



**EAST AFRICAN COMMUNITY**

**EAST AFRICAN LEGISLATIVE ASSEMBLY**

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

**9<sup>TH</sup> SITTING – SECOND ASSEMBLY: THIRD MEETING – FIRST SESSION**

**Tuesday, 18 September 2007**

*The East African Legislative Assembly met at 2.30 a.m. in the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha*

**PRAYER**

*[The Speaker, Mr. Abdirahin Haithar Abdi in the Chair]*

*The Assembly was called to order.*

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**Bill,  
Second Reading**

The Lake Victoria Transport Bill 2007

*(Resumption of Debate interrupted on  
Tuesday, 18 September 2007)*

**The Speaker:** Honourable Minister -  
*(Interruption)* – Hon. Minister, just have  
a seat; let hon. Muntu....

**Maj-Gen. Mugisha Muntu (Uganda):** I  
presume, Mr. Speaker, that you have  
done away with the first item on the  
Order Paper, and if that is the case, I  
would like to seek for adjournment of  
the House on a matter of public  
importance under Rule 14(1) and (2) and  
31(j). If you allow me, I will read them  
out as they are.

Rule 14 says “*Adjournment of the  
House*”, and Rule 14(1) states:

*“A member may, at any time for reasons  
stated, seek leave to move that this  
House do now adjourn.”*

Rule 14(2) states:

*“An adjournment under sub-rule (1)  
shall be for the purpose of debating a  
definite matter of urgent public  
importance.”*

Rule 31(j) states:

*“The following Motions may be moved  
without notice; any Motion by way of  
amendment on a question already  
proposed by the Speaker, a Motion for  
the adjournment of the House. Any  
Motion on urgent matters of public*

*importance should be supported by one third of Members Present.”*

May I therefore seek leave from you, Mr. Speaker, to proceed and state the matter that I believe is of public importance?

**The Speaker:** Before you carry on, can you tell us what the matter is first before we can allow it?

**Maj. Gen. Muntu:** I thank you, Mr Speaker – (*Interruption*) -

**The Speaker:** Not to debate it.

**Maj-Gen. Muntu:** No; I am going to state the matter, and indicate reasons why I believe it is a matter of public importance as a way of seeking leave of the House for the matter to be debated as is indicated under Rule 31(j). If one third of the House thinks that it is a matter of public importance, I believe, Mr Speaker that you will give leeway for the matter to be debated. Thank you.

The matter is that there are several press reports that have been raised. The first one was in *the Daily Nation* of 14<sup>th</sup> September, 2007; the second one was in *the Monitor* newspaper of 16<sup>th</sup> September, 2007; and the third was in *Mwananchi* of 17<sup>th</sup> September, 2007. The matter, as was indicated in *the Monitor* is that one of the Partner States has sent an envoy to a second Partner State with a view of forming a coalition of the willing in the pursuit of federating between two countries in this region.

Ordinarily, Mr Speaker, as Members of Parliament we would not follow press statements; it is not our nature to debate issues that just simply come out in the

press, but I must hasten to say that one of the members of the Council of Ministers has responded to this issue, which leaves us in a bit of a dilemma as Members of Parliament. In case we are confronted with this matter which is now being debated in the press in all the three Partner States – or all the five, possibly - we need to be able to respond as to whether it is true that this has indeed taken place, and if it is not, then we should be able to dismiss the matter as we would be required to do. But when one of the members of the Council of Ministers responds and a second member of the Council of Ministers says he is not aware, and none of the three Partner States comes out to give an authoritative position on the matter, we as Members of Parliament of a regional assembly, I believe, should take this as a matter of regional public importance.

In the present world we live in, matters of public concern are best handled through communication; instant communication. When a matter like this comes out in the media, we would expect the Secretariat to come out and clarify the position so that we are not left to speculate; or, at least one of the Partner States of the two that are being referred to would have come out and put this matter to rest, which they have not. And that is the issue which I think we need to debate; not the contents of what is alleged to have taken place, but the matter that an issue of such importance can be raised and none of the public bodies that should take responsibility to respond to the public has come out and taken such responsibility to say “Yes; this is a matter that has taken place - and possibly – we are yet to come out to the public to give details”, and then we would wait. But right now we do not

know, and I think that either the Secretariat, or the Ugandan or Kenyan governments, or – (*Interjection*) – I do not know in this case, but or the Tanzanian government should have come out.

Now that we have a representative of the Council of Ministers with us here, we would like to request in this House, if we are going to proceed to debate the contents of the alleged matter. He could say so and then we could go ahead and debate substantively the contents. If the Minister is not able to state whether it is true or not, he could give us time as to when the Council will come out with a response.

Nevertheless, I would still proceed to say that we debate this matter of whether the three Partner States and the Council are justified in not coming out with a response to the public as to whether this matter is true or not. That is what we would restrict our debate to. I seek support of one third of the Members if they think that it is necessary that we discuss the position taken by the Secretariat and the three Partner States in not coming out with a response and not to debate the contents of the allegations. I thank you, Mr Speaker.

**The Speaker:** Honourable Member, first and foremost, let me inform you that before you go to Rule 31(j), you have to first of all pass through Rule 14(j) to see whether the Speaker first of all thinks it is proper or not for you to debate. So, before you get to the one third of Members, you have to first justify Rule 14. And I think you have made it easy for me, because you have said that we do not usually rely on press statements, and I think that is what you are relying on

here. Secondly, you talk of communication, and I think there are ways to do that under Rule 19, where you can ask a question so that the Council of Ministers can reply, or request for a statement from Council.

Honourable Minister, please carry on.

**Dr. Ibrahim Msabaha (Ex-Officio, Tanzania):** Mr. Speaker, on behalf of the Chairperson of the Council of Ministers, kindly allow me to move that “*the Lake Victoria Transport Bill, 2007*” be read a Second Time.

Mr. Speaker, sir, allow me to start by once again warmly congratulating all the elected members of the East African Legislation Assembly upon their election. I note with pleasure that the members have embarked on the discharge of their duties as by law required. During the period of temporary abeyance earlier this year, a lot of concerns were expressed regarding the lack of completeness of the Community’s institutional framework as provided in the Treaty for the Establishment of the East African Community.

The void created by the impasse arising out of the litigation regarding the election and membership of Kenya’s honourable representatives was a big challenge to the Partner States and the Community. But I am glad to note that finally that problem was resolved. In Kiswahili, we would say, *Baada ya vuta ni kuvute, hatimaye sasa tunalo bunge letu* – (*Applause*).

Hon. Speaker, sir, may I also congratulate you upon your deserving and unchallenged election to the Office

of Speaker? (*Applause*) Your election is a sure testimony of the trust and confidence the honourable Members have in you. It is also a reflection of the desire of the members to tap on the resources you have acquired as an illustrious founder member of the East African Legislative Assembly. As we all look at you to guide us in this august House, we feel comforted by the commitment you made in your inaugural speech, to serve this Legislative Assembly, in particular, and the East African Community, in general.

Hon. Speaker, as we embark on another five-year sojourn together as organs and institutions of the Community, we should reflect on our respective functions and responsibilities. It is very vital that all the functions and institutions get their act together and perform accordingly in order to propel the engine of integration to higher gear for purposes of timely achievement of the objectives of the Community.

The achievement of the objectives of the Community depends on how co-ordinated the Community's organs and institutions are in the discharge of their respective obligations. Therefore, sustenance of mutual respect, cordial and collaborative inter-facing and inter-relationships between the organs and institutions are *sine qua non* for our common progress. It is through this foundation that we can utilize our limited resources to achieve our objectives for the benefit of the people of East Africa.

Hon. Speaker, the Council of Ministers is mindful of its role under the Treaty to initiate and submit Bills to the Legislative Assembly for enactment into

law. It is in this regard that I wish to remind this august House that on 6<sup>th</sup> June 2007, I had the privilege to inform the House Business Committee that the following Bills shall be included in the Annual Legislative Programme of the Legislative Assembly. The Bills, hon. Speaker, are:-

- (i) The Lake Victoria Basin Commission Bill, 2007;
- (ii) The Lake Victoria Transport Bill, 2007;
- (iii) The Summit (Delegation of Powers and Functions) Bill, 2007;
- (iv) The East African Community Customs Management Act (Amendment) Bill, 2007;
- (v) The East African Community Appropriation Bill, 2007;
- (vi) The East African Community Supplementary Appropriation Bill, 2007;
- (vii) The East African Science and Technology Commission Bill, 2007;
- (viii) The East African Civil Aviation Safety and Oversight Agency Bill, 2007;
- (ix) The East African Kiswahili Commission Bill, 2007; and,
- (x) The East African Health Research Commission Bill, 2007.

Hon. Speaker, I also had the honour to inform the House Business Committee that the Secretariat will be developing a Bill on Counterfeit practices; preparing the East African Legislative Assembly Elections law for re-consideration in view of what transpired regarding the constitution of the second Legislative Assembly; and will be reviewing the Inter-University Council of East Africa

Bill with a view to finalizing it for publication – (*Applause*).

Mr Speaker, sir, I have the honour to repeat that pledge, and while repeating it, I wish to note with satisfaction that this august House has already enacted the *East African Community Appropriation Bill, 2007* and the *East African Community Supplementary Appropriation Bill, 2007*. Hon. Speaker, may I take this opportunity to congratulate you and the honourable members of the East African Legislative Assembly for this importance achievement that the House has made - (*Applause*).

Mr. Speaker, sir, all of us are aware of the strategic importance of the Lake Victoria basin in the socio-economic development of the five Partner States. We are also fully seized of the geo-political significance of this basin as far as the sustainable utilization of the resources of the basin is concerned. We should take cognisance of the fact that almost 35,000,000 of our population directly live around and depend on this lake for their livelihood.

It's upon the realization of these facts that the East African Community Development Strategy (2006-2010) postulates that the strategic interventions on the Lake Victoria Basin Commission will include the following activities:-

1. Implementation of the vision and strategy framework for the Lake Victoria Basin Commission with focus on production and income generation; environment and natural resource management; governance, institutional arrangements and policies; and relationships and working mechanisms

with other stakeholders in the Lake Victoria basin.

2. Enactment of the Lake Victoria Transport Bill; and

3. Review of the Partnership Agreement and its implementation thereof.

Mr. Speaker, sir, the initiation of this Bill is an early attempt at giving legislative basis to one key aspect of the sustainable utilization of the Lake Victoria basin. This is the aspect of transport without whose proper regulation, economic activities are evidently hampered.

The primary objective of the Lake Victoria Transport Bill 2007 is to empower the Lake Victoria Basin Commission to regulate maritime safety and security; to provide for the construction, survey, registration and licensing of all vessels used on Lake Victoria; to make provision for the safety of passengers, crew and cargo; and for the competence of the masters of the vessels and crew.

The Bill also provides for co-ordination and oversight of marine search and rescue, aids to navigation, hydrography and charting, meteorology and communications. Furthermore, Mr Speaker, the Bill makes provision for the prevention of marine pollution on Lake Victoria for the benefit of the Partner States.

Mr. Speaker, for purposes of catering for the areas I have mentioned above, the Lake Victoria Transport Bill comprises sixteen parts, each of which saliently addresses specific areas of legislative

concern. These areas are the administrative and institutional machinery; the registration of vessels; safety and security; engagement and management of crew; search, rescue and salvage; prevention of pollution; insurance; and enforcement.

Hon. Speaker, the provisions of parts I and II of the Bill reflect the imperatives in Article 114 of the Treaty for the Establishment of the East African Community to have an apex institution to take charge of the diverse stakeholder interests in the Lake Victoria basin. To the extent that these interests hinge on transport and related use of the Lake, this Bill should cater for the realization of those imperatives of the Treaty.

Mr. Speaker we are all aware of the safety hazards and calamities that have occurred on the Lake Victoria. Besides major losses, such as the accident involving *MV Bukoba* in 1996 and *MV Kaawa* in 2003, there are several other incidences where lives and property have been lost. This has partly arisen out of the use of improperly constructed vessels, un-seaworthy vessels, disregard of safety and security requirements and the like. In order to cater for the mischief associated with such lacuna, parts III and IV of the Bill stipulate conditions precedent to registration and use of vessels; part V provides for the legislative parameters on licensing of vessels; Parts VI, VII, VIII, IX, X and XII create the legal requirements on safety, security and prevention of threats to life and health of both crew and passengers who ply the lake on vessels.

Mr. Speaker, the Community should be mindful of the environmental requirements pertaining to the use of the

lake. This is on the basis of Articles 111 and 114 of the Treaty for the Establishment of the East African Community and the Partner States' commitments under international conventions. To this extent, the Bill in Part XIII provides for measures against pollution from vessels.

Hon. Speaker, it is the feeling of the Council of Ministers that the Bill before this august House is timely and exhaustive; in as far as catering for transport on Lake Victoria is concerned. We believe it is a Bill that should cater for the legislative shortcomings created by the different legislation from different Partner States. It is also a Bill that serves to enhance a common and regional management of the Community's biggest economic growth zone.

Besides, Mr Speaker, this is a Bill that caters for a situation where logical harmonization of relevant laws is difficult to realize in a timely manner. Hon. Speaker, once enacted, I believe that the Lake Victoria Transport Bill, in accordance with Article 8 of the Treaty for the Establishment of the East African Community, will take precedence over similar national laws on transport on this lake. Mr. Speaker, I wish to thank you for your very kind attention, and I have the honour to move the motion. I thank you – *(Applause)*.

**The Counsel to the Community (Mr. Wilbert Kaahwa):** Seconded.

*(Question proposed)*

**The Speaker:** I now call upon the Chairperson of the Committee on Communications, Trade and Investments, hon. Kimura.

**Ms. Catherine Ngima Kimura (Kenya):** Hon. Speaker, this Assembly asked the Committee on Communications, Trade and Investments to look at the Bill on transport on Lake Victoria, the Committee has discharged its mandate, and it is my honour and privilege to present the Committee's report to this Assembly.

Mr. Speaker, sir, Lake Victoria is the largest freshwater lake in Africa, and one of the major sub-basins within the Nile Basin with its resources spread in Tanzania, Kenya and Uganda. Its 68,870sq.km coverage makes it the largest tropical lake in the world and the second largest fresh water lake in the world in terms of surface area. Playing a vital role in supporting the over 30 million people living around its shores, it has generated a lot of common interest among the Partner States of the East African Community. The East African Community is therefore committed to regulating transport on the lake, hence Bill No. 7 entitled, "*the Lake Victoria Transport Bill, 2007*" duly published in the East African Community Gazette No. 7 of 15 June 2007, and laid before the Assembly on Tuesday, 11 September 2007, when it was referred to the Committee on Communications, Trade and Investments, which now wishes to present its report on the Bill which seeks to regulate maritime safety and security of both passengers and cargo.

### **Methodology**

Mr Speaker, in accordance with Rule 66 (4) of the Rules of the Assembly, the Bill was referred to the Standing Committee on Communications, Trade and Investment for consideration. In order to comprehensively understand the

intended purpose of the Bill, the Committee invited the Counsel to the Community and his legal team, officials of the Lake Victoria Basin Commission Secretariat and experts from the Partner States, for discussions on the Bill.

Mr. Speaker, sir, in July, 2007, as part of its work plan, from 17<sup>th</sup> – 28<sup>th</sup> July 2007, the Committee conducted public hearings in three major towns along Lake Victoria, namely; Kisumu, Mwanza and Entebbe. Stakeholders were also met at Musoma, Homa Bay, Budalangi, and Nandi Hills to discuss issues pertaining to the sustainability of the lake. The issues raised are contained in the report attached to the Committee's report and were considered during the Committee's deliberations since they were pertinent to the Bill.

### **Background**

Mr Speaker, in November 2003, a Protocol for Sustainable Development of Lake Victoria Basin was concluded and signed. The Protocol provides for, among others, the establishment of an East African Community Institutional framework to manage the Lake Victoria Basin, namely: the Lake Victoria Basin Commission (LVBC), which is the apex institution of the Community responsible for all the initiatives in the Lake Victoria Basin. The main objective of the Commission, among others, is to promote compliance on security and safety of navigation of Lake Victoria. This objective is articulated in the *Lake Victoria Transport Bill, 2007*.

The Lake Victoria Basin Commission reported that the process of developing the Lake Victoria Transport Bill began in 2002, involving extensive

consultations including specific stakeholders like local fishing communities, civil society, the private sector, sector ministries in Partner States and the East African Community Secretariat.

The principal objective behind the Bill is to:

- (i) Regulate maritime safety and security;
- (ii) Regulate the standard and quality of vessels used on the Lake;
- (iii) Regulate training standards and qualifications for the crew;
- (iv) Prevent pollution from vessels on the lake in order to conserve the ecosystem.

Mr. Speaker, sir, these developments follow a number of tragic accidents involving, not only small vessels but also large vessels on the lake. Tragically, in May 1996, the steamer *MV Bukoba* sank in the lake, killing more than 600 people in one of Africa's worst maritime disasters. The lack of adequate equipment and divers in Tanzania were partially to blame for the tragedy. Rescue teams from South Africa and Kenya were flown in to salvage the ship and retrieve bodies that had sank 25 meters under water.

On 8 May 2005, the wagon ferry, *MV Kabalega* sank with all its cargo after collision with another Ugandan wagon ferry *MV Kaawa*. The safety of *MV Kabalega* was in doubt. Therefore, *MV Pamba*, another Uganda wagon ferry which was also in the waters, was called to rescue and tow *MV Kabalega*. It was eventually decided that *MV Pamba*

should sail back with the rescued crew to Port Bell and to get the necessary assistance to salvage *MV Kabalega*. *MV Kabalega*, however, finally sank eight hours later. It is evident that the rescue mission was limited to search and rescue of the crew members, leaving *MV Kabalega* to sink due to the limited capacity to salvage it. The vessel was presumed not to be seaworthy, and the cause of the accident was presumed to be failure of the navigational aids.

On 28 April 2006, the Tanzanian cargo and passenger ferry *MV Nyamageni* capsized with over forty passengers, killing 28 of them, including seven crew members. The probable causes of the accident were attributed to technical defects and qualifications of the crew members.

Mr. Speaker, sir, it becomes apparent that most of the vessels ferrying passengers across Lake Victoria are defective and cannot adequately provide the needed safety. This has necessitated the Partner States to have a commitment towards providing adequate and reliable services and supporting infrastructure for maritime operations with a view to making them more efficient and safe. The proposed Bill, therefore, seeks to translate into law the policy on inland waterways transport with regard to Lake Victoria.

Mr. Speaker, sir, the issue of crew training and capacity cannot also be over-emphasized. This is an area which needs urgent attention of the Council, the Lake Victoria Basin Commission and all stakeholders.



## Consideration of the Bill

### Scope of the Bill

Mr. Speaker, sir, the Bill sets out responsibilities of the Council, the Lake Victoria Basin Commission Secretariat, the Maritime Administration Units in the Partner States, the Registrar of Vessels, and the Surveyor or authorized officer, and provides for the making of regulations for the better carrying into effect of the law. In terms of jurisdiction in respect of transport on Lake Victoria, the Act and the regulations there under will have broad application to all East African registered vessels, the passengers and crew members thereon.

The Committee recommends that this Assembly do commend the Council for introducing this important Bill – *(Applause)*.

### Installation of Navigational aids

Mr. Speaker, sir, in response to the increasing complexities of water transportation, and in complying with the provisions of the law, the Partner States of the East African Community are cognizant of all the dangers of navigation, collision and to any special circumstances warranting safety of navigation such as restricted visibility arising from conditions of fog, mist, heavy rains, sand storms, or any similar causes.

Related concerns were raised by the stakeholders during the public hearings with a call to immediately install navigation aids on Lake Victoria. The stakeholders were particularly emphatic in making this request, and further

requested the Lake Victoria Basin Commission to spearhead the standardization and installation of the major navigation aids in Lake Victoria across all the East African Community Partner States. Evidently this is a clear signal of the need to enhance safety of navigation on the lake, following virtual marine disasters such as the ones highlighted above.

Mr Speaker, sir, the Committee was informed that navigation aids are any devices external to a vessel intended to assist in determining position and safe course, or to warn of any dangers or obstructions ahead, which may endanger safety of vessels, passengers and cargo. Vessels should therefore be adequately equipped with magnetic compasses, radars, GPS systems, communication gadgets, whistle signals, lighted navigation aids, floating navigation aids, flashing navigation aids, and alternating lights, in very prominent positions and should in so far as possible, be such that they can not be mistaken.

It is therefore a punishable offence in the meaning of the Bill for an owner or master of a marine vessel to proceed on sail without a seaworthy certificate. The Committee was further informed that the Bill does not exonerate any vessel, or the owner, master or crew thereof, from the consequences of any neglect to comply with Part VIII, or of the neglect of any precaution which may be required by the ordinary practice of sailors, or by special circumstances necessitating use of additional navigation equipment.

### Surveying of Lake Victoria

Mr Speaker, sir, during deliberations, the Committee noted with concern that the

survey of Lake Victoria has not been undertaken since 1905 when the last survey was carried out. This renders the current map outdated and not in tandem with the realities on the lake. It is however understood that the Lake Victoria Basin Commission Secretariat has engaged a consultant to survey the lake, and work had started in Port bell, with Kisumu being the next destination.

The Committee recommends that the Assembly do:

1. Give credit to the East African Community, and specifically the Lake Victoria Basin Commission, for commissioning the survey – (*Applause*).
2. Urge the Council through the Lake Victoria Basin Commission to conduct a comprehensive survey.

#### **Registration and Nature of Vessels**

Mr Speaker, sir, the registration of vessels is covered under part III of the Bill. It requires all vessels used on the lake - except dugout canoes - to be registered. The Lake Victoria Basin Commission informed the Committee that the dugout canoes are however covered under part V of the Bill, and the only requirement they have to be subjected to was that of licensing.

Mr Speaker, sir, the Committee was however concerned about this provision, noting that dugout canoes, which are used by the majority of our people, are the ones whose registration is being omitted by the bill. It was suggested that a provision be made within the Bill to assess the seaworthiness of all canoes on the lake. Such a provision would entail a comprehensive definition of canoes for

registration purposes and for safety requirements. The Committee also noted the lack of an appellate authority to adjudicate in cases involving disputes arising from inspection reports. This function could be given to the Registrar of Vessels with the Council being the last resort for appeal.

The Committee recommends that the Assembly should note these concerns and accordingly amend the Bill.

#### **Offences by Crew Members and Passengers**

Mr Speaker, whilst the Bill in Clause 145 expressly forbids crew members from committing certain offences, it conversely does not expressly forbid passengers from interfering with crew members and/or with other passengers, and yet this may be a source of great danger to the normal operation of vessels. Mr. Speaker, sir, this concern that the passengers too are likely to pose some danger is premised on the perspective of safety during transportation on the lake.

The Bill appears to contain no provision which deals directly with crew interference and unruly passenger conduct. A possible exception may be remotely traced in Clause 229, which is that of throwing of persons overboard. The Committee was unable to determine whether the act of “wilful throwing” as contemplated by this provision is focused narrowly or whether a more general meaning is intended to include throwing of crew members over board. Suffice it to note that all passengers are required to comply with instructions given by any crew member; however, the Committee can not rule out cases

where crew may be subject to interference, or passengers may become unruly, using abusive language, assaulting the crew, engaging in mischief, uttering threats, endangering the safety of the vessel, including its seizure. All these may lessen the ability of the crew members in performing their duty.

It is therefore necessary to prohibit any person from assaulting, threatening, intimidating, or interfering with a crew member in the performance of his or her duties aboard a marine vessel being operated.

The Bill should therefore make a proviso to:

1. Create a new offence that would prohibit interference with a crew member. The offence should carry an appropriate sanction; and
2. Enable proceedings to be instituted where a person is alleged to have committed a summary offence on board a vessel.

The Committee recommends that the Assembly should take note of the concerns raised and accordingly amend the Bill.

#### **Pollution of the lake by and from Vessels**

Mr. Speaker, sir, the increasing volume of transport on the lake over the years has exposed it to high risk of marine pollution by hazardous substances from vessels or from emissions there from. The Committee was informed that the risk would be heightened if the volume of heavy oil vessels also increases. It

was further informed that these pose grave danger to aquatic life. The drafters of the Bill, therefore, took care of this concern, though not comprehensively.

It is the considered view of the Committee that measures of preventing pollution from vessels, including garbage, detecting massive pollution incidents and eliminating the consequences thereof should be comprehensive and effective. Note should also be taken that good environment coordination depends on thorough coordination of preventive contingency measures, which require fast and effective action by the Partner States.

The Committee recommends that the Assembly should take note of the concerns raised and accordingly amend the Bill.

#### **Liability for Offences under the Proposed Law**

Several stakeholders complained that the proposed fines to be imposed on offenders were rather high. The Committee was however informed that the principle used to determine the fines was not based on revenue collection but rather as a prohibitive measure. Noting that the proposed fines were commensurate with the gravity of the offences listed, the Committee was in agreement with the Lake Victoria Basin Commission to retain the proposed fines in the Bill to serve as deterrence while the courts are, however, at liberty to apply their discretion in punishing offenders as they deemed fit.

### **Standardization of Vessels**

Mr Speaker, the myriad of construction regulations and standards for vessels across the East African Community Partner States was a source of great concern. Emphasis was therefore placed on setting and/or harmonizing the standards. The Lake Victoria Basin Commission Secretariat and the experts from the Partner States concurred with the stakeholders and agreed to address this concern in the law and to make specific provisions in the regulations thereto.

### **Training and Capacity of Crew**

Stakeholders complained about the lack of professionalism and training of crew who take charge of vessels on the lake. This not only exposes passengers and cargo and the crew to grave danger, but also puts to question the sea worthiness of the vessels.

The Committee took note of these genuine concerns and exhaustively discussed and concurred with the need to have well qualified crew on all vessels. It is therefore recommended that this Assembly urges the Council to comprehensively address this area to enhance maritime safety and security on the lake.

### **Regulations of Other Inland Waters**

During the discussions on the Bill and during the public hearings, the absence of a legal framework to regulate other inland waters was also raised as a major concern. The Lake Victoria Basin

Commission however informed the Committee of the existence of the East African Inland Water Transport Act, 1959. The Council to the Community however informed the Committee that the application of the Act was specific to the lakes and rivers mentioned therein. Consequently, the Committee observed that maritime safety and security was not only peculiar to Lake Victoria, but also to all other inland waterways which are navigable. This therefore calls for an explicit and comprehensive law to regulate transport on other waterways in East Africa.

The Committee recommends that the Assembly do urge the Council to initiate a Bill to regulate water transport on all other inland waterways.

### **Conclusion**

The Committee acknowledges and appreciates the importance of this Bill and commends the assistance rendered to it by the Counsel to the Community and his legal team, officials of Lake Victoria Basin Commission Secretariat and the experts from the Partner States during the consideration of the Bill. The Committee urges all stakeholders to support the work of the Lake Victoria Basin Commission in implementing the Act.

I beg to move that the report of the Committee be adopted and the Bill be passed subject to the proposed amendments appended to this report, and any that may be moved on the Floor. Mr. Speaker, sir, I beg to move - (*Applause*).

**The Speaker:** Honourable members, the debate is now open

**Dr. Said Gharib Bilal (Tanzania):**

Thank you, Mr. Speaker, for giving me the opportunity to support this Motion. But first of all, since this is my first time to take up the Floor in this august House, let me express my sincere support for your leadership and congratulations for the way you have conducted the business of this House since your election. I pray to the Almighty Allah to bestow on you more energy, vigour and other necessary wherewithal to enable you to take on the important task of leading this House for the interest of the people of East Africa – (Applause).

Mr. Speaker, sir, in supporting this Motion, I would like to commend the Chairperson for her leadership during the Committee's deliberations – (Applause). It has already been stated that our work as a Committee began in July when we had the opportunity to hold public hearings in various areas around the lake. All along the Chairperson has shown keen interest in getting to the details, and honourable Members will agree with me that this has enabled the work of the Committee to be a lot easier and faster.

Mr. Speaker, sir, I would like to underscore the importance and need to regulate transport within the lake at this juncture of the effort to achieve East African integration. As the Community takes stock of the Customs Union, and as it directs itself towards attaining a common market, *the Lake Victoria Transport Management Bill, 2007* could not have come at a more opportune time. I would like to take this opportunity to commend the Council of Ministers for its vision and wisdom in preparing this important Bill – (Applause).

Mr Speaker, sir, transport in whichever form has been an important catalyst for the development of peoples and civilizations through facilitation of trade and other forms of social transactions. The lake is no exception. History abounds with examples of water bodies around the world that have been the fountains of civilizations, having been important water ways for moving goods and people. There is no doubt that whatever denials might have come from other quarters, the Lake Victoria Basin deserves the prestige of being the cradle of civilization.

Mr. Speaker, people around the lake have been living the dream of East African Community objectives since the dawn of civilization. They have transacted economically, socially and even biologically. One only needs to move around the basin to appreciate the impact and extent of integration that has been going on. The Bill is, therefore, important, not only in enhancing trade and social exchanges among the people of this region, but also in securing and enhancing the social gains that have been registered through the history of interaction that has been going on in the region.

Mr. Speaker, sir, the Bill recognizes that the Lake Victoria Basin Commission secretariat is the apex body responsible for proper co-ordination of transport and associated activities within the lake. It also sets out clear roles in the Partner States for achieving efficient, safe and secure maritime operations.

Mr. Speaker, the *Lake Victoria Transport Bill, 2007* is a very important Bill because of safety, security, marine capacity building and prevention of

pollution for the 30 million people who live around the lake. In view of this importance, and given that the Committee on Trade, Transport and Communication had the wisdom of the Counsel to the Community, the Secretariat, experts from Partner States, and since the Committee had the opportunity to meet stakeholders in Kisumu, Mwanza and in Entebbe, and further, as you will have noted, the Committee was also mindful of the fact that safety, security and regulation of pollution is also lacking in other inland waterways, and thus called on the Council to enact another Bill to save the situation, I am, therefore, under Rule 33(2) seconding this Motion to adopt the Committee's report and that the Bill be passed, subject to proposed amendments thereto attached. I Thank you Mr Speaker - (*Applause*).

**Ms. Margaret Nantongo Zziwa (Uganda):** Thank you very much, Mr. Speaker, sir. I want to thank the hon. Minister for the Bill. In the same breadth, I want to thank my Chairperson for an elaborate and detailed report. Mr Speaker, sir, I am a member of the Committee, but according to our rules in this House, we are always accorded an opportunity, so I wish to add my voice to that of the members of the Committee who have supported this Bill and who have worked tirelessly to bring this report before the House. I also wish to share the concerns which were ably shared by the Committee, if only for purposes of asking the Council to work expeditiously on the issues of dealing with inland water transport.

Mr. Speaker, sir, when we were in Homa Bay; in Budalangi and in those public hearings, there was a very vehement

move for the name of this Bill to be changed to the "*East African Community Transport Act*," in replacement of an Act - which has been mentioned - of 1959. This was due to the concern that whilst the Council and the Assembly are very concerned about transport on Lake Victoria, seemingly transport on the other water bodies is not addressed. It is true that every other day, reports from the local communities on those small capsized boats carrying very many passengers is not captured. So, it is upon that basis that I want to reiterate the concerns of the Committee that the Council of Ministers should work expeditiously to bring forth a law which is going to take care of the issues of other inland water transport. We were informed that the law which was in place in 1959 lapsed at the collapse of the former Community. So, there is a lacuna there.

Mr. Speaker, sir, the second issue I want also to emphasize is the need to capture data on the other small vessels which are used in Lake Victoria. In the amendment we agreed that we should include the dugout canoes - which we call "boats" in our local setups - so that they are reflected generally, but we needed to find some data which is more authentic on the number of people who are travelling on that lake, and I think this responsibility should be undertaken by the Lake Victoria Basin Commission in conjunction with the maritime units; there should be some databank somewhere.

We realized that even the estimate of 35 million was just a general estimate. I think it is important to know how many vessels are actually plying on this lake. I think that will help when it comes to

regulating the operations of the other smaller vessels. In effect, the big vessels seem to be adequately catered for, but the small ones seem not to be, and I want to applaud the concerns raised by the Committee to bring on board the issue of the safety of those dugout canoes. As we were ably told, under certain circumstances enforcement becomes difficult. We want to seek support for the Lake Victoria Basin Commission - and also the Partner States - to enforce safety on this lake.

On the issue of life jackets, there is a phenomenon...we were told that when these sailors put cargo and people in these boats, they will request each passenger to sit farther away from his or her own cargo so that in case of an accident, it is easier for one to dump into the lake cargo which is not his or hers, which he or she would not value. But more often than not, that is rejected. We were also told that ordinarily there should be a small line drawn on a boat, which the water level should not exceed, but in the process of usage, that line gets scrapped off. So, you will find that the passengers always have containers for emptying the boats of water. That puts them at risk. So, the issue of the safety of our people in this lake is very important.

Finally, Mr. Speaker, sir, I want also to congratulate the stakeholders, like the Lake Victoria Local Authorities Association. They were very keen about this Bill and the Partner States - particularly Uganda - should be assisted when it comes to issues of maritime. We were informed that the Minister in charge of the sector in Uganda was very optimistic that when the law comes into place, they would now have an

opportunity to re-organize their maritime department. So, I want to request for support, particularly in the area where a Partner State may relatively not be well equipped. I have used the word to demonstrate the support which they would require. I want to thank you, Mr Speaker, for the opportunity, and I beg to support the motion.

**Mr. Gervase Akhaabi (Kenya):** Thank you, hon. Speaker. This is a very important Bill - in my very respectful view - in the process of integration in the East African Community. It is important in the sense that a person living in Mwanza, with a safe, secure and cheap system of transport across the lake, would not need to travel around the lake to either Kisumu or Busia to go to Port Bell; or go around to Bukoba, Mtukula to go to Entebbe. So, a safe and secure lake transport is going to assist in easing transport and communication between the peoples of East Africa, and in the process enhance the process of integration. Mr Speaker, sir, this is in keeping with the objectives set by the Treaty for the Establishment of the East African Community. For that reason, as an Assembly, we should wholeheartedly support this Bill.

The second reason that I feel that as an Assembly we ought to support this Bill is on the issue of empowering our people. Mr Speaker, the cost of overland transport is extremely high. If goods are transported from the port of Dar-es-Salaam or Mombasa, intended for Rwanda, or Bujumbura - (*Interruptions*) - or Kasese in Uganda, it will be much cheaper for the traders to bring their goods up to Mwanza or Kisumu by road or rail, and then easily and very cheaply transport these goods to either Entebbe

or Port Bell, and vice versa. Goods, including oil, probably, from Lake Albert – (*Interruptions*) – brought to Port Bell or Entebbe can be easily transported to Mwanza or Kisumu for export. It is going to ease the cost of doing business in this region.

It is for these two reasons, Mr Speaker, that I urge my colleagues, the honourable Members of this Assembly, to support this Bill wholeheartedly and make it into law. I beg to support the motion - (*Applause*).

**Ms. Lydia Wanyoto Mutende (Uganda):** Thank you, hon. Speaker for the opportunity to contribute to this Bill. In addition to what hon. Akhaabi has said, I would like to right away talk about the importance of this Bill, if it is looked at in a wider picture, and urge the honourable Members to pass it. I would also like to look at the Bill as an important transport aspect in the integration process.

Road transport is one of our biggest non-tariff barriers because of the way our roads have been mismanaged due to the heavy cargo. In yesterday's *Daily Nation* - and I think also in the *Standard* - newspaper, there was a double picture of how badly our roads are because of the rains, and also because of the heavy transportation of goods on the highway. Mr Speaker, if the Council can go beyond just this Bill and support water transport in terms of providing an enabling environment for the private sector and also our governments to use water as an important resource for transport, it will not only help us to ease the heavy cargo that is spoiling our roads, but it will also help develop the communities that live around the lake.

Mr. Speaker, as you are aware, now we have a bit of statistics that over 30 millions East Africans live basically around this lake, and around the lake, there are about 68 townships. So if we were able to divert about half or three quarters of the cargo from the ports of Mombasa or Dar-es-Salaam, as hon. Akhaabi has explained, then we would be automatically improving the lives of these communities by giving them jobs and also by putting the right infrastructure, like docks the lake so that those parts of our Community is also developed. Some of the towns are actually dead and some are vibrant, but this is one way of improving the livelihoods of the communities around the lake, and it will also curb the over-utilization of the lake in terms of fishing, because then they would be doing other jobs other than only fishing. So Mr Speaker, in that line I support this Bill.

Secondly, Mr. Speaker, this Bill was over-due. When we heard that the first survey took place in 1905, hon. Speaker I do not know where you and many other Members of this House were in 1905, but it is important, like our Chairperson has said that we need an update of the status of the features of our lake. With the new technologies that we have now, we need to move and have this study done. And we support that as a Committee. We were also told about the last legislation in 1959, which had a slight amendment in 1970. These are many years ago and we need a lot of updates to ensure that water transport is not only safe but secure.

Mr. Speaker, a lot has been said about the safety and security of passengers and crew in this Bill, but if we agree as an Assembly, together with the Council and



the people involved in the integration process to expand the bigger picture of water transportation, there will be need in the management of the systems to cater for the sea pirates who hover around the lake because they are not passengers or crew of the boats or vessels, but they hover around the lake to either hijack the vessels or to create havoc on the lake. So, I hope that when the water becomes busy with transportation of goods and passengers, enough security measures will be put in place to protect these vessels from such wrong-doers.

Mr Speaker, as I conclude my contribution to this Bill, I would like to re-emphasize what hon. Bilal said. We have focused our debate on the pollution within the vessels, but we also realized during the public hearings that there is a lot of pollution from the townships around the lake. There are about 68 townships – as I have said - and many of the municipal councils pour their waste - some of them not even treated - into the lake. So, for this Bill to be useful, it is really important and urgent that the Council of Ministers comes up with a comprehensive Bill to look at matters of environmental pollution as a whole to protect the natural resources on this lake. Otherwise, this Bill cannot work in isolation. We need to have something comprehensive about the general public health, environment issues and pollution of the lake. I thank you hon. Speaker, and I support the Bill – *(Applause)*.

**Mr. Mike Kennedy Sebalu (Uganda):** I thank you very much, Mr. Speaker. I would like to thank the Council of Ministers for initiating this very important Bill, and the Committee for considering it and giving it the support

and the amendments to streamline it and make it more applicable to answer the needs and demands of the East Africans who live around the lake. Definitely, communication is one thing that we need to take seriously as a region. It is one of the facilitators of integration as has already been mentioned. It even becomes more important when we diversify means of communication within the region. You will find that you are coming to Mwanza and you need to go round the lake. So, if we get safe and secure ways of moving around the region, it is one of the best ways to go.

However, my main concern is regarding legislation initiated by the Executive ending up not being implemented, as is the case in some of the Partner States. You will find that many laws that are made just end up on the shelves, or in the statute books. In Uganda, for example, we have a requirement for a certificate of the financial implications of Bill, which is for purposes of ensuring and guaranteeing implementation, so that laws are not made that just end up on the statute books. So, this comes in as a challenge as well.

This is a very good Bill, but if it is not implemented; if funds are not made available to make all these provisions workable, then we will be taking the wrong side of the right corridor: The law may be there, but if it is not applicable, then it cannot help. So, this is my main concern and challenge.

This is a very good law, and if it is implemented well, it will enhance and improve the lives of East Africans, but to have it in place while the structures and institutional frameworks are not empowered to deliver the benefits that

are envisaged in it, is where my challenge is. So I take it to the Council of Ministers that they have made a good initiative, but we should see it through so that the East Africans at the end of the day should benefit from it. This is the only way they will take us seriously as a Parliament; that we enacted a law that saved their situation; this is the only way they will take the Council of Ministers seriously; that it came up with a good law which is changing their situation. That is what will make the law relevant to them.

So, that is a challenge, but I do support the motion, and the rest is history - (Applause).

**Dr. F. Lwanyantika Masha (Tanzania):** Mr. Speaker, sir, I wish also to make some comments on the Bill we are discussing, but let me first identify myself as a person who lives along the Lake, and with very special interest in whatever legislation comes out of the Assembly.

I think this is a good Bill, as some members have said, but the Bill has certain gaps, and I take the liberty to introduce these gaps since I am not a member of the Trade Committee. I hope the members of the Trade Committee will bear with me in pointing out some of the gaps they might have missed. I have read the report, and these gaps are not covered in that report.

The first one, Mr Speaker, is the role of the Commission vis-à-vis the Partner States. We are asking the Commission to do A,B,C,D; a lot of things in the Bill, but in the same Bill, we are saying each Partner State will establish a Maritime Administrative Unit, which will

administer this Bill in each state. So, indeed, as good as the Bill is we should not be asking the Commission, because the Commission will not have the clout to do the things that we are asking it to do. The job will be done by the Maritime Administrative Units in the Partner States.

On page 22 of the Bill, Clause 13 - if you may allow me to read:

*“The Council may give to the Commission such general directions not inconsistent with the provisions of this Act or any regulations made under this Act on the policy to be pursued in the administration of this Act, and the Commission shall take such steps as are necessary or expedient to give effect to the directions of the Council.”*

But, the Commission cannot give effect to those directions because it does not administer what is in the Act; it can only co-ordinate or request and hope it will get the co-operation of the maritime administration units in the Partner States! So, really, we are giving powers to the Commission, which it cannot use.

I would suggest, Mr Speaker, that maybe we accept it as part of an interim arrangement to have these maritime administration units in the Partner States, and, on page 20 where they are talking about the establishment of these maritime administration units, we should add something to the effect that these units in the Partner States will administer this law until such a time as the Council may transfer full authority of Lake Victoria maritime administration to the Commission. In other words, I would accept what is in here provided we also add a line requesting the Council at

some point to transfer that authority to the Commission. Otherwise, we are asking the Commission to do what it really cannot do.

Mr. Speaker, I listened to the report of the Committee about the dugout canoes. Some honourable members have been asking how much we should ask of these canoe owners, and some wanted dugout canoes to even have life jackets, navigation instruments and all that. I think that is unfair on these dugout canoes; I think it was fair for those who proposed the Bill to exempt these dugout canoes from this registration process.

Mr Speaker, should honourable Members insist that the dugout canoes should also be subject to this law...I am thinking of a person who owns a dugout canoe on a little island somewhere in the lake - and only owns one dugout canoe - the registration, I suppose, will be in the Partner States' capitals, so we are asking this person to go to either Dar-es-Salaam, Kampala, Nairobi or to Bujumbura, as the case may be, to register that dugout canoe! If we insist on this, we are running these people out of business. And because of the importance of these dugout canoes in providing fish to the local people, I will insist, if I can, Mr Speaker, that we retain the paragraph as it is, exempting these dugout canoes from the registration process – (*Interjection*).

**The Counsel to the Community (Mr. Wilbert T. Kaahwa):** On a point of information, Mr. Speaker, sir, may I have the honour to inform the hon. Member on the Floor that the Bill as it is, in its Clause 14(2) actually exempts dugout canoes from the requirement for registration of vessels. I thank you.

**Dr. Masha:** Mr. Speaker, I thank the Counsel to the Community for the information. I thought I had acknowledged in my presentation that indeed the Bill as is exempts these dugout canoes. I was responding to comments from some of the members, including a report of the Trade Committee, which was suggesting that they should be subjected to a lot of the things that are being requested for vessels that will have to register. So, I am in concurrence with what he is suggesting – (*Interjection*).

**Ms. Catherine Ngima Kimura (Kenya):** Hon. Speaker, I wish to correct the impression. The members of my Committee just acknowledged that these dugout canoes do carry a substantial proportion of the people on the lake. We did not in any way say they should be registered, but we did say that as part of their licensing - because they are outside registration as per the Act, but they are supposed to be issued trade licences - that the issue of safety should be taken into consideration. We did not propose that they should be brought into the Act for registration purpose. I just wanted to make that correction. I thank you Mr Speaker.

**Dr. Masha:** I appreciate the clarification from hon. Kimura, and if for no other reason at least it strengthens my point about the exemption of these dugout canoes.

Mr. Speaker, on page 23, Clause 8(4) talks about a person who fails to register being prosecuted. Now, we are asking the Commission to administer this, but as I said earlier, it is the maritime administration units which will be administering this law. Now, who will

prosecute when there is a violation of this law? Is it the Commission; is it the maritime administration units of the Partner State; and if they prosecute, in what court? If a vessel is caught in the middle of Lake Victoria, sometimes it is not easy to define in the waters where the person belongs or where the place is. Where do you prosecute this person; in whose court? A court of a Partner State; the East African Court of Justice? I think we need clarification on this one in the Bill. Otherwise, again it is a gap, which will cause some problems in the administration of this law.

On page 24, there is talk about the Registrar of Vessels – a subject we have been talking about quite a lot. Who appoints the Registrar of Vessels? Is it the Commission? Is it the Partner State? Is it the Council? This aspect is not clarified in the Bill, and I suggest that for clarity it should be clear who will do this appointment. It could be the Council; it could be the Commission or the Partner States, but let us at least know who has the responsibility to appoint the Registrar of Vessels. I go back to my basic tenet that whoever appoints the Registrar, if they have no control over the people who are administering the law, there will be a problem. So, we need some clarification on that one.

On page 29, Clause 24(4) requires an aggrieved person in the course of registration to appeal to the Council. Now, that would be the Council of Ministers. I am thinking I own a vessel at the southern tip of the lake and I am aggrieved by the Registrar and I am told I can appeal to the Council of Ministers. Now, the reasons for not being registered are technical as has been

explained in the Bill. Now, technical decisions being sent to a political body for appeal? (*Laughter*) I think it would have read better if we said they can appeal to the courts. But again, we would still have to define which court; Partner States' courts or the East African Court of Justice? But I think it should go to the courts rather than to the Council of Ministers, when there is an appeal. The matter is too technical to be given to – (*Interjections*) - I want to say “to politicians”, which would include me – (*Laughter*) - but indeed, unless the politicians are technical people as well, I think we should leave matters of appeal to the courts.

Now on page 29, Clause 24(5), there is the question of prosecution and some people may end up in prison. In fact, there is a prison term indicated there. Again, which prison? First of all, we haven't resolved who is prosecuting and in which court. Now which prison do you go to? The Community does not have a prison yet. So, again, there is a gap here which needs clarification in the Bill.

Mr. Speaker, I have with me a flyer from one of the Partner States. It is written in Kiswahili, and if you allow me I will just read two lines from it in Kiswahili. It says:

*“Ifahamu sheria ya uvuvi namba 22 ya 2003 na makosa yanayokatazwa kwa ajili ya uvuvi endelevu katika Ziwa Victoria.”*

It has all kinds of funny things; the kind of punishment you get for literally doing a lot of things, including using a net...you know, for *Sangara* you can use a net but it should not be below six

inches; for *Sato* it can be five inches; and then there is a size 50 millimetres for something. It is so detailed that...this is not meant for our people!

Fortunately, according to the Treaty, when this Bill is passed, I assume it will supersede all the national laws in the Partner States, relating to the Lake, at least. Now, it would have been perhaps helpful if, in the course of drafting this Bill, there had been a schedule containing existing legislations in Partner States that would then become superseded by this Act. Otherwise, if this is the Lake Victoria Transport Bill, and the other one they are calling "*Sheria ya uvuvi*", they could claim that this "*sheria ya uvuvi*" is not superseded by this Act. It would have been much better if we had a schedule of all the laws in the Partner States that will be superseded by this Act. Otherwise, we will end up with a lot of litigation and confusion in whatever courts people choose to go to.

On page 33, Clause 32(4) says:

*"The register shall be available for public inspection at a fee prescribed by the Council."*

In other words, the Council of Ministers of the East African Community will prescribe a fee to see the register, but the Commission does not administer that register. It is the Partner States that administer it. Presumably, the register will be at the points of registration in the Partner States under national laws, since the maritime administration units will be established by the national laws of the Partner States. Perhaps it was inadvertent; but if it was the intention, then I will support the intention...but it has big consequences. Now we are

giving powers to the Council of Ministers to supersede the ministers in the Partner States who will be responsible for administering the maritime administration units. If that is intended, fine; and if Partner States are willing to cede that sovereignty to the Council of Ministers for the Community, fine. But I wanted to be sure; so that at least we know what is taking place in this paragraph.

And then...the fines that are talked about in this Bill are all in U.S.Dollars. If it was all being administered by the Commission, I could understand, but these are Partner States' marine administration units administering this Act! Suppose they will go into courts of the Partner States; and we are asking the judges to fine these people in Dollars? (*Interjections*) - I don't know! That is why I find it prudent that we include the lines which I said at the beginning, that the administration of this Act, while for an interim period will rest with the maritime administration units of the Partner States, will eventually be transferred to the Commission, which will fully administer it with enough staff and funds - I hope - to carry out this work.

With those comments, Mr Speaker, you will note that I have a serious hesitation about accepting the Bill the way it is, but it is a good beginning. So, I will accept it only as a good beginning on the road to a future whereby we can strengthen this administrative machinery that we are setting up - (*Applause*).

**Ms. Dora Kanabahita Byamukama (Uganda):** Thank you, Mr. Speaker, sir. I would like to add my voice to that of those who have thanked the Committee

for the work that they did. I would also like to thank this Assembly for enabling us to participate in the interface with the different stakeholders.

Mr. Speaker, sir, I have three issues I would like to raise: The first is in respect to the law, which has been mentioned on page 14 of the report, which was entitled, the “*East African Inland Water Transport Act, 1959*”. And in line with what hon. Sebalu has said, I would like to ask whether there has been a review of the implementation of this particular Act, because I believe it is still in existence and, therefore, it would serve us better to evaluate its implementation before we come up with a Bill.

My second issue has been alluded to by the hon. Dr. Masha, and this is on page 7, where it says that the powers of inspection should be given to the Registrar of Vessels. The hon. Dr. Masha has proposed that the appellate process should be to a court. But knowing our communities and how they feel very alienated when you talk about courts, may be it would serve us better if we could propose to have a tribunal on Lake Victoria transport, which could be part of the appellate process.

Finally, Mr Speaker, sir, I would like to conclude on a very serious note which has been made by members of the Committee on page 6 of the report. This is on the registration and nature of vehicles. I am still not very comfortable with the fact that this law, which is supposed to cater for the safety of all vessels on Lake Victoria, does not really give a lot of attention to the members of our communities, who are the majority who use dugout canoes. My biggest question is: does the licensing process

encompass safety requirements? When you talk about issues of sea worthiness of all canoes, is there a way that this has been standardized to ensure that you have dugout canoes, for example, made out of a particular type of tree; with a certain length and...! Basically, this is very important because I know that we are losing a lot of people who use dugout canoes, and since these are the majority of the people who use the lake, I think it would be imperative for us to go a little bit deeper and further and find out how we can make their lives safe because they utilize this resource. Mr Speaker, I thank you once again and I also thank the Committee.

**Ms. Nusura Tiperu Omar (Uganda):**

Thank you very much, Mr. Speaker, I would like to add my voice to that of my colleagues in support of the Bill that has been put before us. Before I comment on the Bill, I would like to put my humble request to your office that we should be given copies of Committee reports at least a day early.

Mr. Speaker, I would like to thank the Council of Ministers for bringing this comprehensive Bill. I think they have done a very good job; a job that answers the aspirations of most of our people. Considering the facts on the ground about the sinking of the vessels *MV Kabalega*, *MV Kaawa* - I hope not the Counsel to the Community – (*Interjection*) – and *MV Bukoba*, it is an indication that our people have been dying on Lake Victoria, and they continued to die. So they have actually been looking for a solution to this, so this Bill provides an answer to issues of safety, which is really paramount. So, Mr Speaker, I am supporting because duty calls that I count myself among

those who stood up here and supported this Bill vehemently because that is what we should be doing.

Mr. Speaker, I am glad that the Bill is actually necessity-based, because considering the fact that our Partner States contributed in initiating it, I am sure it will be sustained and it will be followed when it becomes an Act, since their views have been highly reflected, but, Mr Speaker, I just wanted to comment on the issue of the nature of stakeholders that are consulted.

Following the fact that the Members of the East African Legislative Assembly moved in the respective Partner States and collected views from the people, Members of Parliament - especially those who come from areas along Lake Victoria - were excluded. They felt that next time when the East African Legislative Assembly is consulting the different stakeholders, they as Members of Parliament who hail from Lake Victoria should at least be involved as serious stakeholders so that their views can be included, realizing the fact that the Acts that we pass in the East African Legislative Assembly take precedence compared to what they pass at the national level.

Mr. Speaker, I want to conclude by saying that the Bill is comprehensive and must be highly supported. I thank you very much – (*Applause*).

**Mr. Reuben Onserio Oyondi (Kenya):** Thank you very much, Mr. Speaker, sir. I first want to thank my chairperson. She has been very, very active on this matter. She was always number one in our Committee; she came in some 10 or 20 minutes ahead of all of us.

Mr. Speaker, sir, the whole reason for this Bill is safety of the passengers, or the people using the vessels, and we know there are deaths which come about as a result of accidents in the air, on roads and in the waters. When you look at the vessels being used on the waters, of course, there are fewer accidents on water than there are on road and in the air. The speed at which the vessels move on the waters is very low, but still, you will find that vessels have capsized.

The Bill puts in place some standards to be followed, and I must say that the Bill has come at the right time to avoid these kinds of disasters on Lake Victoria and to save lives of the people who use the water. I don't know whether there are speed limits on this thing, and if there isn't, I think the Counsel to the Community forgot about it when they were drafting the Bill – (*Laughter*). I believe the vessels are very slow; you could walk past them if you were to walk on water, but still, there are accidents.

Having said that, Mr Speaker, sir, I now come to the pollution of the lake. Pollution is everywhere. On the road, you will find that people travelling on a bus, for example, when the bus stops somewhere, everybody will disappear into the bushes – (*Laughter*) - they are going to pollute the grass. Look at the trains. If you walk along the railway lines you will find human droppings; what about the vessels in the waters? The only safe place is the aeroplane, because they have toilets inbuilt and when they land at the airport, they suck the whole thing out and the place remains fresh again for use.

Mr. Speaker, sir, I think that although we are trying to save the dugout canoes, something should be done somehow. At least when they are constructing these canoes...I don't know whether we should go to that old system of using a bucket so that when we land we empty it rather than doing it in the waters! Yah, it is possible. Sometime back, if you went to all the towns, the toilets there...people were using buckets! I remember the first time I went to Kisii town, people could go, and there would be a bucket behind there and at night some other people would come and pull the bucket out using a hole at the back there; you would not even see it – *(Interruptions)*. Probably that could solve the problem rather than doing it in the waters. The fish we are eating from the waters are feeding on these human faeces. Mr Speaker, sir, I think it is important that when these dugout canoes are being constructed, something must be done. Mr. Speaker, sir, I support the Bill, and I believe that with a few amendments here and there, it should be put in place and let it start working immediately.

Mr Speaker, let me comment on my friend, Dr. Masha here. Yes; he has brought in quite a number of pertinent issues which should have been discussed, but...this is just a start – *(Interjection)* For sure; it has never been there. It is a star now, and these laws, many a time, time comes when we have to do some amendments here and there. You might not be able to think of everything at once. That is why there are amendments, time and again. I believe Dr Masha has come in also at the right time, and I hope the Counsel to the Community is taking note of this one and probably, something can be looked into before the final work is done. Mr

Speaker, sir, I beg to support the Motion – *(Applause)*.

### ADJOURNMENT

**The Speaker:** Hon. Members, with no one else wanting to debate, I think we will give the Counsel to the Community time to prepare the replies for tomorrow. So, we will now adjourn the House until tomorrow.

*(The House rose at 4.20 p.m. and adjourned until Wednesday, 19 September 2007 at 2.30 p.m.)*