracked and therefore how can we help you and bring to bear implementation? I thank you.

**Mr Munya:** Mr Speaker, I said from the outset that building modern railways is a very expensive undertaking and looking at resource constraints within Partner States- It is not possible for partner States themselves to entirely fund those infrastructure on their own and that is why what is being worked on is a Public-Private Partnership arrangements that can make us realise these kinds of infrastructure.

In that kind of situation, talking of time lines becomes very difficult because we have to get commitments from investors, you have to negotiate those concrete agreements on financing so it will be very difficult for me to start giving those specific timelines but I have already said that in certain areas the work has started. The Lafset project for Kenya for example has already started with government itself giving money for the port and I said in the budget estimates for this year I also saw money set aside for the standard gauge railway.

But still those are seed money that governments put there to be able to work and find donors or supporters or partners who can come in to bring a bigger chunk of money. So really it would be unrealistic for me to start giving timelines.

**The Speaker:** Next question.

**Mr Dan Wandera Ogalo (Uganda):** Asked the Chairperson Council of Ministers: -

*"In 2004 and 2008 the Assembly adopted two related Resolutions regarding the need for upgrading the positions of Clerk of the Assembly, Registrar of the EACJ and the Counsel to the Community to Executive level positions within the EAC structure.*

*These Resolutions were duly transmitted to the Council of Ministers.*

*Could the Chairperson of the Council inform this House:*

*(i) What action Council took to implement these Resolutions;*

*(ii) If not implemented, why not?*

*(iii) When will the Resolutions be implemented?*

*Whether the Council has any regard for Resolutions adopted by the Assembly."*

**The Assistant Minister for East African Community, Kenya (Mr Peter Munya):** Mr Speaker, I beg to reply. Allow me to start by clearly stating that the Council of Ministers has high regard for all the resolutions which are from time to time adopted by this august House.

During its 19<sup>th</sup> Meeting held in Arusha, Tanzania on 18<sup>th</sup> November 2009, the Council of Ministers noted that the resolution passed by this august House in November 2007 that the positions of the clerk of the Assembly, Counsel to the Community and Registrar of the East African Court of Justice should be upgraded to Executive Staff level.

The Council of Ministers observed that the Clerk of the East African Legislative Assembly, the Registrar of the East African Court of Justice and the Counsel to the Community belong to the professional staff cadre. Therefore, all matters regarding their term and conditions of service in the Community could not be reviewed in isolation but needed to be looked at alongside other positions of similar standing within the EAC organs and institutions.

Since the institutional review was scheduled to take place, it was necessary that the matter is addressed within that framework. In its final decision on this matter, the Council deferred consideration until a comprehensive institutional review is completed and the necessary recommendations made to Council for consideration.

This matter will therefore be finalised after the institutional review is completed and the recommendation therein is adopted by Council for implementation. I thank you.

**Mr Ogalo:** Thank you. Mr Speaker Sir, the Chairman Council of Ministers begins by stating that the Council has high regard for all resolutions which are passed by this House. Will the minister mention just one resolution of this House which has been implemented by the Council and if he is unable to do so, will he concede that there is zero regard for resolutions of this House?

The second question is that upgrading is an administrative fact which can be done in one day. The first resolution was in 2004. It is eight years since that resolution. Does the minister consider eight years being a reasonable time within which to make an administrative decision?

Number three is that the institutional review that the minister talks about is re-dated by both these resolutions. The institutional review came long after both resolutions had been passed. In view of the fact that these resolutions came long

before, will the minister recognise and agree with me that institutional review is a mere excuse to continue the marginalisation of these three offices? Thank you, Sir.

**Mr Munya:** The first question, Mr Speaker he has asked me for one resolution that the Council has implemented that has been passed by this House and I give the example of that resolution in the previous question where the House made resolution that we set up a railways authority and we have already gone ahead to appoint people to go and study. We have gone ahead to implement that resolution, the study is going on and by the end of this year; we will have a report so Mr Speaker, the Council is very respectful.

**The Speaker:** I am surprised that now the minister has a time line because he says the end of this year. Earlier he said he had no time lines but continue.

**Mr Munya:** Mr Speaker, I had said no time lines for the railways master plan but the report of the study will be ready by 2012. This is a different issue from the other one.

Mr Speaker, the institutional review, I remember the road map was adopted so we are almost finalising the institutional



review. I am also very sympathetic to the recommendations made by this House in relation to those two offices. I think a solution is going to be found very soon because we are almost at the end of the institutional review. So I am sure that a solution is going to be found soonest and this House issue concerning recommendations will be vindicated.

**The Speaker:** You have not answered all three questions.

**Mr Ogalo:** Does the minister consider that eight years is a reasonable time and then two about the institutional review being pre dated by these resolutions.

**Mr Munya:** Mr Speaker, there is no disagreement between me and hon. Ogalo over this matter. Eight years is a very long time, it is not reasonable but this matter was caught up by those institutional review issues. Remember there was a big time of delay when new members came in and many issues had to be reviewed to see how to accommodate and fast track the integration of the other members and there was even a freeze on employment and a freeze on many things. So that may have occasioned the undue delay but since we are already at the end of the road I think we should not look back too much. Let us

concentrate on making sure that these offices are given the stature and status they deserve.

**Ms Byamukama:** Mr Speaker Sir, I want to thank the hon. Minister for his response. I just have one supplementary question. Since the Council of Ministers have acknowledged that the Registrar of the East African Court of Justice, the Counsel to the Community and the Clerk of EALA belong to the professional staff cadre, can these three categories of persons therefore be given arrears since in effect, you have agreed to it in principle and the rest is administrative.

So I would like to hear from you on that.

**Mr Munya:** Mr Speaker that can be considered by the Council. That is a proposal that can be forwarded to the Council for consideration.

**Ms Wanyoto:** Thank you, Mr Speaker. I have one supplementary question. The Council Of Ministers are members of this Assembly and on both occasions like hon. Ogalo has said, they were here when we were debating and passing these resolutions and there were no objections. The *Hansard* record is clear and at that time we were already under the institutional review program. Why

didn't you be on record when we were passing these resolutions that you had issues of institutional review and therefore you could not commit Council? You know it becomes a contradiction.

So Mr Speaker I am asking the question, why don't the Council of Ministers be on record to say you know we cannot commit ourselves to this resolution because we are doing institutional review reforms and they come after to say, you know we did not meet the resolution because we are doing institutional review. For this particular issue they were here on both occasions.

**Mr Munya:** Mr Speaker, we were here, yes but we cannot anticipate when we are here what the Council will decide when it meets. So when the Council met it reviewed the issue and said since the institutional review is taking place, let us finalise all the matters together so that we do not do it on an ad hoc basis and then we have to do it for another office or institution. Let us do everything-

**The Speaker:** Maybe before you finish and just to help this House, when did the process of institutional review start? That can help us. If it started in 2004 then we can understand.

**Mr Munya:** The review started in 2009.

**The Speaker:** So hon. Minister you are telling us that since 2004 the Council never met to discuss a resolution of this House and they decided that in 2009 they are going to- I don't know. Now you are not making a lot of sense to us. Because if the institutional review started in 2009, we had two resolution sin 2004, actually we had another one in 2006 if I remember then we had one in 2007 and now you are telling me that you waited until 2009 to decide on an institutional review then there is something which does not make a lot of sense.

**Mr Munya:** Mr Speaker, unless we are allowed to go back to the records and find what happened exactly because I also agree with you that there is something that is not very straight here. So perhaps if we get more time and we check on our records and see why it took this long to make a decision like this that could have been made long time ago.

**The Speaker:** Then maybe we will give you until next week like the other question and then we can have...

**Mr Munya:** Absolutely, much obliged.

**The Speaker:** It will be on the order Paper next week.



**Dr James Ndahiro (Rwanda):** May the Chair, Council of Ministers respond to question ref. EALA/PQ/OA/02/2012? Thank you.

**Mr Munya:** I beg to reply. Allow me to inform this august House that the EAC policy on persons with disabilities was approved by the sectoral Council on Gender, Youth, Children, Social Protection and Community Development during its first meeting held in Arusha from 27<sup>th</sup> February to 2<sup>nd</sup> March 2012.

During that meeting, the EAC strategic plan on Gender, Youth, Children, Persons with Disabilities, Social Protection and Community Development was also approved.

The two policy documents have integrated concrete actions for people with disabilities within EAC region.

With regard to the ratification of the UN Convention on People with Disabilities, the government of Burundi has already signed the convention and its optional Protocol in April 2007 and is currently processing its ratification.

Mr Speaker Sir, I am pleased to further inform this august House that the Community has embarked on the formulation of a dialogue

framework for civil society, private sector and other interest groups in the EAC integration process. The dialogue framework provides for various forums of CSOs and other interest groups including organisations of persons with disabilities.

Mr Speaker, regarding the last part of this question, I wish to inform this House that the National Council for Peace for People with Disabilities have not applied for observer status in the Community. Should any of the councils apply for such status; their application will be handled in accordance with the criteria for granting observer status. I thank you.

**Dr Ndahiro:** Hon. Speaker, first of all I am not sure I am allowed to give the minister information but I wanted to know from him if he is aware that there was a meeting between the Secretariat, EALA, and Partner States in Kampala on this same issue. That meeting had a series of recommendations and one of them was to ask the Community to create an East African Council of Persons with Disabilities.

According to the Treaty Article 14 if I am not wrong, the Council is empowered even to advise because after the recommendations were agreed upon, we have not received any

advice to that effect whether there is a formal application form or the process on which they should follow. They are still waiting because they had direct interaction and this was agreed upon. So whose mandate is it now?

The other issue I wanted the minister to clarify on is that this House passed a resolution requesting all Partner States to ratify. When these international treaties are negotiated- Actually they all signed while still in New York. Everybody signed so the request was not- Since then up to now, we are not sure- The answer that the process is continuing to me is not sufficient, Mr Speaker unless they give us a time line on ratification. We are not really interested in signing. Thank you.

**Mr Munya:** Mr Speaker, we are giving information as it is and the information as it is is that the government of Burundi is currently in the process of ratifying the convention. So the other issue is that we are not aware of any formal meeting that took place and that could have informed our processes. If it was a workshop, maybe but not a formal meeting that developed a legal instrument that could have been brought to our sectoral council.



But certainly within our framework where we are creating a dialogue framework with civil society organisations, the organisation dealing with people with disability will be at the centre of this dialogue.

**The Speaker:** I think maybe to help the minister, this thing was organised by the former Secretary General and was actually opened by the President or someone on his behalf because the Prime Minister came on behalf of the President so the EAC cannot say they do not know anything about it when they are ones who organised it and the whole House came. It was a very big meeting in Kampala.

**Mr Munya:** Mr Speaker, perhaps what we can do again is to go back and dig into the information and get this report and then formally present it to the relevant sectoral council but the information I have is that that meeting was in the nature of a conference or a workshop. It was not a formal meeting and that is why there is a disconnect between what was produced there and what is processed within our decision making structures.

But we undertake to go back, get the report and [present it to the relevant sectoral council.

**Mr Kabourou:** Thank you, hon. Speaker. I just want to know if the Council has any idea of what percentage of the population of the East African Community is living with disabilities and if it is substantial, doesn't the Council feel that it has an obligation to advise these people because it is a big chunk of our own people.

**Mr Munya:** Mr Speaker, the Council obviously has an obligation but we do not have statistics right here in the House. If hon. Kabourou filed a substantive question, we can provide the statistics.

**The Speaker:** Maybe you can ask some of your professionals to help you out. I think they are here to help you out, someone in that department. That is why we have treasury benches.

**Mr Munya:** Mr Speaker, I have information that we do not have any person with that specific information here.

**The Speaker:** Thank you. Hon. Minister, the reason why I asked you that question is that you belong to our Parliament here and you understand that when the minister comes to answer questions to Parliament, members of that department or ministry take it very seriously and you will find them waiting on the benches to answer those questions.

I have looked the whole day and I have found that the CTC and the Secretary General who have been advising the minister but not a single person for the EAC Secretariat who actually work on these documents were here, not one. If any of them are here they can stand up. I don't think there is a single person and that is the disregard they have for this House. When you are coming to answer questions, you should know that anything can come up and that is why you have these people here to answer these questions.

It is not very fair to us that we are now saying we defer to next week we do this, what have you. Unless we are at the end of the road and maybe he meant the end of the road was us. I don't understand but I don't think it is very fair to this House that you find that departments that know that their questions are

being answered are not here to answer questions for this Assembly.

**Mr Munya:** Hon. Speaker, we acknowledge that anomaly and we will rectify.

**The Speaker:** Hon. Members, I earlier made a mistake. I had missed a question by hon. Kate Kamba. I think she had two questions and not one. Maybe she can ask the second question.

**Ms Kate Kamba (Tanzania):** Thank you, Mr Speaker Sir. Could the minister kindly answer question related to agriculture. I had two. Ref EALA/PQ/OA/31/2011.

**Mr Munya:** Mr Speaker, I beg to reply. With regard to chapter 18 of the Treaty for the establishment of the East African Community and specifically Articles 105-110, the EAC agriculture and Rural Development Policy and Strategy have been developed. In addition, an EAC food Security Action Plan 2011-2015 to address food insecurity in the region has been developed and adopted for implementation by the Ninth Extra Ordinary Summit of Heads of State held on 19<sup>th</sup> April 2011 in Dar es Salaam, Tanzania. Under the plan, the EAC aims at addressing issues

ranging from policy, institutional and legislative issues, production, marketing to nutritional and related cross cutting matters such as gender mainstreaming and tackling HIV/AIDS.

Furthermore, the EAC is finalising major related initiatives including development of a Food and Nutritional Policy, regional food balance sheet framework, early warning system for monitoring food shortage and an EAC SPS Protocol.

The East African Community also has an elaborate trans-boundary animal disease control plan that is being implemented.

Mr Speaker Sir, the Secretariat are closely involved stakeholders in the development of EAC food security action plan including the East African Farmers Federation, East African Grain Council, the East African Business Council and in the implementation of projects and programs in the agricultural sector.

The EAC food security action plan will initially be implemented over a five year period 2011-2015. That is, in order that the region including areas affected by drought to be food secured we

need to implement the plan fully and be as practical as possible.

However, it should be reiterated that for the EAC region to overcome its current food security problems, Partner States will have to make substantial investment in the agricultural sector development at national level as regional interventions can only succeed if national strategies are successfully implemented.

As already stated earlier, the Community has embarked on full implementation of the agriculture and rural development policy and strategy. In addition, a livestock policy, which will also address pastoralism issues, is under preparation. It will further address diversification in production and consumer habits and strategies for sustainable management of resources in roads and arid regions.

Special focus will be directed to the establishment on **transidic** food reserves in order to respond to food shortages in cases of severe drought. The Council has not moved as fast as we would have wanted to the implementation of the EAC food security action plan as implementation requires a lot of resources.

Resource mobilisation is however underway. I thank you.

**Ms Kamba:** Thank you, Mr Speaker Sir. The minister has kindly generally addressed the question. Agriculture is the backbone of our economy. For all Partner States, we depend on agriculture but we give a lot of lip service to the peasants to the extent that we do not plan for them. Now I am asking my supplementary question. How far has the Council of Ministers addressed agriculture because agriculture is a science in areas of irrigation, the development of seed and extension in terms of scientific application using all our research centres in the region to address issues of farmers in East Africa? It is not even reflected in the answer. I beg to ask.

**Mr Munya:** Mr Speaker, the agricultural and food security plan is very comprehensive and covers all those areas that she is asking about. It covers areas of irrigation, seed development, research in very fine detail. I would refer the Member to the plan itself because it is there and it is an official report of EAC and it is very comprehensive because I have looked at it and it covers all those areas in very fine details.

But it is important to also observe that the implementing agencies are actually the Partner States and there are specialised agencies dealing with those areas so it is not the EAC at the regional level or the apex level that does the implementation. But the report is detailed and very specific on all those areas that she has mentioned.

**The Speaker:** Hon. Minister, I have also looked at the document and it is costed and you talk about costing and having a problem in terms of implementing because you do not have the resources. How much is it and how are you looking for those resources because one of the things I found out was that some of these people are saying that we came up with a good plan with a lot of money but who is looking for that money? Nobody is doing anything. So what have you people done and I think that is what the hon. Member is asking. How much is it and how much have you collected?

I am not supposed to ask questions, I am just directing what honourable was -

**Ms Kamba:** Thank you very much for your intervention.



**Mr Munya:** Mr Speaker, I am informed that there is already money in the budget for a resource mobilisation forum that is being organised to work out ways and means of raising the money and the cost for the strategies is \$ 4 billion. The implementation of the plan will cost around \$ 4 billion. So there is some money but there is a little money in the budget for organising a forum to work out a strategy on how to raise that money.

**Ms Kwekwe:** Thank you, hon. Speaker and I want to thank the Minister for his response. I would like to raise two supplementary questions. He has outlined in his response the policy instruments that the EAC has in place but I did not hear him say anything on the EAC Common strategy for food security which was adopted by this House in 2010 February in Kampala to be precise and hinged on three pillars. Pillar number one is increased productivity, pillar number two is trade in food and food products and the question I am asking is that the common strategy for food security in itself addresses itself to Articles 105 to 109 of the Treaty and if that document could be implemented it would definitely answer the question that hon. Kamba has asked.

The second one is, what is the status of the East African Agro industry and agro processing development project which I am aware the EAC is undertaking in collaboration with UNIDO, FAU and Kilimo Trust which is also targeting issues of agriculture and food security particularly value addition through agro processing and agro industry. Thank you, Mr Speaker.

**Mr Munya:** Mr Speaker, I am informed that here is that joint initiative with Kilimo Trust and UNIDO on agro processing and value addition. That is also part of the plan for EAC industrialisation Plan so that project is there and if details of the project are required, we can also bring them.

**The Speaker:** What about the first time of the question?

**Ms Kamba:** I asked about a document that was developed by the EAC together with Kilimo Trust and this Assembly called the EAC Common strategy on food security. It was passed in February 2010 in Kampala by this House. The question is, is there anything being done in the Community to operationalise that document which would in essence address Articles 105 to 109 of the Treaty and it would definitely meet all the needs that hon. Kate Kamba has raised in her question.

**Mr Munya:** Mr Speaker, as I said from the beginning, that initiative is there and it is being implemented so if the Member requires specific details on that initiative we can bring because we do not have that information here on specific details on the progress in the implementation but clearly it is part of the EAC strategy and one of the pillars of EAC strategy on industrialisation and it is being undertaken jointly with EAC, Kilimo Trust and UNIDO.

**The Speaker:** Honourable, there are two documents that I think you are confusing. One is the one you are talking about and the other one was the report of the House and the Secretariat and Kilimo Trust.

**Ms Kamba:** Mr Speaker, can I be clearer? There are two initiatives in the Community that the minister did not mention at all. One, the EAC common strategy on food security. Two, the East African agro processing and agro industry development project which is customising the Abuja declaration by the AU. These are two individual and separate initiatives. I know the one for industrialisation you are saying that it is part of the

plan but I was asking if you have the details, what is the status of that?

And on the food security strategy, what is it that the Community is doing to operationalise it because it was adopted two years ago.

**Mr Munya:** Mr Speaker, I do not have the information with me. I can undertake to bring it.

**The Speaker:** We will again defer it to next week and then we will also wait for that information.

Hon. Members, we have come to the end of business today. I now adjourn the House until tomorrow 9.30 a.m. It is going to be in the main chamber.

*(The House rose at.. p.m. and adjourned until Thursday 19 April  
2012 at 9.30 a.m.)*

