



EAST AFRICAN COMMUNITY

Official Report of the Proceedings of the East African Legislative Assembly (EALA)

31ST SITTING -SECOND ASSEMBLY: FIRST MEETING - SECOND SESSION

Thursday, 19 June 2008

The East African Legislative Assembly met at 2:30 p.m. at 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.

MOTION

For The Consideration and Approval of the East African Community Budget for the Financial Year 2008/2009

(Resumption of debate interrupted on Wednesday, 18 June 2008)

The Minister for EAC Affairs, Kenya (Mr Jaffah Amason Kingi) (Ex-Officio):

Mr. Speaker sir, I stand to make a few observations to this august House. This is not to pre-empt further debate on the budget but to seek the indulgence of the honourable Members on a few key issues.

First, Mr Speaker, sir, we wish to align ourselves with what is clearly the mandate of this Assembly; its legislative and oversight roles, as well as the broader role as encapsulated under Article 49 (2) (d) of the Treaty. It is important that we attach greater significance to these mandates as we seek to determine the appropriate budget allocation to EALA. An initial attempt has been made in this budget in terms of additional ten sitting days being budgeted for. Evidently, sitting days will have to be further reviewed in terms of days for working committees and days for the plenary sessions within the context of this broader mandate of EALA - *(Applause)*. Mr. Speaker sir, we do commit to bring this matter before the next Council of Ministers slated for September this year – *(Applause)*. On our part, on our own here as Ministers for EAC Affairs we do not constitute the Council of Ministers.

Second, there has been strong concern about the size of the budget allocation for consultancies. We take this concern on board whilst recognizing at the same time that studies involving monetary union, industrial and investment strategies, which absorb

the biggest chunk of the budget on consultancies are of such a nature that you cannot assign them to short term experts recruited into the East African Community. Equally, the EAC Secretariat neither has the time nor - in some of these areas- the competencies to undertake the work as required. These are studies that are extensive and involve multi-stakeholders in all the Partner States, and who must be engaged in the exercise. However, we wish to state that serious efforts will be taken to re-examine the nature of these consultancies in terms of their timelines and funding outlays, with a view to achieving cost savings that could then be applied to other uses, including EALA 's needs.

Third, Mr Speaker, sir, we have had the opportunity to listen very carefully to the arguments presented by the honourable Members on the question of the Speaker's residence in Arusha. The arguments are rational. We wish to make a commitment here that this matter will be brought to the attention of the EAC Summit, which will meet next week in Kigali, for decision - (*Applause*).

Finally, Mr. Speaker, sir, I wish to record my personal deep appreciation and that of my colleagues and the Secretary General to you, sir, for your cordial rapport and leadership. Thank you - (*Applause*).

The Speaker: Hon Lydia Wanyoto.

The Chairperson, General Purpose Committee (Ms Lydia Wanyoto) (Uganda):

Thank you, hon. Speaker and honourable members. I would like to thank the honourable Minister, hon. Kingi, for his statement and for the commitment he has made on behalf of Council. Like we said yesterday, as Members of the House, this is the new thinking of the working of the Community from Council- (*Applause*) - and it is the best way forward to build the Community. But I stand just to re-echo what the Committee and the Members of the House have been raising since Nairobi...and we are constrained as members of the House; I do not know whether we will be able to bridge the gap between the mindset of Council, the Secretariat, and the Assembly.

The Council made commitments in Nairobi; we went home very excited. We held those commitments and directives. Mr. Speaker, we think that maybe it was because of lack of time or because of difficulties of funding, those commitments were not met. Yesterday we were able to let you know that we were supposed to have met the full Council on Saturday. We were not here; they can tell you whether we were here. We arrived here on Sunday, and that was a big missed opportunity. Therefore, issues that were raised on matters of allocation of funds remain glaring. And therefore, we want the ministers, maybe, to give us a more critical and clear way forward because even their own commitments and directives do not seem to bear fruit. We are not asking for too much, but how can we move from here; that they have said this and it is going to happen? That is one.

The second one is that there was never time for us to engage...we have been pleading and crying to engage to say can we re-allocate what we have got. We believe there is

what can take us for twelve months as a Community, but on top of that, we believe it has not been fairly and properly allocated to give value for money. I want to quickly give you four areas that we will think we need re-engagement on if the Council of Ministers can find a way for this Assembly to re-engage on what we already have here as a community. The money we have as a community...it is a very big surprise to us that you are able to increase the budget because the budget cycles in our countries have already closed. We were shocked that you are able to get more money. The issue for us is how we can best put to use what we have now. And if you give us an opportunity, even if it were two or three days...we have done so much in one or two nights. So, give us four to five days to re-engage the budget allocations and we will give you a good deal for the East African Community. That is all we are asking for, and we have not been given that opportunity!

Hon. Speaker, there are still glaring inconsistencies and mathematical errors in the document; in the budget allocations; in the MTEF. They are there! Give us time to engage and we will show them to you. There are different rates for hire of conference venues, there are mathematical errors...I want to give you quick examples: If you go to the sector that has agriculture and food security on pages 72 and 73, the totals are erroneous. This is just an example. If you gave us two or three nights, we would do a good job without consultants. We would represent our people and do everything to make sure that whatever money comes here is put to good use, and without inconsistencies. That is all we are asking for and we have not had that opportunity.

The second issue, hon. Speaker, is that we have seen in these documents double allocations. There are glaring double allocations. The little money that we have in the Community from our countries has double allocations, and we are asking why? Give us the opportunity and space to show you and re-allocate them. We have not been given that opportunity. And I want to give you quick examples: The cost centre for investment promotion and private sector development, and that one for industrial development, on pages 90 and 67. This is one activity falling under different cost centres, and each is a different cost, that is the study for industrial development and review of the industrial development policy strategy framework.

If you look at these two activities closely, it is not value for money for the East Africans, and that is what we are all crying for. Let us revisit those allocations; it is a lot of money! We need to re-allocate it and make good use of it.

Another issue, hon. Speaker, is that there is duplication of activities in this document, and we have said this in Nairobi and we have said it here. We made a request for an opportunity to engage the technocrats. If they can not see, we would be able to help them to see, and we would stop duplication of the little resources that we get from our Partner States. I want to give an example: The department of Defence Liaison and that of Peace and Security have one goal. Their ultimate goal is to bring stability, which we all yearn for in East Africa, but they each separately have workshops and seminars for the same stake holders! What do we want to do in the next twelve months? To have people move to Kampala, to Kigali, to talk about the same stuff because they come from different departments of the EAC? Duplication, hon. Speaker, is the

issue...and these monies are not small monies. Whether they come from the Partner States or development partners, it is not small money. They are talking about documents that we do not have, and we want to discuss that matter. You give us the space and time and we want to discuss why you want to use money to review documents we do not own. That's all we are asking for, honourable Speaker, and we have not been given that opportunity since Nairobi.

Finally, hon. Colleagues, there are inconsistencies between the budget speeches of the Minister. I did indicate that yesterday. If you give us time and space - I have been here only since Sunday with colleagues, and we have been able to give you this. This was a new document since Nairobi, but if we have been able to tell you so much between yesterday and now, why do you not trust us and give us an opportunity to re-engage so that we give you value for the next twelve months as East Africans?

The budget estimates have huge allocations. Look at the Railways Master Plan; we said we want a railway's master plan that works. There is a huge lump there, but to do what? We want to talk about it. We looked in the Rules, hon. Speaker and colleagues, and we have been beating our chests; we want to find a way out of this. We are here not to frustrate the Community; we are here not to blackmail anybody. We are here to make the best for the East Africa - (*Applause*).

Let me tell you one thing. The best thing we have as East Africans - and let me mention this before I sit down - of all the stakeholders of the East African Community it is only this Assembly that has no other responsibility in the Community. We are elected, we are not members of parliaments in our national parliaments, and that gives us the opportunity to give full time attention to what happens in the Community. I want honourable members to bear that in mind. You, honourable Members, are supposed to be here to oversee good for the East Africans.

Secondly, most of our ministers are Members of Parliament back home: They have constituencies; they are ministers in our capitals. They go to cabinet, they are busy, and they do not have an extra lens of what it takes to make value for money for the East Africans. Our presidents are heads of state; they compose the Summit. So, when we stand here and say these things, it is not because I am a Ugandan; it is not because we want to make names for ourselves, it is because we want to make the best out of what we have got from our Partner States. We are not asking for an extra-shilling; we want to re-engage in this debate. It is not only about the residence of the Speaker; it is not only about the sitting days for the Assembly. There is money we want to put to good use, hon. Speaker, if the ministers can tell us how we can do this - (*Applause*). And that is why we are here.

We would not have been here; we would maybe be in our national parliaments! We are here because that extra lens is important. It must work; it must deliver. Honourable Members, it must deliver; you have no choice on this. You campaigned, you won votes, and you came here. You must deliver, and you have no choice on this. Therefore, for us as a committee, if the ministers can tell us that their commitments

will be followed up and that we will be able to engage on serious business and deliver...I want to stand here on behalf of the Committee and say, yes, we are able to do that with the technocrats of the EAC, and we agreed and let us pass this money. Let us make a statement that in the next twelve months we are going to do ABC for East Africa so that people can say hurray! As we speak now, it is not the case.

So, let the Minister tell us how we are going to deal with these four areas that are glaring in the budget documents so that we make good - because they have become a long way, but the issues are still there. It is about our money. I thank you honourable Speaker, and hon. Colleagues – (*Applause*).

Mr. James Ndahiro (Rwanda): Honourable Speaker, really I am echoing what my chairperson has just finished saying. The problem, as I hear, is about legislators, or Members of Parliament demanding for money, which is not the case, which is not even what we discussed in our committee - (*Applause*). It was not even on the agenda. We should put the record right and really show the problems as they are. We should show that the problem we are considering as a House is a budget that is not done according to the interests and the strategies of the Community. What we are doing is that we are reviewing areas that are not consistent with the discussions and the recommendations we made since Nairobi.

We have a budget that has nothing to show East Africans that we are integrating. We are not going back to tell people that really we are having meetings, we are having workshops and we are integrating. It was a recommendation, I remember, that we should focus on activities and results. Now, hon. Speaker, can this budget, if given to anybody, demonstrate or show what we are proposing for the East African people? What we are asking for is actually to go back and look at the priority areas and the strategic plan, apart from the recurrent budget, and be able to come up with activities that are consistent with the priorities.

We know that you have done a lot to try and look at the strategic plan, but are those the priorities? Are those the only things we would have considered to make use of the money that we have? We are not demanding for more than \$30million, actually. It is only \$30 million that we have, so let us allocate it properly so that the results we want, the results we have been promising, can be implemented and shown.

As a Christian, I think that instead of asking the Summit about the residency of the Speaker, you should tell them that the Members of the Assembly are asking why they are being paid. Why are we earning a salary, if we are not working? This is robbery! That should be the question to the Summit - (*Applause*). It would be unchristian to pocket the money, sit back and enjoy the salaries month after month and pretend to be a Member of the Assembly!

So what we are asking the honourable Members of the Council is for them to come up with priority areas to address. They should know that the budget is not being scrutinised because it has no more money for Members of the Assembly. No! It is

being scrutinized for its format, its content and its shortages - (*Applause*). Let them tell the Summit that we need to look at the budget; we need to allocate or reallocate the resources. What the Members of this Assembly are demanding for is not more money. It is just to re-allocate the US\$ 30 Million, and if you are comfortable that their oversight role is not necessary now until we all grow rich, we can be patient and we can ask them actually to withdraw even the salaries until we are prepared to give - (*Applause*) – yeah really! Instead of being paid for doing nothing, we can sit back home and wait until the Community has enough money for the projects, and then we will come and supervise those projects - (*Applause*).

Hon. Speaker, I think, it is not in anybody's interest to come here and paralyze the institutions of the Community; it is not in our interest – (*Applause*). Our interest is to be able to speed up the integration process, to be part of the good results for our citizens.

I am sure that the people with disabilities around East Africa will one time ask me what is there for us. Am I able to go across and sell any commodity that I produce without any hindrance? Some people with disabilities are not even able to travel to the capitals to go and acquire passports. Maybe they live near the borders, but they can not cross the Malaba border post without a passport. They want tangible things. If I can go back and tell them that listen, you can go and sell your produce in the market across the border and nobody is going to touch you or ask you about your nationality, I think that would be more satisfying to them than saying I am having a meeting in Serena hotel in Kampala – (*Applause*).

Hon. Speaker, we should actually ask the Council of Ministers to change its attitude. We are partners; this is not a boxing ring. If we are partners, we should treat each other like partners. As a Committee, we requested the Council of Ministers to come and sit with us so that we can iron all those details and then bring the budget to the House after we have consulted. They rejected that. Are we being treated fairly? No! So, if they feel that they can do that, I think it is better for us now to follow the procedure. It is not too late. We can sit and we are even willing to work overnight. Let us sit and we go item by item to show them, and let them make concrete promises or commitments, then we shall pass the budget, no problem, but, we should be able to sit together and show them and then they make a commitment because even in the past... I am sorry I am a new member, but I am told that this has been the story for the last five years. I think we should put a stop to this. I thank you – (*Applause*).

Major General Mugisha Muntu (Uganda): I thank you, Mr. Speaker. Let me first take this opportunity to thank the Chairperson, Council of Ministers for the commitments made on the Floor of this House and also to thank the Chairperson of the General Purpose Committee for the work that they have done since we were in Nairobi, until this point in time. I think we really need to appreciate the work of the members of this committee. They put in extra hours and they worked day and night and kept on guiding us up to this point in time. I would like to appreciate that - (*Applause*).

From my own personal assessment of the situation since yesterday, we have done the best we can since Nairobi, but, unfortunately, when you are engaged in a struggle, you will always need to check where you stand, mostly in the alliances that you would have built, and also to see how you are able to proceed.

Starting from yesterday, of course I do realize that they are tents within the Assembly; it would be futile for us to try to further push the line that we have been pushing since Nairobi. As much as there are a number of gains that we have got, we would like to really appreciate the Council of Ministers for having enabled working with the Secretariat to enable the responses that have been made until this point in time, even though there are still a number of issues that we still want to see addressed. Some of us think that it is possible, even now, but from the assessment we do make, we do not want to tear each other apart; we want to build institutions.

So, if there are issues that arise for whatever reason and our ranks break, the most reasonable thing for us to do...at least this is my own thinking as an individual; I have studied strategy, I have studied tactics, so I know when it is possible to advance and when it is possible to do tactical withdrawal for the good of this institution as an Assembly, and for the good of the working relationships between the organs, the Council of Ministers and the Secretariat - (*Applause*).

As an individual - because I cannot speak for anybody else - in Nairobi I had indicated to the Chairman, Council of Ministers that I would not give him my vote. A number of issues have been resolved since then, and there are a number of issues which some of us personally think could be resolved. I still believe they can be resolved, but that is a different issue.

Having studied the situation, and more so, I must say, because of the commitments made by the Chairman, Council of Ministers, and because all the members I see representing the Partners States here are new - none of them was with us in the last five years when were in the First Assembly. Ministers then used to give us commitments...I will not go through names because they are people who held high positions. Unfortunately, no commitment was ever met then. Nevertheless, despite the fact that they were ministers, holding ministerial positions, they were also individuals. You are holding ministerial positions now but you are not them. So, as a person, I would like to give you the benefit of doubt as new ministers - (*Applause*) - because how else are we going to judge you?

Because you are still here, we really hope that you are going to remain the ministers because the other problem we normally see in the Partner Sates is for a minister to serve one year, and then he is moved, and another one is brought in and then he starts with new issues. I really hope that we are going to remain with you for the next four years.

Now, when we are with you in the next four years, we are going to be meeting and engaging in different activities. That is why, as a person, I would like to give you the benefit of doubt because I always want people to give me the benefit of doubt. And when I give a person a commitment, I do everything that is humanly possible to fulfil

that commitment, because I always want to be judged, not from what I say but from what I do. I will do everything humanly possible to ensure that there is consistency between what I say and what I do, by the grace of God. I would like to make the same standard in the way I judge other people.

Honourable Kingi has given his commitment here on behalf of the Council of Ministers, and through him, I, as a person, would like to really give you the benefit of doubt because I know that what impedes our forward movement is not insurmountable. We are not even asking to climb Mt. Kilimanjaro or Mt. Meru, which are near here. Maybe people would be challenged to climb those mountains. These are things which are just simple, easy to be done. We are not even asking for a supplementary budget because I hear now the jump has been to supplementary budgets.

Why should we go to supplementary expenditure when we know there can be re-allocations that can fulfil the requests that are being made? Even if in the process of re-allocations we realize only half a million dollars, one million dollars or two million dollars, you would say the requirement is three million dollars but we were able to internally realize only one million or two million! What would be difficult in that? Just having people sitting in a room for one, two, three days and you are there as arbiters, as a Council of Ministers so that whenever there is a disagreement you can come in and say, this side is right, there you are wrong, change this and that? What is so difficult in doing that? We are not asking for the impossible; we are only asking for your commitment and we really want to give you the benefit of doubt because it is possible.

Now, I do not know the way forward, but for me I will give you my vote on this budget and then wait to see the commitments you have made. Will they be fulfilled or will they not be fulfilled? Fortunately, from my observation – I am sorry to say this – most of you are in your youthful stages, so you have a whole, long political future ahead of you - (*Applause*). Let me give you some advice. Forgive me; I always say what I think. From the experiences that I have gone through, and from the experiences that many colleagues I have worked with have gone through, there is a time when one is given respect because of the office they hold. But, you see, we never hold offices eternally. Today you have an office, tomorrow you do not have an office, and you are walking on the streets. One thing that I know is permanent, if you earn respect because of your individual actions, even when you leave office, you will retain that respect – (*Applause*).

If you have respect because of the office you hold, people will respect you only for as long as you hold that office. In fact at times even if you hold an office, you will still not have respect. You will be holding an office but people will be looking right through you. There are many people who are holding offices in many places we come from, we look through them, even if we do not hold big positions. Why?

Sir, we really want to give you respect, and we will give you respect. We will give you all the necessary support that you require to ensure that this Community is

advanced. I can tell you that whatever back-up you require, and wherever you require it, we will give you that back-up. We are ladies and gentlemen in this House; we just do not want unnecessary confrontations. But there are also issues on which you have got to take a stand, even if it means frictions being created, even if it means confrontation. There are times in life when a stand must be made.

This time, we could not continue with the stand because of tactical reasons – (*Interruptions*) - but we are going to be looking up to you. To be honest with you, we are going to give you the whole benefit of doubt without any reservations but, I would like to propose the way forward, if you do not mind; just an appeal. Before the Summit is held this September, helps us - the Assembly, the Council, the Secretariat - so that the initial work is done, because if you go prepared to the Council of Ministers and to the Summit and you say this is our request but we have a proposal, this is how it will be fulfilled, within ten minutes, they will have passed it. It would not be the first time.

And, at this point in time, I would really like to request you, Mr. Secretary General, to take leadership; and not only take leadership, but show leadership. You are the central person in this Community – (*Applause*). There would be absolutely no reason why there would be clashes here between the Assembly and the Secretariat. There would be no reason whatsoever why the Council of Ministers would be groping in the dark, not knowing what is where, what is going on where, and why these members are up in arms; none whatsoever because we can work with you as we told you in Nairobi. We would again like to give you the benefit of doubt, although, to be honest with you, sir, some of us had started losing that – (*Applause*). But we are human beings; we make mistakes. So we would like to give you another chance and then we can re-consider, because we know that this is possible and if you sit with your technical people, you can be able to do this. There was a time...let me give an example. Forgive me, sir, for bringing in this, but I know it is possible.

When the Secretariat was trying to increase salaries for staff, you sat internally; you agreed on figures that you would be able to get on a monthly basis. They are not small figures; not 50,000 or 100,000 in total. You went prepared; you went to the Council of Ministers, you went to the Summit and you pulled it off cleanly. There was never anything - (*Applause and interruptions*). Now, we are not even asking for increase of salaries; we are not asking for anything for ourselves.

We agreed some time back not to even consider that because we knew, if you can find a problem with committees of this House sitting, what would happen if we were even to ask for...? We said no, and I would really like to ask you, honourable Members, not to even move in that direction – (*Interjection*) - until we see some people who can sit on their own and say these honourable members maybe deserve this or that and they do it. But on the issue of the committees sitting to be able to exercise their roles, whatever anybody wants to say, whoever he is, whatever level they are, we are going to fight - (*Applause*) - until either we achieve success or we do not, but we will never blame ourselves because that is a stand that we must take.

For example, I heard some members saying that it is good we got ten extra days - (*Laughter*). You know, ten days...personally, I am on two committees: I am on the Committee on Trade and the Committee on Regional Affairs - (*Interjection*) - actually with *Mama Kamba*; we are always together in these committees. Now, that means that you can always split the ten days between the two committees; five for Regional Affairs and five for Trade. Of the five days, two days will be for me to fly from Kampala to Arusha, or wherever the committee is going to sit, and back to Kampala. So, effectively you are talking of three days. A committee like Trade...in three days? Looking at what they have got to consider and work on, honestly, honourable Members of the Council, consider this issue.

It is possible that you can resolve them, and really we would like to request you to consider them, but before that, Mr Secretary General, please do your work; help the Council, because the moment you sit with your technical people, you will be able to realize money internally, so that by the time you meet the Summit or the larger Council, you are able to show that this is the requirement of the Assembly and we have got the money. And I would like to ask the Council, if you do not mind, that the moment the budget is passed, to write to the Secretary General and request him to do what is necessary for you to do your work when you are presenting those cases to the Council and the Summit. And I can assure you, it will be easy; there will be good working relationships in these institutions. We will be meeting each other without feeling an air of friction.

You know, as human beings, it actually starts with thoughts. The thoughts we have in our minds create the feelings or the emotions that we generate. That is why at times when you walk into a room there are people who emit negative emotions - (*Laughter*) - and you can feel it, by the way. But if you have got good thoughts, the influence, the emotions and feelings that you generate, and if they are good thoughts, good feelings, even in a room, you will feel it! That is what we would like to feel; to feel good when we are here.

We spent five years here and people would pass each other, and you could cut the air in between them - (*Laughter*) - because you could feel the friction. We do not want that, honestly. We would like to find Arusha as haven of peace, of harmony, so that we are building for the future. We build that culture and it is possible. What makes some of us perturbed is that it is possible, it is within our means, and it can be achieved.

Let me not take too long, let me conclude. Mr. Speaker thank you for giving me this opportunity to contribute, Mr Minister, you have got my vote - (*Applause*).

Ms Safina Tsungu Kwekwe (Kenya): Mr Speaker, I thank you very much for giving me this opportunity to make a very brief contribution to this debate. Let me start by saying that I am also a member of the General Purpose Committee, so I have been engaging in this budget process for quite some time now.

Mr Speaker, I would like to start by clearing some notion. In my language we have a saying that if an untruth is repeated several times, it will resemble the truth. Hon. Kingi, I think, understands what I am saying. When you tell an untruth several times it will begin to resemble the truth, and I am saying this for two reasons. There is a notion that this debate is being strangled because of a Uganda position. That is no! I am Kenyan, and my position is that the budget as it is is not a good deal for East Africans. I want that to go on record - *(Applause)*.

Secondly, there is a notion that this House, through a team that the Speaker appointed, had an opportunity to engage in the budget process but deliberately refused to engage, and therefore they lost an opportunity. That too is an untruth. And no matter how many times it is repeated, it should not be taken as a truth. So hon. Speaker, I want now to go to substantive matters.

The honourable Chairperson of the Committee, when we came in here, told me there was a feeling that there would be no time for debate, so I gave her all my points. But the issue I want to raise is this; the committee belaboured the issues, and even the recommendations that were agreed upon were not easy to arrive at. A vote on account was not an easy decision, but, as legislators, as leaders, we said that we needed to reach a compromise position that would ensure that the Community continues to operate for at least three months, and that during those three months this document would be looked at again in view of the issues that have been raised, and within the resources that we have be able to do re-allocations.

Honourable Speaker, once you have passed a budget, how can come back and make re-allocations? And we are saying...first of all I forgot to congratulate the Council. They found \$9.9 million in a record 24 days - *(Laughter)*. So we need to congratulate them for that. But even if they were to find another \$10million dollars, that is not the issue; we are saying within what we already have, which we are assured of, we can make good that resource purse and make a difference. That is all we are asking for. So if we approve this document as it is, how will we be able to make those re-allocations? We will only have a supplementary budget that may or may not get approval!

Hon. Speaker, the integrity of this House is at stake; it is up to us to withhold that integrity. If it is already lost we need to restore it. And therefore, hon. Speaker, I still stand on the position of the Committee that let this be a win-win scenario, where we give a vote on account, so that the Community can run until September and we re-engage in the budget process. For me that is a compromise position, and nobody gets hurt, nobody loses face.

Hon. Speaker, I hope I was understood because yesterday when I came here I met one of our staff who said, "Honourable, when you speak, you speak too fast, so we do not even hear what you say!" So, I hope today I have engaged a speed governor so that I can be heard and understood well. I thank you - *(Applause)*.

Mr. Abdul Karim Harelimana (Rwanda): I thank you, Mr Speaker, sir, and I thank Members of the General Purpose Committee for the good work they have done for us. I also thank the Council of Ministers for the good but short step they have made since yesterday, which has culminated into a reconciliation of this issue of the budget, which started in Nairobi last month and is still continuing even today

Mr Speaker, sir, there are issues which we can discuss, and there are those which we do not have permission to discuss. Like Rule 11; it is very clear, it has no ambiguities but people are still discussing it. I do not know why. And people want to negotiate on that rule. It is clear and everybody can read it, and even that one who cannot read, at least if it is read for him or her, it is very easy to be understood, but people are still trying to negotiate on that rule.

Mr Speaker, sir, leaders who are responsible always bear in mind that history has got ears, eyes and fingers. It is looking at us, it is hearing us, and its fingers are taking note of whatever we are doing and saying here. If we are making history today, our children and grandchildren who will come after us will either appreciate positively what we are doing or they will blame us. So, we are making history in whatever we are saying here and the decision we are taking today. That is why I would like to rule out from all of us here the saying that you scratch my back and I will scratch yours. Here it is not a matter of give me and I will give you. I think it is a matter of principles here - *(Applause)*.

The budget is not an individual issue, it is not for the members of the Committee, it is not for me or you; we are budgeting for the Community and our people. And what the House is asking here is to let the people of East Africa see East Africa on their roads, in their villages; everywhere. We have got this strategic plan, which is very beautiful, and it is very possible and easy to be implemented, but the budget is not very serious about that.

There were issues that we raised in Nairobi, which are still here; they are not yet addressed at all! Like the issue of travels, many of which we said were not even well studied; no one knows the outcome of these travels, but in the speech of the Minister before yesterday, on page 7, he tried his best to defend these travels. Yes, some of them are very genuine, but not all of them; that is why the House is asking to be clear on these travels. Yes, you are going here, but what are you going to do there and what will be the result from that travel.

I heard that there was a travel to China or somewhere last month - *(Interruptions)* - what did he bring from China to the East Africa? If it was just a journey and a tour, we have got many areas in the region to visit - *(Applause)*. Even I who was born in Rwanda in the neighbourhood of Uganda and the Democratic Republic of Congo where there are mountain Guerrillas, I have visited them only twice in my life, which is almost above sixty years. So we can do those things if we want to encourage our people to know the area, but just going for the sake of going, I think, is not proper if

we want to make good history so that our children and grand children praise us in future.

The honourable minister talked about the consultancy that they are going to undertake with a view to making some resolutions. That is very good and we support it very much, but can we be given at least a time frame of the things that we need to be cleared? And above all that, I think we need to make some Bills. Do we have a procurement bill here? I do not think that we have one. We should have a procurement policy; we should have many things, which will help us to put in place checks and balances. Otherwise, our endeavours to fight because of wanting to jealously protect the monies of our people will continue for some time.

Mr Speaker, sir, I would like to finish here by saying I have heard that there is a Budget Bill- or something like that -which came through here and it was requested for by some people who took it but did not bring it back. We need that law so that we can protect people's money – (*Applause*).

Mr Speaker, sir, I am happy that the honourable minister has suggested that they are going to talk about the residence of the Speaker, which for me is not a big issue because it is something which we can solve straight away. But if they do not get an alternative, we can give a residence in Kigali for our Speaker – (*Applause*).

I thank you, Mr. Speaker.

Ms Dora Kanabahita-Byamukama (Uganda): Thank you, Mr Speaker sir. I would also like to add my voice to that of the others before me who have thanked the Council of Ministers for complying with what was requested for in Nairobi. This month of June has been a very momentous month for some of us who serve in this Assembly, and I believe that there must be a reason for this. I also hope that the interest that this has generated in the Assembly will continue so that we will also continue to be under the glare of the Community to ensure that what we do is right.

Mr Speaker, sir, when we come here to serve, we take an oath, and this oath is that we shall serve without fear of favour all East Africans. Mr Speaker, I would like to state clearly that as of now, this oath is under jeopardy because when we highlighted issues in Nairobi most of these issue were addressed, those which were not addressed were those which touch on this House, which puts us in a very precarious situation in that we seem only to be speaking on issues that touch on us. This is dangerous for this institution, and this is why I would like to support the fact that we should have a self accounting status so that when we lay our budget before the Council of Ministers and when we lay the budget of the East African Court of Justice before the Council of Ministers. This would not be a subjected to debate.

I am saying this, Mr Speaker, sir, because we are here and we can talk for the Assembly, but what about our esteemed judges, who are not here? And this is why, for example in Nairobi we took it up to talk for all these institutions, as we must. And, just like in our Partner States, when you bring issues of the Assembly into the public arena for us to tear each other apart, the “honourable” title is also jeopardised. So I am proposing that the Budget Bill, which the hon. Abdul Karim has also referred to, is passed very quickly so that we have all these issues debated and discussed at other

levels, and so that we give more room for discussion of other matters rather than us talking about, for example, an obvious matter such as the residency of the Speaker.

With that said, Mr. Speaker, sir, I would like to declare that I am really feeling torn apart. We have a committee, which was assigned to do work for this Assembly. The committee came to us and informed us and put forward a position. We listened very carefully, and it was logical and reasonable. Now, this afternoon, we have heard from the Chairperson, Council of Ministers, his pledge. And this chairperson of the Council of Ministers is an honourable member of this House. So, this really puts us in a very difficult situation in that when an honourable member of this House has made a pledge and this pledge is questioned then it means that even our own pledges can be questioned - (*Applause*).

So, Mr Speaker, sir, on this note, I would like to say, as I said before, that the issue of the Budget Act, the issue of self accounting status for the East African Court of Justice and the Assembly should be pursued with vigour so that we do not find ourselves in this kind of a situation.

Mr Speaker, all of us are human beings, and I think what differentiates us from animals is that at a certain hour in the night, you stand face to face with yourself - (*Interruptions*). You question the reason for your being, you question the reason for what somebody has done to you during the day, and you question as how you will be perceived in future; how posterity will judge you.

Mr Speaker, sir, I would like to say that we have made our case, we have made it very clearly; it is not in self interest and I would like to follow what the hon. Ndahiro has said. I really do not want to earn money for free. If committee work cannot be funded, then I think it is better that we are not even paid our monthly salaries. It does not make sense.

I would like to rest my case and say that after being torn apart for so long, I have no other recourse but to ask kindly, the Chairperson, Council of Ministers, to honour his word. If he does not honour his word - of course I would not want to presuppose that he will not, so I will also give him the benefit of doubt – (*Applause*) - and I would like to urge colleagues that this is not a sign of weakness. I think we have negotiated and shown our strength.

When I sat in on the Budget Committee, one member said that she is usually a very strong member, very strong politician in her home country, but ever since she came to Arusha she has been feeling weak, weaker and weaker. But I would like to say that on the contrary, for me I have felt strong, stronger and stronger – (*Applause*).

I think we get strength from acknowledging reason, we get strength from giving benefit of doubt, and we get strength from compromising and working in the interest

of the Community. I would like to urge members to put it in to account. I thank you - *(Applause.)*

Mr Clarkson Otieno Karan (Kenya): Thank you, Mr. Speaker, for giving me the opportunity to also put across my views about the budget.

Mr Speaker, I would like to admit that it is very difficult to talk to politicians because yesterday we heard sermons from various very eloquent speakers. They advanced their cases as per the bible; and this is the bible - (The honourable Member raised a copy of the Treaty for the Establishment of the East African Community).

Mr Speaker, I remember the day we were sworn in one year ago, and none other than the Chairman of the Council of Ministers then, the hon. Kategaya, addressed us and said “the bible; the bible; the bible; the bible. He said it four times, which meant that whatever we do in the East African Community will be based on this document, which is the constitution.

Now, yesterday when the preachers were talking, they referred to various verses of this bible in trying to convince the politicians to be able to see what is in the bible.

What I expected this morning, Mr. Speaker - if it was a congregation of a church - people crying, confessing their sins and asking God to forgive them – *(Laughter)*. But that has not been the case this morning. The case this morning is a case of hardened people who want to stick to their position. I do not want to go to any section of the bible because the preachers who did it yesterday did it more eloquently than I would do it. But, allow me to refer to section (5) of Article 132 of this Treaty. It says as follows:

“The resources of the Community shall be utilised to finance activities of the Community as shall be determined by the Assembly on the recommendation of the Council.”

The issue here is not money; it is the activities. And that is what the Chairperson of the General Purpose Committee was asking about. Why don't we have time to look within our meagre resources and then re-allocate to votes that can be able to add value to the activities of the East African Community, so that when you are walking, you see East African Community on the roads; *(Applause)* - or when you are talking about activities, development and the other things which were articulated by the Chairman of the Council of Ministers, you see something which you can be proud of as a person connected with the East African Community?

Mr Speaker, we have been here for one year, and as you know our coming here, and especially the Kenyan members, was a bit hectic. People back at home are chanting that they want to see what the honourable Members of the East African Legislative

Assembly are doing, and the people who are supposed to give us support in terms of this Treaty are in essence rendering incapable of performing our duties.

Mr Speaker, I want to urge the Council of Ministers - I agree also that most of them are new, but I want to say the following, and this through experience - that even in the last session when we raised a question on whether the Assembly was part time or not, we were given a commitment that the Assembly is full time, but when it comes to budgeting, what transpires in figures shows that the Assembly is part-time, and this is one of the reasons why it is very difficult for the Council of Ministers to actually approve the residency of the Speaker. It is on the basis that he is part time; that he is only here for ten or fifteen days. Mr Speaker, how can we then take the word and the commitment of the Chairman of the Council of Ministers, who has today recommended what they will do after up to about three to four years? It puts us in every difficult situation and this session in which we are discussing the budget started from Nairobi, Mr Speaker, and it also depends on what was articulated in Nairobi regarding what the honourable Members want in the interest of the East Africa Community.

I think the Council of Ministers should actually have seen the recommendation of the General Purpose Committee as a way out. If they are sincere about these recommendations they are giving now, why don't they accept to have a vote on account so as to be able to get money for three months while they correct those abnormalities? What is the big deal? Because, if you have passed the budget the way it is, how will you do the re-allocation of the funds, seeing that we have given you those funds for those particular votes? How will you do the re-allocation? I may not be an authority on how the budget is done, but I know that once you approve money on those particular votes, they are supposed to be spent, unless somebody is really faithful to himself, which we are proving here that nobody is crying to repent their sins, and there is no faith that we can be able to accept this kind of position.

Mr Speaker, I want to say the following that, the East African Community is for the East Africans. All those personalities who are put in positions of authority are for the benefit of the East Africans, and it is therefore important for all of us to re-examine our positions, to see whether the decisions we are making are in the interests of East Africa. I do not see why there should be a tug-of-war between the Assembly, the Secretariat and the Council of Ministers if we are all working for one goal, which is the good of the people of East Africa. We need a forum where everybody will be able to articulate his problems vis-à-vis what the Assembly is requesting - (*Applause*). Maybe that forum will be our saviour.

Mr Speaker, the position in which the Council of Ministers has put us can be described as a position to make the Assembly incompetent, because all parliaments get their work through their committees. If we have to argue here for committees to get funding, something that should have been automatic, without the need for us to talk about it, then what do we expect from the Assembly? (*Applause*) What do we expect from the Assembly if its committees are not working; because the business in the plenary originates from the committees! If the committees are not funded, that is something to talk about, leave alone the residency of the Speaker, who, perhaps

because is here for only fifteen days, does not need a residence. But even if he is here for only one day, you will find people calling him to consult him. Do we consult him in hotels?

Mr Speaker, I want to state my position, because at the end of the day, you are accountable for what you have said; that is what is important. My position is this: I want to go with the recommendation of the Committee of this House, because this House works through committees – *(Applause)*. I would find it difficult to negate the position of the Committee, a committee that is established by this House and given a responsibility and they perform that responsibility and all the speakers who have stood here have congratulated the committee for a job well done. Now, where do you want to throw that work well done, if you want to negate that position? *(Applause)* And what the committee is recommending is not new. It has happened in this House before. What is new is the good will of the Council of Ministers for amendments to be moved to the motion, and to accept the recommendation of the Committee, and then after four months, as you are saying, we will review the position of East Africa. We are also not mad; we do not want to paralyse the East African Community. So, why don't we behave like a congregation of the church where people rise up and cry for their big sins and repentance? Mr Speaker, I rest my case – *(Applause)*.

Ms Kate Kamba (Tanzania): Mr. Speaker, sir, I thank you very much for giving me this opportunity to add my voice to the budget debate. I would like to commend all those who have actually given their views since yesterday on this subject. I have been pre-empted since yesterday to add my voice to the debate bearing in mind that I have been in this House since its inception.

Mr Speaker, sir, you are aware of what has been happening since we started this Assembly: we had a big war between the Secretariat and the Assembly. You will remember that at one point we really differed to the extent that we had to set up a select committee before even a year in the Assembly. At that time, as my colleague here was relating, there was really thick air, but fortunately, towards the end of our first term, a lot had been resolved. We had our salary raised from \$1000 to a better....actually we were only getting allowances then, but to date things have changed.

Mr Speaker, I would like to tell my colleagues that this is actually the first time that a budget was actually shelved in this Assembly; it is the first time that the Council of Ministers were asked to go and review the budget and they have actually yielded. This is the first time I have seen this happen in this Assembly - *(Applause)*. I would like to commend the Council of Ministers for that faith, not only for us but for the Community.

Mr Speaker, I would just go straight to what has been suggested. If you look at the rules that everybody is referring to, they state categorically that the House shall sit for not less than 80 days for plenary and not less than 40 days for committee meetings. This is the minimum requirement for our sittings. For the past five years we have been

having only 60 days and we did not do much. Committees with sharp chairpersons were sourcing for funds outside of EAC. I used to chair one of the committees, and it was very rough because we had to go to FES (the Frederick Ebert Stiftung); we had to go to AWEPA (The Association of European Parliamentarians for Africa) and others looking for funds, and that is how we managed to do the little we did. This time there is some movement: We have been given ten more days for plenary, which makes it seventy days, and which is less than the eighty days provided in the Rules of Procedure.

I was comforted when I heard the honourable Minister pleading with us to allow the Council to look and see if they can give us more time for plenary - now I am adding plenary because we need another ten days, and forty days for committee work. I was looking at the budget itself, and I am trying to make some suggestions.

The Secretariat has US \$ 23,639,774 while the Assembly has US\$7,348,643. With the wisdom of the Council of Ministers together with the Secretariat, I have the confidence that they are going to re-allocate. I used to be in government also, so I know that when you have a vote, you can re-allocate. We are not asking for our Partner States to give more, but we are asking for the Secretariat and the Council of Ministers, in good faith, to do a re-allocation within the budget, which I am sure they will do because they have that willpower to save the Community.

Mr Speaker, sir, I am also comforted by what the Chairperson of the General Purpose Committee has done in her committee. I know that even at the committee level it was not easy to come out with what has been suggested here that the budget should be postponed. I am pleading with the Assembly to give the Council of Ministers the benefit of doubt, and let us see what will come out of that because, we still have four more years to test that confidence, which we are giving to our Council of Ministers, who also happen to be members of this Assembly.

We have all pledged loyalty to this Assembly in the service of East Africans, and I do not see in the faces of these honourable ministers any sign that they want confrontation with the Assembly. What they want is harmony, and once we give them the benefit of doubt by passing the budget, definitely things are going to work out, and the forty days which we are requesting for committee work and the additional ten days for plenary, which most of you have not mentioned, will do great service to the Assembly.

Mr Speaker, if you look on page 4 of the ministers' speech, you will find there some areas where we can get money, for instance, Partnership Fund and others, and we also have a float somewhere; we can also use that. I hope the Secretary General understands me when I say that there is a float. This is what is normally used when there is no money. For example, this time around that we have come here, where did they find the money for this meeting, and even for the budget meeting, because it was not in our budget and yet we got the funds required! So, using the float, using all the techniques they have, you know they can add the ten days for plenary and the forty days for the committees and we will all be happy because, after all, we are all building

the same house. We should not be fighting for the straws and the ropes thinking I am more important than the other. We are all very important!

So, I really plead with the honourable members that...I for one support this motion and I know that even during the committee it was not easy. Even the chairperson of the Committee was not for the delaying of the budget, but “*wengi wape*”. That is the Kiswahili phrase: The majority always win. That is why she had to read what she was reading. So, with these few remarks, Mr Speaker, sir, I beg to support the motion. *(Applause)*

Ms Margaret Nantongo Zziwa (Uganda): Thank you very much hon. Speaker, sir. I want to take this opportunity to thank the Council of Ministers for the addendum to the speech of the Chairperson of the Council of Ministers, and also to thank the Council for coming up with responses to issues that were raised during the Nairobi sitting. I also want to thank the committee for guiding us through, and for concretising the concerns that were raised by this House.

Mr Speaker, sir, as we come to the conclusion of this very important debate, I think the challenge that I am seeing in our hands is mainly to find a way forward. I appreciate what my colleagues have said that we should give the Council of Ministers and the Secretariat an opportunity for the benefit of doubt, and I think that would be a way forward, but, how operationalisable is that way forward, namely that we approve the budget and then either the Council of Ministers or Secretariat can go back and do what we feel -or what the Council of Ministers is committing itself to do? I think we have that challenge because of the nature of the budget process, and I think we need to address that aspect immediately.

For instance, I can see that the budget of the East African Community currently is just an event, and that is very unfortunate, because that is why we are now faced with this kind of challenge. It is very important for the budget of the East African Community to also be a process like the ones in our Partner States. The process in the Partner States gives the opportunity for the engagement of all the stakeholders at the right time, including the committees of the House being able to guide or direct where the allocations should actually be geared vis-à-vis the policies as they stand. And in that respect, I want to re-echo - *(Interjection)* -

Ms Hajabakiga: Honourable Speaker, I just wanted to read Rule 72 (2) of the Rules of Procedure of the Assembly which indicates that:

“No expenditure of any resources of the Community shall be made without approval of the Assembly as provided for in Article 132 of the Treaty.”

I am worried that the promises we are receiving from the honourable ministers that there can be any re-allocation after we have approved the entire budget will not be possible because there is no way any monies can come from any other part to go the committees unless it was voted by this Assembly. I thank you Mr. Speaker. *(Applause)*

Ms Zziwa: I want to thank hon. Patricia because I think she has actually re-enforced the concern that I am trying to raise. If we go ahead and approve the budget, that will mean that - for instance, if I can draw from some of the examples that were raised on the Floor of this House, yesterday the hon. Dr Masha talked plainly and painfully about the communications and publicity budget, which is so meagre and yet publicity is very important because, if the people of East Africa have to know more about the East African Community, if they have to know more about the integration process and its benefits, then this communications and publicity department must be re-enforced, and the re-enforcement must come in form of both money and human capital. Mr Speaker, that budget can only be re-enforced if we can have the opportunity to re-allocate, but the moment the budget is approved, that re-allocation cannot take place!

I also want to add that I was very glad – as I said when we were in Nairobi - that the East African Railways Master Plan came out as an area of importance when the Permanent Secretaries met in Mwanza. Hon. Kimura, Dr. Nangale, hon. Mmari and I attended that meeting. The hon. Secretary General was also in attendance of that meeting, and after that there was an opportunity for the ministers, in Kampala, in Munyonyo, to endorse what the Permanent Secretaries had agreed upon.

Mr Speaker, I have a copy of the resolutions of the meeting with me here, and in there, for instance on the railways sector, they said: “...the Secretariat to mobilise funds from within and outside the region for investment on railways, and; the secretariat to undertake a study on implementation of railway mass transportation in urban centres within the region.” What am I pushing here?

Mr Speaker, sir, go to any of our capitals during what we call the “rush hour” - go to Kampala, go to Nairobi, Dar-es-Salaam, or to Arusha as you go to Njiro, many of our people cannot arrive in their offices on time. Of course you cannot know whether any of the respective governments would be able to undertake what we call an urban railways master plan, or what is called “trams” in those big cities. This would be a very good entry point, and a big project for the East African Community to take on. It would be a feasible project seen benefiting the people within the East African Community. But when you look at what has been provided, it is just a mere US\$200,000, and I think that is basically for the feasibility studies. But, we can now also know that there are some areas where money is put and they will not really be adequately utilised.

What we are trying to say at this juncture is that if we have an opportunity for a re-allocation, some of these monies which we think have been put in areas that will not be of direct benefit to the peoples of East Africa can now be moved to be re-allocated. And if we find that in those particular areas we would derive better benefits, then we shall be able to have the opportunity to have the monies there. And, Mr Speaker, I want to add that this should not be seen as though the Secretariat or the Council of Ministers has lost, or that the Assembly has lost. I want us to come – like hon.

Kwekwe said, we want a win-win situation. We want this budget to be approved when the resources are appropriately allocated.

Mr Speaker, where is the mistake? I think the mistake stands in what the hon. Ogalo mentioned yesterday, namely, the modern ways of making the budget, which is activity based. The budget should start from the respective departments or sections, which would then be brought together, perhaps under the Secretary General, so that every department can negotiate the priorities that it wants to put forward. And then after that, all the priorities would be aggregated to say, within the available resources these should be the priority areas and this should be the budget. But, with the Finance and Administration Committee (the “F and A”) - I am sorry again to go back to the “F and A”, but with the “F and A”, you will find that even when the East African Legislative Assembly painfully demanded or raised the rule, which hon. Kamba has ably quoted, and I remember that one time even the hon. Byamukama and the hon. Ogalo were assigned by the House Business Committee to go before the Finance and Administration Committee, and when they reached there, they were told kindly “don’t sit here because this is not your area”, we were not able to put some of the concerns we were expressing before the Finance and Administration Committee, which is actually the final generator of the budget - (*Interjection*)

Mr Sebalu: The information I would like to give is that arising out of a very good legal explanation of the status of the Finance and Administration Committee, it was definitely kind of a misnomer for illegal people to chase away the rightful people. (*Laughter*)

Ms Byamukama: I thank the honourable member for giving way. I think until yesterday, all of us were not very open to that fact that the “F and A” should have closed shop and gone home a little bit earlier than now. But following on that, it would be pertinent to follow on what the hon. Ogalo raised yesterday and ask the Council of Ministers to petition for legal advice on this particular matter as the Treaty says. But the information I would like to give is that, indeed, because we felt that we had made appeals to different kinds of people and we were not being given audience, when we did go to interface with the “F and A”, we were not chased away; we were cordially received after stating our case. And I think this case has helped us to rest some of the issues that have been brought up. And I would like to say that these are some of the good inter-organ working relations that we could advance, not withstanding that the “F and A” may not necessarily be the very entity. I thank you.

Ms Zziwa: I thank hon. Sebalu and hon. Byamukama for the information. I just want to say that if the interface produced results, we should continue to have this kind of interface, but I think my concern at that level was -maybe it was not communicated, but the kind of undertones at one time were like “you should not be before “F and A”; you should be with the Secretary General, or with the Clerk, to see how the committees or the House should proceed with its priorities!” I think that is where the concern is – (*Applause*).

Mr. Speaker, sir, so what I am saying is that considering that a good budget should be activity based, and considering the “new” monies derived in the budget totalling

almost to US\$10 million, and considering also that monies have been allocated in the new budget but still in block – the Common Market negotiations has received a block of US\$ 1 million; support to EPAs (Economic Partnership Agreements) has received a block of US\$ 1 million and so on, it would be prudent for these blocks also to be unpacked.

It may be that the Common Market negotiations will take maybe only up to US\$700,000 so the saving of US\$300,000 can be taken, for instance, for communication and publicity, and if you unpack the EPAs negotiations, we may save another US\$300,000 or US\$200,000, which can maybe go to the committees! Mr Speaker, this would have been a better arrangement for producing a better budget for the peoples of East Africa.

Mr Speaker, I would have expected the Council of Ministers to move by advising the House on the way to proceed, because I know very well that when we resolve into a Committee of Supply, you are going to call for votes, and you are going to say “Vote 101, which is this kind of Vote, like for instance, “Secretary General” or “Directorate A”, so much money, and the House will say, “Aye” or “Nay”. We shall not be able to unpack that. And if we are able to say “Nay” and that one vote is not passed, then how are we going to pass the whole budget?

Mr Speaker, for me I think I need some level of help to be able to say I will approve the budget. Otherwise, I think the proposal by the Committee was a fair way forward, and it would have given us an opportunity to see how best to go ahead. But, where there are some under-tones in form of statements like “of course we gave them ten extra days”, “of course the Speaker’s residence cannot be attained; we shall have to go to the Summit”, at times I look at it as blackmail; blackmail in that if you go out of this Chamber and tell, for instance, the Press that the East African Legislative Assembly has not approved the budget because we did not cater for their sitting days or because we did not cater for the residence of the Speaker, definitely the people of East Africa will say we are selfish or inward looking.

So, Mr Speaker, I want to say that we are not only looking at our sitting days; we are not only looking at the residence of the Speaker, we are also looking at other issues, for instance, traffic in Arusha. I know it may be difficult for the United Republic of Tanzania to find immediate money for an underground system for Arusha city - I am saying Arusha but it could be Kampala, Nairobi, Kigali or Bujumbura, where traffic has become a menace. I would like money in there because these were the words of the Permanent Secretaries, and I would expect us to lead by example. We should walk the talk.

Mr Speaker sir, having said that, if I am assured that the arrangement where the Council of Ministers can give us the opportunity for re-allocation is acceptable and we have that commitment, I will give him my vote. If we are able to say that we shall approve, but be able to come and do a re-allocation - now I do not know procedurally

how we shall do it, but if I am assured of that, I will give the Council of Ministers my vote. Otherwise, I think the best way would be what the Committee has proposed.

So, Mr Speaker, sir, I wanted that clarification and I will be able to do my noble duty of approving the budget. I thank you sir. *(Applause)*

Mr. Mike Kennedy Sebalu (Uganda): I thank you very much Mr. Speaker. I too would like to join the other members of this House to thank the Council of Ministers and the Secretariat, as well as the Committee, which has generated this debate. And from the onset, I would like to say that this debate is very healthy. To me it is very healthy; one, as a parliament we are fulfilling our mandate as clearly spelt out in the different authorities that give us the roles that we play as a parliament. There has been a departure from the Nairobi debacle because there was jostling here and there, and I think we are making some movement, but we can still do better. We can definitely do better.

One thing that I would like to say is that we do need the good will on both sides; the different organs and the legislature. We need to engage in optimal utilisation of the available resource envelope, and that is exactly what we are saying as a parliament, that we have so little but we can put it to optimal use and generate visible, serious output. We are trying to cut the size of our coat according to the piece of cloth that we do have, and I think that should not be a problem. And we need working harmony if we are to do this, because in the eyes of the East Africans, they know there are people in Arusha whose role of being there is to ensure that the plight of East Africans, the quality of life of East Africans is improved. We all have a duty and a responsibility to do that. We do it by playing different roles, and I do believe that it can be done; it can be achieved provided each one of us plays their role and plays it well. And as a parliament, we are trying to play ours. When we do, it does not mean that we love East Africa less. We are just playing our role.

The Council of Ministers has made some commitments and pledges. When I look at the honourable ministers - *(Laughter)* - I do not have any reason to doubt your sincerity. *(Applause)* I do not have any reason to do that, but I would like to caution that you can never have a second chance to get a first opinion. So once you mess up this, you will never get a second chance of a first opinion. The first time may be an incident, the second time it is a coincidence, the third time it is a habit. Let me hope you are not walking that road - *(Interruptions)*.

We have serious issues to look at because there are things that you may want to hear but there are those that you must hear, and that is what the Assembly is doing. They are coming up with issues that must be heard, and if they are heard and responded to, it can help us to move to another level in implementing the integration process. And I believe that we must appreciate that goodwill and mutual benefit to be able to move forward.

The issue of the Speaker's residence and that of committees has been over-emphasized. I am just wondering whether this was not a direct provocation to get the reaction of the House. Is it a bait, is it a provocation; what is it? Was it an omission, was it a commission? What is it? Was it premeditated; what is it, because there are other issues! But I think we are handling it very soberly because we are looking at the bigger picture. We are simply not looking at ourselves alone, because by ourselves we cannot take East Africa far. We need to do it in a complimentary manner – (*Applause*). That is why we really need one another.

So, on the issue of the Speaker's residence, there is something that I have just remembered, and it is quite an interesting scenario. At one time we had a committee meeting somewhere in Dar-es-salaam, and the hotel in which they were meeting was invaded by court brokers and it was locked up. (*Laughter*) This is a reality; it happened. Now just imagine, if our Speaker had an appointment in that hotel, and he is supposed to meet some very important people to discuss big issues of the East African Community, now they drive to the hotel and find it locked! What view would they have of the Speaker? Someone who gives them an appointment in a locked hotel! You know, these are real things that can easily happen so...and the members who were in those meetings can give you the experiences that they went through. Some of them left their meals on the table because their luggage was being taken - (*Laughter*) – and someone lost a bag! Thank God the Speaker was not in that hotel to transact serious business of the Community - (*Interjection*) –

Ms Wanyoto: He had just left the hotel.

Mr. Sebalu: He had just left? Thank God he left in time.

Now these are real issues. I would not like a situation where my Speaker is embarrassed like that. I do not think that would be helpful. Now that illustration that I have just given does not need a study – (*Interruptions*). You do not need a study to see that it is very dangerous; neither do you need a policy to know that it can be highly embarrassing for a person of that standing - (*Interruption*)

Ms Byamukama: Mr. Speaker, sir, I thank the honourable member you for giving way. I am just wondering: we are very important persons, so was it alright for us to be evicted in that manner? I was present and we were working on the Joint Trade Negotiations Bill, of course funded by AWEPA, and we were getting our US\$20 per day. So, was it okay for us to be evicted in that manner; we are honourable members!

Mr. Sebalu: I thank the honourable Dora, but for the time being, we are not going to stretch this matter for you to have residences – (*Laughter*). We can afford to enjoy that occupational hazard for the time being, but at least the phantom of this House should be protected. We can afford to undergo those embarrassments once in a while provided our Speaker is protected. (*Applause*)

Mr. Speaker, yesterday the hon. Akhaabi raised very serious issues regarding Articles 55 and 60 of the Treaty, and today, the hon. Abdul Karim has raised the issue of Rule

11 regarding the way we do transact our business, our mandate and the powers given to us by the Rules of Procedure as well as the Treaty. I just want to be helped at this point in time. Could it be that the Council of Ministers may have amended these provisions without our knowledge? Could it be possible that some amendments were affected to these documents without our knowledge, because the way we are proceeding seems to suggest either that those provisions are not applicable and are no longer laws or that they are null and void!

Mr Speaker, maybe the Counsel to the Community may have to help me on this one, because when we do have these provisions and we do not respect them, when we make laws and we do not respect them, when we create institutions and we do not give them capacity to perform, when we have got structures and we do not allow them to operate, then we are defeating the very essence of our being here.

So, I need to be helped along those lines. Are those provisions still in force or somewhere in some retreat they were suspended till further notice. I need to be helped on that because the way my brother - (*interruption*) -

The Counsel to the Community (Mr. Wilbert Kaahwa): On a point of information, Mr Speaker, sir, may I inform my honourable friend on the Floor that Articles 50 and 60 of the Treaty for the Establishment of the East African Community, which he has referred to in his submission, have not been amended – (*Laughter*) - they are still in force. And the Rules of Procedure of the East African Legislative Assembly have been amended in those areas where the organ charged with amending these Rules, which is this August House, has so done. I hope this will help his further submissions.

Mr. Sebalu: ...and I hope that these provisions will be respected, not only by the concerned organs but by the entire fraternity of the Community. And with that clarification, I do believe that the necessary actions can be taken to ensure that those provisions are operationalised, and we move as per the intentions of the framers of the two documents that I have referred to above.

Mr Speaker, I just want to go to the issue of the committees. I am a chairperson of a committee, and it is becoming not so enviable to be a committee chairperson, because whenever you meet members are raising issues of their willingness to do work but the enabling environment not pertaining on the ground, and that is a very serious issue. It is especially more disturbing from our colleagues who have just joined us.

I would like to state to this Assembly that in my Committee on Regional Affairs and Conflict Resolution, I do have a set of new very enthusiastic and dynamic people who are really willing to work and even make up for the time we lost, but the way things are, we have had very few interactions and they are inquiring about the way forward. We have been able to tell them that we have made work plans which have been submitted to the House Business Committee. The first ones were seen to be too ambitious, and so there was a subcommittee that was formed within the House Business Committee to review and harmonise the activities with a view of working

within a smaller budget. That one we did very religiously, and again we handed over the revised work plans, but up to now we have not had any of these programmes and activities cleared to be handled by the committees. And this is disturbing, given that the committees are supposed to generate work for the plenary.

Mr Speaker, wherever we go be it in our national parliaments or elsewhere, work is generated at the level of the committees. Even when issues come to parliament from outside, they are handed over to the committees for thorough scrutiny. The committees deal with all the details such that when you get to the plenary, only the principles are passed, because the details would have been worked out by the committees. The absence of that kind of arrangement makes a parliament ineffective in dealing with matters brought to it critically. It is indeed an issue that needs to be looked at very, very seriously if we are to be able to generate work and pass legislation.

Finally, Mr. Speaker, I would like to talk about the issue of the different stages of integration that we are going through. We have gone through the customs union, but I do not know how effectively the Committee on Communications, Trade and Investment, whose mandate it is to oversee that sector, has really gotten involved in the details of how the customs union is being operationalised, what challenges are coming up, what the feelings of the people are as - (*interruption*) -

Ms Mmari: I am sorry, Mr. Speaker, for my voice, and I thank the honourable member for giving me way. I am in the Committee on Communications, Trade and Investment, I am a Tanzanian, and I have never been to any border, so there is no way this committee can advise you on how Customs and Trade is working. So, in terms of the committee working, I can assure you we have not been able to get funds to do any of the planned activities for this year. I am sorry, you can continue, but I am assuring you that as a committee, we were not able to do anything. I have never been to any border post so I do not know what Customs is doing, and I am sitting in this House. I am sorry.

Mr. Sebalu: Mr Speaker, now you can see that kind of scenario where the *wananchi* at Namanga are more informed than a member of this Assembly handling matters of trade! (*Interruption*)

The Secretary General (Mr Juma V. Mwapachu): On a point of information, hon. Speaker, unless I am wrong, I believe that during the previous Assembly, the First Assembly, there was a major trip by the EALA members, who made an amazing contribution on the Customs Union; the problems, the non-tariff barriers and a major report, which has been very useful to the Council of Ministers, was actually tabled on this matter. It is that report that has informed some of the decisions that have been taken and are being taken including the single border posts. So, unless I am forgetful about this matter, I know that there has been this massive work that was done by this Assembly.

Mr. Sebalu: I thank you very much, hon. Secretary General. I think you have rightly

said it that the previous Assembly, and I cannot agree with you more, but I am talking about the current Assembly - (*Applause*). We do have a committee on trade, so if these committees are going to justify their existence by the work done by the previous ones, then they will render themselves very irrelevant to the process, because more and more issues keep emerging. This is an ongoing activity where even this Assembly and its committees needs to play a part. Let us give this Assembly a chance to play its part so that when it is reporting, it does not report on matters of the previous Assembly - (*Applause and Interjection*)).

Ms Wanyoto: Hon. Speaker, I just wanted to give a little more information because I was in the last Assembly. The only time that this Assembly was able to do any outreach programme either as a committee or as the Assembly was through the support of the Kenya National Assembly and the government of Kenya, which was outside of the Community funds. And I know that we did make reports, whenever we were able to have the Kenya tour funded by the government of Kenya through the Kenya National Assembly. There is no money whatsoever that has ever been given to any committee through the budget process of the East African Community to support committee work at that level. I thank you, honourable Speaker. (*Applause*)

Mr. Sebalu: Thank you very much for that information. All we are saying is that we should not depend on the magnanimity of other players. Some of these issues are so critical and central to our integration process that we need to provide something for them, however little, so that those critical areas can be undertaken using funding that is predictable and that is forthcoming when need arises. That is the simple plea that we are making.

Finally, Mr Speaker, the reason that I brought in the aspect of the Committee on Communications, Trade and Investment is that we are now moving to another stage of our integration process in terms of negotiations; we are moving into the common market. Now, has this committee made some review of performance before we go into the next stage, because, for anything you are doing, before you move into another level, as people's representatives, we need to make due diligence on what is pertaining on the ground. What has not been done will create a vacuum in terms of follow-up and in terms of overseeing the activities that are being undertaken at another level. Before you even - (*Interruption*) –

Ms Kimura: On a point of information, Mr Speaker, I am the chairperson of the Trade Committee, and it has been in our programme to review and see what the customs union has done so far, and to find out whether there are any hurdles and how we are progressing towards the common market. Unfortunately, it has not been possible to do that because - we were told - there was no funding. We were supposed to get funding from one of our development partners, but it did not come through. But, Mr. Speaker, let me inform my honourable colleague that as a chairperson, I am a very poor beggar – (*Laughter*) – and, therefore, as it is a core activity of this Assembly and of the East African Community, we expect funding from the Partner States kitty. I thank you, hon. Speaker. (*Applause*)

Mr. Sebalu: Yeah; you are a poor beggar, and it is not a good idea to force you into begging if it is not your upbringing. You have not begged for all your life and you start it lately at Arusha; it may not be a very good development.

Finally, Mr Speaker, when we get to the Common Market, already high level talks are going on, and the Common Market is at a critical stage of the integration process, it is only at this level that you can come up with easy, feasible, tangible benefits of integration that the people will partake of and be able to appreciate the process because you are talking about free movement of the people; you are talking about freedom of residence, freedom of establishment. Now these must be facilitated by other activities within the Community to make it possible for people to enjoy those benefits. Issues like the East African Railways Master Plan should be in force to link communities within the East African Community so that, that freedom that is given to them through this arrangement can be effected by actually facilitating the people to move; facilitating the people to have the right of establishment.

Mr Speaker, these are the issues that we are talking about in the budget that as you continue negotiating, as you continue with the talks, if the railways is being worked on and someone can move from Bujumbura to Kampala, or someone can link up from Dar-es-salaam to another part of the region, then you are walking the talk, and the people will know that you are engaged in a serious business whose commitment you are ready to fulfil. And this is what we are talking about as an Assembly!

During the State of the East African Community Address, the Chairperson of the Summit clearly talked about issues of industrialisation, and as a benefit we have problems of unemployment. What are we doing in the energy sector? The East African Power Master Plan; have sufficient funds been allocated to that area within the re-allocations to be able to show the commitment and the statements that are made. So, these are the issues that we are talking about. We are simply not talking about our welfare; that is secondary. There are primary issues that brought us to Arusha to make a contribution as the second EALA. We do thank the first EALA; they played their part, and it is on record, but we must play our part at our point in time. We have a historic mission as the second EALA to elevate the level of performance of the Community so that we are judged by our performance.

Mr. Speaker, sir, with those comments, I really want to get assurances that we are understood in perspective. We should not be misunderstood as people who want to make life difficult but we are saying those things that must be said for the good of East Africa, and not those things that people want to hear. It is good hearing something, but it is another hearing what you must hear for the general good. and I hope they have heard. I thank you very much Mr. Speaker. *(Applause)*

The Speaker: Honourable Members, my last three speakers will be hon. Kimura, hon. Bilal and hon. Leonce in that order.

Ms Catherine Ngima Kimura (Kenya): Thank you hon. Speaker for giving me this opportunity to give my views on the subject that is being discussed. Hon. Speaker let me start by thanking the Council of Ministers, first of all for accepting when we were in Nairobi to re-engage with the Assembly on this important matter, and from what we can see, to make an attempt at reviewing the budget in line with what the Assembly had requested. In particular, Hon. Speaker, I am glad to see that indeed when we asked for some issues to be addressed, like the issue of industrialization, there is indeed an attempt to put in extra funds for the study on industrial and investment development. And for this I want to commend the Council of Ministers for trying to align the budget with the strategic plan. As I say, it is just a trial; it is just an attempt, more or less, but they have attempted.

Hon. Speaker, let me also thank the Chairperson of the General Purpose Committee for a very well done report, - (*Applause*) – for bringing out issues, and indeed for interrogating these documents within a very short time. We are saddened to hear that they were not able to interface with the team that was preparing the budget, and I am made to understand that they did go to a very nice place called Tarangire, but although they spent about three days there, they probably had only one hour of interaction. It is very sad, because, had they been accorded more time to interface and to really have meaningful discussion with the team, we would not be where we are because we would be having a cleaner document, a well focused document than what we are having now. But I really do want to thank the members of that committee for the very good and very intensive work that they have done.

Honourable Speaker, let me go back again to thank the Chairperson of the Council of Ministers for recognizing that Partner States had made their contributions to the kitty of the Community in his statement when he tabled the revised budget and addendum, *and that they are* - (*Interjection*)

Mr Clarkson Otieno Karani: On a point of order, Mr Speaker, is it in order for the hon. Kimura to thank the Council of Ministers for their compliments to the Partner States while it is on record that as a result of those records from the Council of Ministers some honourable members of from this House castigated a Partner State for not meeting her obligations? Is it in order, Mr. Speaker?

The **Speaker:** I think the hon. Kimura is just using the speech of the Chairperson of Council; I don't think she is looking at information from outside this House.

Ms Kimura: Hon Speaker, I thank you for defending me, because it is indeed for this very reason that I want to commend the Chairman of Council for putting the record straight. And it is on record that the so-named country, which was not contributing, has indeed contributed 97 per cent, and the year is not yet finished. So I have no doubt that the other 3 per cent is probably already in the kitty or it will be forthcoming. (*Applause*) So I make no apologies for that, *Bwana Spika*, I do indeed thank the Chairman because it will be on record that Kenya has not defaulted, and it will be on record that the other countries, Burundi and Rwanda, are on track to make their contributions. (*Applause*)

Honourable Speaker, let me now go to the substance of this discussion, and I do not want to dwell on the issue of committees, the Speaker's residence etcetera because we are reducing this debate to the issue of how many days the committees should sit or how many days the Assembly should sit. In the Ministers' speech, hon. Speaker, he seemed to assume the role of the Assembly in determining the number of days we shall sit. He seemed to assume that role in saying there will be a study to determine this, and the way I read it, it is to determine the work or the activities of the Assembly, because there is no way you can say how many days are going to be required without saying what activities are to be undertaken.

Honourable Members, I want us to believe that the number of days we sit, even though the rule says eighty days for the Assembly and forty days for the committees, really there is no magic about those days. Nor is there any magic about the ten days that has been dangled to us because it should be determined by the activities. What are the activities that you want to undertake; what are the outputs of those activities, and therefore that should lead you to what kind of budget you are looking for! It could even be thirty days or one hundred and fifty days; who knows? So let us not close our minds to the number of days but rather let us see what activities we need to do to fulfil our mandate as stipulated in the Treaty and as also spelt out in our Rules of Procedure. That, hon. Speaker, is what I would appeal to the honourable members that we focus on our activities and we focus, therefore, on what budget we need to fulfil those mandates. We will then come back to the Council of Ministers and tell them this is the money we want for these activities, convert them into the number of days thereafter, but having seen that this is the work that we came here to do.

Honourable Speaker, I am perturbed when we talk about the ten days because when I look at the Rules of Procedure on our standing committees, it clearly spells out the functions of these standing committees. And these standing committees are to initiate any bill within their respective mandate to assess and evaluate activities of the Community, to carry out relevant research in their respective mandate. I have not seen any money put for those activities.

Honourable Speaker, we are required to generate Bills; we have depended - at least for the two Bills that I have been involved in, donors have facilitated the drafting of those Bills and our internalizing of the issues that were at hand. They even assisted when we went around Lake Victoria in order to come up with the Lake Victoria Transport Bill! Now, when you tell me that we have seventy days of sitting and you do not match that with research funds, you do not match that with funds to make me carry out a study and examine the policy matters that affect trade...as you have heard, honourable Speaker, the Committee on Communications, Trade and Investment has not moved out of Arusha. There has been no money during the year that is ending this month, June. There has been no money from the kitty to undertake any activities that were envisaged. We relied on donors, but, unfortunately, some of those donors did not come through with the money for one reason or the other, and, therefore, the activities of the committee were either curtailed, or they did not take place.

Honourable Speaker, I do not imagine that come Financial Year 2008/2009 - unless there are funds to facilitate committee work - that you will be able to pass any Bill because, as I said, it is not only money to sit; you need money to engage facilitators and experts. We have relied too heavily on donors to do this for us, and when you engage donors or interested parties to assist you in a legislative agenda, believe you me, there will be a way of sneaking in somebody else's agenda in the process.

Mr Speaker, is that what we want? We want money that is voted by our Partner States to enable us do the work of legislation and the work that we are mandated to do, and, we can then go the donors for them to supplement what we have! Maybe we can go to the donors for a quarter of what we need, but we cannot saw the seeds with donor money and harvest with donor money! (*Interjection*)

Mr. Sebalu: On a point of information, Mr Speaker, I would like to inform the House that even in our Partner States, there are issues that we deal with that are of national interest to ensure the independence of our national states. Likewise, as we integrate into one unit, whatever we do, we must be mindful of the fact that we need this region, as we envisage it under one unit, to be independent, because there could be interests of this region, which run counter with the interests of the donors, and we could get compromised in some aspects. So, independence is an issue we also need to look at as a region.

Ms Kimura: I thank the honourable Member for that information. Yes, that is what I have been driving at, independence, and financial independence in certain aspects is very, very critical for the Assembly.

Honourable Speaker, as I said, I am encouraged that the Council of Ministers did look at the strategic plan and tried to align the budget with the strategic plan, and that is why we see some additions in quite a number of activities, but when it comes to the EALA, while one of the strategic objectives in the strategic plan for the Legislative Assembly is capacity building, the other one is financial autonomy. When you go through the budget and read the minister's speech, there is contradiction. You cannot attempt to put a study in place to determine the activities of the Assembly and then say that part of your strategic objective is to ensure that there is financial autonomy for the Assembly. It does not tally. (*Applause*) So, we want to see that what you say in the strategic plan is followed with the minister's address, with the Council of Ministers' pronouncements, and that it is translated in to the budget. That is what we would like to see - (*Applause*) - and we hope that as we go through this process, we will see these things being aligned sooner than later.

Honourable Speaker, the issue of financing EALA has been an issue in this discussion, and I just want to draw your attention to the *Explanatory Notes on the EAC budget for Financial Year 2008/2009* on page 9, where the issue of EALA and its cost centres is very well enumerated. There you will see that under legislative and committee services in the year 2007/2008 the Assembly was given an amount of US\$4,681,549. In the year 2008/2009, the Assembly is given US\$2,208,270, a

decrease of US\$2,473,279. My question is, we were three countries last year, we are five countries now, we did not conclude some of the activities of the committees, so we have reduced money on legislative and committee services are we going to get better or worse? (*Interjection*)

Mr Speaker, I would imagine that the reason we have a reduction is probably because the donors have not come through with their funding. I stand to be corrected and guided on that issue, because you really cannot talk about having now enhanced, and what you are seeing is actually the opposite. I need guidance hon. Speaker, in that aspect.

A quick calculation: If you look at the total of 2007/2008, it was US\$6,419,563. This year, it is US\$7,348,643. I like averaging, and I will average: Three countries, if you are going just by the rule of averaging that we have grown by a third or with two more countries, then our budget should be at least US\$10 millions. Anyway, as I said, we need to be explained or to be made comfortable that indeed the activities of the Assembly will not be reduced by this kind of thing that we are seeing in these figures. (*Applause*)

Having said that, hon. Speaker, let me end by saying that whether I support this budget or not, I am in the Accounts Committee, and when we were looking at the financial report of the Community, most of the projects of the Community had only performed financially about 40 percent. Now the question is; in budgeting this year, have those projects been looked at with a critical eye to see whether, if indeed they did not have absorption capacity during that year they have the absorption capacity this year, because we do not want to keep on putting money in projects which are not completed or where there is lack of human capacity to complete those projects and yet money has been voted.

Mr Speaker, it is very serious when you have under performance in the budget. It either means that you are not budgeting properly; you are over budgeting, or you are misallocating resources. And what I hear members saying here is that we are not asking for a larger kitty, we are not asking our Partners States to give more money because we know the constraints all the countries are facing. They are facing very serious financial problems and very critical issues in our social sectors, but we are saying that what we have let us allocate it meaning fully and allocate it in a manner that brings benefit. (*Applause*) And, therefore, coming from the Accounts Committee, and seeing the kind of underperformance there has been in projects, I am worried as to whether we will have another issue of under performance in this budget. It should be looked at and that, I think, is where the Chairperson of the Committee was coming from; that if we sat down, we could look at these issues and see where the reallocations can occur.

Let me say this, hon. Speaker, as a member of this Assembly, I would be the last to want to micromanage this process or micromanage the Secretary General's mandate

of making the budget. All we are saying is that we are here; make use of us. The goal is one; to meet East Africans benefit from the little resources that are available.

Having said that, hon. Speaker, this document was returned when we were in Nairobi because it had both major and minor mathematical errors. I have gone through it, though not with a tooth comb, but there are glaring mathematical errors. Therefore, can we ask those responsible for preparing this budget to please look at the integrity of the figures that they present – (*Applause*) - because we will be passing something which we are not sure whether it can pass a quality and integrity test as far as the numbers are concerned, let alone the principle framework which, as I say we have meet one another half way because the strategic plan obviously has been re-looked at. But in terms of these numbers, all I can ask is that those who are responsible should please be a little bit more diligent as they present these figures.

I thank you, hon. Speaker, and with those remarks, I support the comments of the Chairperson of the General Purpose Committee. Thank you – (*Applause*).

Dr. Said Gharib Bilal (Tanzania): I thank you, Mr. Speaker, for giving me the opportunity to add my voice to the debate on the Floor, and let me admit that when I left Zanzibar to come to Arusha to debate a revised budget, I thought that I would come here to celebrate the gains that were registered in Nairobi. I must say that what happened in Nairobi in terms of the concerns we raised that led to the deferring of the passing of the budget was very fundamental. It was fundamental because a budget that this House is mandated to approve or disapprove must look at the major components in terms of the phases and the dynamism that is attendant to the phases that we think will lead to the integration of the region.

In Nairobi, there was a very good spirit of collegiality, of apparent mutual recognition of our roles as organs of the Community, and I must commend the decision by the Council of Ministers to defer the budget and to allow a review process to see how much we can add or adjust the budget so that it can serve the interest of the people of East Africa.

In my recent briefing in Entebbe - and I must thank the Speaker for allowing me to attend the Entebbe workshop, I was made to believe that a good budget must begin with a well hatched budget, and that is the beginning of a good accountability and transparency. A well hatched budget makes the accountability very smooth, and for us in the Accounts Committee, we feel that the whole spectrum, from the beginning of budget making up to the the review of the audited accounts is part and parcel of the process of good budgeting. So, I am of the opinion that we need to really apply ourselves seriously as organs of the Community when we sit down for the budgetary process.

Mr. Speaker, sir, let me also say that when we came here yesterday, my hope of a celebration of collegiality almost faded because of what took place on the Floor of this House, but, I am encouraged by the comments of the Chairperson, Council of

Ministers, that they will address our concerns, and that they will diligently look at ways of improving the activities of the Community and those issues that we have raised on the Floor of this House.

Mr Speaker, I want to say that I should also register my appreciation and my encouragement that at this point in time we should go back to that spirit, and I want that spirit to be revived. From the onset I want to say that I support the move to maintain that spirit of collegiality, and that we should work together for the benefit of the people of East Africa.

Under our mandate as an organ of this Community and in our oversight role, we can either approve or reject a budget. Now while there can be a total rejection, I believe there can never be a total approval. There has never been one hundred per cent approval; we must add some comments for improvement. And in my upbringing as a teacher, normally if you ask a student to do some work and you believe that he has diligently or seriously applied himself to your comments and comes back with revised work, what you should do is to say “he has shown some progress here, and I need to encourage the move.”

Mr Speaker, the gains that were registered in Nairobi were hard won. You know, in this Assembly, we have learnt that the process of asking the Secretariat to come forward with a better approach to the budgetary process, and to come forward and address our concerns has not been easy and, therefore, we must be encouraged by the developments that we have seen now. That is why I am saying that what we need now to do is to consolidate the few gains that we registered in Nairobi, because they did not come easy; they come the hard way.

My basis for approving or disapproving the budget will be based on two issues, one; what were the concerns that were raised in Nairobi, and how seriously have these concerns been addressed at Tarangire. Reading from the report of the Council of Ministers, I believe that at least if not in substance, it was addressed in spirit, and I want to say that it is the spirit that we have to consider, because – and I want to repeat this one that it is better to be collegiate. Collegiality is very important for the organs of the Community if we are to achieve any semblance of the objectives of the Community. That collegiality will lead us to have mutual respect for our roles as mandated in the Treaty. Without that, as a member has said here, there can be no harmony and there can be no serious move towards realizing the objectives of this Community.

So how serious have they been in addressing our concerns since Nairobi? I do not want to sound repetitive here but I am saying that there has been some move in terms of aligning the budget to the strategic plan, for example, in terms of aligning the budget with the notes of the Summit so that some of the cost centres have been refocused. So I want to say that I am encouraged by those moves, and considering the time factor and the other constraints that must have gone in to the process at Tarangire, I am encouraged to believe that there is some seriousness here. I do not want to use the word ‘benefit of doubt’, but I want to say let us work to consolidate

the spirit of wanting to work together to realize the noble objectives of this Community.

Mr Speaker, sir, it is important to note that the issues that have been real bones of contention in this debate have been the residence of the Speaker, and the money that ought to have gone to the committees. I must say that sometimes you have to be very tactical, because, if money is given, or there is good response to other centres and not to our Speaker's residence or for committee work, it is like they have dealt us a deadly blow at our weakest point, and in a fight that is very dangerous; you have to be very careful. They are giving concession to other centres but denying the work of the committees and they want us to react to that...I mean, that is very dangerous.

In terms of perception it will look -, and this is what democracy is all about; perception - like we are really turning this budget down because of the fact that we did not get money for the committees. And I must substantiate this: the money was not an issue because we have been working - and I use the expression "piggy riding"- on plenary work to do the work of the committee because of lack of sufficient funds, and it is like improvising! What do you do if you do not have money? You look at means of fulfilling your mandate and assignments! And that is what we have been doing all along. So, it is not the issue of money here, the issue is that we could do better if we were given the opportunity or the entitlement that we deserve.

Recently, I was attending a workshop in Mombasa on EPAs, and everybody was lamenting there. It was good that members from the national parliaments were also there, and they acknowledged our predicament that we really should not discuss EPAs issues on the generosity of the EPAs people whom we were going to wrangle with, and that was not fair at all. But, again, we are not asking for money for our sake, because we can improvise; we have been improvising all along. This has been the practice. We even came up with a new work plan, and despite the fact that we do not know where the money will come from, we are still determined to fulfil our mandate. So, as far as the issue of asking for money for committee work is concerned, it is very important that this issue is seriously addressed, because that is one of the shortcomings, and as I said, it is one of the blows.

Whoever did the revision, dealt us a very deadly blow at our weakest point because, as you know, we give you money everywhere except where you need it most, and when you reject the budget, it will appear that you are rejecting it because of selfish reasons. This is very unfortunate, Mr Speaker. However, as an organ, as politicians and as people who mean well for the Community, let us summon our reason and apply ourselves judiciously, not to the substance, but to the spirit of the move by the Council of Ministers, as we have heard this afternoon, and draw judgment, as hon. Muntu has said, giving the benefit of doubt to the real intentions and the spirit that has been...You know, this is what I am referring to here as a source of encouragement, and I want to say that I will support this budget only to the extent that my conscience tells me it is the way to go. And my assumption is that it will encourage the student - to use that analogy- to work better towards a meeting of our minds to make sure that we have a well focused budget in the future. *(Applause)*

Mr. Speaker, sir, there is an issue here that I want to draw the attention of my colleagues to. Under the East African Legislative Assembly, on page 111, there seems to be some anomaly here, but I do not know whether it is lack of integrity to this budget or it is by design, but you will see that the subsistence allowance for members has been raised to US\$300 instead of US\$ 250. Now, is this a bribe – *(Laughter)* - or is it by design? Is this intentional, because is there a possibility technically to raise this money in the budgetary process? I am afraid nobody has pointed this one out.*(Interjection)* I think let me take it as an error or an omission but not a way of hurriedly making us feel that we are being addressed as members.

Mr Speaker, sir, let me settle my submission by saying that in the interest of the people of East Africa and in the interest of the functioning of this House; in the interest of encouraging collegiality in this House, I will support this budget if it comes to vote. I thank you very Mr. Speaker. *(Applause)*

Mr. Leonce Ndarubagiye (Burundi): Thank you very much, hon. Speaker, for giving me the floor, I will try to be very brief because I look at the programme and I see that this is the last day, some honourable members who will be travelling back home this evening. So, I will try to present my position by making very short comments on what I have heard.

I also wish to congratulate the Council of Ministers for the good homework done since Nairobi. I think they have really done what we asked them to do, though only partially, and they have now given their pledge and their commitment to do much more. We should not give the impression of, let us say, trying a pole vault jumper by bringing a hurdle of two metres in front of him, and once he jumps we bring one of three metres. I think we should have compassion and recognize that they have done a very good job. That is why I wish to commend them for a job well done, and after reading the Rules, I have not seen any section that prevents the re-allocation of these funds. I am thankful that they have done it as soon as possible. That is why I stand up here to say that I support the motion, and I will support a vote for the budget. Thank you very much. *(Applause)*

REPLY BY HON. DR. DIODORUS KAMALA, ACTING CHAIRPERSON, COUNCIL OF MINISTERS OF THE EAST AFRICAN COMMUNITY TO THE DEBATE ON THE BUDGET SPEECH.

The Minister for East African Cooperation, Tanzania (Dr Diodorus Kamala) (Ex-Officio): I thank you, hon. Speaker, sir, for giving me this opportunity to respond to some of the issues, and to request this August House to approve the budget as we have requested. But before doing so, allow me to extend my sincere thanks, and also that of the Council of Ministers, for what you have done during the debate, and for the issues you have raised.

Let me recognize those that have contributed in this debate in one way or another for the purpose of record so that the future generation can realize who said what in the revolution in which I think we are opening a new chapter for East Africa. *(Applause):*

Hon Lydia Mutende Wanyoto, Chairperson of the General Purpose Committee;
Hon Gervase Akhaabi;
Hon. Dan Ogalo;
Hon. Bernard Mulengani;
Hon. Dr. Masha;
Hon. Dr. Didas Masaburi ;
Hon. Dr. James Ndahiro;
Hon. Gen. Mugisha Muntu;
Hon. Safina Kwekwe;
Hon. Abdul Karim Harelimana;
Hon. Dora Byamukama;
Hon. Otieno Karani;
Hon. Kate Kamba;
Hon. Margaret Zziwa;
Hon. Mike Sebalu;
Hon. Catherine Kimura
Hon. Dr. Said Bilal
Hon. Leonce Ndarubagiye

(Applause)

To all of you, I say thank you very much, and for the rest of the members whom I am sure would have wanted to speak but in one way or another they supported those who were speaking just by making sure that the tables know that somebody is around. So, I thank you all. *(Applause)*

Honourable Speaker, sir, I would like to thank the Chairperson of the General Purpose Committee and the honourable Members of the Assembly who have contributed to the debate. I would like to acknowledge the important issues which were raised by the honourable Members along the following broad themes:

1. The Budget process and moving towards a budget that is less dependent on donors;
2. The need to streamline and strengthen the operations of the various organs and institutions of the Community and, on the whole, rationalize the activities, projects and programmes of the Community to focus on delivery of the concrete objectives of the Third EAC Development Strategy 2006-2010.
3. Need for greater recognition of the mandates of EALA that go beyond legislative and oversight roles to embracing other Community related issues;
4. Need for a residence in Arusha for the honourable Speaker.

Honourable Speaker, sir, the Council is impressed by the high level of debate that the esteemed House has brought to the management of the affairs of the EAC during this debate on the Budget. As I stated in my Budget Speech of 16 June 2008 - I speak this

on behalf of the Chairperson of the Council of Ministers, hon. Kategaya, so if I say “as I did”, you should realize that it is Kategaya saying it - (*Laughter*) - the honourable Members’ positive contributions as well as the concerns that they had raised during the Nairobi sitting have enabled the organs of the Community to henceforth work more closely in ensuring that the EAC presents a budget that is wholesome and well focused. I am indeed grateful to the General Purpose Committee for its acknowledgement of the effort the Council has made in streamlining the reviewed Budget in line with the observations that were made by the House in Nairobi.

Mr. Speaker, sir, in my earlier statement this afternoon, I covered important areas that have been of concern to this House. I will thus confine my responses to a few other issues. Mr Speaker, here I am referring to what was presented by the hon. Kingi.

On the budget process, the Council agrees with the observations made to streamline the budget process. To this end, the medium term budget reviews will be instituted with effect from the Financial Year 2008/09 – (*Applause*). As already stated in the budget speech, the EALA will also be involved in the EAC Budget processes.

With respect to the Partnership Fund, there will be total disclosure on funding sources and projects being funded. Reports on project implementation will also be tabled before this House.

Mr Speaker, sir, on the recommendation that the Defence Liaison Office and the department of Peace and Security be merged, I wish to inform this House that a proposal on this matter has been prepared and will be presented for consideration at the next Meeting of the Council of Ministers in September. (*Applause*)

With regard to observations that have been made on revamping the corporate communications and public affairs function and allocating it more resources, the Council has noted the observation. As stated in my Budget Speech in Nairobi, the EAC Re-branding Project has been underway since 2007, and will require a well endowed, highly organized and reorganized corporate communications and public affairs function in the EAC. This is being undertaken.

Mr. Speaker, sir, with respect to the budget estimates on human resources relating to visits to the Partner States, this amount is in fact to enable this Directorate to fast-track the integration of Rwanda and Burundi by facilitating the attachment of twenty three officials from those two countries at the EAC headquarters. The purpose of this exercise is to very quickly enable key personnel from Rwanda and Burundi to have a good understanding of the operations, as well as projects and programmes of the EAC and those of the Partner States that relate to the EAC. The budget will also be used by the Directorate to undertake sensitization programmes in Rwanda and Burundi in a much broader manner relating to these same projects. In other words, the funds are not intended to enable EAC Staff to merely travel to Rwanda and Burundi.

Honourable Speaker, there are other issues which were raised here to which I would like to respond very quickly. There is this issue of whether we can be able to re-

allocate the funds or not. There is an issue which has been seriously raised by the honourable Chairperson of the General Purpose Committee on the issues of inconsistencies, errors and double allocations. Let me say this that in this world, there is always better after better. If you improve something today you might think that what you have done is marvellous and brilliant, but if somebody else comes in, he can say, look here, we can still improve on that. We agreed that there is a need for improvement, but improvement is not a one-time function; it is a continuous process - (*Applause*). And that being the case let me assure this august House that there is room for re-allocation.

Mr Speaker, immediately after the approval of this budget, the General Purpose Committee and the Secretariat should be able to come together, look at this budget and see where we can be able to save - if you can save it is better - and eventually we can table what we have saved to the Council of Ministers just for approval. And that is the spirit which is say should not end with this budget only, because today we are talking about this money we have got, but tomorrow a certain donor or somebody can say I am giving you this US\$10 million, and we cannot just wait for another budget to spend that money.

So how do we do that? We can only do that if the Secretariat and the General Purpose Committee and this House are ready to be flexible as events arise. (*Applause*)

So I am saying that there is no problem at all for re-allocation; it can always be done, and we have directed the Secretariat, if the General Purpose Committee is ready, even tomorrow they can start working on this one provided that everything is moving on. There is no problem on that because the regulations provide for it.; I am just not speaking from my head.

If you look at part two of Regulation 85 of the EAC Financial Rule and Regulations (2006), it provides that the re-allocation of funds within the budget shall be allowed by the Council. That is why I am saying that instead of allowing the Secretariat alone to re-allocate, the ministers of EAC have directed the Secretariat that they should not do that alone, but that they should do that in collaboration with the General Purpose Committee. (*Applause*) And that one can be implemented even from tomorrow, depending on the timetable of the General Purpose Committee.

Hon Speaker, sir, what is important in this issue is that budgeting is one thing, implementing the budget is another, and the willingness to implement the budget is also another. We ministers are here before you; we shall be coming again and again before this House. We are saying that we have the willingness to collaborate with this August House so that things can be better for East Africa and for everybody.

Hon. Speaker, sir, I do not want to bring you problems - (*Laughter*) – but there is this issue of the financial independence of this Assembly. Let me tell you that we have no problem at all with that one, and, in fact that should be the spirit, when we speak about separation of powers, you cannot end there by saying separation of powers, the August house is not a good house everything every day to be requesting funds from the secretariat so that they can supervise the secretariat because sometimes you cannot

be given money deliberately. Somebody is afraid to be inspected, saying if I don't it's your money that's why I am saying on this issue of financial independence.

The proposal for financial independence for EALA is not questionable and I would be surprised if somebody else would question that one. We just need to start working on it very closely and put the structure in place so that we start implementing that as soon as possible-(*Applause*)-What is important here is to have the willingness and working towards it.

On the budget bill, a good thing about this August house, members of this house can move the motion as private bills. It is only the last house requested the bill on the budget process that it should be tabled to the council for consideration of other things, but otherwise this house even if you decide tomorrow nobody will stop you from enacting that bill of which we think, if we shall be able to have that bill the budgeting process bill, then we will make our lives easier and simple not only for you but others as well because if you go contrary to the law, then I hope that will be having also the punishment on what should be done if somebody prepares a budget contrary to the law-(*Applause*)

That's why we have the law; we have law because today you have hon. Kamara who is committed to EAC, who is committed to come to this house and say; you have said this and we agreed and you are making changes but tomorrow you might not know who is going to be here and that's why it is better to have a bill so that we can be able to stand on how we move about this one. (*Applause*)

Mr. Speaker sir, as you directed in Nairobi, I don't want to speak for many times, we have attempted to allocate more money for common market, customs union, monetary union and industrial and power policy strategies and the needs are more and more.

What I would like to say here, these issues of EAC Development Strategy 2006 cannot be implemented at all and we will always come here and ask ourselves what is happening and what is not happening, if the partner states' objectives will not be lined up towards implementing EAC development strategy, so having a good budget which focuses on that is a good thing, but would like to draw your attention and you shouldn't forget that the new EAC structure focuses on making sure that the partner states are major implementers, if that's the case then nobody could expect a lot of money here for constructing the railways because we expect the partner states after we have put good environment in place.

We expect the partner states to go and get funds from where we have we agreed that you can get money. So, if somebody will challenge you that where was the money for railways you have done nothing, that's not true. What you have done, you have done according to the current structure what you be able to do by now. That's why we are the retreats for the principal secretaries on infrastructure, and retreats for ministers and that's why next week in Kigali we are trying to convince the heads of state, so that we can have the new structure of EAC as EAC to be able to raise funds so that we be able to have a new structure of EAC to be able to borrow.

That's why in Beijing, we used to be asked one question, we are trying too say please

come on and come to East Africa and help us and they were asking-If we are going to bring money to East Africa, is EAC having the ability to pay back the loan? We said No, it is the partners' states and they said if it's the partners states go and arrange yourself with the system where EAC can be able to borrow. So, these issues are not small, I would like to be honest with you, these issues are very difficult and that's why we have said we must go the heads of state and ask them so that we can look at these issues and see how we can have the new financing arrangement.

On the \$200 dollars range, let me say this very briefly that; the study report is the stage of the draft final report which is under consideration by the partner states. The resources requested for under the budget 2008/2009 are to cater for stake holders workshops to consider the final report to support the financing of the hosting of the investors conference to consider the recommendation of east Africa railway investment after the listing of master plan report and paid fund bills of the consultancy.

So, it is the process which is going on. About the infrastructure we have talked about that one and we have heard one member of the trade committee, there is money which we have allocated for common market negotiations, I know partner states have been participating and we have decided as ministers for EAC and we have directed the secretariat... (He is looking at me and he should look at me properly) and he should make sure that the members of this august house participate in one way or the other in the process of negotiations. *(Applause)*

Yes, there are things we can decide as EAC ministers if they are appear we decide or direct but there are other things we cannot until we go to the council of ministers, so I can assure you that for things which are in our mandate, we can assure you we shall always direct as it required but for the things which in the mandate of council of ministers we are prepared to go and tell our friends what we have observed and convict them so that we can have a good east African community.

In conclusion, I would like to state that Council deeply appreciates the important work that the Assembly has undertaken over this particular budget. As stated in the budget speech, the close association of EALA in the budget making process is important and it shall be sustained. In this spirit of close cooperation and collective pursuit of our common goals the Council hopes that this August Assembly will proceed to approve the reviewed EAC Budget for Financial Year 2008/09 as tabled.

Mr. Speaker, Sir I beg to move.

The Speaker: Honourable Members, the question is_

“THAT, This Assembly do resolve into:

- (a) A committee of Ways and Means to consider and approve the Financial Statement for the Financial Year 2008/2009; and

- (b) A committee of supply to consider and approve the supplementary Estimates of Expenditure for the financial year 2007/2008 and the Estimates of Expenditure for Financial year 2008/2009

(Question put and agreed to)

COMMITTEE OF SUPPLY

(The Chairman, Mr. Abdirahin Abdi, in the Chair)

Approval of the Supplementary Expenditure for 2007/2008

The Chairman: Honourable Members, the minister tabled a Supplementary Expenditure for the Expenses of the Community's Secretariat for 2007/2008. I think it was money which was spent last year so it is coming for a supplementary.

Question proposed that a total sum of \$ 287,654 be provided as Supplementary Expenditure for the expenses of the East African Community Secretariat for the year 2007/2008.

(Question put and agreed to)

Approval of Financial Statement for the sources of finance for the year 2008/2009

Question proposed that the financial statement detailing sources of funds for the community be approved.

(Question put and agreed to)

Approval of Budgetary allocations for the Year 2008/2009

Vote 001 The East African Community Secretariat including the Defence Liaison Office and the Directorate of Customs

Question proposed that that the total sum of the \$28,108,886 under Vote 001 be provided for the expenses of the East African Community secretariat including the Defence Liaison Office and the Directorate of Customs for the year 2008/2009.

(Question put and agreed to)

Vote 002 The East African**Legislative Assembly**

Question proposed that the total sum of \$ 7,348,643 under vote 002 be provided for the expenses of the East African Legislative Assembly for the year 2008/2009.

(Question put and agreed to)

Vote 003 East African Court of Justice

Question proposed that the total sum of \$2,601,540 under vote 003 be provided for the expenses of the East African Court of Justice for the financial year 2008/2009.

(Question put and agreed to)

Vote 004 Lake Victoria Basin Commission

Question proposed that the total sum of \$2,440,826 under vote 004 be provided for the expenses of the Lake Victoria Commission for the financial year 2008/2009.

(Question put and agreed to)

The Minister for East African Cooperation, Tanzania (Dr. Diodorus Buberwa Kamala) (Ex- officio): Mr. Chairman, I beg to move that the house do resume and the committee of supply reports do reports thereto.

(Question put and agreed to)

(The House resumed, the Speaker, Mr. Abdirahin, presiding)

Minister for East African Cooperation, Tanzania, Dr. Buberwa Kamala, Diodorus (Ex- officio): Mr. speaker sir, I beg to report that the Committee of Supply as considered and approved a supplementary budget of \$ 287, 654 for the East African Community for the financial year 2007/2008 and \$ 40,499,095 as the budget of the East African Community for the financial year 2008/2009.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF SUPPLY

Minister for East African Cooperation, Tanzania, Dr. Diodorus Buberwa Kamala) (Ex- officio): Mr. Speaker sir, I beg to move that the report of the Committee of the Ways and Means and Committee of Supply be adopted.

(Question put and agreed too)

Budget Approved.

ADJOURNMENT

The Speaker: Honourable Members, before I adjourn the House, first and foremost I would like to congratulate all the honourable Members - *(interjection)* - I would also congratulate the hon. Ministers for having successfully passed this budget, I know it had some hurdles and I think this house has given you a lot of information and you have a lot of commitments as well and I think the members, it's the good that you want with in the communities. I hope that good will be extended and this house will not be let down. Honourable Members, I just want to make a few comments, there is a Swahili course that members were supposed to have signed up for, and all the members have signed up for that course because some are leaving tonight - *(Laughter)*.

With those few remarks, I would like to adjourn the house *sine die*.

(House rose at 5.42 pm and adjourned sine die)