



## **EAST AFRICAN COMMUNITY**

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### **IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY,**

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

**78<sup>TH</sup> SITTING - SECOND ASSEMBLY: THIRD MEETING, THIRD SESSION:**

**Thursday, 18 February 2010**

*The East African Legislative Assembly met at 2: 30 p.m. in the Chambers of the Parliament of Uganda, Kampala.*

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

### **PRAYER**

*(The Assembly was called to Order)*

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### **QUESTIONS FOR ORAL ANSWER**

**Question for Oral Answer Reference: EALA/PQ/OA/021/2009**

**Mr. Dan Kidega (Uganda):** Asked the Chairperson, Council of Ministers\_  
*“The whole world is converging in Copenhagen, Denmark, to negotiate the management of climate change and its challenges. Could the Chairperson of the Council of Ministers inform the House\_*

- (a) What they are doing to help the Partner States to come up with a common position as EAC in the negotiation process as a means of strengthening our position?*
- (b) What is the EAC position with regard to the climate change negotiations?”*

**The Chairperson of the Council of Ministers ( Dr. Diodorus Kamala ):** Mr. Speaker, Sir, the East African Community was involved in the negotiations process on matters pertaining to climate change and developed its common position. In this regard, the EAC Secretariat organised the Climate Change Round Table Meetings on various dates from

March to July 2009 in the five EAC Partner States to develop country positions. The reports of the round tables were used to prepare the EAC position on climate change.

The ultimate goal of the EAC position, which was approved by the EAC Ministers responsible for Environment and Natural Resources on 12<sup>th</sup> November 2009, was to ensure that the key issues relevant to the East African countries are reflected in the climate change negotiations, and that they are adequately reflected in the African position taken to the 15<sup>th</sup> Conference of Parties of the United Nations Framework Convention on Climate Change in Copenhagen in December 2009.

Mr. Speaker, Sir, drawn from the EAC position, a declaration on climate change has also been developed. The purpose of the declaration is to commit the EAC Partner States to collaborate and harmonise their actions to address climate change in the region.

The Ministers responsible for Environment and Natural Resources approved and signed the Ministerial Declaration on 12<sup>th</sup> December 2009. I have the honour, Mr. Speaker, Sir, to lay on Table a copy of this declaration.

Mr. Speaker, Sir, the East African Community recognizes that every major social, economic and environmental sector is sensitive to climate variability and change. Both of which are significant factors in each sector's sustainable development.

The East African Community is also cognizant of the changing climate and the need to put in place measures geared towards adaptation as well as mitigation of its adverse effects. To this effect, the Community encourages development and implementation of national as well as regional adaptation plans of actions.

Furthermore, the East African Community also recognizes the need for vulnerability assessments, adaptation planning and capacity building in terms of training, institutional strengthening and planning.

Experience suggests that the best way to address climate change impacts on the poor is by integrating adaptation responses into development planning. This is fundamental to achieve the Millennium Development Goals. Efforts in East Africa should be geared towards harmonizing adaptation strategies and developing strategies, which can be implemented at regional level.

It, therefore, becomes necessary for East Africa to assess and document vulnerabilities due to climate change and to design adaptation and mitigation measures in order to ameliorate the effects of climate change.

Mr. Speaker, Sir, the EAC has aligned its position on climate change negotiations to the five pillars of the Berlin Plan of Action namely: adaptation, mitigation, technology development and transfer, capacity building and financing.

I have the honour, Mr. Speaker, Sir, to lay on Table a copy of the statement of the EAC position.

**Mr. Kidega:** Hon. Speaker, I would like to thank the Chairperson, Council of Ministers so much for a very comprehensive response to my question. However, Mr. Speaker, for a very good practice, that he has introduced, backing up his answers with other documents related to the same subject matter, I think that is very good for improving the archive of the House. (*Applause*) I really salute him for that and encourage him to continue in that way.

Mr. Speaker, I would like the Council of Ministers to put emphasis on what he has just mentioned namely; adaptation, mitigation technological development and transfer, capacity building and financing. We have witnessed how the region is blazingly hot because of climate change. Thank you, hon. Speaker.

**The Speaker:** He has already said that he is satisfied with the answer and everything. Therefore, I do not know the supplementary you intend to ask, hon. Nangale.

**Dr. George Frances Nangale (Tanzania):** Thank you, Mr. Speaker. I have two supplementary questions: Can the hon. Chairperson of the Council of Ministers inform this House when we could expect the conclusion of the EAC Climate Change Master Plan and how is EALA being involved in its formulation and execution?

The second question; is the Minister aware that despite embracing a common African position in Copenhagen during the UN Climate Change Conference, there were attempts to divide Africans along historical ties; if so, what can the East African Community do in future in order to deal with such challenges?

**Dr. Kamala:** Mr. Speaker, Sir, let me respond to hon. Nangale's two supplementary questions simultaneously as follows: Currently as I speak, our experts from the Secretariat and the Partner States are preparing for the Extraordinary Summit of the Heads of State, which is going to focus on food security and climate change. We have scheduled this Summit for the 26<sup>th</sup> of next month.

The multi-sector Council of Ministers responsible for the environment, food security, natural resources and climate change will be meeting in Kisumu as one of the preparations towards the summit of EAC Heads of State. We hope that immediately after that summit, we shall be able to put in place the plan for climate change and other related issues. In addition, we should be able to lay strategies, which could help East Africa and Africa as a whole to unite in order to meet the challenges of climate change in future.

**The Speaker:** *Mheshimiwa*, I do not think the rules allow you to contribute in this particular case; next question.

**Question for Oral Answer Reference : EALA/PQ/OA/022/2009**

**Mr. Dan Kidega (Uganda):** Asked the Chairperson, Council of Ministers\_

*“The meeting of African Heads of State in Banjul, Gambia in 2006 launched the African Youth Charter; this charter gives a comprehensive guideline on youth development on the continent. Some Partner States have already domesticated the Charter and are implementing the recommendations.*

*Could the chairperson of the Council of Ministers inform the House what framework has been developed by EAC to harmonise youth development in the Partner States and also if there is any clear mechanism in place to allow the participation of youth in the integration process of the community?”*

**Dr. Kamala:** Mr. Speaker, regarding the harmonization of youth development, and the mechanism in place to allow the participation of youth in the integration process of the Community, I wish to inform this august House that recommendations made by the first meeting of the forum of ministers responsible for social affairs development held in Kigali, Rwanda from 15<sup>th</sup>- 19<sup>th</sup> September, 2008 on issues pertaining to the youth and children were endorsed by the Council of Ministers at its 18<sup>th</sup> meeting held on 4<sup>th</sup> September 2009.

These issues are incorporated in the implementation strategy for the EAC Gender and Community Development Framework, which was finalized in October 2009. The main activities for youth development to be implemented by the EAC Secretariat are to:

- (a) Formulate a regional youth and children policy;
- (b) Mobilize and sensitise youth on opportunities for employment and wealth creation;
- (c) Develop guidelines to promote and adopt appropriate leisure activities and psychological services to the youth and the children;
- (d) Facilitate private sector in building capacity of youth and the children in vocational skills, ICT, E-commerce and other specially tailored programmes;
- (e) Facilitate annual youth exhibitions of small enterprises;
- (f) Develop guidelines for promoting science and technology for the youth and children;
- (g) Develop guidelines and work plans for mainstreaming youth and children issues in all EAC sectors;
- (h) Facilitate the formation of youth in business associations and networks;
- (i) Develop guidelines on behavioural change in attitude, morals and ethics;
- (j) Facilitate the creation of youth and children’s regional parliament.

In terms of implementation of the planned activities, the EAC Secretariat is willing to develop a partnership with regional youth organisations. A memorandum of understanding with the African Youth Trust for the formulation and implementation of a regional youth policy will be concluded soon.

Mr. Speaker, Sir, in terms of existing projects on youth, in January 2010 the EAC Secretariat has concluded a three years project entitled, “Investing in Adolescents,

Building Capacity in East Africa.” The project is funded by the European Commission for a total cost of Euros 1, 497, 959.

The main objective of the project is to contribute to the improvement of adolescents and the youth sexual and reproductive health and rights and ultimately, the achievement of Millennium Development Goals. Thank you, Mr. Speaker.

**Mr. Kidega:** Mr. Speaker, I would once again like to thank the Minister for his answer.

Mr Speaker, Sir, I was specifically interested in hearing something to do with harmonization of structures and practices in the Partner States. The five partner States have different approaches to youth empowerment. If you look at a country like Uganda, politically the youth are represented in almost all the administrative structures right from councils to Parliament, which is not the practice in other Partner States. Rwanda does the same and not maybe Kenya and Tanzania; and for Burundi, I am not sure. So, it was within my interest to see a focus in terms of direction how the relevant sector is trying to come up with a harmonized position to make sure that the practice is the same in all Partner States.

The other thing that I expected to get from the Minister is to do with HIV/Aids in the lives of young people. I thank you so much.

**Dr. Kamala:** Mr. Speaker, Sir, I do agree with the proposals put forward by hon. Kidega. On behalf of the Council of Ministers let me promise that we shall urge all Partner States to adopt best practices that can ensure the involvement and participation of youths at different levels.

On the issues of HIV/Aids, I do agree with him as well that HIV and Aids is one of the important issues that we must address in order to save not only the current generation but also the future generation.

**Mr. Straton Ndikuryayo (Rwanda):** Thank you very much, hon. Speaker. I would like to thank the Chairperson of Council of Ministers but I have two supplementary questions:

One, he has mentioned many programmes and activities on young people but I would like to know how the EAC Secretariat communicates these programmes to young people across the region?

Two, what is the EAC Secretariat doing on the issue of unemployment of the young generation in this region? Thank you, hon. Speaker.

**Dr. Kamala:** Mr. Speaker, Sir, let me respond on the two supplementary questions as follows: on how the EAC Secretariat communicates, there are different ways of communicating but the very good thing about all initiatives initiated by the Secretariat is that all Partner States participate at all levels starting from the sectoral committees, coordination committees up to the sectoral council. And we have been emphasizing to the

representatives of Partner States in these meetings to make sure that after decisions have been made, they are communicated back home.

But secondly, the Secretariat has been communicating to the Partner States whatever relevant decisions have been reached. Apart from that, let me say that we the Ministers responsible for EAC met last month and one of the decisions we made was to put in place the East African Community communication strategy of which we are going to borrow from Kenya. We have been told that Kenya has a very good communication strategy, which we are going to borrow a leaf from and put in place a very good communication strategy that will help the EAC to communicate effectively not only with the youth but with all the stakeholders.

On the second question, the Ministers for Labour met in Kampala a few days ago and one of the programmes that were initiated was that of employment creation for the East African Community. We are looking forward with the Partner States in collaboration with other international agencies to work together so that we can have policies which aim at job creation and a number interventions that we can put in place to support jobs.

Apart from that, you are aware that the East African Community has been supporting SMEs and *Jua Kali* or *Nguvu Kazi* exhibitions; we are doing all that in order to support job creation. And in job creation here, we do not only mean white collar jobs; we also mean self employment.

**Dr. Nangale:** Mr. Speaker, the ultimate goal for the East African Community is to come into a political federation. Can the Minister tell us what the EAC is doing in order to bring together youth along political and ideological lines?

**Dr. Kamala:** Mr. Speaker, Sir, let me respond to hon. Nangale's supplementary question as follows: one of the reasons that led to the collapse of the former East African Community was due to different ideologies. Now if you look at the Treaty which establishes the new East African Community, we expect all members of the East African Community to follow the ideology of being market-oriented. So, we do not expect you to develop your other ideologies or to influence other ideologies except expecting all partner states to follow the ideology which believes in market orientation.

Lastly, when I talk about ideologies, I do not speak about the different political parties. You can have different political parties but have a different approach of achieving the same ideology of East Africa being market friendly. The Federation will come and that is the other thing and the roadmap is already there; we started with the Customs Union and the Common Market will be launched on the 1<sup>st</sup> of July. We are looking forward to seeing the Monetary Union by the year 2010. After that, we shall have put in place the pillars of the East Africa Federation which we believe shall have the ideology of being market friendly.

**Ms Dora Kanababita Byamukama (Uganda):** I thank the hon. Minister and hon. Dan Kidega for coming up with this question, because as we know, the youth make up a big

percentage of our population. There is one particular activity which is usually executed by the East African Community and this is the essay writing project. Is this essay writing project in any way geared towards empowerment of the youth? I just wanted to hear a little bit more on how the essay writing project could or is being used for this purpose. Thank you.

**Dr. Kamala:** Mr. Speaker, the major purpose of the essay writing project is to make East Africans aware of the different activities of the East African Community and to sensitize the people of East Africa about the East African Community. As to whether this essay writing project aims at empowering the youth, the topic of every essay can change from time to time. Let me borrow a leaf from hon. Dora; we shall advise those people who decide on topics so that they can come up with a topic on how we can empower East African youth and after that, we can borrow the ideas from such essays and see whether we can help in empowering the youth. Thank you.

**Question for a Written Answer Reference: EALA/PQ/WA/01/201**

**Mr. Clarkson Karan (Kenya):** Asked the Chairperson, Council of Ministers\_

*The EAC has registered a number of successes and also faced a number of implementation hurdles over the past 10 years. As a means of sharing its experiences with the people of East Africa and globally, the EAC planned and held celebrations to mark 10 years of its existence, which climaxed in November 2009 with the 11<sup>th</sup> meeting of the EAC Heads of Summit.*

*“Can the chairperson of council of ministers provide a written answer detailing the following:-*

- a) Total amount which was budgeted for the celebrations of the 10<sup>th</sup> anniversary of the East African Community.*
- b) Areas of expenditure and total amount spent?”*

**Dr. Kamala:** Mr. Speaker, allow me to lay on the Table the written answers as it was requested.

**The Speaker:** Thank you.

**Mr. Karan:** Mr. Speaker, I have got a written answer from this House but I want the minister to tell us –

**The Speaker:** Hon. Karan, what did you say you got?

**Mr. Karan:** I got a written answer but –

**The Speaker:** You requested for a written answer and not an oral interview. So, you have gotten what you wanted. It is on the records of the House and you can peruse the material at your own time. Maybe you can ask a supplementary.

**The Speaker:** Honourable members, before I call hon. Ogalo, I would like to recognise in the gallery students from Uganda Martyrs University, Nkozi. They have come to see how the East African Community conducts its business - *(Applause.)*

## BILL'S

### *Second Reading*

### **The East African Community Election Bill, 2008,**

**Mr Dan Wandera Ogalo (Uganda):** Thank you, Mr. Speaker. I beg to move that *“A Bill for an Act of the Community to make provision for the conduct of Presidential and National Assembly Elections, to establish the East African Electoral Commission, to provide for the registration and management of the Register, demarcation of constituency boundaries, appointment of election officers, procedure at elections and other incidental matters”* be read a Second Time.

Mr. Speaker, before I give the justifications for this Bill, allow me to say a few words about the legal framework and the background to this motion.

Article 7, Clause 2 of the Treaty reads as follows:

*“The Partner States undertake to abide by the principles of good governance including adherence to the principles of democracy, the rule of law, social justice and the maintenance of universally accepted standards of human rights.”*

That is what the Partner States agreed upon when the Heads of State appended their signatures to this Treaty in 1999. Thereafter, the Treaty was sent to the partner states for ratification and the partner states, through different methods - either through Parliament or Cabinet - ratified this Treaty committing the countries to the principles of good governance including adherence to the principles of democracy.

Mr. Speaker, under Article 8, clause 1 (c), the Partner States say the following:

*“They shall abstain from any measures likely to jeopardise the achievement of these objectives or the implementations of the provisions of this Treaty.”*

In other words, the Partner States further agreed that they would not place any obstacles in the implementation of this Treaty. Having said that, they undertook to abide by the principles of good governance, they undertook further not to jeopardise the objectives and most importantly, to ensure that the Treaty is implemented. Mr. Speaker, I therefore expect that any move or any step taken by anybody or any organ to further the implementation of this Treaty will not get any obstacles in the way.

Mr. Speaker, the Partner States went further because they were very committed and provided in article 8 (5) *“In pursuance of the provisions of paragraph 4 of this Article, the partner states undertake to make the necessary legal instruments to confer precedence of community organs, institutions and laws over similar nationalism.”* In other words, Mr. Speaker and honourable members, the Partner States and the Heads of



State who signed this Treaty were saying that in case there is a conflict between a national law and a community law enacted by this House, that law enacted by this House will take precedence. So, I do not expect to see any problems arising from that. All I can say is that there is the legal framework in place for us to enact this law.

Mr. Speaker, allow me to give a background to this Bill. Mr. Speaker, by the powers vested unto you, you did in the month of December 2007 appoint a Mission to go and observe the elections in Kenya. That Mission comprised of members of this House and they submitted a report to the House - Oh, I seem to have left it behind. If I can just pick it, sir – (*Laughter*)-

**The Speaker:** Hon. Ogalo, which report are you looking for?

**Mr. Ogalo:** The report of the observer Mission to Kenya, Mr. Speaker. That report is on record. The committee was led by hon. Sebalu and it had several members such as hon. Mwinyi, hon. Dora Byamukama, hon. Kate Kamba, hon. Kabourou, hon. Lydia Wanyoto, and many members of this House went to observe those elections. They observed the elections and did report back to this House and their recommendation, which this House adopted when the report was adopted, was the creation of an East African Electoral Commission. It was very specific; the report said that “*We recommend the creation of the East African Electoral Commission...*” and the House adopted that and this House speaks for the people of East Africa. It was therefore saying that the people of East Africa want a regional electoral commission.

Mr. Speaker, why did the committee reach that position? The reasons for that can be found in another report of this House and it makes for very sad reading. This was the Goodwill Mission to Kenya, which Mr. Speaker, you appointed to go to Kenya after the violence. It comprised of hon. Dr Masha as head of Mission, hon. Margaret Zziwa, hon. Dr. Said Bilal, hon. Safina Kwekwe, hon. Mugisha Muntu and hon. Sarah Bonaya. The reasons you appointed this committee was to go and see what was happening in Kenya and to console the people of Kenya because of the difficult times they were going through and this committee came back to us with a report.

Mr. Speaker and I said it makes for very sad reading – the reasons why the first committee said we should have an East African electoral commission and I will just quote a few instances to show the gravity of the suffering of the people of Kenya at that time. “Our Mission, the Mission of this House went to the Red Cross Society headquarters and they were informed, “according to official government statistics, there are 211513 internally displaced persons spread across the country following the major eruption of election related violence on the 30<sup>th</sup> of December 2007.”

He further told the mission that hundreds of houses had been burnt or destroyed, shops looted, crops burnt and up to 575 people reported dead. While tension is easing in some parts of the country, there is this increased displacement of people in other areas who are now camping in police stations, churches, schools and market centres.

Mr. Speaker, they went to the Eldoret Agriculture Show Ground Camp and they said this “The internally displaced persons at this camp told the Mission that they were displaced by the Kalenjin and the Luya, whom they had lived with for decades. They recounted the ordeal they went through in the wake of the announcement of the presidential results.”

Our goodwill Mission also went to Eldoret where they went to Roman Catholic Cathedral Camp where there were over 5,000 internally displaced persons - mainly Kikuyus- and they met Bishop Cornelius Arap Kolile who told them that the widespread looting and wanton burning of properties owned by the Kikuyus mainly in the Rift Valley Province and Western Kenya were accompanied by senseless killings and left hundreds of people dead, and drove tens of thousands to seek refuge in Police stations and churches. Many more had fled to their central homes in the central province.

Lastly, sir, at page 8 is the most disturbing finding by our goodwill Mission and I quote: “The Mission saw the burnt properties and the remains of the church. While at the church, the Mission was approached by a young man, Simon Ngaho who had escaped and was living at the Sacred Heart of Jesus Cathedral IDPs camp. He had taken shelter in the church along with his grandmother. He spoke of the minutes before the blaze begun. Attackers dragged in mattresses, dowsed in petrol and set alight. The door to the church was bolted to prevent people from running out. He told how he managed to scramble through. On fleeing, he sustained serious wounds on his head. “We have never seen anything like this before; burning of churches. These were friends, neighbours before the lections. Now they are killing us like dogs”.

Mr Speaker, Sir, perhaps if you could allow me to cite- There are very many instances which make very sad reading but allow me to cite what is on page eight. Hon. Karan a member of this House narrated the mission of how his family, close allies and supporters of PNU were attacked by a group of about 300. The mob burnt eight houses, destroyed his bore hole and smashed wind screens of his two vehicles.

At the time of the visit to hon. Karan, the mission was introduced to eight families which had sought refuge in his compound. Our good will mission then concluded and made recommendations to us in this House, a recommendation which we adopted and I will read it verbatim. *“In conformity with Article 3 of the East African Community Treaty which requires adherence to universally accepted principles of good governance, democracy, rule of law, observance of human rights and social justice”* as well as Article 123 (3) (d), there should be established an East African Electoral Commission to manage future elections in Partner States.

Hon. Members, you adopted this. This is not me but your decision and I take no credit for this bill. All I have done is to put down what you want. Therefore I am expecting overwhelming support for this Bill.

Mr Speaker, sir a good will mission and an observer mission of this House have called for an East African Electoral Commission. There are very good reasons to be found on both reports as to why it is necessary. Let me turn to the justifications in the Bill,

justifications which we all hope, because this is our Bill, will present the occurrence of what happened in Kenya in any of our five Partner States.

The principles in the Bill which propose to address this problem include, an impartial electoral commission enjoying the confidence of the people of East Africa. This principle is of paramount importance. That an electoral commission of East Africa has the confidence of the people of East Africa but the decision it makes will be accepted by the people of East Africa so that the people of East Africa need not take the law in their hands or revert to violence because they trust that what their commission has said is their will.

Without an impartial electoral commission enjoying the confidence of the people, the people will question it and at the end of the day you end up with problems like we saw in Kenya.

The details of the bill on how to reach the impartial electoral commission are in the bill but at this stage, I am only justifying the bill. We will come to the details of achieving an impartial electoral commission when we go, if you allow, clause by clause in the Bill.

The second principle is to vest such a commission with the functions which ensure that elections are free and fair. If an electoral commission is not vested with such functions, it will not be able, at the end of the day, to deliver a free and fair election. So the proposal in the bill is to have an electoral commission, have such function as you see in the bill, which added to its impartiality, will ensure a free and fair election.

This is because all leaders should be a product of a free and fair election. It is only when you have a leader being a product of a free and fair election that such a leader has an obligation to the people who elected him or her. If a leader thinks that his or her legitimacy does not emanate from the people then why should such a leader listen to the people? Therefore, a free and fair election is critical and that depends on the function which hon. Members will prescribe in the law, If you so allow.

The third principle is accountability of the commission to the people of East Africa. This proposed East African Commission knows that for its actions, it is accountable to the people. That it does not simply know that it can do anything and get away with it, and that at the end of the day, it is answerable to the people.

The fourth principle which is enshrined in the bill is provision of sufficient human resource which is accountable to the commission. There would be no need to create a commission for East Africa with a seat in Arusha but having staff who are not accountable to it. Then the commission would not be able to fulfil its functions.

Accordingly, the next three principles are intended to harmonise the law for all the Partner States. This is in respect of giving the commission power of nominations and overseeing the campaigns, management of polling day, counting, tallying and declaration

of results. The bill seeks to take this principle, harmonise the laws so that what is applicable in Uganda is applicable in Burundi and Kenya.

The standards would have to be the same. Vested with that authority and power and a harmonised law, which is proposed in the bill, we will be able to have the electoral commission doing the same thing in all our five countries.

Mr Speaker, the last principle to be found in this bill is the establishment of the East African Political Parties Forum. What then is the position now? We all know that the electoral commissions of our five countries have been meeting in Arusha. What does this say? It means they recognise the necessity of working together. If this was not so, each electoral commission would be in its country doing its own work but why are they going to Arusha and meeting and coming up with proposals on how to manage elections?

They are doing so because of the realisation that there is need to have such a regional body and all you will be doing will be to put in effect what they want. You will be helping them because they do not have legislative powers which you have. What they are doing now is informal. They are dealing with informalities but you, hon. Members have the power to translate what they want into law and make it binding in East Africa and that is the establishment of one commission.

Mr Speaker, I have heard it argued that we should wait for the East African Political Federation first before we think of creating an East African Commission. My view is that it is these regional institutions which will be the building blocks for the political federation. That there must be a foundation for the federation. That you cannot wake up tomorrow and say now we have a political federation and there are no institutions down here which have had sufficient time and have worked and know how things go.

If you waited for a political federation first, it means that you are going to have to elect a president for this one country called East Africa with a new electoral commission. You put it in place today by a constitution and then you say, now within one month you must have an East African president. That is a recipe for danger and is disastrous, that we want to elect an East African president through an electoral commission which has had no experience whatsoever.

Mr Speaker and hon. Members, I argue that the institutions must exist in order to be the foundation for the federation. If the institutions are not strong enough to be a foundation for the federation. The federation will collapse on us. You cannot expect an electoral commission which has been in place for one month, to conduct elections for the President of East Africa and for members of the regional Parliament of East Africa. Carry out demarcations, do voter registration, conduct nominations all over, campaigns and so on. It won't work.

Mr Speaker, Sir, there is an example. We have got an East African Court of Justice, an institution of the Community, we have got the East African Legislative Assembly comprising of you, hon. Members as building blocks to where we ultimately want to be; the federation. If it was not necessary to have these institutions, who would have said, let

us not have the Assembly, let us not have the court but first have the federation. When we have the federation then we will put there the parliament or the court. Why was it thought necessary that we should have institutions such as the parliament, the East African Court of Justice but when it comes to elections we say, *wacha kwanza*, let that first of all wait?

Mr Speaker, I argue that this would just be another institution like we already have and invite hon. Members to see it that way. There is a grave danger and it is not just a danger but I would call it something which somebody might opt for, not deliberately but only if there are no institutions. There is a danger for someone to avoid say, to avoid the Kenyan situation, let us prepare for the violence which might come. Let us have sufficient police, enough tear gas so that when these people come out in the street, we deal with them that way.

I argue that that would only be to recycle violence. You don't deliberately wait for them so that you can crush them. That if somebody has got a civil grievance, you prepare to make violence not an option at all. Making violence not an option can only come when you have got institutions which can ensure that people accept the results of an election.

Mr Speaker, I know and I have no illusions on this and hon. Members also know this, that we have faced a lot of opposition sometimes because of questions of sovereignty. Many times when we have sought to move and integrate this region, you are aware of all the obstacles that we have met. So I have no illusions that there will be my difficulties in this bill that many will say, we have got our constitutions which set up our electoral commissions. Who are these chaps in Arusha who think they can come up and tell us what to do?

I want to end by giving an example why it is necessary that we stick by what we said from our two committees. That even when things are difficult, you continue and maybe something good can come out of it. The example I want to give is, fourteen years ago I stood at this very box where I am now, this very place. I moved a Private members Bill for the establishment of an autonomous Parliament. At that time, the Parliament of Uganda, in terms of staff, was controlled by the President's Office while the Ministry of Finance determined when and how he would give money. If the Speaker wanted to buy some chairs, there had to be a requisition to the Minister of Finance. It made oversight almost impossible.

When I moved the Private Members' Bill first in the committee, five Cabinet ministers turned up and opposed it and said it was unconstitutional and that it cannot work. The *New Vision*, a government newspaper then, fully owned by government even run an editorial. In the editorial they said I was anarchist bent on bringing financial anarchy in the Republic of Uganda. That if this Bill, by any stretch of wild imagination or any mistake it was passed into law, the President of the Republic should refuse to assent to it. I still keep a copy of that editorial by the New Vision newspaper where they called me an anarchist.

The Chairman of the Legal Committee then and now Speaker Ssekandi and the whole Parliament stood firm with me and the law eventually was passed with the Executive backing down. Two years later, a delegation from the Parliament of Kenya came here to understudy this. It went and also passed a similar law. I now know that there is a similar law in Tanzania and that in 2006, Nigeria passed a similar law but at that time, everybody thought it was a very mad idea.

I gave this example to show that we will meet a lot of resistance as I met then in enacting this bill into law. However it will be upon this House to determine whether to stand by its two earlier committees or to succumb to the pressure which will come and there will be pressure definitely.

I want to end by quoting a preamble on page one of the Treaty. It says, “*And whereas in 1977 the Treaty for the East African Cooperation establishing East African Community was officially dissolved, the main reason contributing to the collapse of the East African Community being lack of strong political will ...*” It was recognised that lack of political will killed- In fact here it is given as the first reason why the Community in 1977 collapsed.

Mr Speaker and hon. Members, I have no doubt that you have the political will and I have no doubt about that. I am sure that when this bill comes, you will exercise that strong political will and enact it into law. I beg to move. (*Applause*)

**The Speaker:** Hon. Members, I think it is a record. He has taken an hour to justify the Second Reading. Hon. Members, the proposal on the floor is that the East African Community Election Bill, 2008 be read a Second Time. Debate is open.

**Mr Abdullah Mwinyi (Tanzania):** Thank you, Mr Speaker, Sir. I stand on behalf of my able chair, hon. Frederic Ngenzebuhoro to give this brief statement.

Mr Speaker, in 2008, a Private Members Bill by my learned friend hon. Daniel Wandera Ogalo entitled the East African Community Elections Bill, 2008 was referred to the Legal Rules and Privileges Committee for review and consideration.

The object of the Bill is to make provision to ensure the full comprehensive and effective management of presidential and national assembly elections through an established model East African Electoral Commission that will manage free, fair and credible elections and processes incidental to the conduct of elections in the region.

The committee, in accordance with Rule 67 of the Rules of Procedure sent out letters to stakeholders seeking responses, comments and proposals. The committee received responses from the following;

1. The National Council of Churches in Kenya
2. Uganda Joint Christian Council
3. The Faculty of Law, University of Dar es Salaam
4. The Tanzanian National Electoral Commission
5. The Government of Burundi

## 6. the Parliament of the Republic of Rwanda

However, a number of major stakeholders who we had contacted for comments have not yet responded. The electoral commissions of all the member states except Tanzania have not responded and the Governments of the Republic of Tanzania, Republic of Kenya and the Republic of Uganda have not responded.

We, the committee, are expecting views of the above mentioned major stakeholders' inclusive of our very own Council of Ministers. Therefore and not negating the strong presentation and views of my learned friend, the committee strongly feels- In fact as a result of his presentation, he even enforced that we should seek more comprehensive views from all the major stakeholders before we can produce a final report and proceed with this bill.

With those few remarks, I beg to submit. (*Applause*)

**The Speaker:** Hon. Members, I don't know why you are applauding the Chair. This bill has been before this committee for two years and this committee has not brought a report to this House. In essence what the Chair is saying is that they don't have a report. It is not saying more time but they don't have a report and I think when we were sitting in Nairobi and the Agricultural Committee had a problem, I saw a lot of people jump at the Agricultural Committee at that time for not having a report ready. I think it is also fair to say that this committee has not produced a report because in essence that is what it is because it doesn't take a whole year for you to get to these stakeholders.

If I open debate on this, there will be no committee report to base it on and you cannot debate on this issue a second time. So hon. Members of the Legal Committee, we will give you until Kigali when this matter will come up for debate. I hope at that time you will have a report ready for the House.

## ADJOURNMENT

Hon. Members, we have now come to the end of business today. I would like to make two announcements before we adjourn.

First and foremost as you are aware, there is the EAC conference towards a policy and law to address challenges facing persons with disabilities in the EAC region which is being held at Serena Hotel here in Kampala. Hon. Members are expected to be there by 9.00 a.m.

Secondly, on your behalf and on my own behalf to thank the Speaker of the Parliament of Uganda and the hon. Members of the Parliament of Uganda for having accorded us this facility for the past two weeks. I must say that we have had excellent facilitation from the Speaker, staff and all the members here in the Parliament of Uganda. We hope that we can revenge next time they come to Arusha.

(*Applause*)

With those few remarks, I now adjourn the House *sine die*.

*(The House was adjourned at p.m.)*