



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly 20TH SITTING – THIRD ASSEMBLY: FIFTH MEETING – FIRST SESSION

Thursday, 18 April 2013

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

PRAYER

(The Speaker, Rt. Hon. Margaret Nantongo Zziwa in the Chair)

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I want to welcome you to this sitting. I want to appreciate the Rwanda chapter for hosting us yesterday. For purposes of our *Hansard* I want to say that we enjoyed every minute which we were with you then. Thank you very much.

Secondly, I want to mention that our bulletin the *Bunge la Afrika Mashariki* is out. You received copies yesterday. Specifically I want to thank the members of the editorial board who have worked tirelessly to make sure that this copy comes out. I also want to re-echo the words of the committee and the editorial board, please members you are requested to contribute articles so that we are able to enrich the Bunge and also to make sure that your article should not really go over 500 words so that this is accommodated within about two pages.

Thirdly, I want to draw your attention to the administrative circular which I sent to you just to make sure that you are on board with it in case you need to know how to adjust within the arrangements so that you work within our Rules of Procedure.

I also want to mention to you that the draft copy of the strategic plan has been sent to you in soft copy on your emails. I request that you use tonight and tomorrow you come with your iPads as

we start to make input to this strategic plan of ours. So just to point out that the strategic plan draft has been sent out to you so look out for it.

I want to recognise members of the Parliament of Uganda who are in the Speaker's gallery, you are welcome. *(Applause)*

QUESTIONS FOR ORAL ANSWER

QUESTION: EA/LA/PQ/OA/3/07/2013

Ms Susan Nakawuki (Uganda): I thank you very much, Madam Speaker. I would like to first of all appreciate the government of Rwanda for allowing us to enjoy this wonderful Parliament. In fact it leaves me with no option but to emulate the late Martin Luther King Junior and from him I learnt to dream that one day the East African Legislative Assembly will have a chamber so spacious and beautiful or more beautiful than this one.

Madam Speaker, allow me also to inform the House that I am actually taken by surprise that I had this question on the Order Paper, I was not aware. I have just seen it now and I was not able to prepare – *(Interruption)* -

The Speaker: Hon. Nakawuki, I think you can see on the Order Paper this is Question EALA/PQ/OA/3/07. Yesterday we were at Question number 13. It means that it came long ago and it has had the opportunity so just put the question.

Ms Nakawuki: Thank you, Madam Speaker. Allow me to put the question that Question reference number EALA/PQ/OA/3/07/2013: *The Youth of East Africa are considered the pillar for our integration efforts. That being the case, can the Chairperson of the Council inform the House:-*

- (a) Whether, the EAC has a regional youth policy and what its key principles are; if so,*
- (b) Were the youth consulted in coming up with the policy;*
- (c) Could he tell us what the implementation plan is, the key programmes for the youth and the future plans.*

I thank you.

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio: Madam Speaker, the East African Community has demonstrated deliberate commitment to develop policies and programs that facilitate the participation of a cross range of citizens including the youth in the advancement of the EAC integration agenda.

Pursuant to Article 120 of the Treaty which provides for cooperation in the area of social welfare with respect to the development and adoption of a common approach towards the disadvantaged and marginalised groups including children, the youth, the elderly and persons with disabilities, the East African Community has developed broad and specific policy frameworks in order to create an enabling environment for the wellbeing of the people of the East African region.

Guided by the multi-sectoral approach for social development and the Council directives to implement the EAC Gender and Community development framework, the Secretariat, after consultations with various stakeholders at national and regional levels, developed a five year strategic plan on gender, youth, children, persons with disabilities, social protection and community development 2012-2016. This strategic plan was adopted by the sectoral Council on gender, youth, children, social protection and community development at its first meeting held in March 2012.

Madam Speaker, while individual policies like youth policy are at an advanced stage of formulation in order to lay the foundation for future legal binding instruments, the adopted EAC strategic plan which has included a full component on youth is already an implementable tool in view of some of the following key planned activities:

- (a) Establishment of an EAC youth desk
- (b) Establishment of an EAC youth council
- (c) Establishment of regional youth service schemes with the component of volunteerism
- (d) Establishment of a regional youth enterprise development fund
- (e) Facilitation of capacity building of youth in vocational skills, ICT, e-commerce and other specially tailored programs
- (f) Facilitation of an EAC annual youth exhibition for SMEs
- (g) Facilitation of the formation of an EAC youth chamber of commerce
- (h) Development of regional guidelines for incorporating entrepreneurship in school curricular
- (i) Institution of a regional incentive scheme for employers to invest in the skills development of employed and unemployed youth
- (j) Establishment of infrastructure that will lead to innovation and easy access to information for the youth
- (k) Facilitation or the participation of the youth in the design, implementation, monitoring and evaluation of development plans, policies and poverty reduction strategies
- (l) Facilitation of learning exchange visits between and among Partner States and regional economic communities
- (m) Strengthening of youth sporting activities in the region
- (n) Establishment of structures that encourage and assist the youth in the diaspora to return to and fully reintegrate into EAC processes
- (o) Establishment of mechanisms to promote a culture of volunteerism, peace and tolerance amongst youth that discourages participation in negative cultural attitudes and acts of

violence, terrorism, xenophobia, racial discrimination, gender based discrimination, ... occupation and trafficking in arms and drugs.

Madam Speaker, most of the above mentioned activities require human and financial resources and time. The Secretariat is engaged to work in collaboration with Partner States to achieve the majority of them by 2016. I thank you.

The Speaker: Thank you, Chairperson of the Council. Supplementary question, hon. Nakawuki?

Ms Nakawuki: Madam Speaker, I do not have a supplementary question regarding this but probably just some assurance that actually these planned activities are going to be implemented by 2016 because there is a common phenomenon that implementation of EAC planned activities which are very good is a problem. I thank you.

Mr. Bageine: Thank you very much and I would like to assure hon. Nakawuki that these planned activities are not for the sake of planning them but actually to put them in practice and we will make sure that by the deadline of 2016, many if not all will have been achieved.

Dr. James Ndahiro (Rwanda): Thank you, hon. Speaker. I wanted to ask the Chairperson of the Council. He mentioned about training the youth in areas of e-commerce. I just wanted to know from him when the Bill on e-commerce will be tabled in this House because I know they have shelved it for too long.

Secondly, at an appropriate time I will again be sending to the Council a Bill on creative industries which I think would answer some of the challenges we have and I beg that they fast track that Bill. Thank you, hon. Speaker.

The Speaker: I think the first question can be answered. The second one was notification.

Mr Bageine: Thank you very much, Madam Speaker. Given our work environments, it is not possible to put a specific time scale on the e-commerce introduction but the idea is that we should move in that direction. I thank you.

Mr. Daniel Kidega (Uganda): Thank you, Madam Speaker. I would like to congratulate hon. Susan Nakawuki for asking this question. All the five Partner States of East African Community are party to the African Constitutive Act and the African Union has put in place the African Youth Charter and as parties to the constitutive Act, we are supposed to domesticate and ratify this charter and implement. In the Second Assembly we raised this matter and it was only two Partner States out of five that had domesticated or ratified this charter.

May I know from the Council of Ministers how far the ratification and domestication process of the African Youth Charter has gone and its implementation in the Partner States since we are parties to the African Constitutive Act? Thank you.

Mr. Bageine: Madam Speaker, I thank hon. Kidega for that information he has brought up of the charter being domesticated by two of the Partner States. I am not aware of which Partner States and I do not know what has happened to the others but I will undertake to find out and see what has happened. Thank you.

The Speaker: Supplementary question, hon. Leonce.

Mr. Ndarubagiye: Thank you very much, Rt hon. Speaker. I just wanted to ask clarification about (g) Facilitation of the formation of an EAC youth chamber of commerce. Is it to be differentiated from a normal chamber of commerce? Why a youth chamber of commerce and not just a chamber of commerce that exists in all our Partner States?

Mr. Bageine: Thank you very much. The idea is not to create two parallel chambers of commerce but rather to have a chapter specifically dealing with youth in the organisation of the East African Chamber of Commerce. So this is what we are looking at and we think it will give them the ownership of belonging to the chamber and in the process help them to start businesses. Thank you.

Ms Mossi: Thank you, Madam Speaker. I would like to add my voice to thank the chairperson on the responses he has given although I want some clarifications on what these structures which are to be put in place, which would encourage and assist the youth in the diaspora in the return to and fully integrate in the EAC processes. Thank you.

Mr. Bageine: Thank you very much, Rt hon. Speaker. In my answer I mentioned several programs and plans which are being put in place and these are designed to encourage youth participation including return of the youth from the diaspora. If they are there, that certain plans are being put in place for them to help them come and find something they can do for themselves. So this is what we are planning. Thank you.

Mr. Zein Abubakar: Thank you, Rt hon. Speaker. First I would like to thank hon. Nakawuki for asking this question. I would also like to thank the Chairperson of the Council of Ministers for his detailed answer but I am a bit concerned when he was answering and if you look at the written answer it says, while individual policies like youth policy- meaning it is lumped together with many other policies so the plural form there makes me a little bit concerned. So could I kindly beg to ask the Chairperson of the Council of Ministers to allay my fear and say categorically that the youth policy is one, at an advanced stage of development and two, if he can give us some time frame when this youth policy will be completed.

When you say advanced stage, should we expect it in a month's time or two months? So a specific time frame. Thank you.

Mr. Bageine: Thank you very much. The answer to the first supplementary question is that whereas I mentioned various categories of persons or groups of persons for whom policies are being developed, we definitely will have a separate policy development for the youth different from the other groups.

Two, it is our desire and hope that these policies should come into force as soon as possible but again I would be making a mistake to say that it will be in place by such and such a date. I think I am unable to give the time scale at this point in time. I thank you.

Mr. Okumu: Thank you, Madam Speaker and I would like to thank the Chairperson of the Council of Ministers for his response to this question. However, I am not sure whether I heard

him answering part (b) of that question whether the youth were consulted in coming up with a policy.

I can see from the written response that there were some consultations with stakeholders at national and regional levels. Where the youth part of those stakeholders consulted? Thank you.

Mr. Bageine: Thank you very much, Madam Speaker. A forum with ministries responsible for social services and indeed the youth were consulted in the formulation of the policy affecting them. Thank you.

Mr. Sebalu: Thank you very much, Madam Speaker. I too want to commend hon. Nakawuki for raising these very important questions and the responses that have been given by the minister. Madam Speaker, you will definitely appreciate that we are determined to undertake a people centred integration process and it is common knowledge to all of us that the youth form the bulk of our population in all our countries and therefore need clear and focused attention as we engage them to take part in this integration agenda.

I do appreciate as per the answer, the establishment of an EAC youth desk but when asked about the time frame within which the youth policy will be operational, the hon. minister is non-committal. We do have a commitment in his answer to establish an EAC youth desk so I just want to appreciate whether the creation of the youth desk will be done after the policy has been fully initiated and developed in which case, we are not sure when that will be or whether he can give an indicative time frame within which the youth desk will be established because the challenge we have always got in the field is that there are no tangible benefits to see for our people and I believe that the youth want to appreciate that they are considered and a desk is in place sooner than later.

May I request the hon. minister to give us an indicative time frame within which the youth desk, which I do not think is a very big thing to do, will be in place so that we express commitment in this direction?

Mr. Bageine: Thank you very much, Rt hon. Speaker. In the answer I gave, I indicated that there is a period of five years between 2012 and 2016 within which it is hoped the various plans will have matured.

Let me take this opportunity, Madam Speaker to inform this august House that we, as a Council of Ministers, are as concerned as members of this House about the plight of our youth and are cognisant of the fact that the majority of the population is the youth. It is therefore important that we move as quickly as we can and hopefully within a shorter period than is envisaged, we will have some plans in place so that they can be engaged in productive activities rather than loitering around, which is becoming a serious problem. I thank you.

The Speaker: Thank you very much, Chairperson of the Council of Ministers.

QUESTION: EALA/PQ/OA/3/08/2013

Ms Isabelle Ndahayo (Burundi): Thank you, Madam Speaker. I would like to ask the hon. Chairperson, Council of Ministers Question reference EALA/PQ/OA/3/08/2013: *The majority of the citizens of East Africa rely on Agriculture, farming and therefore climate. However, a number of weather rigidities continue to affect our region due to adverse climatic conditions some of which are engineered by human activity.*

In light of this, would the Chairperson of the Council of Ministers update this House on the progress made in the implementation of the EALA Resolution on Climate Change?

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio) Thank you very much, Madam Speaker. In view of the adverse impacts of climate change in the region, Regional Climate Change Policy and Strategy have been prepared in accordance with the directives of EAC Heads of State Summit. Further to that, the Ninth Extra ordinary Summit adopted the EAC Climate Change Policy and EAC Food Security Action Plan that are currently under implementation.

The EAC Climate Change Strategy Master plan, Disaster Risk Reduction and Management Strategy have also been approved by the Second Meeting of the sectoral Council on Environment and Natural resources held on 1st February 2013 to guide the implementation of the policy.

Madam Speaker, with regard to the implementation of the EALA resolution on climate change, critical affordable actionable areas such as capacity enhancement for adaptation and mitigation, practical policy and institutional measures contained in the climate change resolutions have been prioritised for implementation as part of two on going medium term climate change projects that the environment office is implementing.

Amongst the activities to be implemented include: up scaling climate smart agriculture practice and supporting the accreditation of the EAC climate change fund as a regional implementing entity to access international climate change finance to implement regional projects and programs aimed at responding to climate change impacts in sectors such as agriculture and food security.

Measures to enhance the capacity of both technical experts and policy makers including parliamentarians to effectively participate in the international climate change negotiations and enhance their legislative and oversight roles in the implementation of programs and projects have also been taken.

Efforts towards the establishment of the EAC Climate Change Coordination Unit are also underway. The adopted EALA resolution on climate change will be submitted for consideration to the Third meeting of the sectoral Council on Environment and Natural resources that will take place on 7th June 2013 in Nairobi, Kenya. I thank you.

The Speaker: Thank you, Chairperson Council of Ministers. Supplementary question, hon. Ndahayo.

Ms Ndahayo: No.

The Speaker: Any other supplementary questions?

Ms Hajabakiga: Thank you, Rt. hon. Speaker. My supplementary question is in relation to the climate change negotiations. I understand that the EAC did participate in the last negotiations and I would wish that at an opportune time, we get a report on the status of the negotiations of the climate change. Thank you. I am not asking a question but requesting for an update of the negotiations.

The Speaker: Chairperson, I think you have noted. Any other supplementary question? No other supplementary question, proceed.

QUESTION: EALA/PQ/OA/3/09/2013

Ms Isabelle Ndahayo (Burundi): Thank you. I would like to ask the hon. Chairperson, Council of Ministers Question reference EALA/PQ/OA/3/09/2013: *Harmonization of Mineral Policies and mining regimes is one of the Fundamental Precursors to deepen the Integration within the Framework of the EAC integration agenda through increased competitiveness, value added production, trade and investments;*

Could the Chairperson of the Council of Ministers inform this August House on the steps so far taken to actualize these important measures with regard to mining and mineral sector? Does he envisage the establishment of a regional forum or Conference on Mineral Resources?

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Thank you very much, Rt hon. Speaker. Pursuant to chapter 19 of the Treaty, the Partner States have agreed to, among other things, take concerted measures to foster cooperation in the joint and efficient management and utilisation of natural resources for the mutual benefit of the Partner States.

With regard to the management of mineral resources, the Partner States have agreed, among other projections, to promote joint exploration, efficient exploitation and sustainable utilisation of shared mineral resources, pursue the creation of an enabling environment for investment in the mining sector, organise mining regulations to ensure environmentally friendly and sound mining procedures and practices and adopt common policies to ensure joint fossil exploration and exploitation along the coast and on the Rift Valley.

Madam Speaker, regarding the promotion of extractive and mineral processing industries, I am afraid to say that although EAC Partner States are endowed with vast mineral resources ranging from gem stones, precious metals, base metals to industrial minerals, exploitation has been limited with the main focus being on production for export without additional processing to add value in the form of intermediate goods or final products.

A program to facilitate the development of extractive and mineral processing industries is currently being formulated through technical support by the Commonwealth Secretariat. The objectives of the project include:

1. Review of regulations, policies and laws governing the extractive industries and mineral processing with a view to making such regulations more supportive of the development of extractive industries and mineral value addition.

2. Identification of opportunities for investment in extractive industries and mineral value addition.

Madam Speaker, the Community carried out a feasibility assessment of mineral resources in the region with potential for local value addition to create local employment and ensure that the local community derives maximum benefit from the many resources in the region. A baseline survey was conducted in all Partner States to market the project concept and gradually...

Current reports were prepared and the capacity building of best practices and Sector regulations and value addition promotion strategies was conducted. Analysis of mineral regulations and preparation of draft regulatory framework is on-going.

Madam Speaker, a draft technical report on rules and regulations governing extractive industries and mineral value addition has also been prepared. Regional and national stakeholder workshops will be held starting in July 2013 to discuss the recommendations in the two reports and get further inputs from the wider stakeholders.

Madam Speaker, regarding the harmonisation of mineral policy and regimes, each Partner State has her own policies and has put in place legislation to manage her own mineral resources. However, having recognised the great potential that mineral resources have in contributing to poverty alleviation and to national and regional economic development, the Partner States have decided to harmonise their mineral policies and laws.

The areas to be considered during the harmonisation process are: access to and ownership of land, access to and ownership of minerals, mineral royalties to government and communities, procedures to follow for environmental impact assessment and monitoring of environmental plans, taxation regimes, benefit for the communities during and after mining, review and rationalisation of artisan and small scale mining, value addition to minerals with consequent employment and entrepreneurial development, role of the communities, local authorities, central governments and the mining companies, marketing of minerals as well as employment and human resource development.

Madam Speaker, since the EAC Partner States are at different stages of development of their national policies on minerals and mining regime, there is need to take stock of what has been done in each country in order to harmonise the said policies and regimes. EAC therefore is conducting a consultancy to undertake an inventory of the status of national mineral policies and mining regimes in EAC Partner States with a view of informing future harmonisation of mineral policies and mining regimes. The report will be available in June 2013.

Madam Speaker, regarding the establishment of a regional forum or conference on mineral resources, I wish to inform this august House that cognisant that the EAC region has ample natural resources that had continued to languish from poverty, equity, justice and sustainability of natural resources was needed as a prerequisite to eradicate poverty and further the role that parliamentarians play in policy making and advocacy.

The Secretariat organised a workshop on governance on natural resources in EAC region held in Nairobi in December 2013. The objective of the workshop was to facilitate a collective understanding of what regional parliaments can do to complement national efforts in ensuring

equitable, accountable and sustainable utilisation of natural resources and facilitating exchange of experiences and innovations on natural resources governance and to ensure a collective understanding of existing ownership and revenue models and to understand the inherent revenue risks in the existing policies.

The workshop recommended among others, the establishment of a regional forum on natural resources to serve as a platform for dialogue and sharing of information and experiences in the East African Community region geared towards strengthening economic development and good governance in natural resources management, in support of the inter parliamentary relational liaison committee on extractive industries, the development of human resource capacity in the extractive industry sector in order to acquire the relevant competencies, knowledge and skills for effective exploration and the development of regional mining policy that shall take into consideration those of the Partner States, Africa's mining vision and other necessary international instruments.

Madam Speaker, at its Fourth Meeting of the First Session held in Bujumbura, Burundi on 21st January to 1st February 2013, this august House debated and adopted the report of the Committee on Agriculture and Natural Resources and Tourism on the workshop on natural resource governance that was held on 18-20 December 2012 in Nairobi, Kenya.

The House adopted the report and the resolution will be taken forward during the Third Meeting of the sectoral Council on Environment and Natural resources scheduled to take place on 7th June 2013 in Nairobi, Kenya. I thank you.

The Speaker: Thank you, Chairperson of the Council of Ministers. Supplementary question, hon. Isabelle?

Ms Ndahayo: Thank you, Madam Speaker and I would like to thank the Chairperson of the Council of Ministers for the response given and I agree with them that they supported this workshop held in Nairobi on the governance of natural resources. During the workshop, one of the major recommendations made was to have a permanent regional forum on the governance of natural resources.

The different conferences which have been taken in the region I think are somehow different from what we are requesting for. We need a regional forum where apart from members of Parliament, we need members of Parliament from National Assemblies where we can have different technicians in this sector and also some other civil society members and more stakeholders who can be taken permanently. Thank you.

The Speaker: Chairperson of the Council, I think this is for noting.

Mr. Bageine: But I can comment, Madam Speaker. Naturally even in the answer that I gave, I was not talking about EALA alone but a combination of the National Parliaments and indeed I welcome the observation that it should be a cross cutting program including all stakeholders. I think this will propel us forward in terms of development in this sector. The Council will take note of this and ensure that such forum will be taking place and including all stakeholders. I thank you.

Mr. Zein Abubakar: Thank you, Rt. hon. Speaker. Mine is very simple and small. I thank the Chairperson of the Council of Ministers but for the completeness of our record as a Parliament, could we correct the date of the meeting as December 2012 and not 2013? On page six.

The Speaker: Noted, hon. minister? Is it okay?

Mr. Bageine: Madam Speaker, I have taken note of that and I apologise for that error.

The Speaker: Thank you.

Mr. Bazivamo: Thank you, Rt. hon. Speaker. I want to inform the House that there exists an international conference and exhibition on mining and minerals called Indaba in South Africa, regular fora on mining and exhibition on minerals in Canada and Australia where all stakeholders to exchange experiences, do marketing through exhibitions to promote mining industries especially in the countries.

When East African Community mining stakeholders go there, it is very expensive and actually for our Partner States, only a few can go there. Although this fora is very important for the development of the mining sector, is the Chairperson of the Council of Ministers informed on these activities and on the loss our Partner States accrue if this is not done in our region so that one can see and highlight the need to put in place in East Africa a similar conference on mining and exhibition in our region so that our citizens can benefit from it better than it is done now. Thank you very much, Rt. hon. Speaker.

Mr. Bageine: I thank hon. Christophe for that very good observation and indeed it would be beneficial to us as a Community if we were able to conduct such forum within our region so that we have a larger number of stakeholders participating in such forum. This is something that we should address and my Council of Ministers will look at ways and means of seeking support to have this kind of forum conducted in our region.

As I have said previously, Madam Speaker, the natural resources that we have in our region are so enormous but they do require a lot of capital that is financial and human resources involvement in order to exploit them. I had previously stated that the kind of investment required is capital heavy and therefore there is a tendency of going abroad and we come with the investors and they take charge of our mineral resources. So change in tactics is called for and we look forward to being able to involve our own people so that they can get the skills and martial resources to develop our natural resources. I thank you.

The Speaker: Thank you, Chairperson, Council of Ministers for that last bit. It is reassuring if you were able to pick that.

Mr. Taslima: Thank you, Madam Speaker and I thank hon. Ndahayo for the very important question. I have two further questions to the hon. minister. One is that some of the Partner States already have in place ... extractive agreements with the international mining companies which both those particular countries as well as the companies themselves call bad agreements or contracts. Is there any way or effort that such countries can at the EAC level be helped out of the bad contracts? That is one.

The second one is that is it possible or at least feasible for EAC to have an arrangement with the Partner States whereby a given portion of extracted mineral deposits are set aside for financing activities of the EAC. I have been reminded by what President Museveni said when we were in Nairobi at their Summit. He was talking about an infrastructure paper and he said that this thing can be done as from our country by apportioning a certain size of the mineral- he was talking of the oil- that can be apportioned for the sake of financing the infrastructure arrangement. Now I am asking whether this can be done in all Partner States so that we get out of the problem that we have, of having to depend on foreign assistance. Thank you, Madam.

Mr. Bageine: Thank you very much, Madam Speaker. The first question is a very interesting one. By the very nature, if there are bad agreements, to rescind them might become very costly and I do not see how EAC can assist such Partner States which have entered into such bad agreements relating to mineral developments in their respective states. However, that is not to say that an attempt cannot be made to see where possible the Partner States can rescind such bad agreements.

The second one, it would be the ideal if revenue could be ... from the earnings in mineral developments, extractions and so on in order to support the Community but again we are operating at different levels in terms of development of our natural resources and this can only be possible I believe when we have moved on with harmonisation of our laws and policies in this sector and also moving towards joint planning and development of such resources. When that happens, yes I think this can be possible. I thank you.

Mr. Okumu: Thank you, Rt. hon. Speaker and I would like to thank Ms Ndahayo for raising this question and I thank the minister for his answers. When we were in the last plenary in Bujumbura when this matter was tabled, the issue of harmonisation of laws and regulations regarding mineral exploitation in East African Community was raised. From his answers, I can see that the Partner States recognise that the contribution of mineral resources in poverty alleviation and national economic development they have decided that they will harmonise mineral policies and laws. That is extremely great.

I would like to know from the minister that with that in mind, is there any effort being made at EAC level to influence the Partner States to put a moratorium on passing new laws regarding mineral exploitation because mineral exploitation itself, while you can contribute to poverty alleviation, can also contribute to disaster and fights over the allocation of resources or the income from the minerals. So is there an effort being made so that since you are going to harmonise the laws, the Partner States should stop making any new laws that regard mineral exploitation in the East African Community? Thank you.

Mr. Bageine: Thank you very much, Madam Speaker. I take cognisance of the honourable's point of view and I want to state that the harmonisation is progressing and that until we have done so, it would be premature to try and put a moratorium on the time when effective development of these natural resources in the manner he is proposing could be done. But we take note of this and we will try to do the best we can so that we expedite the process. I thank you.

The Speaker: Thank you very much.

QUESTION: EALA/PQ/OA/3/11/2013

Ms Isabelle Ndahayo (Burundi): Thank you, Madam Speaker. I would like to ask the hon. Chairperson, Council of Ministers Question reference EALA/PQ/OA/3/11/2013: *Notwithstanding that we have almost 9 months of rain, ample land for farming and aware that EAC has a food Security Action Plan which received a favourable backing from this House?*

Could the chairperson of the council inform this house on the progress so far made in the implementation of EAC food security action plan specifically with regard to irrigation and financial mobilization for the food security sector?

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you very much, Madam Speaker. In pursuit of the implementation of the EAC Food Security Action Plan, the following priority activities, projects and programs have been prepared and are being implemented at different stages:

- (a) Development of food security and nutrition policy.
- (b) Regional food balance sheet framework.
- (c) Agricultural development fund.
- (d) East African Agri- enterprises and Agro industries development program.
- (e) Establishment of early warning system for monitoring food shortage.
- (f) EAC strategy on prevention and control of trans-boundary animal and ... diseases.
- (g) EAC livestock policy.
- (h) Regional agricultural input systems development project.
- (i) Feasibility study on regional fertiliser, production and reinforcing the tendering governance project.

Madam Speaker, development of integrated water management project proposals including appropriate irrigation projects which are site specific is being undertaken by the Partner States and the Secretariat.

Madam Speaker, resource mobilisation for implementation of projects and programs is on-going. In this regard, proposals have been submitted and discussions are on-going with various development partners including European Union, the African Green Revolution Alliance, the African Development Bank, USAID and the Australian Government.

The EAC Secretariat is planning to hold a donors' conference during the next financial year to mobilise additional resources for implementation of the Food Security Action Plan. However, it should be reiterated that for the EAC region to overcome its current food security problems, Partner States will have to make substantial investments in the agricultural sector development at national levels as regional intervention can only succeed if national strategies are successfully implemented.

Towards this, Partner States should commit a substantial proportion of the financial requirements for implementing the plan in their national budgets and further mobilise additional funds from development partners and other sources. I thank you.

The Speaker: Thank you, Chairperson of the Council. Hon. Ndahayo a supplementary question?

Ms Ndahayo: Thank you, Madam Speaker and I thank the Chairperson of the Council for the response given but I would like to put more emphasis on the necessity of having this water management project in the region because we are still suffering from drought while we have nine months of rain in the region. I think there is urgent necessity to have this project available in the region. Thank you.

The Speaker: I am not debating but this is an area in which I have a lot of passion. You can see that when we visited Bujumbura and we visited those beautiful villages which had been constructed and it had rained. The children were going down the valleys with little jerry cans to draw water from very deep valleys and the talk in the buses was if at least a program had been integrated of water harvesting but this would be good if it was done regionally. You can bring your answer.

Mr. Bageine: Thank you very much, Rt. hon. Speaker for that additional information and the honourable who put this important question to the Council of Ministers.

Madam Speaker, I do recognise and we do as a Council recognise the need to harness our water resources which are available in plenty as an endowment from the creator. Up to today, the majority of our farmers live in symbiosis with nature. If it rains they will plant and if it does not, too bad and yet we have so much water that is flowing away and other countries downstream, take advantage and are producing more food than ourselves.

The Council of Ministers takes this matter seriously and we would try to develop a mechanism that we can... Partner States, however individually or in consultation, to try and harness these water resources through irrigation schemes and of course also moving away from the seasonal cropping to possibly year round cropping using certain devices like green houses. But I do take note of this and I am grateful for the information that has been given. I thank you.

Ms Muhongayire: Thank you, Madam Speaker. As the Council of Ministers may know, the African Heads of State signed an agreement; the Maputo declaration regarding the Comprehensive Agreement Action Plan for the Agricultural Sector. It was related to the allocation of at least 10 percent of the national budget to the agricultural sector development.

Can the Chairperson of the Council of Ministers inform this House on the implementation of this declaration on food security at EAC Partner State level? Thank you, Madam Speaker.

Mr. Bageine: Madam Speaker, I do not have the information on the budgeting process to incorporate 10 percent of national budgets into the agricultural sector but I do know that at least in the Republic of Uganda, we are looking at this prospect and I believe the other Partner States are doing the same. But I will try and find out and then information can be given to the members. I thank you.

Mr. Kimbisa: Thank you, Madam Speaker. First of all I would like to appreciate the question from hon. Ndahayo and also the answers given by the Chairperson of the Council.

Madam Speaker, I am trying to address myself to activities, projects and programs item (e) which is establishment of any warning system for monitoring food shortage. I am wondering whether this also means the establishment of an early warning system for weather monitoring because here I am meant to understand is monitoring food shortage and to me, this is a symptomatic condition. Monitoring the weather pattern is an underlying cause, so is it one and the same or are they two different things? Thank you, Madam Speaker.

Mr. Bageine: Madam Speaker, I thought I mentioned in my response that there is early warning system being put in place, and the two are different but concurrent. The early warning system and then the food shortage monitoring. These two are being looked at together but they are separate entities. I thank you.

Mr. Sebalu: Thank you very much, Madam Speaker. I too would like to thank the Chairperson of the Council for his response to the question raised by hon. Ndahayo.

You will appreciate that we have got that aspect within conflict, we have got need for that capacity in disaster risk reduction and the law that has been proposed on the floor of this House definitely provides for creation of such. So we have early warning as a requirement in many aspects. Is this one specifically for this or it is being developed in an integrated manner to be able to deal with the different aspects otherwise if we get it duplicated, it may end up being difficult to apply and rather costly. So how are we handling this whole aspect of early warning system from an East African perspective, given that it is necessary in different aspects?

Mr. Bageine: Madam Speaker, I am aware of the Bill that is coming before the House dealing with this particular aspect and the fact that the Bill is there does not stop the EAC and Partner States from developing an early warning system. At the end of the day when this House passes the Bill, we as a Council of Ministers will have contributions to make so that we are working together and not against each other. So we will incorporate whatever views we have in the system we are developing. I thank you.

Mr. Bazivamo: Thank you, Rt. hon. Speaker. As far as food security is concerned, agricultural inputs especially seeds and fertilisers are a key. Unfortunately, these inputs especially fertilisers are either not available or very expensive or not accessible to our farmers. On the other hand, it is known that our East African region is very rich in raw materials for fertiliser production and it has actually been decided and Heads of State have already given direction to have regional production plants for fertiliser production.

I see from the written answer of the Chairperson of the Council that a feasibility study on regional fertiliser production has already been prepared and I wish to know how far it is towards having here in the region fertiliser plants which use raw material from our region to avail fertilisers for our farmers. Thank you.

Mr. Bageine: I thank the hon. member for this supplementary question and I wish to state that the studies are advanced but also to state that projects have already started. There is a project in Kenya to produce fertilisers. I remember mentioning this during the last meeting we had when I

answered one of the question in the House and also, there is a project coming up at Tororo, Uganda using the naturally available phosphates and these two should be able to produce enough fertilisers for increased application in our farming.

The application of fertilisers in our region has been very low, as low as two kilograms for a hectare which is nothing and we have been spending lots of money importing fertilisers. So the program is moving on and hopefully in the near future, we will be self sufficient in terms of fertiliser production which should reduce costs to the farmers and give them better profitability in their enterprises. I thank you.

Mr. Kiangoi: Thank you, Madam Speaker. I appreciate the answer given by the Chairperson of the Council particularly touching on the agriculture development fund. I just wanted to know from the hon. minister whether this agriculture fund will include insurance for crop and animal insurance because the losses suffered by farmers due to adverse conditions goes to affect the food security because the farmers are demoralised and do not undertake farming in the coming years after hard effects have taken place.

I am talking of something like guaranteed minimum returns so that farmers are sure that if we are farming this year, at least we will be ensured of certain returns. Thank you, Madam Speaker.

Mr. Bageine: I thank the member for that question and I would like to say that we take note of the proposal relating to insurance of livestock and crops but I think what is important now is to first get the fund in place so that we can make it possible for farmers to access affordable funding of their farming projects. We will certainly make a note of this and when the fund is made available, negotiations can be put in place to try and put such proposals within the fund.

Let me also hasten to add touching on the price stability. I think we need to go further than just looking at the agricultural fund but also development and strengthening of our cooperative movement within the region so that through these, we can ensure price stabilisation for the farmers who when they produce in the seasons that I mentioned earlier on, they have hamper products and the prices go down by pure operation of the laws of economics of demand and supply.

So we take note of this but I suggest that we also look elsewhere for price stabilisation. I thank you.

Mr. Taslima: Thank you, Madam Speaker. I have noted that from the stages that have been mentioned here from (a) to (i), there are two things which are very important and I would say that they are benchmarks of the rest of the activities that have been enumerated here. The two are (a) Development of food security and nutrition policy and (g) EAC livestock policy. The commonness of these two is that they are both policies and as we know in most cases, things are not done without there being a policy to be the guideline of every other activity that has to come.

Much as we have been told that these projects are on various stages of implementation, may I know for these two if it is possible for the Chairperson of the Council to tell this house at what particular stages these two have reached so that we know where we are and where we are going. Thank you, Madam Speaker.

Mr. Bageine: Thank you very much, Madam Speaker. First of all I want to observe that you need policy formulation first before you can go into action because if you act without policy, you are likely to miss the point.

The issue again of time scale, it is not possible for me to say at this point in time but I want to assure the member that progress is underway and at an appropriate time, this House will be informed on the progress, not only in this but many of the other policies which are being developed. I thank you.

The Speaker: Thank you very much, chairperson. Next item.

QUESTION: EALA/PQ/OA/3/12/2013

Ms Isabelle Ndahayo (Burundi): Thank you. Madam Speaker, I would like to ask the Question reference EALA/PQ/OA/3/12/2013: *A single tourist destination and EAC as a single tourist destination are among factors of success of integration as they allow the region to benefit from international tourism as the region has interesting and varied tourist products.*

Can this House be informed by the Chairperson of the Council on how far the negotiation for the single tourist visa has reached?

The Chairperson, Council of Ministers (Mr. Shem Bageine): Madam Speaker, the proposal to introduce a single visa regime for East Africa has been a matter of great interest to many in the region. I take this opportunity to update the House on the progress made so far in realising this great milestone.

The EAC Secretariat convened a joint meeting between the Chiefs of Immigration and heads of the Tourism Boards of the Partner States to conclude a study on determining the region's preparedness to introduce the single tourist visa.

The joint meeting was held from 15-16 March 2012 in Moshi and attended by the Chiefs of Immigration and heads of Tourism Boards and technical experts from the Republics of Burundi, Kenya, Rwanda and Uganda. The report of the meeting was forwarded to the United Republic of Tanzania for consideration and conclusion.

Madam Speaker, during the said joint meeting, several challenges that may delay the adoption of a single tourist visa were noted. These challenges include the requirement for Partner States to harmonise their visa issuing regimes and fees structures, to develop a mechanism for sharing the financial cost of administering the single tourist visa and sharing the revenue collected and the poorly developed ICT infrastructure at national level to facilitate connectivity of the entry and exit points.

Madam Speaker, considering the above issues, the introduction of a single tourist visa would now require a multi sectoral approach as it is not confined to the immigration or tourist sectors alone. Therefore this issue is part of the agenda of the next meeting of the sectoral Council on Tourism and Wildlife Management which is scheduled for June 2013. Thereafter, it will be considered by the Council for a final decision on the way forward. I thank you.

The Speaker: Thank you very much, Chairperson of the Council. Hon. Ndahayo, supplementary question?

Ms Ndahayo: Thank you. One of the many challenges he mentioned in order to have this visa is for Partner States to harmonise their visa issuing regimes and fees structures. I want to ask the Chairperson of the Council what you have done at regional level in order to have this harmonisation like maybe developing a model to guide this harmonisation or to conduct a comparative study and so forth.

Mr. Bageine: Thank you, Madam Speaker. The issue of immigration has figured a lot on the Council's agenda and also at Summit level. Some of the countries in the region have already passed laws; immigration laws and citizenship laws and within that context, are looking at harmonising the fees for visitors in our region. I know recently I was involved in discussions of looking at visa fees that our people from our region have to pay when they are travelling outside and it was thought prudent that we should harmonise our fees structures and also reciprocate.

If you are going to the US and you want \$ 300, a US citizen coming into Uganda should pay \$ 300. However, there may be need because we are the ones who want tourists to come into our region to probably charge less than they are charging us. But efforts are being made to harmonise these laws so that when tourists come into our area, we know that they are visiting the region rather than the single countries and when they enter, they have entered East Africa.

We are hoping as a Council that this process will soon be put in place so that we can look at how we can get on with a single visa in our region. I thank you.

Mr. Kidega: Thank you, Rt. hon. Speaker and thank you, the mover of the question. Madam Speaker, this is a matter which is very old with this Assembly. About three months or so ago, I encountered a very disturbing situation. I was in a meeting in Arusha where we were dealing with harmonisation of commercial laws and at break time I managed to engage one of our technical expatriates who are not from East Africa or Africa and attached to the Secretariat. We managed to stray into this subject and the technical advisor who is resident at the Secretariat said for example they are not finding it worthwhile promoting one tourist visa in the region because it will make it difficult for tracking of terrorists meaning it is their interests and not the regional interests.

This took me a little aback so I would like to implore Council and the Secretariat to critically and technically look at the persons we engage in working with us at the Secretariat and also scrutinise their advice and technical support.

Needless to mention, my question is, is the Council of Ministers aware of the hostility that exists between some Partner States in this sector of tourism? For example, this Assembly has heard before that tour operators from Kenya cannot freely operate in the same sector in Tanzania. Vehicles are halted, tour guides are not allowed and secondly, are we as a Community doing expo internationally in this sector as a team or we are still doing it separately?

Rt. hon. Speaker, I think before we cut our coats so big, we should first cut it to our size and deal with what is manageable like harmonising those issues. I would be very grateful if the Chairperson of the Council of Ministers could clarify those two issues to me. Thank you.

Mr. Bageine: Thank you very much Madam Speaker. I am aware of the differences in the operations of tour operators in our various Partner States. It is because of this awareness that we are looking at getting a single tourist visa to remove these differences and have tour operators freely operating in the Partner States.

Secondly, the campaign expo that the hon. member is referring to cannot be done at this point in time until we have got together, harmonised our operations, laws and so on and agreed on having a single tourist visa because then we would be able to market our region as one instead of the separate individual countries.

I am aware, Madam Speaker that this is one of the areas where we can earn enormous foreign exchange and we are all in the region endowed with a lot of tourist spots that would attract tourists and I do think that as we move on, if we can achieve that unity then our tourism industry will develop forward.

I just want to say that I have noted what the hon. member said about the consultant he had interaction with regarding advice that a single tourist visa would not be practical because of failure to track terrorists but I think this is probably his own view and I have made a note. We will try and find out exactly what is on the ground. I thank you.

Mr. Rwigema: Madam Speaker, thank you very much for giving me the floor and I want to thank hon. Ndahayo for raising this question.

This question is very important for our integration and the way it is handled shows us how the integration process is very slow. I do not think the consent or challenge are really technical. I do not even think that it is a matter of conflict of interest to say that our countries are competing on the matter of collecting fees but I think it is also a matter of politics. It requires some more reflection because we have one example when we are looking at what is happening in Europe benefitting of Schengen visa and it is beneficial for all of Europe.

When you see what is happening in North America between Canada, USA and Mexico, they are trying to open their doors to make everything that can benefit them get in easily and with more facilities.

My question is simple. I would wish to ask the Chairperson of the Council to give us some real factors that break these kinds of issues because they are not technical. For me they are political.

Secondly, is a small question: I remember what kind of yellow fever card you are asked for when you are just arriving at the Kilimanjaro airport. It is almost the same question I would like to ask the Chairperson when that card will be withdrawn and then we gain free access to Kilimanjaro. Thank you.

The Speaker: I think the latter is not part of this question. You can ask it as a substantive question later.

Mr. Bageine: Thank you very much, Madam Speaker. I almost dare to say that hon. Rwigema has answered his question because we are actually dealing with politics and we cannot run away from politics because at the end of the day, these are the factors that will determine which way

we move. So all of us including this House and other stakeholders must strive to campaign so that we harmonise our movements as per certain protocols which were passed, harmonise our laws, develop a sense of belonging together and ultimately achieve the objectives set out in the Treaty establishing the East African Community. So once again, hon. member yes it is politics but we are dealing in politics and we are politicians and it is our role and duty to ensure that we practice better politics that can bring harmony in our region. I thank you.

Mr. Ogle: Thank you, Madam Speaker. While I am on the floor, may I take this opportunity to inform the House that the new Kenya government structure is out and something related to a question that was answered by the Chairperson of the Council regarding mining, there is a new standalone ministry of mining so that is an indicator maybe the Partner States are taking the issues of mining.

Having said that, may I ask my question related to tourism? Over and above the challenges which were cited by the Chairperson, Council of Ministers on the issuance of a single tourist visa, you have spoken about the basic challenges being the inability by the Partner States to harmonise visa regimes and fees structures and the fact that they are not able to develop a joint mechanism on how to share the money.

Could the minister confirm that over and above these challenges, the basic difference between the Partner States has actually been what is referred to in the immigration circles as referral visas? I will give you an instance. Kenya does not accept Nigerian citizens to apply for visas directly at the Kenyan High Commissions in Lagos or anywhere else. Those applications have got to be referred to and vetted by the security services. It is because of those kinds of differences that the Partner States of East Africa are not able to agree on a single visa system. Thank you.

Mr. Bageine: Thank you, Madam Speaker and I thank hon. Ogle for the information which he has given and we will endeavour to try and uniform our visa fees in order to achieve the objective of the single tourist visa. We will take that into account because what he is saying is a matter that relates to security or something of that nature. If we all agree that certain nationals entering the region are a security risk, we might as well all agree or agree that everybody can come into the region as a visitor where we are more interested in their pockets and not where they come from but I thank him for the information. Thank you.

Mr. Ngenzebuhoro: Thank you, Madam Speaker. As far as I can remember for five years that I have been in this House, every year this question is raised by this House but every year through diplomatic language with soft words, we have maybe the same answer. He said the sectoral council is working on it and very soon the Council will direct the way forward and even today we have exactly the same. Look at the last sentence. My question is, as there is a meeting scheduled for next June 2015, is it possible to know exactly the content of the agenda of that meeting.

Secondly, is it possible to have a time frame for that single tourist visa and I raise that question because if there is political will, that sectoral council must have a time frame and work accordingly? Thank you very much.

Mr. Bageine: Thank you, Madam Speaker. I am reliably advised that the agenda for the meeting is not yet out. When it is, the hon. members will be availed a copy of that agenda to determine the contents that will be discussed during the meeting.

The second question of time which has come up now and again is something that we have to look at in the context of the divergences that we have within our Partner States and it does take time before certain decisions are made and moving forwards towards unity. We have been in this Community for the last 12 plus years and there are issues which have been going on since that time and I personally looking at some records find certain issues that date way back to 2004 and we are still discussing them. So as I said, all of us have a role to play to try and move forward and put pressure where it should be so that we can achieve the objectives of our Community. I thank you.

Ms Pareno: Thank you so much, Rt. hon. Speaker and thank you, Chairperson of the Council for that answer. My supplementary question relates to the answer that you gave that there was a meeting of the chiefs of immigration; heads of tourism boards of four Partner States but the Republic of Tanzania was not present although this particular exercise was conducted between 15-16 March 2012 in Moshi. You have indicated that the report was given for consideration to the Republic of Tanzania. My question is, have they given their considerations to this report and if not, you have further indicated that you are proceeding to table this issue before the sectoral council. Are you going to do it without any contribution or consideration from the Republic of Tanzania? Thank you, Madam Speaker.

Mr. Bageine: Madam Speaker, I note my colleague from the republic of Tanzania who seems to have some information and I do not know whether procedurally it is in order for him to stand or whether I consult and I answer.

The Speaker: Under your chairmanship you can give him an opportunity to give the information.

Mr. Bageine: Thank you, Madam Speaker. Can I ask my honourable colleague to answer that question? Thank you.

The Assistant Minister for East African Cooperation, Tanzania (Dr. Abdallah Saadalla): Thank you so much, Chairperson and thank you, Madam Speaker. I would just like to answer the supplementary question forwarded by the honourable from Kenya. Tanzania's stance is the same as what is portrayed in the answer. Typically it is that there are a lot of needs and challenges for the Partner States to harmonise the visa issue regimes and fees and so on until you find that there is an issue which was raised by hon. Ogle of referral. Tanzania has critical concerns on that because we do not want somebody to go and acquire a visa for Kenya from the Tanzanian Embassy in China for example and then come and do a non-secured issue or become an Al Shabaab within Kenya and Nairobi. So those are the issues which we are concerned on. So security issues are also there. Thank you.

Ms Hajabakiga: Thank you, Rt. hon. Speaker. I will not be very different from hon. Frederic because I remember very well the State of EAC Address which was made in 2009 by His Excellency Paul Kagame in Arusha requested that we fast track the issuing of a single tourist

visa. This same thing was echoed in Nairobi during the State of EAC Address in 2010 by His Excellency President of the United Republic of Tanzania. President Kikwete also requested the same thing.

If I recall these answers, they are exactly the same answers we received on this question, last year I do not remember the date but it was at the end of the Second Assembly as it was concluding its work. It was a question which was raised by hon. Dora Byamukama and the answers are exactly the same.

If you look at the details of the issues and problems which are being raised, is it rocket science to deal with issues of ICT? Our Customs authorities already have a network. Other institutions have networks. We have been going to Europe to study what the EU has done. We have Schengen visas which we all enjoy. We move from one country to the other. Can't we learn from them how they have handled the matter of sharing the visas when I go to the Belgian embassy and apply for a visa which will take me to about two or three countries? What rocket science is that?

With these remarks, I wish to ask the Chairperson of the Council if at least they can give us a time frame to put this issue to rest whether positive or negative so that people do not continue to ask questions which are not satisfactory and are given unreliable answers. Thank you, Rt. hon. Speaker.

The Speaker: Chairperson of the Council, I can see the difficulty you are in, awaiting that agenda in Nairobi and at times the date is set but still members want a time frame. Kindly give it.

Mr Bageine: Thank you very much, Madam Speaker. First I want to observe that I was not here to see the answer that the honourable is referring to but I do not think that a meeting of the immigration chiefs and tourism boards had taken place by the time that answer was given so this must be additional information. If the status quo obtains, there is no way a different answer can begin from the status quo.

So I do not think we can put a deadline on an intricate matter of this nature that requires deliberate and careful discussions and persuasions amongst the Partner States so that we can achieve the objectives of a single tourist visa. Yes other areas like Europe may have gone ahead and achieved this but even then, not all of them are on the same page. So we will pursue this, we will follow it up, we will not give up and we hope that at some future date we can get positive results. I thank you.

Ms Kizigha: Thank you, Madam Speaker for giving me the floor. I also thank hon. Ndahayo for bringing this question. I just want to know from the Chairperson, Council of Ministers which method will be applied after introduction of the single tourist visa in sharing of the revenue which will be done according to what you will be collecting and distributing fairly or equally because we have seen the issue of Lake Tanganyika which is within the region. This problem has not yet been solved, they are still in the process that has been streamlined but not yet completed. So I just want to know, if we are going to have a single visa, which method are they going to use to that they can collect revenues and each Partner State within the region will be sharing equally. I thank you, Madam Speaker.

Mr Bageine: Thank you very much, Madam Speaker. I want to observe that we are still at a stage where we are discussing the challenges as I mentioned in my answer earlier on and these are some of the challenges like revenue sharing, costs and so on. Until we have finalised negotiations.

Let us first agree on the principle and then look at these challenges and at the end of the day, we will come up with a formula that will be used in sharing revenue and costs. I thank you.

The Speaker: Thank you, Chairperson. I think we can now move to the next item.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAC PARTNER STATES TO HARMONISE THE WORK PERMIT RATES

Mr. Bernard Mulengani (Uganda): Thank you very much, Madam Speaker. I request your indulgence before I move the motion to make a slight amendment in the heading the justification being to be consistent with my prayer to the House, Madam Speaker.

The Speaker: Proceed.

Mr. Mulengani: Much obliged. Madam Speaker, I want to delete in my motion the word 'harmonise' and replace it with 'eliminate'. I also want to delete the word 'rate' and insert 'on EAC Partner States citizens'. Therefore Madam Speaker, my motion will read, this Assembly do resolve to urge the East African Partner States to eliminate work permits on EAC Partner States citizens. Madam Speaker, if the amendment is accepted, I then move the motion.

The Speaker: I think first and foremost I need a seconder of your motion. Is your motion seconded? Okay hon. Mbidde, hon. Zein, hon. Nakawuki, hon. Abdul Karim, hon. Hafsa, hon. Sebalu. Proceed, hon. Mulengani.

Mr. Mulengani: Madam Speaker, I beg to move that this Assembly do resolve to urge the East African Partner States to eliminate work permits on the EAC Partner States citizens. I beg to move.

The Speaker: Secunder? Hon. Abdul Karim. Proceed now to present the motion.

Mr. Mulengani: Madam Speaker, in justifying for the motion and to request my colleagues to support the motion, I want to remind ourselves that on 1st July 2010, the then Kenyan president-

The Speaker: Present the motion, hon. Mulengani.

Mr. Mulengani: I beg your pardon, Madam Speaker. My motion is that,

“WHEREAS Article 76 of the Treaty for the establishment of the East African Community recognises that within the Common Market and subject to the protocol provided for there shall be free movement of labour, goods, services, capital and the right of establishment

NOTING that Article 10 of the Protocol on the Establishment of the East African Community Common Market Protocol recognises that the Partner States hereby guarantee the free movement of workers who are citizens of the other Partner States within their territories

FURTHER NOTING that EAC citizens have been subjected to altered work permit rates within the region, the work permit fee is divided into various classes in each state. The classes are: (a), (b), (c), (d), up to (m) which are subdivided into various sub classes to cater for different professions. Tanzania has a total of 13 sub classes, Uganda has nine, Kenya nine, Rwanda two and Burundi two.

HAVING IN MIND that Kenya and Rwanda have eliminated the work permit fees for citizens of other East African Community state nations wishing to work in those countries in line with East African Community spirit to have a borderless EAC

AWARE that the fees charged to obtain work permits vary from Partner State to another, in Tanzania the fees range from TShs 10,000 that is approximately US \$ 6.34 for peasants to US\$ 3000 for the miners. Uganda ranges from US\$ 250 for missionaries up to US\$ 2500 for mining while in Burundi from US\$ 60 for students to US\$ 84 for regular workers. The above information reveals that the fees for permits vary from one class to another within a Partner State and from one Partner State to another and the documents required to obtain a work permit are not uniform.

NOW THEREFORE this Assembly do resolve to:

- 1. Commend the Governments of the Republics of Kenya and Rwanda for eliminating the work permit fees for the citizens of East African Community.*
- 2. Urge Partner States to respect the provisions of Article 10 of the protocol on the establishment of the East African Community Common Market on free movement of workers.*
- 3. Urge the Council of Ministers to call for the elimination of work permits on the EAC Partner States citizens.*
- 4. Urge the Council of Ministers to call for harmonisation of national laws to allow free movement of labour and services.*
- 5. Urge the United Republic of Tanzania, the Republic of Uganda, the Republic of Burundi to emulate the Republics of Kenya and Rwanda to allow free movement of labour within their jurisdiction.”*

Madam Speaker, I beg to move.

The Speaker: Thank you, hon. Mulengani. Now you can proceed to talk to your motion.

Mr. Mulengani: Thank you, Madam Speaker. I beg my colleagues that to talk to my motion I want to refer to a couple of issues just to bring them on board on issues that have been pertaining all along.

On 1st July 2010, the then Kenyan President Mwai Kibaki officially launched the East African Community Common Market Protocol. This is an expansion of the Customs Union that entered into effect in 2005.

The Common Market Protocol is something that is intended to lead us into free movements of the issue is mentioned in the motion: labour, capital, goods and services within the Community. Member States are therefore required to change their national policies and laws to allow full implementation of some of the aspects of the Common Market Protocol and such policies are in immigration and customs.

Madam Speaker, it is interesting for members to know what a work permit is and its intention. A work permit is basically a legal document for authorisation of a person to take employment in a country where he or she does not hold citizenship. In the context of the East African Community in the regime of the Common Market, who is a foreigner in East African Community? This is where I am bringing this motion to request that who is a foreigner that would be charged a work permit within the Member States.

The other thing to note is, what is the objective of the work permits within the region as per state per state within the region? It is in Economics that taxation is intended either to regulate a service or to be used as a source of revenue and to this effect, work permits in the region are definitely seen in that particular context. I would therefore urge my colleagues to support this motion that we do away with these taxes in the form of work permits that are geared to restrict movements against the spirit of the Common Market Protocol.

Madam Speaker, in addition to the Customs duties that exist and the Non-Tariff Barriers, one would look at the work permits as also tariff barriers because they are inhibiting the free movement of what we is enshrined in the Common Market.

The free movement of services and persons and of establishment allows self-employed persons to move between Member States in order to provide services but with the existence of work permits, members of the Community are facing challenges to be able to move across borders. The freedom to provide services is directly effective meaning that Member States must ensure that national laws like work permits do not conflict with the provisions of the Common Market.

For example, the freedom of establishment of nationals of a Member State in the territory of another Member State is prohibited by the work permits because if the work permits are prohibitive, again we shall not achieve the aspirations of the Common Market.

The free movement of people means the East African citizens can move freely between Member States to leave work and study in those particular Member States. I do not know whether they can also retire in another country given the circumstance that is obtaining on work permits. Madam Speaker, this requires that Member States eliminate these work permits and that I think this is an aspiration of part of the Community right from part (b) to (g) which talks about the freedoms within the Common Market Protocol.

The free movement of workers have a right to move to a different Member State to look for work and be emptied under the same conditions as nationals of that state subject to a number of reserved areas again greatly varying according to country. When Member States sign protocols,

it is politically good if they comply to the enshrined articles within the protocols and if people are moving- the current practice where Member states are being charged work permits, people are moving from country to country within the region but they are being charged work permits, these one sin total cancel assuming the numbers of Ugandans moving to Tanzania or Kenya or Rwanda or Burundi is the same number of the similar Member State persons moving to Uganda and they are charging, it eventually cancels so I do not see the logic in us continuing to charge for work permits.

On the side of the staff at the Community, I am aware that they are given resident permits annually. It is inconveniencing, it drags away concentration time of our staff in the Community running to Dar es Salaam to pick residence visas. My view would be that once they would decentralise the offices of immigration in Arusha so that they are able to get some of these things done there but also, to be able to give them visas according to their contract period. This will be very good.

Lastly Madam Speaker, this motion is brought in good faith to ensure that we move as per the aspirations of the protocols that are being placed to ensure that we integrate. With those few justifications, I beg to move and call my colleagues to support the motion. Thank you.

Mr. Sebalu: Clarification!

The Speaker: Thank you very much, hon. Bernard Mulengani. Hon. Sebalu, clarification on what?

Mr. Sebalu: Madam Speaker, I just want my colleague the mover to give some clarification with a view of improving on this assuming that the clarification does not take care of it.

The Speaker: If it is improvement, why don't you wait and the motion is put and debate is open and then you are able to move substantial amendments?

Mr. Sebalu: Most obliged, Madam Speaker.

The Speaker: Thank you very much. Hon. Members, the motion on the floor is that this Assembly do resolve to urge the EAC Partner States to eliminate the work permit fees- I have problems because hon. Mulengani did not give me an amended version. Now I am putting the question. Hon. Mulengani, you made an amendment and that amendment was supported by members and since it was supported, we move don it. So now the motion which I am putting on the floor is the one which was amended and it is the one we are moving with.

The motion on the floor is that the Assembly urges the EAC Partner States to eliminate work permits on EAC Partner States citizens. Debate is open.

Mr. Abubakar Zein Abubakar (Kenya): Thank you very much, Rt. hon. Speaker. I stand to support this motion and thank hon. Mulengani for bringing it and giving me the privilege to be a person who seconds this motion.

Madam Speaker, this is one way of contributing towards development of a sense of East Africanness. We believe that when we develop this sense of East Africanness and move away

from defining ourselves of us and them and all of us become us then we would have enhanced and deepened this project we call integration.

Secondly Madam Speaker, I support this motion because it goes to the heart of the matter for the citizens of East Africa. The integration process will become a reality when we stop just passing beautiful documents and resolutions but do not touch on matters that directly touch and feel what I may call matters of touch and feel for citizens.

Citizens do not know about the many protocols people have signed but they want to know when they come to a sister Partner State that they will be treated like an East African and I would suggest that the efforts that have been undertaken by the Republics of Rwanda and Kenya goes to enhance and deepen a sense of common identity but also a sense of mutual benefit.

So when we contribute to matters that touch citizens on matters of a daily basis, what occurs to them, we are contributing to mainstreaming the integration process and citizens feel part and parcel of this.

Further Madam Speaker, I would like not only to recommend or to commend the two Partner States who have taken the bold step of eliminating work permit fees for East African citizens and urge them that they can form the vanguard of the brave of going into uncharted waters envisaged by the protocols because there may be others who are choosing to err on the side of caution and might have developed a philosophical attitude of extreme care and extreme slowness at every point and turn so that those who are willing to become the brave and the visionary can show others that no harm comes to you by embracing each other and if there are things that people are afraid of the unknown then by seeing that by Rwanda and Kenya eliminating these fees, nothing untoward has happened to these two republics except good will.

So I would suggest that Rwanda and Kenya should consider doing other things in a fast tracked way as well including for example the single visa. If we feel that there are a lot of concerns about the future, Rwanda and Kenya go ahead and issue a common visa. (*Interruption*)

Mr. Kidega: Thank you so much, Rt hon. Speaker and hon. Zein for giving way. You are saying that Rwanda and Kenya should go ahead and promote other aspects of cooperation if other countries are still delaying. In essence are you promoting bi-lateral contrary to the integration?

Mr. Zein: Absolutely not. All I am saying is this. That there are certain things- Let me give you an example. We have come here in this great Republic of Rwanda and appreciated many home grown innovations. By saying we are going to learn from them or embrace some of the things they are doing, we are not developing bi-lateralism. We are saying those who are not afraid to test the waters are allowed to do so. That is my conviction. If you do not agree with me, you can say so but I am saying that is my conviction that in many things that are new and in many things that we are also carrying the baggage of the failed East African Community that in those circumstances, those states which are willing to try new things out should be allowed to, as long as they are not detrimental to the other states who are partners.

If you stay true and close to the vision and I am saying and this is important for you to mark as a difference, not anything outside the vision of the protocol. We are talking about within the vision. It is a matter of saying who is able to do it quickly. I will give you an example and sit

down. In Kenya when the government took this bold step, there were some Kenyans who were mumbling and they said, at best why don't we have just a reciprocal only to Rwanda but the government said no, we are going to say for all East Africans not just because Rwanda has a reciprocal arrangement but for all East Africans.

We are not choosing between Rwandese or a Burundian or a Tanzanian. We are saying all East Africans will enjoy the same benefits that we have waived the fees and some of us will be saying to the Kenyan government, go ahead and do more for the East African citizens. If you can, go ahead and do it and also communicate to the Kenyans that this is the right thing to do. It might be difficult as a policy but it is the right thing to do. I thank you very much, Madam Speaker.

Mr. Mike Sebalu (Uganda): Thank you very much, Madam Speaker. Definitely this is a very timely, necessary and desired motion so that we get our integration to another level. In the first paragraph we have, whereas Article 76 of the Treaty for the establishment of the East African Community recognises that within the Common Market and subject to the protocol provided for, there shall be free movement of labour, goods, services, capital, the right of establishment, it also provides for a right of residence. I think we need to include here because that is the fullest enjoyment of the rights and freedoms as enshrined in the protocol. So I beg to move that we amend with the inclusion of right of residence which gives another level of commitment of a sense of belonging. If you can move, if you can establish and even go ahead and reside then it definitely gives full force of legal application of the protocol. So I beg that that be included. *(Interruption)*

Mr. Ngenzebuhoro: Thank you, Madam Speaker. I want to give information that Article 7(6) is clear. It is about free movement of labour, goods, services, capital and the right of establishment. The issue of right of residence is not there. Thank you so much, Madam Speaker.

Mr. Sebalu: In the protocol? But I was referring to the protocol.

The Speaker: Hon. Sebalu, you can resume your seat for a second. I think it is true that the Treaty Article 76(1), and I was quickly opening my Treaty it is actually stated as it is stated in the first paragraph without your amendment. Either we agree that we refer to the protocol but the mover has referred to the Treaty so if the mover is referring to the Treaty then we can as well stick to the Treaty without adding, '...and the right of residence'.

It is true that in the protocol, the right of residence is added but he moved by referring to the Treaty. You can proceed.

Mr. Sebalu: Thank you very much, Madam Speaker. I want to also seek some clarification when we get to page two, the Assembly resolving to commend the Governments of the Republics of Kenya and Rwanda for eliminating the work permit fees for citizens of East African. I just wanted to appreciate the arrangement. Hon. Zein has indicated that in the Kenyan arrangement is for all East Africans. I just wanted to get clarification on the part of Rwanda whether it is reciprocal. If not then we go and improve on this and commend the existing arrangement but also call for its expansion to include, assuming on one side it is bilateral.

So I just wanted to get a statement of fact so that I can be in position to amend or not to amend. Thank you.

The Speaker: Through the Chairperson of the Council, the Minister of EAC of Rwanda will inform us maybe now or later.

Ms Mukaruliza: Thank you, Rt hon. Speaker. Through the Chairperson of the Council I wish to inform this august House that Rwanda has eliminated work permit fees for all East African citizens. *(Applause)*

Mr. Sebalu: Thank you very much, definitely that is commendable and with that I am satisfied with the amendment as it is but maybe we could just go ahead, that is provided under five, to urge other Partner States and I just want to take this opportunity to state that it is in the best interest of the region that all other Partner States that had not taken up this to take it up in the best interest of the entire region because if we are to make our integration relevant, user friendly and give a sense of belonging because when we talk about one people one destiny and yet others have restriction to work or even to move in certain areas, it definitely defeats the purpose for which we do come together as a region to maximise the interaction within the region.

Madam Speaker, we have a challenge and as an Assembly, we have a responsibility to ensure that what is provided for within the different instruments of our cooperation is indeed put to practice. We need to get these provisions operationalized so that at the end of the day, the people of East Africa do benefit from these provisions because the whole idea of envisaging and coming up with these provisions is to make life different, to improve the welfare of the people of East Africa and as a matter of fact, we need to translate those provisions into tangible benefits that the people can benefit from.

As an integration that is people centred, it is therefore incumbent on us to ensure that we create the enabling environment for the people to be at the centre of the integration process. We need to take integration from board rooms to the field. We need to take integration from theory to practice. If our people can be able to move freely, to work freely, to establish themselves freely in any part of the region then we would have a good reason to say that as leaders, we were engaged in strategic thinking and came up with an arrangement that makes our people lead a better life, where they are able to go to areas where they can seek better opportunities and be able to improve on their welfare.

In short, I just want to declare my support for this motion. It is very important, very timely and I pray that after having it adopted we need to follow it through and be able to realise its implementation in the short run rather than the long run. Madam Speaker, I beg to support and I thank you for the opportunity you have accorded me.

Mr. Bazivamo: Thank you, Rt. hon. Speaker. I have read through the Internet but the report of the Sixth EAC Annual Meeting of Finance, Planning and Economic Development ministers has said that Kenya and Uganda are implementing a bi-lateral agreement to allow citizens from each country to establish in the other and waiving all work permit fees. This has to be verified. Thank you.

The Speaker: Thank you for the information and I think that is information to the general domain. Perhaps the Chairperson of the Council will add to that. I invite hon. Harelimana.

Mr. Abdul Karim Harelimana (Rwanda): Thank you, Rt. hon. Speaker. I rise to support the motion because it is very relevant at this time and maybe it was even more relevant before.

Madam Speaker, this is a matter of our own Constitution, the Treaty. It allows and requires the Partner States to freely let their people move from one place to another, to move with goods, labour, capital and services. Some few years ago, we signed the Common Market protocol and it started working after one year. Wherever you go, you feel that there are benefits which we are getting from that. I know that there are some restrictions but most of them I think were given a maximum term of only two years which I think is either ending last year or this year but you still find that some Partner States are still sticking on those restrictions and maybe not ready to loosen them.

I think that there are some imaginary fears from some Partner States. One is about security and another one is about loss of revenues. About the security and that is why I called it imaginary fears, it is not true because Kenya and Rwanda are not having less security than other Partner States. Rather I think they can be better than others. People are moving freely from Kenya to Rwanda without any problem and I am told that there are more than 170 Kenyan companies which are now working in Rwanda. They are benefiting Kenyans and at the same time Rwandans because most of the employees here in these companies are Rwandese.

Madam Speaker, if you look at the special economic zone which we visited two or three days ago situated here in Gasabo district, Masaro hill in Kigali, we are told that most of the companies which have already registered there and are about to start their work are from Rwanda and there are some from abroad, very far from Rwanda and they told us that only 10-15 percent are East African.

The special economic zone is open to East Africans I think more than others. What are we waiting for? We have only one company from Tanzania; Azam which deals in wheat flour and I think it is doing well. I am told that it is the biggest company that they have in that area in the whole region. Why don't we do that also? We open all doors for everyone.

Madam Speaker, about the second imaginary fear; loss of revenue, someone is waiting to get US\$ 3000 from me to start up an industry in a certain Partner State because this money is big money or a big investment itself which is going to someone and not to myself, I fear to go there and instead I remain where I am and where they do not ask me for money for that transaction. So I think that as you fear to lose, you are losing.

Madam Speaker, we have the benefits if we adopt this resolution and the Council of Ministers assist us to accept it tonight and forward it where they are supposed to so that in a few days we have this resolution in place and ready to implement it. We have benefits. One, the investment will grow in Partner States. If Azam can establish that big industry in Kigali and tomorrow takes another one to Bujumbura and afterwards it takes it to Kampala and Nairobi, it is for the benefit of the people of East African Community.

It will create employment which we need very much these days especially for our youth and two, it will increase our tax base also. If we have Azam here, of course you are not here for free 100

percent. There are people who are working in that industry and at the same time there are taxes which they are paying to the government of Rwanda.

Lastly the benefit which we get from this is fast tracking of the integration. Once you see a company from Tanzania situated in an area in Kigali and everyone sees it that is Tanzania in Kigali. Once you see one from Rwanda in Dar es Salaam, you say that is a Rwandan company in Dar es Salaam then it facilitates the people to understand what the integration is all about.

Madam Speaker, I beg to support the motion.

The Speaker: Thank you very much.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much, hon. Speaker for giving me this opportunity. In the same vein of East Africanness, I am actually standing to support the motion. By supporting it I have my reservations so I will support the motion with caution.

My honourable colleague who just spoke talked about security and actually that was the same thing I was about to talk about. I will talk about only two points one being security. It is not something that is not known that there is still a threat of terrorism, not inside East Africa but on the borders of East Africa so while we are considering this motion, we should also be careful on the question of security.

For example, an international passport can be forged. Who cannot forge an East African passport and pretend to be Kenyan or Tanzanian or Burundian? So we must take into consideration our East African border security.

The second point I will talk about is on equality of these jobs. I support the motion that-

The Speaker: Hon. Ussi, I think it is good that at this juncture you can remind the Chairperson of the Council about the national IDs because passport aside, some of the people seeking employment do not even have passports so maybe if we could look at that from that perspective. If national IDs were available then we would be able to verify.

Ms Yahya: Thank you, Madam Speaker. I was actually preparing to talk about national IDs but then I realised that a passport is easier because even for national IDs, some Member States in East Africa do not have national IDs that are internationally recognised. This is different from Europe where you can use your ID anywhere in Europe and you can be recognised. This is the same thing in terms of security. We have to make sure that whoever says they are East African are really East African when we were talking about exclusion of work permits.

For national IDs I considered it but I realised – Actually Madam Speaker I take note and we will still remind the Council that some Member States do not have personal IDs. I believe Tanzania just opened one recently which is actually internationally recognised with a bar code and everything.

I was talking about equality of these jobs especially on the point of this motion number four where it says, to urge the Council of Ministers to call for harmonisation of national laws to allow free movement of labour and services. Even though I support this motion, I still urge that we

should also consider the equality on this provision of services because the example of Azam, it is one of the biggest companies in Tanzania. It is everywhere and even exporting to England but what about the normal civil *mwananchi* who want to do business and they cannot do it in other Partner States?

I have an example of a resident of Arusha who wanted to work in one of the Partner States and he was not allowed to bring his own workers and was asked to recruit workers from that specific state. Another example is in Uganda. We also found that there are unequal opportunities so before we accept these things of eliminating work permits, we should also consider the common *mwananchi* that need to benefit on these jobs, employment and provision of services. Thank you, hon. Speaker but I support this motion with caution. Thank you.

Ms Susan Nakawuki (Uganda): Thank you, Madam Speaker. I thank you so much for the opportunity and in fact I have forgiven you for yesterday. I did not submit about the genocide because I had been reading about it since we went to that memorial but for now I have forgiven you.

Madam Speaker, I want to thank the Heads of States for East Africa for having revamped the East African Community and I would also love to appreciate them and the Council of Ministers for seeing it important that as East Africans we need the Common Market if we are to succeed.

Madam Speaker, the Common Market protocol provides for the requirement of work permits except for where the Partner State have waived the requirement for the citizens. As you are all aware, government bureaucracies still hide behind national legislation to frustrate the efforts of the East Africans seeking to work across borders.

It is saddening that even today; the employees of the East African Community from other Partner States still have to hunt for work permits year in, year out even those ones who have contracts for a specified period of time. I want to confess that I am not very comfortable with this kind of arrangement because if every employee of the Community has to line up every year for that work permit which does not have a specific time frame because sometimes it can take up to six months without one having one. I feel it is inconveniencing.

Also, these work permit fees are too high. In fact it is alarming to the private sector because many people cannot afford these fees. If someone has to pay US\$ 3000 in cash to get a work permit and yet they are seeking an opportunity to work to earn a living then it is crucial that we need to do something about this issue.

The East African Business Council has been complaining over and over again about these fees. In fact they are about to lose confidence in us unless we do something about the situation. I was reading a newspaper when one minister in the United Republic of Tanzania was defending the increment of the work permit fees. The fees have been increasing every now and then. They started at US\$ 420 to about US\$ 1500 and now to US\$ 3000 but the minister justified it that it was due to the need to increase local revenue. I do not think this is the best way to increase local revenue at the expense of East Africa.

Madam Speaker, I would like to thank the Republics of Rwanda and Kenya for the commendable job they are doing regarding the work permits by waiving them. I also want to confirm that the

Republics of Uganda and Kenya are working on implementing the bi-lateral agreement of waiving these work permit fees for East Africans.

I would like to thank hon. Mulengani for moving this motion. I concur with the resolutions made but I would also like to urge that we should not only look at the work permit fees but there are also restrictions attached to these work permits because if we just remove the fees, it is like giving with one hand and taking away with the other.

Every country has their different restrictions but allow me to refer to one country and I hope my colleagues will not mind. I will use the Republic of Kenya and these are some of the restrictions for the work permits. Among them, if you are applying to be considered, actually it is supposed to be your employers to apply. The employer has to show evidence that they have been unable to fill the particular post due to lack of qualified personnel in the Republic of Kenya.

That means if someone in the Republic of Kenya can do that job, you do not qualify for that permit. So even if you tell me that there are no fees and you still do this, it does not make any sense. Actually for me this is a kind of discrimination which contravenes Articles 10 and 3 of the Common Market Protocol.

In addition, another restriction is that you cannot change positions or employers. If I go to work for company (a), I cannot be promoted to a more senior position or I cannot work for another company without going back to reapply for the work permit even if you are to use it for maybe six months.

Another tricky one is to get another permit for another job or employer. You have to get a letter from your previous employers consenting that they have no objection for your change of employment. This is very complicated because not many employers are going to be willing to lose their employees even if they are not paying well. You know very well that we always look for greener pastures. You cannot tell me to remain in a job which pays me US\$ 500 if they can pay me US\$ 2000 elsewhere.

Madam Speaker, the time taken. As I said earlier, it takes so long so we need to iron out these issues. Actually in Kenya also, a certain age group cannot get work permits. For example for class (j) if you are below 35 years, you do not qualify. That means I would not qualify for that kind of permit if I was in Kenya. For other permits if you are below 21 years, you cannot qualify yet our majority gave is 18 years. I request the Chairperson of the Council to take this into serious consideration.

In conclusion – (*interruption*) -

The Speaker: We had promised that today we would end a little earlier than usual so we want to be a little bit brief.

Ms Nakawuki: Regarding resolution number four which talks about harmonisation of national laws to allow free movement of labour and services, I would like the House to note that with the exception of the Republic of Rwanda, other Partner States have still failed to fully align their national laws with the Common Market Protocol to remove barriers to free movement of people despite the potential to unlock investments in these East African countries. This has forced other

countries which were willing to remove these fees to also be reluctant because other countries have deliberately decided to contravene Articles 12, 32 and 47 of the Common Market Protocol.

I therefore call upon the Council of Ministers to issue directives for purposes of implementing Article 47 of the Common Market Protocol and in particular, I request hon. Shem Bageine regarding the issue of national IDs that when you go to Cabinet because Uganda has been trying to get the national IDs for the last 20 years. When the PPDA award tenders, people keep appealing and then the corruption- I know we have been honoured for being the most corrupt in East Africa. So this has been a problem. Right now we are acquired equipment for processing national IDs about four years ago but what is remaining is the structure in which to assemble the equipment to start processing the IDs.

So hon. Shem Bageine, I am requesting you, as Ugandans we badly need these IDs. I want to thank you and the mover of the motion and I support the motion.

Dr. James Ndahiro (Rwanda): Thank you, Madam Speaker and I would like to thank the mover of this motion. Madam Speaker, I have already sent to you two amendments and if the mover allows, I would like to move that after number three and before four, we include that to know that the elimination of work permits should be consistent or should apply for those jobs already agreed upon by Partner States in the Common Market Protocol to avoid being in conflict with the Protocol. Madam Speaker, there is a schedule where Partner States agreed among themselves to comply after certain time frames so we should allow that process.

Two, if he agrees, I would also like to insert in the title, the word 'fees' to read elimination of work permit fees so that the resolution is about the fees and not about the work permits otherwise if you eliminate the work permit, what do you give the residents? Does it mean that the Common Market Protocol provides for residence permits or we are not yet there?

So we should leave the work permits but focus on the work permit fees. Thank you, hon. Speaker.

The Speaker: Thank you, hon. Ndahiro. I think at an appropriate time the mover will respond. I will take hon. Abisai. Hon. Members, you can check your watches, we are running out of time.

Ms Nancy Abisai (Kenya): Thank you, Madam Speaker for giving me the opportunity. I think I will just take two minutes. I want to thank the mover of this motion. I had wanted earlier on to give a point of information when someone raised an issue on the establishment and residence and I think Article 104 on the scope of cooperation clearly states that the Partner States agree to adopt measures to achieve the free movement of persons, labour and services and to ensure the enjoyment of the right of establishment and residence of citizens within the Community. Further, it also talks about maintaining common employment policies.

With that I also wanted to bring to the attention of members even as we talk about work permits. Our own staffs at the EAC have to renew their permits every year and yet they are working for the Community. Number two is the implementation aspect of this whole question does not entail- What it entails in terms of integration is that it is going to bring the feel of integration to the common person so it is important that we look at the issue of work permits not as an option but something that would be able to bring the Community together.

I also want to note that even within electronic and print media, there are always advertisements for jobs seeking for East Africans within Partner States and so it is important even as we encourage this, we also urge Partner States to fast track the issue of work permits. It is happening in other unions which I do not see is a big deal for us. I think we need to allay issues of fears otherwise we do not get to move on.

With that I support the motion, thank you.

The Speaker: I will take two more; hon. Mbidde and hon. Pareno and then the Chairperson of the Council will come in. Make it brief; three minutes so that we are able to conclude in time. I want to take cognisance of the fact that I have the elderly like hon. Leonce so I do not want to stretch their span of concentration.

Mr. Fred Mukasa Mbidde (Uganda): Much obliged hon. Speaker. Madam Speaker, I thank you for the opportunity. I will be as quick as possible and begin by making just a few preliminary comments that are necessary for us to move within the ambit of the East African Community laws. One that stresses that the motion must include the word 'fees'. We are not at liberty to exclude that word because doing so would amount to an amendment of the protocols. Protocols by law are part of the Treaty and we are not mandated as the House to amend those protocols by way of a resolution of the House.

Work permits were provided for under Article 10 and of course the regulations that follow under annex two, resolutions six, seven, eight and nine so Madam Speaker, the motion should be maintained by inclusion of the word 'fees' for us to substantively address it as a motion.

Madam Speaker, I stand to support the motion. One other preliminary comment I would like to make is a worry. There was a meeting of the EAC technical team on the harmonisation of procedures related to the issuance of entry and work permits. It sat in Kampala on 12th and 14th of either February or March but 2003. They made substantive recommendations for harmonisation of laws.

It is not possible for fees independent of any other activity to be abolished unless a harmonisation process has been conducted and that was the recommendation of that committee. This is one of the motions that in my opinion is so important to the extent that it would have been followed by a notice and obviously given to us in time that we would have substantial recommendations therefore because it is extremely important and Partner States must- In fact the Council should have been in position to equally tell us the progress of the harmonisation process because the laws that were supposed to be harmonised leading to the abolition of the fees included among others the Employment Act-

The Speaker: Hon. Mbidde, you can actually also proceed by putting a question so that you are given this information on the stages of harmonisation. You can actually move an independent question which can be out to the Council and as a House we are fully informed.

Mr. Mbidde: I will take that as a ruling, Madam Speaker and I am most obliged. Why do we support the motion for the removal of work permit fees? And this I join my colleagues that have supported the motion, Madam Speaker. This is the economics of free movement of labour in any integration process.

Madam Speaker, if we cannot achieve free movement of labour, we cannot claim to be integrating. We will be like a bird that jumps from the ground to an ant hill and it forgets that it is still in the ground. This is a key scenario that has to be addressed if integration is to make substantive and economic sense for the people of East Africa and accordingly it must be given its due consideration.

It is beneficial first of all in a way that all companies that have got cross border application cross border businesses and cross border operations will be free to transport their labour by way of free movement. It equally reduces on the tensions within Partner States for welfare governance. The tensions for free everything can be supplanted by employment which includes the free transfer of employment and I think this is the essence for which permits should be reduced because they are acting in a way as a non-tariff barrier to integration.

I also continue to thank Kenya and Rwanda for the cooperation that was termed bi-lateral. This is a principle of the East African Community and it is referred to as variable geometry. It is a principle where Partner States are free- I think it is under Articles 1 and 7 of the Treaty. They are free to integrate as fast as practicable, in fact faster than the other Partner States which also obviously works as a wakeup call to all the others that have not in the circumstances. Madam Speaker, we will continue to thank them for having moved a bit closer and faster.

I have been told there is very little time so I am going to peruse through what I had prepared. A report of the meeting of the CEOs in the Secretary Generals forum of February this year also alluded to the same claim. This resolution supports the prayers by the CEOs that form the Secretary Generals Forum and I think we should thank the Secretary General for having that oversight of going ahead with the aspirations of the people. It is I think in furtherance of the integration model and procedure of the EAC which is people centred. So the real people say, please remove work permit fees. I think this is the essence of the resolution and we must support it.

Finally Madam Speaker, because there is very little time, I support this motion 100 percent. I urge all the Partner States to also quickly and urgently make all arrangements for purposes that such a resolution is implemented within the shortest time practicable. I thank you very much, Madam Speaker.

Ms Judith Pareno (Kenya): Thank you, Rt hon. Speaker for giving me this chance. I rise to support this motion strongly. I wish to say that it is not going to be practical for us to say on one hand that we have a Common Market, that we have free movement of goods, that we have free movement of persons and services yet on the other hand you will be telling the people coming, please hold you are not free, you must give a permit. You are not free to move these things because you must give this document. I think it is not going to be in order for us to say we are free yet we are giving hurdles like these permits. I do support that we do away, not just with the fees, but with the permit itself.

Madam Speaker, you can imagine telling somebody that the first thing you need to do is not to waste the money that you are going to invest in our Partner States but first of all for you to raise the fees that are required. That in itself is a barrier. You cannot move freely because the first thing that somebody has to do is first raise the fees then secondly get the permit, flush it out

before you can start your business or move to the neighbouring country. I think to me this is a barrier that needs to be done away with.

We cannot be so different yet we say we are the same. We want to be uniform and I think the only way to be uniform is not for Rwanda and Kenya to move on their own but we should alongside carry the rest and be able to move together and have similar standards otherwise then, that East Africanness will disappear.

To me this is actually a border. We are saying a borderless East Africa but with these permits then this is a border in itself. You are not calling it a border, you are calling it a permit then we will cease to be borderless as East Africa.

I want to give an example of what happened to me the other day when I decided I wanted to give my services in Arusha in a committee. As a legislator of East Africa, I decided to cross by car from Kajiado which is just next to Arusha. The first thing I am told is no, in Kenya first bring a log book, you have to deposit it here. Fill this form. When I filled the form, it was indicating that I am exporting my vehicle then I will import it back. They took time even after I said I am a member of East African Legislative Assembly crossing for my services there. They said but your laws here, you must leave a copy of your log book. So I had to call Nairobi, they scanned a copy of my log book and I left it at the border before i crossed.

Worse still, I had security and a driver and my security had to leave all his gadgets behind, deposit them there before you can cross. Now I was wondering, are we East Africa? I am just supposed to cross. I am an East African Member of Parliament. I thought I was going to my other country but here you are, you have to leave everything, cross and come back.

The next thing that they told me is that this exportation of your vehicle is for only 14 days so if I stayed for more than 14 days in Arusha, it would have meant I rush back to the border to renew this permit and I said we are not yet East Africans. I should be able to move, give my services in Arusha, come back and move freely.

One thing I asked the immigration officer on the Kenyan side, suppose I had the EAC number plate, would you have allowed me to just cross because this is EAC and he said no, you would still have left your log book. I do say that it is time for us to get out all these permits, all these forms and barriers if we really want that East Africanness.

Madam Speaker, I do support this motion.

Mr. Abdullah Mwinyi (Tanzania): Thank you very much, hon. Speaker. My colleagues have said much of which I support and I stand in support of this motion. I would like to say that this is a microcosm of the challenges we are facing in the implementation of the Common Market Protocol. This is not an isolated issue. Since we signed and our Heads of State the Summit signed the Protocol on the Common Market, we have had very little implementation to date. I am not sure if it is the magnitude we were not aware of how large the task is, I am not sure if we do not have the political will to proceed but clearly there is a fundamental breakdown in the process of integration as far as the implementation of the Common Market Protocol is concerned.

On this particular matter, I would like to support my colleague here, hon. Mbidde in amending the resolution to reflect work permit fees. The elimination of work permit fees. This is not the first time we have discussed it before this august House. The matters of work permits have been discussed numerous times in the previous Assemblies and we have followed it up amongst our Partner States and we have had various reasons as to why the work permits should be in place.

First and foremost I can only speak for the United Republic of Tanzania. The issue of work permits as far as our government is concerned is a monitoring instrument. Because there is an absence of a national ID amongst ourselves in Tanzania as well as the Republic of Uganda, one of the ways of monitoring who comes in and who stays in the country is by issuing a work permit for those who are working.

Second, a matter that we have been informed is that the revenue that is generated. Let us be frank and call a spade a spade. There is a lot of money that is actually being paid and this will present a loss in revenue. What I am asking as part of my contribution here today is to request a scientific analysis from the Council of Ministers to say what sort of revenue is generated for workers that are from the East African Community who actually reside in other Partner States. If the issue is revenue, we need to know how much it is and how we can deal with it. We should not hide and say, revenue. How much is it? (*Interruption*)

Mr. Ndahiro: Hon. Speaker, I just wanted to know from my colleague whether he is suggesting that we re-open the negotiations of the Common Market Protocol because that was negotiated. Thank you.

Mr. Mwinyi: Madam Speaker, I was not even talking about the negotiations of the Common Market Protocol. This is a resolution to urge the Partner States to remove work permit fees of which two Partner States unilaterally have done. It is an issue that is feasible to actually- It would conform to the spirit of the Common Market Protocol. The spirit of the Common Market Protocol is to create free movement of labour. We have amendments and addendums on the Common Market protocol that would say at what stage and which professions would come but by following the spirit of the Common Market Protocol, the Republics of Rwanda and Kenya have abolished the fees that we are talking about. What is preventing the rest of the countries from following suit? If it is revenues then tell us how much they are. Then we can look at them and say these are feasible, these are reasonable and we can proceed.

Madam Speaker with those few remarks I beg to support.

The Speaker: Thank you very much. Allow me to invite the Chairperson of the Council. Just to notify him that hon. Dr Abdallah seems to have a point so at that level you can-

The Chairperson, Council of Ministers (Mr. Shem Bageine): Thank you very much, Madam Speaker. I would like to request you to ask my minister colleagues who are here to comment on some of the issues particularly those relating to their respective nations then I can come in and make final observations.

The Speaker: Okay, I will start from hon. Dr. Abdallah from Tanzania.

The Assistant Minister for EAC Cooperation, Tanzania (Dr. Abdallah Saadalla): Thank you, Madam Speaker and thank you, my chairperson. I will be very brief and give my contributions. I would like to inform this august House about this motion. Madam Speaker, indeed Council recognises the value of the Treaty Article 76 and also Article 10 of the Common Market Protocol.

However before I proceed, I would just like to read the annex of the regulations of the free movement of workers; number six sub article number nine. It says, “The work permit or a special pass issues under these regulations shall be issues in accordance with harmonised classification of work permits and forms, fees and procedures as may be approved by the Council.” So appreciate the motion on the floor that there might be need of that but I am happy to say that Council is in the process of doing that.

Madam Speaker, harmonisation is a process and it involves and ranges from one side to the other side of the spectrum. This process starts from the amendment of the national laws so that they can go along in pace and aligned with the Common Market Protocols, ratification of these laws and later on is consolidation of the conversion areas so that they can be implemented.

Madam Speaker, I would just like to tell this august House that Council has taken these steps and has urged the Partner States to do so. All five Partner States have already gone through the immigration laws, labour laws, business laws and they are about ready for ratification. Take an example of Tanzania. Our nation Common Market Committee with the Ministry of East African Cooperation has gone so far and now we are about to ratify the laws so that they can go in alignment with the Common Market Protocol to be harmonised and implemented within the perspectives of East African Community.

Madam Speaker, regarding the harmonisation of fees between Kenya and Rwanda, I commend and congratulate them. It is a good thing but it has been done outside the perspectives of what I have read on sub section nine that we have to sit down and harmonise together. But I believe these two countries will not hesitate to join us when the time comes during the process of harmonisation so that we can go with and in accordance with that Article 56 sub sections 1, 2 and 9 of the Common Market regulations.

On the issue of elimination of work permit fees for citizens of East African Community Partner States that will only be effective – this is in accordance with Tanzanian perspectives- and that will only be answered once the harmonisation of fees and permits and regulations and procedures are done. So far, at least for the Tanzanian government, if harmonisation is not done, it does not have an intention of eliminating work permits by themselves or un-harmonised fees.

Madam Speaker, I beg to give this contribution and I found it to be very feasible to stand up and clarify some of the points which were a bit uncertain. Thank you so much.

The Speaker: Thank you so much, hon. Dr .Abdallah on behalf of the Tanzanian government for that information. I think it is very useful information and it puts us in perspective of what exactly is going on, on the part of the United Republic of Tanzania when it comes to harmonisation of the issues raised in the Common Market protocol. Can I invite the Chairperson of the Council now since it looks like – Okay!

The Minister for EAC Affairs, Burundi (Ms Leontine Nzeyimana)(Ex-Officio): Thank you, Rt. hon. Speaker through my chairperson. I would like to thank the Government of Rwanda for the warm welcome we received since we arrived here. Personally I feel at home when I am in Kigali.

I do commend the initiative taken by Rwanda and Kenya. However what I heard from hon. Nakawuki, there are some non-tariff barriers which are heavier than fees in Kenya and I think these needs to be looked at.

As Minister of Coordination, I am not going to promise that I will implement this resolution right now but I do promise that I will try to push so that these fees be removed the way it has been done in Rwanda and Kenya. *(Applause)*

I am sure that Burundi will do so because we are champions in removing these non-tariff barriers and as I have just said, I will try and push so that tense fees can be removed. Thank you, Rt. hon. Speaker.

The Speaker: Thank you very much, hon. Leontine for that very assuring statement from the Republic of Burundi.

Mr. Bageine: Thank you very much, Madam Speaker. First I would like to thank the mover of this motion and through this I have had an opportunity to listen to many speakers coming up with very useful and positive, constructive suggestions and comments which I have taken note of.

Madam Speaker, let me say from the outset that if the Partner States implemented the Common Market Protocol, perhaps we would not be sitting here debating this motion because provisions are in the Common Market regarding the issue of free movement of labour, capital, services, the right of establishment and residence.

So I will not go back to touch on what Members have raised because I entirely agree with the observations that have been made. Let me also take this opportunity to also thank Republic of Kenya and Republic of Rwanda for having taken a step in the right direction despite hon. Susan's reservations of giving with one hand and taking away with the other when it comes to restrictions on employment but at least a step has been taken forward.

I have had an opportunity to discuss recently the issue of work permits in the Republic of Uganda. A paper was presented recently relating to revision of fees and various aspects of work permits, immigrants and so on and a decision was made that the issue of work permit fees for East Africans must be abolished. *(Applause)*

Madam Speaker, I am talking about something I participated in, in discussions and I will follow this up to ensure that work permit fees are a thing of the past in Uganda.

Secondly, I am aware that certain fears have been expressed within the region and particularly relating to insecurity because of certain conditions pertaining in some of our states and Uganda in particular and this is the issue of identity cards. We unfortunately have been having a very porous state and all manner of people find their ways into Uganda. We are now seriously

addressing the issue of issuing identity cards and we will go back to the regions of the people applying for these or qualifying for issuance of IDs so that we know who Ugandans are.

In this regard, Madam Speaker, the issue of work permits and fees I think ought to be looked at in details.

For the time being, we can abolish the fees for East Africans but for purposes of identification, it may be necessary to issue work permits at low cost. Eventually, when we ultimately federate then of course we shall all be East Africans without having to identify who is Ugandan, Tanzanian, Kenyan, Burundian and Rwandan. So for the time being, I think I support the resolution of abolishing or eliminating fees and issuing free work permits.

Madam Speaker, I will check on what one of the members raised as a bi-lateral arrangement between Kenya and Uganda. I am not aware of that because the decision that we took did not discriminate among the Partner States. It cuts across the borders of all five Partner States.

I am happy that this motion has been brought up because it gives us more ammunition and strength to urge as Council of Ministers, our respective Partner States to move along the Common Market Protocol, which was signed by everybody and which was ratified by everybody and which should be implemented as quickly as possible.

I am aware of the need to harmonise laws as my colleague from the Republic of Tanzania has mentioned. I am also aware of the provisions in the Protocol that the Council of Ministers will approve the fees but I also want to add that the Council of Ministers can actually approve 'no fees' so that what the republics of Kenya and Rwanda have done would be in consonance with what the Council of Ministers would do.

Madam Speaker, as I said I took a lot of interest in listening to members' contributions. I have made notes on these and we shall try and follow up on this issue of full implementation of the Common Market so that we begin walking in the region as East Africans. I thank you and I support the motion with the amendments, if any, that relates to retaining work permits for the time being but abolishing the fees. I thank you. (*Applause*)

The Speaker: Thank you very much, Chairperson of the Council. I now invite hon. Mulengani to reply and we wind up debate.

Mr. Mulengani: Thank you, Madam Speaker. I want to first of all thank all my colleagues that have spoken to this motion and those that were unlucky to catch your eye because of time. I want to take their sentiments because when we are pronouncing ourselves I know they will say 'aye'.

I want to thank hon. Zein Abubakar for supporting the motion, hon. Mike Sebalu, hon. Monique Mukaruliza, hon. Bazivamo, hon. Harelimana Abdul Karim, hon. Ussi Maryam. At this point I want to say that my sister, hon. Maryam was exactly talking the language the motion is saying and I want to remind her that in the spirit of the Common Market, the issue of whether residents should move from Tanzania to Kenya and be able to work is the issue I am raising in this motion; to allow people to move freely. She would ask herself, why were these Tanzanians were refused to travel to go and work where that factory was being established? It is the question I am seeking to solve, hon. Maryam.

I would say that for us to be able to advance further, we rather say there are no work permit fees but say if you do not have a readable identity card, you will not be allowed in a Member State. It would sound more positive than continuing to advance work permits.

Madam Speaker, I want to thank hon. Nakawuki Susan and hon. Dr. Ndahiro James. At this point, Madam Speaker, I think I want to concede to the amendments proposed by hon. Ndahiro, both amendment one which says that elimination of work permits should be applied to jobs agreed upon within the Common Market Protocol and two, to insert in the title the word 'fees' after 'work permits'.

I want to thank hon. Abisai, hon. Mbidde, hon. Pareno Judith. One thing that would possibly come under what hon. Pareno Judith raised is we want to have our tax free East African Community cars allowed to traverse the Community without any hindrance. I think at an opportune moment, Madam Speaker we may bring a substantive motion to this effect as well.

I want to thank hon. Mwinyi. He raised the issue of revenue generation, those are the issues I talked about but as hon. Dr James Ndahiro intercepted in to ask whether we should re-open negotiations, it is something we should discuss further.

I wasn't to thank hon. Dr Abdallah but I want to echo what he said on the position of Tanzania but also to advise Council, just like the Chairperson of Council said. Harmonisation does not necessarily mean existence of fees. You can harmonise to zero just like the Chairperson said. So it is up to Council to decide on how to go but we are saying this is a tariff barrier for the free movement of people.

I want to thank hon. Leontine from Burundi and I would really like to appreciate your positivity as a country to say you will push until you get the position done. *(Applause)* Lastly I am excited by the words of the Chairperson of Council as a mover of the motion. I have a lot of respect and admiration and have a lot of expectations from him as Chairperson of the Council to deliver the integration to other levels of stages. I thank you, Madam Speaker and thank you, colleagues for supporting the motion. *(Applause)*

The Speaker: Thank you very much, hon. Mulengani. Actually there had been a suggestion from hon. Dr. Nderakindo on I think it was royalty in view of the English and whether it should be 'on the EAC Partner State citizens' or 'on the citizens of the EAC Partner States' but I think that is drafting which can be handled at that level.

I want to thank you for this very important motion. I now move to put the question. The motion on the floor is that the Assembly urges the EAC Partner States to eliminate the work permit fees on the citizens of the East African Partner States. I now put the question.

(Question put and agreed to.)

ADJOURNMENT

The Speaker: Hon. Members, I want to thank you for today. As we come to the end of the deliberations today, I want to make two announcements. The first one is that the Commission is going to meet immediately after this session in committee room (a). The Chairperson of the Council and the hon. Ministers and the SG and the members of the Commission, kindly we will proceed immediately.

Secondly, the Chairperson of the Uganda Chapter, hon. Mulengani is inviting members of the Uganda Chapter to Karisimbi for a meeting tomorrow at 6.00 p.m.

With those announcements, House stands adjourned up to Tuesday 2.30 p.m. House stands adjourned.

(The House rose at 6.15 p.m. and adjourned until Tuesday, 23 April 2013 at 2.30 p.m.)