



## **EAST AFRICAN COMMUNITY**

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### **IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

#### **The Official Report of the Proceedings of the East African Legislative Assembly 136<sup>TH</sup> SITTING – THIRD ASSEMBLY: SIXTH MEETING – FOURTH SESSION**

**Wednesday, 1 June 2016**

*The East African Legislative Assembly met at 9:45 a.m. in the Chamber of the Assembly, EAC Headquarters in Arusha, Tanzania.*

#### **PRAYER**

*(The Speaker, Mr. Daniel .F. Kidega, in the Chair.)*

*(The Assembly was called to order)*

**The Speaker:** Good morning, Hon. Members. Hon. Members, I would just like to congratulate you upon a successful hosting of the gallant ladies last evening - *(Applause)*. I think that was very historic of this Assembly and we will go down the annals of history as an Assembly that has done it.

Secondly, I would like to appeal to Members that we keep time. We are pressed by time in terms of our tenure and yet the work before us is just enormous. So, I appeal to Members to keep time and persevere in order to work for long hours. I thank you very much.

#### **PAPERS**

The following Paper was laid on the Table: -

(by the Chairperson of the Committee on General Purpose (Dr Odette Nyiramilimo):

The Report of the Committee on General Purpose on the *East African Community Persons with Disabilities Bill, 2015*.

#### **BILL'S**

#### **SECOND READING**

**The East African Community Persons with Disabilities Bill, 2015**

#### **MOTION**

**Dr James Ndahiro (Rwanda):** Rt Hon. Speaker, I rise under Rule 68 (1) of our Rules of Procedure to move that The East African Community Persons with Disabilities Bill, 2015 be read the Second Time. I beg to move.

*(Several Members stood up to second the motion)*

**The Speaker:** Seconded by Hon. Patricia, Hon. Rwigema, Hon. Pareno, Hon. Dora, Hon. Bazivamo, Hon. Nkanae, Hon. Dr Martin, Hon. Hafsa, Hon. Nancy and all the Members standing.

Hon. Ndahiro, move on and justify.

**Dr Ndahiro:** Thank you, Rt Hon. Speaker. Before I talk on the merits of this Bill, allow me to remind Hon. Members the genesis of this Bill. This Bill was conceived at a time when EALA invited all Partner States in a conference to discuss matters relating to persons with disabilities. That conference took place in Kampala, Uganda around 2010.

Hon. Members, you remember that all Partner States were represented and they made presentations indicating the challenges faced by persons with disabilities in the region. After that conference, we had another conference in Nairobi again bringing together all Partner States and the recommendations were similar.

They indicated that there was a need to have a common approach to issues relating to the rights of persons with disabilities. Therefore, this Bill is a product of persons with disabilities themselves.

This Bill is also premised on the Treaty establishing the East African. Under Article 120, Hon. Members, all Partner States have agreed to adopt a common approach to matters of social development and the rights of persons with disabilities, under the same Article, have not been neglected. However, the problem has been proper identification definition of their rights and ways of granting those rights.

Rt Hon. Speaker, this legal framework is necessary to ensure that the rights under the Bill; the rights envisaged are fundamental rights and the consequence is the need to have

a legislation to ensure that those rights are protected.

Now, protection is one element but making sure that implementation of those provisions take place is also a matter of great importance.

Education in this region required harmonization so that persons with disabilities, who actually are more than 10 percent of the population, enjoy similar rights and enjoy the benefits of integration. We cannot leave more than 10 percent of the population outside the integration process and still achieve the vision we have for this Community - *(Applause)*.

It is important that we bring them on board; it is important that we ensure that persons with disabilities can also enjoy the rights envisaged under the Common Market Protocol - *(Applause)*.

Rt Hon. Speaker and Hon. Members, it is also important to note that all our Partner States are signatories to all international instruments that protect persons with disabilities. However, each Partner State has, in its own legislative framework, enacted laws beneficial to that Partner State, probably, but legislations that cannot provide similar services or grant persons with disabilities similar training and exposure so that they can equally participate in the regional affairs.

That is why it is important to enact a law that will ensure that those rights are granted but the framework of those provisions is harmonized; the training and the protection mechanisms are all harmonized so that each individual in any part of this Community can feel able to participate or live in any corner of this Community independently.

Therefore, independent living is a consequence or a result of the foundation. We want to harmonize the foundations so that

persons with disabilities can equally and in the same way be protected in the region.

Hon. Members, the other issue relates to our own structure. The structure, both social economic and political in the region, requires another look. It requires an ending such that person with disabilities can also enjoy what is envisaged in those arrangements.

Social infrastructure is so bad that from the roads to buildings to any physical infrastructure requires a second look because persons with disabilities can hardly access or utilize that infrastructure in place.

The soft infrastructure requires a second look because we all celebrate the use of technology in schools and offices but very few, if any, at a time of procurements; at a time of installation, they hardly think of the needs of persons with disabilities.

We celebrate that our schools are using laptops; they are using computers but very few libraries and schools in this Community can provide those equal services to persons with disabilities.

It is not to say that there is bad political will but sometimes, people are just insensitive and to deal with that insensitivity, we need to enact a Bill that reminds people of their responsibilities in every category.

Rt Hon. Speaker, it is also important to note that political participation in decision-making organs is also important because it takes – it is important for people to demonstrate and speak for themselves. The reason here is that, yes, there might be goodwill; there might be responsibility, but the people who have or who meet these challenges on a day –to-day basis feel where it hurts most. They live with those challenges.

It is important to give them space so that the can demonstrate and be part of the solution

because they are part of the solution, then they own it and it lasts longer. But if we allow other people to prescribe benefits, rights and protections for persons with disabilities, then what we are doing is giving them already made solutions, which they might not own and as a consequence, those solutions do not last.

Hon. Members that is why I thought it was important to introduce this Bill and I feel when enacted, it will make a difference in the lives of persons with disabilities. Thank you, Rt. Hon. Speaker - (*Applause*).

**The Speaker:** Thank you so much, Hon. Dr Ndahiro, the mover of the Bill. I now invite the Chairperson of the Committee to present the Committee report.

**The Chairperson of the Committee on General Purpose (Dr Odette Nyiramilimo) (Rwanda):** Thank you, Rt. Hon. Speaker.

In accordance with the provisions of Articles 49 and 132 of the Treaty for the Establishment of the East African Community, Rules 74, 75 and Annex 5 (f) (2) of the rules of procedure of the Assembly, I beg to present to the Assembly for consideration and debate, the report of the Committee on General Purpose on the estimates of Revenue and Expenditure of the East African Community for the financial year 2016/17.

In accordance with specifically, Articles 49 (2) and 132 of the Treaty for the Establishment of the East African Community, as well as Rules 74, 75, 76, 77 and 78 of the Rules of Procedure of the Assembly, the Annual Estimates of Revenue and Expenditure of the East African Community in form of budgetary proposals are presented to the Assembly for consideration, debate and approval. The Committee on General Purpose, mandated by the Rules of Procedure through its pre-

budgetary function analyses the proposals and makes recommendations thereof to the Assembly. This mandate is specifically premised on Rules 81 (c), (d), (e), and (g) as well as Annex 5 (f) (2) (c).

The estimates for revenue and expenditure of the East African Community for the FY 2016/17 were tabled before the Assembly by the Council of Ministers on Thursday 26 May

2016 and it was referred to the Committee on General Purpose.

The Council of Ministers requests approval of USD 101,374,589 as compared USD 110,660,698 for FY 2015/16 as shown in the Table I below.

# SUMMARY OF THE PROPOSED BUDGET FOR 2016/17

Planned Expenditure				
Organisation/Institution	FY 2015/16	FY 2016/17		
	(US \$)	US \$	Change (US\$)	% Change
EAC Secretariat	69,636,849	57,872,785	-11,764,064	-17%
East African Legislative Assembly	15,865,646	16,034,324	168,678	1%
East African Court of Justice	4,301,551	4,286,477	-15,074	0%
Lake Victoria Basin Commission	10,137,163	11,214,708	1,077,545	11%
Lake Victoria Fisheries Organisation	3,091,097	2,131,422	-959,675	-31%
The Inter-University Council for East Africa	4,507,648	4,553,890	46,242	1%
East African Science and Technology Commission	726,755	1,161,438	434,683	60%
East African Kiswahili Commission	756,361	1,134,542	378,181	50%
East African Health Research Commission	935,498	1,397,438	461,940	49%
East African Competition Authority	701,530	1,587,565	886,035	126%
TOTAL	110,660,098	101,374,589	-9,285,509	-8%
EXPECTED REVENUE				
SOURCE OF REVENUE	FY 2015/16	FY 2016/7	CHANGE	
	(US \$)	(US\$)	(US\$)	% CHANGE
Ministries of EAC Affairs	41,890,538	41,890,538	0	0%
Ministries responsible for Education	4,122,228	4,121,967	-261	0%
Ministries responsible for Fisheries	1,554,207	1,552,872	-1,335	0%
Member Universities	385,420	431,923	46,503	12%
Development Partners	58,555,635	46,717,601	-11,838,034	-20%

Miscellaneous Revenue	232,540	305,440	72,900	31%
General Reserve	3,919,530	6,354,248	2,434,718	62%
TOTAL	110,660,098	101,374,589	-9,285,509	-8%

## 1.0 ACHIEVEMENTS DURING FY 2015/2016

### 1.1 Priority programmes planned for implementation during the FY 2015/16

In line with the 4<sup>th</sup> EAC Development Strategy 2011/12 – 2015/16, the following were the major programmes planned for FY 2015/16:

- a) Establishment of the East African Monetary Institution and the East African Statistics Bureau to support the transition to a single currency;
- b) Consolidating the Single Customs Territory by developing and implementing the requisite systems and administrative mechanisms as outlined in the road map for the implementation of the Single Customs Territory;
- c) Enhanced implementation of the EAC Common Market Protocol particularly focusing on the implementation of the road map for the new generation East African Internationalized e-passport; and development of the EAC trading payments and settlement systems;
- d) Implementation of the road map on Constitution making process for the East African Political Federation;
- e) Development of Cross-Border infrastructure in the respective sub-sectors including:
  - (i) Roads – the Arusha-Holili/Taveta-Voi (Reconstruction works); the Malindi-Lunga Lungu/Horohoro – Bagamoyo (reconstruction works); Nyakanazi- Lusahunga – Rusumo/Kayonza- Kigali Road (Study completion); and

Nyakanazi – Kasulu-Manyovu- Rumonge – Rutunga – Bujumbura (study completion);

- (ii) Implementation of the Vehicle Load Control Law (sensitization, coordination of the Recalibration and Recertification of weigh scales and weigh stations and development of a training curriculum for weigh scales and weigh stations and development of a training curriculum for weigh bridge operators;

- (iii) Implementation of the Heads of State directives on prioritized projects in the railways, ports, inland waterways and energy;

- (iv) Preparation of the implementation framework of a liberalized EAC airspace (preparation of a road map) and implementation of the EAC Upper Flight Information Region and operationalize the EAC Agreements on Search and Rescue (SAR); and

- (v) Preparation of a policy and regulatory framework for international mobile communications roaming services.

- (f) Implementation of the EAC Industrialisation Policy and Strategy with specific focus on upgrading of SMEs, competitiveness; strengthening the collection and compilation of Industrial Statistics for production reports; and strengthening

regional collaboration in industrial research technology and innovation;

(g) Implementation of the EAC Food Security Action Plan and Climate Change Strategy with particular focus on the SPS Protocol and establishment of a regional agricultural marketing information and early warning system;

(h) Harmonisation of higher education systems and developing a harmonized EAC curriculum for pre-primary, secondary Teacher Education and Training;

(i) Conclusion of the negotiation of the Tripartite Free Trade Area Agreement encompassing EAC –COMESA- SADC; and

(j) Implementation of the EAC Peace and Security initiatives.

### **1.2 Key Achievements during the FY 2015/2016**

Mr. Speaker, Sir, the Committee was informed that the achievements so far realized during the first half of the FY 2015/16 were among others:

- a) The draft Bill for the establishment of the East African Monetary Institute has been developed, negotiated by the Partner States, and reviewed by Legislative Drafters. The draft Bills for the establishment of the East African Statistics Bureau and the East African Surveillance, compliance and enforcement Commission have been developed and are awaiting negotiation by Partner States;
- b) Implementation of Single Customs Territory, which initially commenced on pilot basis on the Northern and Central Corridors in 2014, was consolidated in 2015 through finalization of key operational instruments entailing revision of SCT

business manuals, development of SCT monitoring and evaluation tool, framework for deployment of staff in other Partner States and revision of the enforcement and compliance framework. The instruments have been adopted and are being applied by the Partner States;

- c) To facilitate free movement of persons under the EAC Common Market Protocol, the 32<sup>nd</sup> Meeting of the Council of Ministers adopted the East African Regional e-immigration strategic framework. The Community is implementing the project on installation of the Capital Markets. Infrastructure CMI for the EAC Capital Markets. Four Partner States: Burundi, Rwanda, Uganda and Tanzania have been proceeded with the implementation of the CMI infrastructure project;
- d) The EAC Time Bound Programme (TBI) on Elimination of Non-Tariff Barriers was updated. The TBP shows that as of September 2015 eighteen (18) NTBs were reported as new and eighty seven (87) NTBs were resolved;
- e) As of October 2015, 35 Kilometres of bitumen had been laid out on the 85 Kilometres section of the Taveta-Mwatate Road; and as of October 2015, site clearance over the entire 14.2 Kilometers of the Sakina-Tengeru Dual Carriageway had been completed. Consultants have submitted preliminary survey findings on design review of the Tengeru- USA- Moshi Road. The purpose of the design review is to determine the requirements to bridge the funding gap for this section.



- f) The One Stop Border Post Bill and Vehicle Load Control Bill, which were enacted by the East African Legislative Assembly (EALA) in April 2013, and May 2013 respectively, were forwarded to the Republic of Rwanda in September 2015 for final assent. Meanwhile, the Secretariat developed regulations to support implementation of both Acts when fully assented. Stakeholders and experts have approved the regulations.
- g) The Technical Team on the establishment of the EAC UFIR has completed the key projects' deliverables including the inclusion of Rwanda and Burundi into the study on detailed analysis of the sustainability of the lower airspace (below flight level) 24,500 feet above sea level, the project is risk analysis, safety analysis and preparation of a detailed implementation plan. The team is finalizing the documentation of the road map towards the establishment of the EAC UFIR.
- h) Out of 15 borders earmarked to operate as OSBP, seven (7) have been completed and three (3) are operating as OSBPs using Bilateral Agreements. The seven OSBPs are Gasenyi/Nemba; Ruhwa; Lunga Lunga/Horohoro; Holili/Taveta; Isebania/Sirari; Kagitumba/Mirama; and Rusumo OSBPs. The three (3) that are operational are Gasenyi/Nemba; Ruhwa; and Holili/Taveta. Five (5) borders stations, which are almost completed, are Namanga, Busia, Malaba, Mutukula and Kobero/Kabanga. Work has also commenced on Katuna/Gatuna.
- i) A feasibility study on the establishment of a regional Centre for adaptation and transfer of manufacturing and industrial technologies (CATMIT) has been prepared. The centre will serve as a regional reservoir for cutting edge manufacturing and industrial technologies and processes, and capacity building on technology management, selection, prospecting (foresight) and road mapping. The Centre will also provide support towards technological upgrading of SMEs and selected manufacturing value chains.
- j) In order to facilitate effective implementation and enforcement of the SPS Protocol, the EAC Secretariat has finalized the development of Phyto-sanitary and sanitary measures and measures and procedures plants and sanitary measures for fishery and fish products.
- k) Towards elimination of import duties, under COMESA-EAC-SADC Tripartite Free Trade Area, EAC and Southern African Customs Union (SACU) have agreed on a road map to negotiate various tariff offers.
- l) The Community has continued with deliberation and consultations on the establishment of the EAC Peace and Security Council. Through a consultative process, an EAC Inter-Religion Council (EAC-IRC) has been established to serve as a platform for collaboration on peace, security and stability in the region.

**KEY CHALLENGES FOR FY 2015/2016**

During the interaction with the Deputy Secretary General, Finance and Administration, (DSG (F and A) the Committee was informed that the key challenges affecting implementation of the Community programmes and projects include:

- a) Slow pace in harmonization of domestic taxes to facilitate the functioning of a Single Customs Territory;
- b) Inadequate political mobilization for the full implementation of the Common Market Protocol;
- c) Maintenance of the key macro-economic criteria essential for the Monetary Union;
- d) Inadequate staffing, particularly in the run-up to exit of several staff in early 2017;
- e) Delays in remittance of funds from Partner States and Development Partners to Organs and Institutions of the Community;
- f) Limited financial resources, occasioned especially from non-remittance from Development Partners; and
- g) Long decision-making and budget approval processes.

**KEY PRIORITY PROGRAMMES FOR THE FY 2016/17 - 2018/9**

The Committee was informed that the Community would focus on the following key priority programmes:

- (i) Full implementation of the EAC Single Customs Territory;
- (ii) Enhanced implementation of the EAC Common Market Protocol especially in regard to:

negotiating additional commitments and interconnectivity of border immigration systems and procedures across the Partner States;

- (iii) Development of cross-border infrastructure and harmonization of laws, policies and standards in the respective sub-sectors; implementation of a liberalized EAC Air Space; enhanced implementation of computerized weather prediction models; implementation of a One Network areas in Telecommunications; and convene 4<sup>th</sup> Head of State Retreat on Infrastructure, Development and Financing;

- (iv) Enhancement of productivity value addition in key productive sectors including regional agricultural and industrial value chains, and strengthen capacity for food security, natural resources, tourism and wildlife management;

- (v) Institutional strengthening;

- (vi) Development and harmonization of policies, legislation, regulations and standards to establish an EAC Energy, Common Market, including work on an EAC Energy Exchange and finalise remaining energy interconnectors across borders; and

- (vii) Implementation of EAC Peace and Security initiatives.

### Proposed EAC Medium Term Expenditure Framework 2016/2017 to 2018/2019

The Medium Term Expenditure Framework (MTEF) for 2016/17 – 2018/19 has been prepared in line with the Treaty for the establishment of the East African Community, the outcomes of the Pre-Budget Conference that was held in August 2015, decisions of the Council and directives from the Summit of Heads of State.

The Committee was informed that to achieve the above key priority programmes for the financial year 2016/2017, the Community has developed annual targets based on key and sector priorities for the FY 2016/2017.

- (i) To consolidate the benefits of a fully-fledged Customs Union;
- (ii) To fully implement the EAC Common Market Protocol;
- (iii) To establish the East African Monetary Union;
- (iv) To lay foundation for a Political Federation;
- (v) To develop regional infrastructure to support the integration process sustainable productive sectors to support regional and global integration process;
- (vi) To develop and strengthen the Regional Competitive and sustainable productive sectors to support regional and global integration process;
- (vii) To strengthen Service Support Sectors;
- (viii) To strengthen and enhance the mandate of EALA;
- (ix) To enhance the design of the Court under the Treaty, its appreciation and visibility

and develop its human and material capacity;

- (x) To promote sustainable utilization and management of the Lake Victoria Basin resources;
- (xi) To promote sustainable utilization and management of the living resources of Lake Victoria for maximum socio-economic benefits;
- (xii) To strengthen coordination and operational capacity of Inter-University Council and develop human resources capacity in all disciplines of higher education in East Africa;
- (xiii) To maximize benefits of a safe, secure and efficient air transport system in the region.

### 2.3 Expected Outcomes over the Medium Term (2016/2017 – 2018/19)

It is expected that the implementation of the above priority programmes will result into the following outcomes:

- a) Increased trade and economic prosperity in the region as a result of implementation of programmes and projects towards attainment of a Single Customs Territory, and removal of non-tariff barriers;
- b) Implementation of the Regional e-immigration framework is expected to offer excellent e-immigration services for a secure, developed and integrated region;
- c) Increased cooperation in monetary and fiscal matters among Partner States, specifically on: - harmonization of monetary fiscal and exchange rate policies; currency convertibility in the

- region; coordination of budget processes; harmonization of public debt analysis and management frameworks procurements, accounting and oversight practices in the EAC; and coordination and development of a framework for fiscal regime and management of natural resources;
- d) Improved infrastructure for expansion of cross-border trade, further reduction in the turnaround time for trucks from the ports to land-linked countries; reduction in transport costs, reduced cross border Telecommunication tariffs, and reduced road traffic accidents;
- e) Enhanced industrial competitiveness of the EAC region, increased productive and supply capacity for manufactured products within EAC and improved attraction of investors in EAC priority regional industries in line with implementation of the EAC Industrialization Policy and Strategy, thereby resulting into improved welfare;
- f) Enhanced competitiveness of agricultural value chains and improved value addition in EAC Partner States, particularly to benefit SMEs and small hold farmers; and
- g) Increased deployment of renewable energy technologies and their contribution to the energy mix, resulting into reduced cost of energy in the region.

## 2.4 The Financial Status of the EAC as of 18<sup>th</sup> May 2016

The Secretary General informed the Committee that remittances from the Partner States had been a serious challenge while donor funds had drastically reduced. In summary, EAC has received 65.09% of the contributions due for FY 2015/2016 for the Secretariat, EALA, EACJ, LVBC, EASTECO and EAKC.

The IUCEA has received 34% of contributions due for 2015/2016 and USD 9,206,762 for previous year; 1980-June 2015 is still outstanding from Partner States;

LVFO has received 53.6% of the due contributions due for FY 2015/2016 and USD 701,683 is still outstanding for FY 2014/15.

The detailed analysis of the financial status per Organ and Institution is shown in Annex I (from pages 1 to 4). A detailed analysis is also provided.

## 2.0 METHODOGY

The Committee considered the following documents:

S/N	DOCUMENT NAME/TITLE
1.	Statement by the Secretary General on the EAC Budget FY 2016/2017
2.	EAC MTEF Budget 2016/17: Volume 1 and 2
3.	EAC Budget Summaries for 2016/2017
4.	EAC Annex to the Budget 2016/17 (Detailed MTEF at inputs level)
5.	EAC Annual Operational Plan 2016/2017

6. EAC Procurement Plan for 2016/2017
7. EAC Budget Performance For 2015/2016 (July 2015 – March 2016)
8. 33<sup>rd</sup> Ordinary Meeting of Council of Ministers Report
9. EAC-Explanatory Notes to the EAC Budget for Financial Year 2016/2017
10. Financial Statements and Statement of Estimates of Expenditure for 2016/2017

The Committee requested for the following additional documents:

- (i) Detailed conference and travel budget
- (ii) EAC Financial Rules and Regulations handbook
- (iii) The Report of the 33<sup>rd</sup> Ordinary Meeting of the Council of Ministers meeting
- (iv) Records, Minutes and correspondence of the EALA Commission

The Committee further considered previous recommendations adopted by the Assembly from previous budget consideration, reports and debates for previous financial years, personnel salaries by Organ, Institution, Projects and Programs.

- The EAC Human Resources Policies and Procedures Manual.
- The bank statement/status of the EAC Reserve Fund.

The Committee also considered the Budget Speech delivered to the Assembly by the

Chairperson of Council on Thursday 26<sup>th</sup> May 2016.

The Committee interacted with the Secretary General of the EAC, the Acting DSG F & A also DSG P & I, Officers from the Organs and Institutions. The Committee then met with the Council of Ministers and the Secretary General of the EAC on Tuesday 31<sup>st</sup> May 2016.

The Committee finally considered and discussed the estimates for revenue and expenditure of the departments of the Organs and Institutions of the EAC with the Acting DSG F & A and the DSG P & I and the technical officers of the EAC and makes the following observation and respective recommendations.

The questions, issues raised comments and respective recommendations by the Members and respective responses and explanations provided are herewith annexed as Annex II.

### **3.0 CONSIDERATION OF THE EAC BUDGET ESTIMATES FOR FY 2015/2016**

The Committee appreciates and commends the continued efforts by the EAC Council of Ministers in maintaining a notable achievement in the integration agenda in terms of progress, achievements and registered successes. This has impacted on visibility recognition and has continued to attract consolidated useful partnerships and that EAC has developed. The Committee however made the following observations and respective recommendations:

#### **3.1.1 Observations on the EAC Budget Estimates of Revenue and Expenditure for the FY 2016/17**

The Committee received an updated briefing on the financial status of the Committee, which presented the Community as being in an alarming financial situation as shown in

Annex I of this report mainly due to partial fulfilment of commitments by the Partner States (65%) and low and irregular disbursement by donors (30%). This situation reflects that serious drastic measures need to be taken with immediate effect given that the ability and commitment to pay June 2016 salaries is uncertain with a current deficit of 14 million dollars. The Secretary General informed the Committee that the Executives had already put in place cost cutting measures to reduce on expenditure and to ensure optimum output given the very limited resources the Community has. The Committee appreciates and commends the measures put in place, which among others include:

- A review of the calendar of activities to reduce meetings, conferences;
- The requirement for officers to spend no less than 50% of their work program/schedule at the work station in Arusha at the Headquarters;
- Setting up of an interdisciplinary Committee to rationalize and validate use of Consultancies;
- Reduction and restriction on number of days for meetings;
- Drastic reduction in number of delegates travelling for meetings outside the Headquarters by permitting travel of only essential staff who are adequately and appropriately briefed to facilitate satisfactory representation at the meetings;
- Requiring Partner States to likewise reduce the number of delegates to EAC meetings given that 42% of travel budget of the Community is spent on facilitation of Partner States delegates as elaborated in this report;
- Clear communication to the Partner States that the contribution can neither cover activities nor sustain operations of the Community. This, as explained by the Secretary General, to the Committee, Partner States contributions at the end of the year have not been fully paid and disbursements are less in the last financial year, the contributions were paid up to 87%, although slight arrears of 3.6 million USD is reflected on the estimates for 2016/17. This is drawn from the General Reserve and not a result of increase in contributions. This notwithstanding, the EAC still has faith in the commitment of the Partner States to the integration agenda and acknowledge the full commitment of the Partner States.
- The Committee notes that the Assembly has made various recommendations in the past to improve both the budgeting process and the optimum utilization of the Community's resources. The Committee reiterates its appreciation and commendation to the Partner States continued efforts towards sustaining the Community's operations but reiterates the need for the following urgent measures:
  - a) In view of the financial status of the Community, to further review travel and conference/meetings of the Community and further reduce the number of meeting delegates and days of meetings;
  - b) To institute review of non-performing projects in the EAC which the Committee notices are several with large wage bills and no tangible activities as will be further elaborated under Office of the Secretary General and DSG F & A in staffing, with regard to activity plans and salaries;

- c) To review the operations of the Community in view of the withdrawal of donor funding and the finalization of the sustainable financing mechanisms as well as all other pending reforms/reviews that were approved by the Summit of Heads of State in March 2016;
- d) A need to reflect the emergency nature of the financial status of the Community through necessary reviews of expansion through increase of institutions of the Community that are critically underfunded and cannot achieve any significant objectives with just salaries paid to highly qualified individuals who are not facilitated to fulfil objectives. A clear example is the budget estimates in three institutions with few staff and very little budget, namely the Kiswahili Commission, EASTECO and the East African Health Research Commission and the EAC Competition Authority. The Committee finds it untenable to create new institutions that are unfunded. In addition, core sectors remain underfunded particularly with the decrease in donor funding.

The Committee therefore recommends to the Assembly to urge the Council of Ministers and the Secretariat to pursue the above-mentioned measures to both redeem the EAC but more importantly start a path toward efficient and optimum use of resources irrespective of the financial status to create a culture of efficiency, effectiveness and optimal output in the EAC.

The Committee in view of the dire financial status recommends to the Assembly to urge the Council of Ministers to persuade as far as is possible and encourage the Partner States

to honour their commitments with regard to contributions and all arrears owed to the Organs and Institutions of the Community to date.

The Committee further recommends to the Assembly to urge the Council of Ministers to set up a strategic inter-organ session with Ministers to discuss and harmonise positions on remittances, financial and administrative reforms and best practices to adopt as well as review commitments in all the above including for Partner States to pay remittances at least by 31<sup>st</sup> December of each year. The latter would also eliminate the ineffective implementation of activities in a rushed manner due to late remittances (60%) in the last quarter of the financial year.

The Committee recommends to the Assembly to urge the Council of Ministers and the Secretariat to, in a further bid to alleviate the financial pressures to adopt an inward looking approach by re-examining the functioning, operations and outputs of the EAC, examining recommendations of the Audit Commission, the Assembly, Council directives in the context of over-expenditure, wastage, corruption, poor financial and administrative management and working towards implementation of the same. This is in view of the fact that disbursements as well as Partner States contributions and the resultant challenges may be because of performance of the EAC. Corrective measures would include resort of video conferencing for specific meetings but this should also provide efficient facility, which the Committee was informed, was inadequate.

### **3.1.2 Adjustments in the presentations and layout of the MTEF that renders it user friendly**

The Committee appreciates the improvements that are apparent in the budgeting process and presentation of the

EAC Budget particularly the MTEF. However, the presentation of the budget estimates of Expenditure and Revenue for FY 2016/17 made the consideration of the budget challenging for the Committee with the re-emergence of lump sums, of cumulative unit measures of different items that made it difficult to internalize and make proper references/inferences.

The Committee recommends to the Assembly to urge the Council of Ministers and the Secretariat to revert to the presentation in the MTEF that has been used in the last three financial years or improve the same to avoid confusion during the budget analysis.

### **3.1.3 Use of BMS System that is inflexible and needs a decentralized format**

The Committee appreciates that technological developments are necessary particularly to keep up with global knowledge advancement, exchange and security but notes that the BMS (Budget Management System) in use by the Budget Office has instead of creating clarity and transparency, created challenges. These include among others; inflexible activity descriptions and objectives that are not aligned to the departments; failure to harmonise the templates after rationalization, lumping of units and sums. This creates confusion and is evident in the budgets in the Social and Productive sectors. Under Kiswahili Commission where the adoption of French language appears in the outputs of the Commission. The Committee noted that this could also be a problem by the individuals, that key into the framework which framework however do not allow reformulation of parameters after changes are made.

Subject to use without informing the user departments and this centralization renders it

vulnerable to misuse/erroneous input and use. There is therefore need for a centralized format whereby a few individuals have access to and to make changes giving limited/optimum usage with possibility of tracking and ability to identify the few authorized users. Furthermore, the system should allow for reformulation of descriptions of activities as new figures are keyed in with changes.

The Committee recommends to the Assembly to urge the Council of Ministers to carry out IT systems Audit and determine the strength and full proof status of the BMS system. Follow up actions need to be instituted as described above to limit access and ensure tracking of users using a more flexible format.

### **3.1.4 Use of General Reserve**

The Committee was informed that the EAC Financial Rules and Regulations in Rule 134 governs the use and management of the EAC General Reserve, which is a bridging mechanism for funding in cases of financial difficulties. The Committee however notes that while that may be the case, it has taken note of the following four instances of irregular use of the General Reserve:

- a) The fact that interest on gratuity of staff members of parliament and judges of the EACJ maintained as a revenue to the Community in the General Reserve;
- b) The fact that rather than being used as an occasional source of funds as a bridging measure, the General Reserve is now used as a source of funds to substitute Partner States remittances to the extent of being used to funding the entire budgets of new Institutions of the Community;
- c) The fact that Partner States through the Council of Ministers are now drawing funds from the Reserve Fund to the extent



that it is depleted and in deficit to the tune of (32,000 USD);

- d) The fact that during the interaction with the Secretary General was informed that several staff are retiring or have contracts ending beginning early 2017 as well as Members of Parliament who leave at the end of their tenure, the Committee is seriously concerned that there may be no gratuity since the General Reserve is depleted. Furthermore, while funds are drawn from the General Reserve, refund of funds or replenishment appears not to be done. There is therefore no assurance that the individuals will receive their gratuity on time.
- e) The fact that miscellaneous revenue and interest on gratuity and gratuity are all synonymous with the General Reserve. The Committee is of the view that miscellaneous revenue and gratuity accounts should be separate.

Given the above, the Committee recommends to the Assembly to urge the Council of Ministers as follows:

- (i) That interest on gratuity should be earned for the benefit of the contributing individual/and not a benefit to the employer and the financials and regulations should be reviewed in that direction.
- (ii) That Partner States desist from using the General Reserve as a source of funds to substitute remittances as this creates a high risk in terms of liquidity. The General Reserve should only be used as a bridging mechanism and for emergencies with a constant book and cash value balance at hand.

- (iii) That assurance of the security of gratuity of all existing staff and Members of EALA given to the Assembly.
- (iv) Replenish the General Reserve as should be in a timely manner if used to fund activities of the Community.
- (v) That the Council of Ministers consider reviewing the financial rules and regulations to separate miscellaneous revenue for gratuity and interest on gratuity become a benefit of the contributor.

### **3.1.5 Significant budget performance on the Organs and Institutions of the EAC during the Course of FY 2015/2016**

While the Committee was informed that the reasons for low budget performance was linked to the slow remittances and low and delayed disbursements by donors, the Committee continues to insist that activities that do not reflect value for money are not based on identified priorities, have made poor or no returns on resources allocated to in among other others should govern the subsequent budgeting process.

The Committee observed with concern that there were many departments and projects performing at 14% and less workers at the viability of such endeavours. This is aggravated by the fact that Partner States remittances are made in the last quarter leading to hurried and ineffectual implementation.

The Committee therefore recommends to the Assembly to urge the Council of Ministers to review operations of projects and programs based on performance and realign these, as the need may be particularly non-performing projects that only have funds or borrow and

run on funds that comprise staff salaries. Specific examples will be provided under the office of the DSG F & A.

### **3.1.6 Need to review the EAC Budget Act, 2008**

The Committee has continued to call for the review of the Act to provide for among others the use of MTEF budgeting, to provide for timeframes for the budgeting cycle and timelines for tabling of the budget estimates before the Assembly. During interaction with the Secretary General, the Committee was informed that the issue would be tabled and discussed in the Permanent Secretaries retreat due in June 2016. The Committee was also informed that there was an intention voiced by Ministers of Finance of increasing their executive oversight over the EAC Budget and the Committee notes that this too can only be possible with the said review of the Act.

The Committee therefore recommends to the Assembly to urge the Council of Ministers to fast track and fund the activity so that the budget process is made more effective, transparent and based on the legal framework.

Mr. Speaker, Sir, I beg to move - (*Applause*).

**The Speaker:** Thank you so much, Chairperson of the Committee on General Purpose. Hon. Members, the motion before the Assembly is that the East African Community Persons with Disabilities Bill, 2015 be read for the Second Time. Debate is open.

Hon. Colleagues, I will request that I am going to limit debate on this report and Bill. If you rise or take the floor, please, do not take more than five minutes.

**Mr Leonce Ndarubagiye (Burundi):** Thank you very much Rt. Hon. Speaker for giving

me the floor. I will be very brief. Actually, this motion has been very well done, and all of us should support it because we are candidates – everyone is a candidate of disability, especially as you get older, you feel some parts of your body like the arms, legs and back getting weak. That is where we all aim to reach- to get old.

But why I raise this is to remind each one of us that in a human society, the humanity of a human being can be assessed according to the way the community treats widows orphans, street children, old people and people with disability. I think that we are all concerned and we are all humane in that we should care for our neighbours, relatives and our next of kin.

I rise to support fully this motion and I thank you very much for giving me the floor.

**The Speaker:** Thank you, Hon. Leonce.

**Ms Emerence Bucumi (Burundi):** Thank you very much, Rt. Hon. Speaker for giving me the floor to contribute on this report.

I stand to support this report and to congratulate Hon. James Ndahiro for having initiated this Bill for a legal framework on people with disabilities.

Rt. Hon. Speaker, as it is mentioned in this report, the participation of stakeholders was very commendable during then public hearings. This shows how this Bill is much appreciated.

Rt. Hon. Speaker, we all know that disability can happen to any of us at any time. That explains how this Bill is very important. So many examples can demonstrate that fact.

I remember my colleague who is also the Chair of my Chapter; Hon. Hafsa Mossi told me one day that when she was in secondary school, she was in the classroom with other students and a student stood up and his

colleague pulled his chair. When the former tried to sit without knowing that the chair had been removed, he fell down and immediately lost his sight. He thought that there was no light and asked the other students to switch on the lights. Ever since then, that student became blind.

Rt. Hon. Speaker, as I have said, there are so many examples that each Member here can give on this subject.

Another issue that I would like to raise Rt. Hon. Speaker is that I feel very bad when I see a young girl or young boy with disability treated like a goat. Some people hire them to remit a certain amount of money by day or by night depending on how much they get. They use them to beg at the markets, churches and anywhere they can find money. This is very bad.

Hon. Speaker, this Bill will protect the people with disabilities against such kind of abuse and others.

Without saying too much, Mr Speaker, this legal framework comes at a time that it will solve so many problems among people with disabilities. Thank you once again, Rt. Hon. Speaker. I beg to support - *(Applause)*.

**The Speaker:** Thank you, Hon. Bucumi.

**Mr Zein Abubakar (Kenya):** Thank you, Mr Speaker for curtailing the debate of this motion because its merits are self-evident - *(Applause)*. So, I will limit myself to three little-simple statements.

One is that the rights of persons with disabilities are also human rights - *(Applause)*.

Two; that there was overwhelming support for this Bill throughout the Partner States and our noble Community - *(Applause)*.

Three; that this House has led by example by first amending our Standing Orders to cater for those who may be having disability within this House. By setting that good example, when this Bill passes, we as this Assembly, shall sit again to make sure that we mainstream the values of this Bill in the Assembly first, and then into our Community. I fully support the motion. Thank you, Sir - *(Applause)*.

**The Speaker:** Thank you, Hon. Zein. Hon. Colleagues, it should be noted that my limitation of time on this debate is not in bad faith.

**Mr Zein:** No, and that is why I said the merits are self-evident.

**The Speaker:** Exactly. In essences, this House wants to fast track this Bill because it should have been passed yesterday. I had given the order for speech already.

**Ms Dora Byamukama (Uganda):** Thank you very much, Mr Speaker, Sir. I want to thank the Committee for a very good report and to congratulate them upon excellent work done.

My comments are few; I just want to go straight away to page 16, No. 5- it states that: "The Committee agreed to the proposal by the Council of Ministers that the Council shall appoint such institutions and assign them such functions as the Council may deem necessary for the effective implementation of the Act."

I would not like to contradict what the Committee has already considered but I wanted some more clarification on this particular matter because when it states that the Council shall appoint such institutions, what are these institutions? I would like, maybe, to see something more concrete to the effect that the Council shall appoint, maybe, we could even give it a name, institutions to

handle peoples with disabilities or an EAC institution and maybe that would make it easier to appreciate what is put here.

When he says, “Such functions as Council may deem necessary,” will this do away with what had already been proposed in the Bill because at least the Bill should be able to talk about some functions, which should be carried out by this particular institution. I have a small challenge on this. Maybe the Committee will make it clearer as to why they were quick to adopt this.

One of the challenges I have, especially concerning this is the fact that when we do not have a timeframe and sometimes when we put a timeframe and it lapses, it also makes it difficult. It may take another, maybe, 10 years before the Council puts in place such an institution.

Let me give an example – there is an Act on testing meteorology, which I talked about earlier and standards of 2004, which had proposed for a Competition Authority in 2004, this Authority only came into place in 2016. Therefore, it took 12 years. I would like to have some commitment from the Council of Ministers as to when this kind of institution will be put in place.

Mr Speaker, Sir, I think somewhere in the report I remember hearing clearly that there was concern about the issue of penalties not being stated. This is a challenge that we have had in legislating at the East African Community level. I am glad we are standardizing on the issues of definition and action to be taken. But this issue of penalties remains outstanding. As long as we do not define – *(Interjection)* -

**The Speaker:** Hon. Dora, continue. Hon. Members are just appreciating the smartness of Hon. Mumbi - *(Laughter)*.

**Ms Byamukama:** Thank you, Mr Speaker. I thought they were appreciating my point - *(Laughter)*. Well, since Hon. Mumbi has taken away the attention, let me repeat. We have a challenge when it comes to the issue of penalties. In effect when we make laws and laws do not have penalties, these laws become a little bit difficult to implement and in a way, they may be considered as toothless.

But I would like to say, very quickly, that the challenge of penalties may be can be addressed by defining people who live in our Partner States as being able to also receive the kind of rights or maybe attention that their national laws give them. Let me just give an example, if for example, there is a penalty to the effect that if a company does not employ persons with disability and yet it has a number, for example of 50 people, then it has to pay, for example, a penalty of the equivalent of US\$ 5,000.

I think if a person from Kenya or Uganda who would like to work in that country would be able to go before the law and be able to get this penalty put in place or to get redress whether that person comes from another Partner States. In effect, I am trying to bring into play what the Secretary General had proposed that the definition of a national of a Partner States should include a citizen of the East African Community. That way then I think it will help us to streamline on the issue of penalties.

Mr Speaker, Sir, I would like to make some final remark. This again goes to this particular institution, which has been proposed. One of the aspects that I wanted to see amongst the functions would be the issue of data collection and statistics. I think it is very important that we mention this because persons with disability are usually hidden away.

When you go to several homes, you will find that persons with disability, especially mental

disability, because this really touches my heart, persons with mental disability live on chains because the family feels stigmatized. Mental health is becoming a very serious issue in the East African Community for various reasons. There is either social pressure, economic pressure, war or even our kind of diet that we take.

Therefore, I would like to say very clearly that I think it may be better maybe, for us to say at some point that this Council will be in charge of ensuring that the Convention on the Rights of Persons with Disabilities is implemented because this convention is exhaustive on all these aspects. When that Council has done its work on the issue of implementation, it will be able to give a report to the Council of Ministers, which in turn will lay it for debate and consideration by the Assembly. I think that, that way, the Assembly will be in a position to stay in touch or to be connected and to ensure that this particular issue of persons with disability is handled properly.

Mr Speaker, Sir, I hope that maybe at some point, I will be able to get some explanation on the issues that I have raised and also to be able, maybe, to move some amendments on how we can make this particular institution at the EAC level more concrete so that we do not just make laws but we are able to get them implemented. I thank you - *(Applause)*.

**The Speaker:** Thank you, Hon. Dora. Hon. Members, there are situations in our Partner States that should build this cure. You will find many people roaming the streets of our cities with slight mental problems. Ordinarily, if the Partner States or the relevant institutions collected them off the streets and took them for treatment, they would recover. However, we see people derail on the streets until madness without anybody caring. I hope this Bill will take care of that.

There are people who come from post-war areas who have extreme trauma and they are mistaken to be mad and are not taken care of. This Bill should cure this situation.

**Mr. Frederic Ngenzebuhoro (Burundi):** Thank you, Rt. Hon. Speaker. I will be very brief because this Bill should be quickly adopted and assented to and quickly implemented because it is very important - *(Applause)*.

Mr Speaker, I would like to thank the Committee on General for the report. In a special way, I want to thank my friend, Dr Ndahiro for having moved this motion. It is an implementation of Article 120 (c). Today it is a Bill on persons with disabilities. I know that there is a Bill on gender, which is in the process. That is another case of implementation of Article 120 and I hope and wish that after tomorrow, this Assembly also considered a Bill on the elderly. It is very important. I sit on this but the Council of Ministers has accepted to set up a council on elderly people and other related issues. But a Bill is very important for the elderly.

There is a story I will never forget in my life. You know when I was in my last year at university; we were four; two young girls and two young men. One of our sisters who was 30 years of age decided to get married to a professor who was around 40.

It was disappointing because we could not understand how a person who was around 30 could be a wife of an old man of 40. But when your reach that age, you understand that it is not so bad - *(Laughter)*.

So, once again, this is very important for me. Rt. Hon. Speaker, I would like to support this Bill because when it will be assented to, and I have no doubt, it will grant to persons with disabilities all the rights that other citizens in the east African Community enjoy. It is very

important- human rights and everything that other citizens are enjoying.

Lastly, this Bill will grant equal opportunities and provide for affirmative action, especially what I like with this Bill, is the way they have put the tax exemptions of the basic needs of persons with disabilities. It is very important and with that, I do not want to talk so much about it. I fully support the motion. Thank you - *(Applause)*.

**The Speaker:** Thank you so much. I had given Hon. Ogle and then I will come to Hon. Hafsa Mossi, Hon. Pareno, Hon. Isabelle and then I come this side.

**Mr. Abubakar Ogle (Kenya):** Thank you, Mr Speaker. Just very briefly – Mr Speaker, I wish to support this Bill - *(Applause)*. I can understand the appreciation because I have raised some contentious issues during the Committee stages. Nonetheless, I fully want to support this Bill.

Mr Speaker, there is wise counsel from the community I come from that says, “When a person is born, until you die, you should always expect disability at any moment.” That is to say that as human beings, we are all candidates for disability. The idea of catering for only a mere 10 percent of our Community is not true. We are catering for the entire 150 million people of East Africa - *(Applause)*.

This Bill affects all of us, so it needs to be supported. So, I wanted to make that very clear and I took that vow to debate this on behalf of Dr Ndahiro. Thank you very much - *(Applause)*.

**The Speaker:** Thank you Hon. Ogle.

**Ms. Hafsa Mossi (Burundi):** Thank you, Hon. Speaker. I also support the Bill since it is a legal framework to give fully and equal enjoyment of fundamental rights and freedoms by people with disabilities.

I know that this Bill seeks to address all kinds of discrimination of people with disabilities but also to foster respect and dignity to people with disabilities.

Mr. Speaker, my plea to our governments – our Partner States is first of all to take measures to avoid creation of people with disabilities. What I mean is like some sort of health negligence, which can complicate the lives of our people and compel them to become people with disabilities.

**Mr. Mulengani:** I just want to give information to my colleague to add war, which is also prone to creation of disability.

**Ms. Mossi:** Thank you, Hon. Mulengani for the information. Also, I would plead with the Council of Ministers to address the issue of budget with regards to the people with disabilities. They should really find some provisions to allocate a budget which could cater for the needs of people with disabilities.

Lastly, Mr. Speaker, is to do with the social support for people with disabilities who are in need and cannot afford to take their children to school; who cannot afford to provide health care for their children but also for some kind of counselling to people with disabilities who are undergoing some sort of psychological and financial challenges. I beg to support.

**Ms. Judith Pareno (Kenya):** Thank you, Rt. Hon. Speaker. I rise to support this Bill and thank the Hon. Ndahiro for this kind of Bill. I will try to go by point like my brother, Hon. Zein in order to save on time.

Rt. Hon. Speaker, I wish to submit that a regional law will ensure that at least the people with disability are not left behind the integration process. This is a good and positive law.

Rt. Hon. Speaker, our integration process is people centred. We cannot say that we are people centred and the process is going on and we leave between 10 percent, as Dr Ndahiro says, and 100 percent as Hon. Ogle says, if we are leaving some of the East Africans behind in the integration process. To me this is going to make sure that they are included and that since it is people centred, then they are the people that should also be encouraged in the integration process.

Then, Rt. Hon. Speaker, I wish to just put a challenge to the EAC; now that we are passing this law and obliging our Partner States to ensure that the interest of the people with disabilities are taken care of, what have we done in our facilities? I wanted to know whether in our OSBPs, in our centres and institutions – even in this Assembly, have we made sure that the interest of the people with disabilities are taken care of?

I give an example, do we have intermediaries? Do we have even sign language people? Suppose a person with disability was seated today and needed a sign language interpreter, what conditions are we making to ensure that they are fully integrated; their interests are taken care of in our conferences and all the business that we do in this EAC? Have we provided for these people with disabilities?

Therefore, that is a challenge that we need to crosscheck to ensure that they have access to our facilities; they have access to the information that we give; and they have access to any training that we give. Otherwise, if we do not provide for sign language, intermediaries, and access areas for them even within the institution of the EAC then we would not be setting a good example. So, Rt. Hon. Speaker, I would urge that we crosscheck to ensure that their interests are catered for even as we pass this law.

Even in our employment services, how much of people with disabilities do we have in the EAC? Yes, right now we are telling Partner States that they should comply and cater for them, but as EAC have we taken care of them? I think that would be a good case test for us to be able to show that we care about them and show that we support this Bill and to ensure that it is effectively enforced.

Finally, Rt. Hon. Speaker, I am happy that the Council of Ministers has proposed that a regional council be included in this Bill and in fact, they went further to say that, the Council of Ministers may appoint such institutions that are necessary for effective enforcement of this law. So, to me this is a good gesture by the Council of Ministers if it can be improved in the manner that the Hon. Dora is proposing that they can go further and tell us the kind of institutions that they have in mind.

I think this is one such law that has actually an implementation provision. Most of our laws that we pass in this Community have no such provisions when we move to see whether they have been implemented. However, this provision in itself sets for implementation and I thank the Council of Ministers for bringing it up. I thank you and support, Rt. Hon. Speaker.

**Ms. Isabelle Ndahayo (Burundi):** Thank you, Rt. Hon. Speaker for giving me the floor. I rise to support the motion. I fully support this motion and the ideas raised by my colleague on this motion.

In order to save time, I will not repeat what has already been said but I would just like to raise one thing, if the mover allows, I would like to ask if it is possible to add one provision to this Bill on the prevention mechanisms. Of course, I know that this Bill is about the protection of the rights of persons with disabilities but they do not talk about the prevention and cause of disability.

We have cases in the society, which can be prevented from occurring within our society. For example, vaccination is not accessible everywhere within our Community and yet people need to be more sensitized on the importance of vaccines.

I would also like to come back to the sanctions in place for people who neglect vaccination. I have seen cases of some churches, which spread negative information against vaccination. So, I think it is very important to emphasize the sensitization of vaccination so that we can prevent disability from occurring to our people.

Another issue that I would like to talk about is about mental disabilities. We need to increase the centres for treatment of persons with mental disabilities. Taking into consideration that our region is facing insecurity situations and here drug consumption has increased within the region, we have so many traumatized people who need to be taken care of. So, I would like to suggest that we increase on the centres for treatment of people with mental disability. I thank you.

**The Speaker:** Thank you, Hon. Isabelle. I start with Hon. Bazivamo, Hon. Dr Martin and then Hon. Sebalu. Let us keep the spirit of being brief.

**Mr. Christophe Bazivamo (Rwanda):** Thank you, Rt. Hon. Speaker for this opportunity. First of all, I rise to support the report and the Bill.

I also thank the Committee in charge and the Chairperson for her good presentation. But I am most especially thankful to the mover of the motion, Hon. Ndahiro for having brought up this Bill, which is very important especially when it comes to pushing Partner States to develop good policies and strategies and then adequate laws and institutions to address this matter - *(Applause)*.

Rt. Hon. Speaker and Hon. Members, we have observed that in most of the cases, to take care of rights and needs of people with disabilities has been left in the hands of humanitarians- donors – faith based organizations as this was not within the mandate of governments. I think this is very important as a Bill, which actually calls upon our Partner States to come back and consider the mandate to take care and make sure that the rights and needs of people with disabilities are taken into consideration.

This will to them is in most cases to them not taken as a priority when it comes to budgeting. This will push Partner States to make sure that they consider people with disabilities in their budgets, right from prevention to treatment where it is needed but also in their ordinary day-to-day needs.

I fully support this Bill and I encourage everybody to support it. I think that those who do not consider that this is not very important have that bad mindset that we have to delegate what we are supposed to do to donors to avoid it. Thank you. *(Applause)*

**Dr Martin Nduwimana (Burundi):** Thank you very much, Rt. Hon. Speaker for giving me this opportunity to bring in my views to this debate. I start by thanking the mover, Dr Ndahiro and our Chairperson of the Committee on General Purpose for how we have been working effectively and efficiently to get to the stage at which we are now - *(Applause)*.

My contribution lies on two; one is just to highlight and insist that the work ahead for implementation of this Bill is not easy because at least the issue of people living with disabilities is a cultural issue.

I just want to highlight one example regarding then languages. How in some societies many people keep with disabilities. I take the example of Burundi; the common



naming of people with disabilities dehumanizes the people with disabilities. People with disabilities are considered as “things” – even bad things. For example, a person in Kirundi is “Omuntu” and a thing is “Ikintu.” And when we say people with disabilities, we say “Ikimuga”. “Iki” means “Ikindu”. When we say, for example, someone who is dead, we say, “Igifa amatwe” – things whose years are dead. And I have been asking around, in Swahili it is like the same “Kipofu” – it is just dehumanization of human beings.

It is not acceptable - (*Applause*) - but it is very difficult to fight.

**Mr. Zein:** I would just like to give information to Dr Martin and affirm that in the past that was true. You would say “Kiwete, kipofu” but that has changed in the Kiswahili language. That is why we use “*mulemavu; mutu asiyoena; mutu asi yosikia;*” *hiyo ni hali natutumika kwa lugha ya Kiswahili.*

**Dr Nduwimana:** Thank you so very much for the information. I wish this information could be a reality in the field and in mindset of the people of east Africa. For Burundi, I wish and hope that we are going to take the same move.

The second contribution I want to make is just for information and it is related to what happens when we handle the issues of the people with disabilities well. Again, I will bring in that contribution by examples. The first one, I borrow it from Hon. Dr Odette. One time she brought in a story of a person who was born without arms and legs – his name is Nick Bugi- those who were in that group should remember.

That boy was about to commit suicide when he was eight or nine but abandoned that idea because of the love he had for his parents. He thought that if he killed himself, it would be

very sad on their part and the parents would suffer a lot because they also loved him so much. So, he abandoned that idea of committing suicide and he is now living as one of the best evangelists in world.

I googled to find out more about him and I found that he is also married right now with two beautiful children and I would like to invite you to google about him and see his wife. If you have the same appreciation levels like me, you may fail to have the correct words to qualify the beauty of that woman - (*Laughter*).

The second example I would like to bring in is about disabilities of learning reading and writing, which is termed as dyslexia. Children who are affected by dyslexia find it very hard to read and write. Many times, if the teachers are not careful, those children cannot succeed. The drop out of school and the society loses them. However, when they are taken care of very well, they can succeed and become famous.

I want to bring in very few examples. These are persons that you all know, Ludwig Beethoven, the famous musician, Mozart, Albert Einstein, Winston Churchill and from our people who love cinema, Tom Cruz, Bill Gates, Jack Shrew but you can go goggle and you will find a very long list. If those people had not been cared for, how would the word be today? (*Applause*)

Lastly, the salt examples are in our midst, Hon. Ndahiro and Hon. Zein fall in the category of people with disabilities. But really are they? Who is more able than those two Members in this chamber in all matters that we deal with? Are they really disabled? I do not think so. They are very able. So, this Bill will cure and make sure that the so-called people with disabilities are people with abilities. Thank you so very much - (*Applause*).

**Mr. Mike Sebalu (Uganda):** Thank you very much, Rt. Hon. Speaker for the opportunity. I join colleagues in supporting the Bill and on a light note, I just want to remind Hon. Nduwimana that the Bible says that never admire another man's wife - *(Laughter)*.

Rt. Hon. Speaker, this Bills as moved by Dr Ndahiro is indeed very timely, very necessary and desirable. I take to be one of the best things that have happened in this Parliament.

We need to appreciate that disability is not inability. Proceeding from that premise, we, therefore, need to appreciate the totality of our Community as God given and to create an environment that allows each and every one of us within this Community to make our meaningful contribution towards the integration agenda. This Bill definitely, in my view, creates such an enabling environment and, therefore, I pay homage to Hon. Ndahiro for his timely intervention - *(Applause)*.

Rt. Hon. Speaker, like indicated by one of the colleagues before me, we need to appreciate that ability is actually temporary. Today you are able and tomorrow something could easily make you disabled. We have accidents that happen every day; we have ailments that lead to amputations; we have all those kind of things around us that can easily make it very possible for you to be disabled at one point in time.

Therefore, when we are looking at this Bill, it is not a question of them and us. It is a question of the totality of our Community. So, we need to take it very seriously.

Rt. Hon. Speaker, we also need to appreciate that our integration agenda – definitely, there was a paradigm shift and the integration agenda is people centred. Now, we need to talk about the centrality of the people in the integration agenda. The centrality of the

people entails all sections of our populations in our Partner States.

Therefore, as we go upon doing our work of legislating, representing and doing oversight for the East African people, we need to be mindful- we need to be thankful for this Community but always mindful of the needs of all our people. The laws that we make should be a reflection of then populations that were represent.

This Community should act as a mirror so that every other person once they look themselves into what happens in Arusha and the Community, they should see a reflection of their own selves. The disabled should be a reflection in that, the women, the youth and the elderly so that at the end of the day we go about the business of integrating people because we are not integrating governments. We are not integrating officers but we are integrating people and, therefore, the laws must be a clear reflection of that - *(Applause)*.

With this Bill, Rt. Hon. Speaker and Hon. Members, I believe that the Assembly is redefining itself in terms of its relevance to the ordinary people whose constitutions include the disabled people. So, we are more relevant and when we go out there to talk about this law, definitely the level of appreciation of what we do will be at a much higher level.

I would like to wind up by saying that we need to explore possibilities, after having the law passed, of deeper engagement and sensitization programs as EALA to talk about this law, explain the need for it, why it is necessary and why it should be given priority even in terms of our set of priorities so that it is appreciated by the implementers and the beneficiaries.

Rt. Hon. Speaker, I thank you for the opportunity and I call upon all colleagues to support the Bill. I wind up by thanking Hon.

Ndahiro, the Committee and the Chairperson for having given it priority and time set aside to engage on it deeper and for having found space on the Order Paper to be debated and passed into law. Thank you very much, Rt. Hon. Speaker - *(Applause)*.

**The Speaker:** Thank you very much, Hon. Colleagues. Hon. Members, I had almost wanted to conclude debate on this matter. I have recognized Hon. Mumbi, Hon. Patricia and Hon. Kessy but due to time constraint, I beg your indulgence. Thank you so much. I now invite the Hon. Chair to respond but before that let me invite Chair, Council of Ministers to say a few things as part of the debate.

**The Third Deputy Prime Minister and Minister for East African Community Affairs, Uganda (Dr Ali Kirunda Kivejinja) (Ex-Officio):** Thank you, Rt. Hon. Speaker. I cannot thank because it is a product of all our work except that maybe I will answer one question, which has been raised by Hon. Byamukama.

I want to assure her that the regional council for persons with disabilities will be established in 2016/17 - *(Applause)*. Its functions have, however, not been defined because it is subject to the position agreed upon between the General Purpose Committee and the Council.

The regional council could not explicitly state because it has not been established. When it is established, that is when the thing will be done. I just want to assure you that it is on course and it will be implemented.

**The Speaker:** Thank you, Chair, Council of Ministers. I now invite the Chair.

**The Chairperson, General Purpose Committee (Dr Odette Nyiramilimo) (Rwanda):** Thank you, Rt. Hon. Speaker. I would like first of all to thank all the

Members who have contributed to this Bill and I thank everybody for the overwhelming support. I thank Hon. Leonce, Hon. Bucumi, Hon. Dora, Hon. Speaker, Hon. Frederic, Hon. Ogle, Hon. Hafsa, Hon. Pareno, Hon. Isabelle, Hon. Bazivamo, Hon. Dr Martin, Hon. Sebalu, Hon. Chair, Council of Ministers and all the Members who wanted to contribute but because of time constraint were not able.

What I have noted is that all the Members who spoke supported the Bill and the only question that was raised was about the Council appointing an institution and its functions. I think that the Chairperson of the Council has responded to it.

We have discussed with the Council and the CTC and agreed that since they have already thought of establishing the regional council - when you look at Annex B in the Schedule of Amendments, you will see that the Committee has even proposed the functions of the institution that will be put in place. That is on pages 6 and 7 of Annex 2. When we get to the Committee stage, I think it will be explained better and it will be up to Members to deem it necessary to adopt the Committee amendments.

Mr Speaker, Sir, I am not willing to go through all that the Members have said since they were supportive. I think that is enough. Thank you very much.

**The Speaker:** Thank you very much, Chairperson. I now invite the mover, Hon. Dr Ndahiro to give a short response.

**Dr Ndahiro:** Thank you, Rt. Hon. Speaker. The Chair of the Committee has done justice to most of the things and so I will only answer two issues; one, on vaccination raised by Hon. Isabelle. I would like to concur with her that it is important – prevention is better than cure. But I would like to assure her that under the amendments, in the new Article 27, she

would see that there are policies envisaged under the policy measures and policy instruments that will be established.

Two, on the issue of the council, I think it is important that we give a benefit of doubt to the Council of Ministers to establish those institutions because we don't want to be in conflict with Article 59 of the Treaty. They are committed – it is on *Hansard* – and we are told that that institution will be established during this financial year. I think we should take them on and pass the Bill accordingly. Thank you, Rt. Hon. Speaker - *(Applause)*.

**The Speaker:** Thank you so much, Hon. Dr Ndahiro. Hon. Colleagues, before I put the question. The Chairperson in appreciating the people who have contributed to the debate included the Speaker. Just for the record, you can only appreciate the Speaker for guiding the debate. I was just guiding the debate. Thank you so much.

I now put the question that The East African Community Persons with Disabilities Bill, 2015 be read for the Second Time.

*(Question put and agreed to.)*

## THE ASSEMBLY IN COMMITTEE

(Mr Dan Fred Kidega in the Chair)

### BILLS

#### COMMITTEE STAGE

#### The East African Community Persons with Disabilities Bill, 2015

Clause 1

**The Chairperson:** Hon. Members, I propose that Clause 1 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chair. Clause 1 is amended by replacing “persons with disability” with “persons with disabilities,”

and the whole Bill will be consequentially amended accordingly to adhere to proper terminology.

**Dr Ndahiro:** Agreed, Mr Chairman.

**The Chairperson:** I now put the question that Clause 1 as amended be part of the Bill.

*(Question put and agreed to.)*

Clause 2

**The Chairperson:** I propose that Clause 2 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Mr Chairman. I propose that we amend Clause 2 by inserting in the proper alphabetical order the following new definitions: Commission be deleted because we have deleted all the clauses with the word commission.

“Community” means the East African Community established under Article 2 of the Treaty.

“Council” means the Council of Ministers established by Article 9 of the Treaty.

“Legal Capacity” means the ability to hold rights and duties under any written law and to exercise these rights and duties.

“Live assistance” means needed by persons with disabilities and rendered by designated and qualified persons including use of sign language interpreters, teachers and guides for the blind, intermediaries and other life assisters, parents and care givers.

“Inclusive Education” means educating students with disabilities in chronologically age appropriate education in schools with least restrictive environments to ensure that they receive specialized instruction dictated by their individualized education program within the context of a core curriculum and general class activities regardless of the types

of severity of their disabilities to the maximum extent possible. Thank you, Rt. Hon. Chairman.

Then on the same clause, we would like to propose deletion of the words “gestures or caricatures” in the definition of the word discriminate. That is to accommodate all possible sources of discrimination and avoid limitation by itemization or listing. Thank you, Mr Chairman.

**The Chairperson:** Chairperson, before I invite the mover, I think you may be interested in deleting “board” as well because it has been replaced by “council” as an amendment. So, let us take that as submitted.

Then also the definition of albinism, which is not here but it came out in your report, do we have to define that? But let me invite the mover to comment on the amendments.

**Dr Ndahiro:** I concur with the Chair of the Committee.

**The Chairperson:** Thank you so much. Since these are divisions, I now propose that Clause 2 as amended be part of the Bill.

*(Question put and agreed to.)*

Clause 3

**The Chairperson:** Hon. Members, I propose that Clause 3 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Mr Chairman. We propose an amendment by adding the following new objectives to the clause: “3 (d) to mobilise resources for the advancement of the rights, progress and wellbeing of persons with disabilities in the Community; (e) to set up mechanisms to facilitate the advancement of rights, progress and wellbeing of persons with disabilities in the Community; (f) to ensure that the rights of persons with disabilities are involved in all policy, rules and programs within the Partner States.” The

justification is for provision of more clarity on the objectives of the Bill. Thank you.

**Dr Ndahiro:** I concur with the Committee Chairperson.

**The Chairperson:** Hon. Members, I put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 3, as amended, agreed to.)*

Clause 4

**The Chairperson:** Hon. Members, I propose that Clause 4 stand part of the Bill. I now put the question that Clause 4 be part of the Bill.

*(Question put and agreed to.)*

Clause 5

**The Chairperson:** Hon. Members, I propose that Clause 5 stand part of the Bill.

**Dr Nyiramilimo:** Thank you, Chair. We propose an amendment in Clause 5 (a) with sub-clause 2 be deleting the words “the rights recognized in” and in sub-clause 2 (c) by replacing the word “or” appearing after the word “criminalize” with the word “and” and in ( C) by inserting a new paragraph (f) to read as follows : “(f) When developing, adopting and implementing policies, rules and programs related to persons with disabilities, the Partner States shall directly consult and actively involve persons with disabilities through their representative organizations.” I beg to move

**Dr Ndahiro:** I agree with the position of the Committee.

**The Chairperson:** I now put the question on the amendment as moved by the

*(Question put and agreed to.)*

*(Clause 5, as amended, agreed to.)*

#### Clause 6

**The Chairperson:** Hon. Members, I propose that Clause 6 stand part of the Bill.

**Dr Nyiramilimo:** Thank you, Chair. The Committee proposes that we make some amendments in this Clause 6 on (a) by adding in sub-clause 1 the words “on equal basis as other persons in society” and in sub-clause (b) in sub-clause 3 by inserting the word “appearance” immediately after the word “does” and by inserting the words “political or cultural” after the word “social.” The justification is for clarity. Thank you.

**Dr Ndahiro:** I agree with the position of the Committee, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 6, as amended, agreed to.)*

#### Clause 7

**The Chairperson:** Hon. Members, I propose that Clause 7 be part of the Bill. I now put the question that Clause 7 be part of the Bill.

*(Question put and agreed to.)*

#### Clause 8

**The Chairperson:** Hon. Members, I propose that Clause 8 be part of the Bill. I now put the question that Clause 8 be part of the Bill.

*(Question put and agreed to.)*

#### Clause 9

**The Chairperson:** Hon. Members, I propose that Clause 9 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chair. The Committee proposes an amendment to Clause 9 by adding the following new paragraph: “(h) Are protected from traditions, customs and cultural beliefs that promote mistreatment, abandonment, abuse and violence against persons with disabilities.” *(Applause)*

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 9, as amended, agreed to.)*

#### Clause 10

**The Chairperson:** Hon. Members, I propose that Clause 10 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chair. The Committee proposes an amendment in Clause 10 (a) in sub-clause 1 by replacing the words: “right to life” with the word “rights.” (b) By deleting sub-clause 2 to sub-clause 11. These sub-clauses we would prefer them to be a standalone clause, which will become Clause 11 with a marginal note “Protection from social and cultural practices.”

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 9, as amended, agreed to.)*

## Clause 11

**The Chairperson:** Hon. Members, I propose that Clause 11 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. The Committee proposes an amendment in Clause 11 by inserting the words “awareness raising,” immediately after the words “legal sanction” The justification is for clarity. Thank you.

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 11, as amended, agreed to.)*

## Clause 12

**The Chairperson:** Hon. Members, I propose that Clause 12 be part of the Bill. I now put the question that Clause 12 be part of the Bill.

*(Question put and agreed to.)*

## Clause 13

**The Chairperson:** Hon. Members, I propose that Clause 13 be part of the Bill. I now put the question that Clause 13 be part of the Bill

*(Question put and agreed to.)*

## Clause 14

**The Chairperson:** Hon. Members, I propose that Clause 14 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. The Committee proposes an amendment in Clause 14 in sub-clause 1 by inserting the

words “under employment,” immediately after the words “unemployment” The justification is for clarity. And in sub-clause 2 by adding the following new paragraph: “(g) Promoting the employment of persons with disabilities in the private sector including reserving and enforcing minimum job quotas for employees with disabilities.” Thank you.

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 14, as amended, agreed to.)*

## Clause 15

**The Chairperson:** Hon. Members, I propose that Clause 15 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. The Committee proposes an amendment in Clause 15 by deleting the whole sub-clause 2 because it is not practical. Thank you.

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 15, as amended, agreed to.)*

## Clause 16

**The Chairperson:** Hon. Members, I propose that Clause 16 be part of the Bill. I now put the question that Clause 16 be part of the Bill.

*(Question put and agreed to.)*

## Clause 17

**The Chairperson:** Hon. Members, I propose that Clause 17 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. The Committee proposes an amendment in Clause 17 by inserting the words “training,” immediately after the words “education” wherever it appears in this clause. The justification is for consistence. Thank you.

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 17, as amended, agreed to.)*

## Clause 18

**The Chairperson:** Hon. Members, I propose that Clause 18 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. The Committee proposes an amendment in Clause 18 sub-clause 1 by inserting the word “training,” immediately after the word “education” wherever it appears in the clause and in sub-clause 2 (b) by adding the following new paragraph after (f) to read “(g) Competent teachers, staff and equipment is made available for learners with disabilities in an all-inclusive setting. Thank you.

**Dr Ndahiro:** I agree with that position, Chairman and it makes it clearer. Thank you.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

*(Clause 18, as amended, agreed to.)*

## Clause 19

**The Chairperson:** Hon. Members, I propose that Clause 19 be part of the Bill. I now put the question that Clause 19 be part of the Bill.

*(Question put and agreed to.)*

## Clause 20

**The Chairperson:** Hon. Members, I propose that Clause 20 be part of the Bill. I now put the question that Clause 20 be part of the Bill.

*(Question put and agreed to.)*

## Clause 21

**The Chairperson:** Hon. Members, I propose that Clause 21 be part of the Bill. I now put the question that Clause 21 be part of the Bill.

*(Question put and agreed to.)*

## Clause 22

**The Chairperson:** Hon. Members, I propose that Clause 22 be part of the Bill. I now put the question be part of the Bill.

*(Question put and agreed to.)*

## Clause 23

**The Chairperson:** Hon. Members, I propose that Clause 23 be part of the Bill. I now put the question that Clause 23 be part of the Bill.

*(Question put and agreed to.)*

## Clause 24

**The Chairperson:** Hon. Members, I propose that Clause 24 be part of the Bill. I now put the question that Clause 24 be part of the Bill.



*(Question put and agreed to.)*

Clause 25

**The Chairperson:** Hon. Members, I propose that Clause 25 be part of the Bill. I now put the question that Clause 25 be part of the Bill.

*(Question put and agreed to.)*

Clause 26

**The Chairperson:** Hon. Members, I propose that Clause 26 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. As we said in the report, the position of the Committee is that this institutional arrangement, which is described from Clause 26 to Clause 34 of the Bill – let all these clauses be deleted. The justification is to comply with the provisions of the Treaty.

**Dr Ndahiro:** I agree with that position, Chairman.

**The Chairperson:** Hon. Members, I now put the question on the amendment as moved by the Chairperson of the Committee to delete from Clause 26 up to Clause 34.

*(Question put and agreed to.)*

**The Chairperson:** Hon. Chair, would you like to move to insert then new ones before we progress?

**Dr Nyiramilimo:** Thank you, Chair. Now, I would like to propose new clauses to come immediately after Clause 25 under the same heading: Institutional Arrangements- “(1) The Council shall appoint such institutions and assign them such functions as the Council may deem necessary for the effective implementation of this Act.”

Without prejudice to the generality of sub-clause 1, the institutions established under sub-section shall:

(a) Monitor and evaluate disability policies and programs;

(b) Formulate strategies for broad based, inter-sectoral, interdisciplinary involvement and participation in the implementation of the regional disability policy

(C) Produce an organizational manual on operations of the institution and its secretariat.

(d) Coordinate disability activities in the community

(e) Advise the Secretariat on disability issues for submission to the Council

(f) Coordinate activities of organizations of persons with disabilities, international organizations, and non-governmental organizations that deal with disability

(g) Promote studies and research on issues of disability, and provide educational information to the public on issues of disability

(h) Create and maintain a database of person with disabilities, and of institutions, organisations, and associations, which provide rehabilitation services or support for persons with disabilities;

(i) Play an advocacy role on disability issues at all levels; and

(j) Perform other functions that are necessary for the attainment of the objectives of this Act.”

The Bill is also amended by inserting the new part before Clause 8.

**The Chairperson:** Chair, can we firsts dispose of this and then continue with that one?

**Mr Zein:** Mr. Chairman, because it is one reading, so on that particular one, I am

moving this on behalf of Hon. Ndahiro. He would like to replace all that is appearing in the Schedule that is being given to Members. We are deleting that because once we have removed the institutional framework –

**The Chairperson:** Yes, we shall get there and then you move it. But let us first dispose of what the Chair has moved and then we come to that.

Hon. Dr Ndahiro, what do you have to say on the amendments?

**Dr Ndahiro:** Chair, that is the position of the Committee and I concur with the Committee.

**The Chairperson:** Hon. Dora.

**Ms. Byamukama:** Thank you, Mr Chairman. Mr Chairman, I would like to thank the Committee for having put this in place. I think I had not captured it in the report. It makes it very clear and to thank the Chair Council of Ministers for the clarification he gave. I was on the other side consulting but I heard him clearly.

I would like to propose just one small amendment on 1(a), which starts with “Without prejudice...” I would like to put “laws, policies and programs” because, if I am allowed, the reason is that the Council will, therefore, be in position to ensure harmonization and maybe adopt best practices in the course of doing so. I hope that the mover will consider this appropriate.

**The Chairperson:** Seconded by Dr Ndahiro. Hon. Members, Hon. Dora is moving that after evaluating disability policies, you put a comma, add “laws.”

**Dr Ndahiro:** I agree with that amendment, Mr Chairman.

**The Chairperson:** Okay, let me first put a question to Hon. Dora’s amendment. I put a

question on the amendment moved by Hon. Dora.

*(Question put and agreed to.)*

**The Chairperson:** I now put the question to the amendment moved by the Chair of the Committee.

*(Question put and agreed to.)*

*(Question on new Clause agreed to.)*

Clause 35

**The Chairperson:** Hon. Members, I propose that Clause 35 be part of the Bill. Hon. Chair, you may move to delete and then the amendment of Hon. Dr Ndahiro will come in.

I now put the question on the amendment as moved by the Chair.

*(Question put and agreed to.)*

Clause 36

**The Chairperson:** Hon. Members, I propose that Clause 36 be part of the Bill. I now put the question that Clause 36 be part of the Bill.

*(Question put and agreed to.)*

Clause 37

**The Chairperson:** Hon. Members, I propose that Clause 37 be part of the Bill. I now put the question that Clause 37 be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** Hon. Dr Ndahiro, I propose that you now move your amendment and the alignment shall be done properly by the draftsman after the amendment has been taken on board.

**Mr Zein:** Hon. Speaker, on behalf of Dr Ndahiro who would like to move a new amendment that will provide for reporting, I read as follows: “The Council shall report to the Assembly annually on the progress made to implement this Act.”

**The Chairperson:** Seconded by Hon. Zein.

**Ms. Byamukama:** Mr Chairman, I have another amendment on Clause 38.

**The Chairperson:** Let us first dispose of this and then you bring yours. I now put the question on the amendment as moved by Hon. Dr Ndahiro be accepted.

*(Question put and agreed to.)*

**Ms. Byamukama:** Mr Chairman, I have an amendment on Clause 38, which provides for compliance and it reads as follows: “Penalties and sanctions in violation of this Act shall be applied under Partner States laws.”

**The Chairperson:** Seconded by Hon. Kessy, Hon. Zein and all the Members standing. Hon. Member, do you really need to justify? I do not think it is necessary.

Hon. Members, I put the question to the amendment as moved by Hon. Dora

*(Question put and agreed to.)*

*(New Clause agreed to.)*

**The Chairperson:** I now put the question on the amendment of Hon. Dora on Clause 38 to be a new clause.

*(Question put and agreed to.)*

Clause 38

**The Chairperson:** Hon. Members, I propose that Clause 38 be part of the Bill. I now put the question that Clause 38 be part of the Bill.

*(Question put and agreed to.)*

Clause 39

**The Chairperson:** Hon. Members, I propose that Clause 39 be part of the Bill.

**Dr Nyiramilimo:** Thank you, Chairman. It has been overtaken by events. It is consequential.

**Ms. Byamukama:** Chairman, my 39 reads as follows – is it changed because the Council may make regulations. So, my amendment is really a typo; the draft reads, “may meg”

**The Chairperson:** Okay, thank you. Hon. Members, I now put the question that Clause 39 be part of the Bill.

*(Question put and agreed to.)*

Clause 40

**The Chairperson:** Hon. Members, I propose that Clause 40 be part of the Bill. I now put the question that Clause 40 be part of the Bill.

*(Question put and agreed to.)*

The Title

**The Chairperson:** Hon. Members, I propose that the Title be part of the Bill. I now put the question that the Title be part of the Bill.

*(Question put and agreed to.)*

#### MOTION FOR THE HOUSE TO RESUME

**Dr James Ndahiro:** Mr Chairman, I beg to move that the House do resume and the Committee of the whole House do report thereto.

*(Question put and agreed to.)*

The Assembly resumed, the Speaker presiding.

### BILL'S

#### REPORT STAGE

The East African Community Persons with Disabilities Bill, 2015

**Dr James Ndahiro:** Mr Speaker, I beg to report that the Committee of the whole House considered a Bill entitled "*The East African Community Persons with Disabilities Bill, 2015*," and passed it with amendments.

#### MOTION FOR THE ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE

**Dr James Ndahiro:** Mr Speaker, I beg to move that the report of the Committee of the whole House be adopted.

**The Speaker:** Hon. Members, I now put the question that the report of the whole House be adopted.

*(Question put and agreed to.)*

### BILL'S

#### THIRD READING

The East African Community Persons with Disabilities Bill, 2015

**Dr James Ndahiro:** Mr Speaker, I beg to move that the *East African Community Persons with Disabilities Bill, 2015* be read the Third Time and do pass.

**The Speaker:** Hon. Members, I propose that The East African Community Persons with Disabilities Bill, 2015 be read the Third Time and do pass.

**Mr. Abubakar Zein Abubakar (Kenya):** Seconded

**The Speaker:** I now put the question that The East African Community Persons with Disabilities Bill, 2015 be read the Third Time and do pass.

*(Question put and agreed to.)*

A BILL FOR AN ACT ENTITLED THE EAST AFRICAN COMMUNITY PERSONS WITH DISABILITIES ACT, 2015, AN ACT TO PROVIDE FOR A LEGAL FRAMEWORK FOR THE PROTECTION OF THE RIGHTS OF PERSONS WITH DISABILITIES IN THE COMMUNITY AND TO PROVIDE FOR OTHER RELATED MATTERS

**The Speaker:** Hon. Members, I now declare that *The East African Community Persons with Disabilities Bill, 2015* has been duly passed by this Assembly - *(Applause)*.

I would like to take this opportunity first and foremost to congratulate and thank Hon. Dr Ndahiro for introducing this Bill to this House and thank the Chairperson and Members of the General Purpose Committee. *(Applause)* In a special way, I would like to extend my appreciation to the Council of Ministers for their cooperation and finally the stakeholders. *(Applause)*

This is one of the Bills that have been intensively consulted with stakeholders and I congratulate and thank the stakeholders for this. Congratulations again. Thank you.

#### MOTION FOR RESOLUTION OF THE ASSEMBLY TO URGE THE EAC COUNCIL OF MINISTERS TO DEVELOP A REGIONAL URBAN PLANNING POLICY FOR THE COMMUNITY

**Ms. Nancy Abisai (Kenya):** Thank you Rt. Hon. Speaker. I beg to move that a motion for a resolution of the Assembly urging the EAC Council of Ministers to develop a regional urban planning policy for the Community. I beg to move.

*(Several Members stood up to second the Motion)*

**The Speaker:** Seconded by Hon. Frederic, Hon. Mumbi, Hon. Kalinda, Hon. Sarah, Hon. Tiperu, Hon. Ndahiro, Hon. Bucumi, Hon. Yves, Hon. Opoka, Hon. Rwigema, Hon. Dr Martin, Hon. Bazivamo and all the Members standing. Proceed, Hon. Nancy.

**Ms Abisai:** Thank you. Rt. Hon. Speaker, I beg to move a motion for a resolution of the Assembly urging the EAC Council of Ministers to develop a regional urban planning policy for the Community.

*“WHEREAS urban planning is a technical and political process, concerned with the use of land protection and use of the environment, public welfare and the design of the urban environment including air, water and the infrastructure passing into and out of the urban areas such as transportation, communications and distribution networks.*

*Also, urban planning including shelter, which is a cardinal area of humanity and a basic need in the present times, most people continues to lie in deplorable situations with no basic utilities and services in slums where congestion, pollution and land degradation characterize the environment.*

*In accordance with the objectives of the Community under Article 5 (3) the Treaty for the Establishment of the East African Community directs the Community to ensure the strengthening and consolidation of cooperation in agreed fields that would lead to equitable economic development within the Partner States and which would in turn raise the standard of living and improve the quality of life of their populations and the promotion of sustainable utilization of the natural resources of the Partner States and the taking of measures that would effectively protect the natural environment of the Partner States.*

*The fact that urban developments are aligned with population growth which has rapidly increased over the past three decades within the region, urban planning aligned on the introduction of modern medical services and public health interventions, which reduce death rates.*

*Also, urban planning guides and ensures the orderly development of settlements and satellite communities, which commute into and out of the urban areas, or share resources with it.*

*Realizing that the scale and pace of urbanization is opening up and foreseeing possibilities of large concentrations of people and good providing for increased opportunities for creativity, larger labour markets and higher levels of productivity, not to speak of the cultural and political opportunities associated with urban life.*

*NOTING THAT urban explosion also poses daunting challenges, which has resulted into unemployment and insufficient investment in basic services with the resulting environment and social problems.*

*Also high cost of land and public land management coupled with high prices of housing available in the formal sector has contributed to the creation of slums and informal squatter settlements throughout the region. Over 30 percent of East African urban population lives in such conditions of limited, if any, tenure security and poor access to basic infrastructure services.*

*FURTHER NOTING the recent rainstorms, mudslides, floods in the capital cities of some of the EAC Partner States and other weather phenomenon have exerted a devastating toll on property, human welfare, natural resources and the economies. More than 95 percent of all deaths have occurred in areas, which are mostly unplanned. Among then factors, which have contributed most to the*

*damage inflicted during a hazard event is the location of infrastructure and housing developments as well as how they have been constructed and how land use affects the natural environment, recurring natural phenomenon in human and economic disasters. Allowing dense populations of a flat plane or permitting poor or unenforced building cords in earthquake zones is as likely as a natural event to cause casual; ties and losses.*

*AWARE THAT poor urban governance and inappropriate policy frameworks have contributed to the vulnerability of the urban poor, corruption, inappropriate policies and cumbersome regulatory frameworks requirements in the EAC cities have led to a variety of deprivations such as inadequate infrastructure and environmental services. Limited access to school and health care and social exclusion.*

*Better urban governance is, therefore, a necessary condition for empowering the urban poor and improving their opportunities and securities. Urban planning will reduce social inequality.*

*WHEREAS social and economic inequalities which are particularly apparent in urban areas and are growing in all the cities in the EAC Partner States and can lead to social and political clashes. Poverty reduction tends to decrease inequality and thereby social tensions.*

*CONSIDERING THAT urban planning helps to avoid large scale health and environmental problems due to lack of proper services in slam areas, which affect a whole city as evidenced and witnessed recently and currently by urban outbreaks of choler and plague in some of the EAC cities. Problems of inadequate water supplies, sanitation, solid waste disposal and storm water drainage, which affect the urban poor residents and create negative spill over, such*

*as the reduction and deterioration of the ground water table and the surface water bodies.*

*FURTHER CONSIDERING THAT urban planning mitigates the impact of disasters, policies and programs to reduce poverty cannot only increase the productivity of the poor in the region but can also raise consumption thereby boosting local economic development for the benefit of all. Cities that are inhospitable to business and that deter investors usually even represent even worse prospects for their poorest residents.*

*FURTHER AWARE THAT in order to mitigate the above-mentioned challenges, the EAC region has to develop urban strategies that shall guide Partner States to focus on creating liveable cities that are able to fully tap their productive potential and deliver on their promise of development for all residents. This requires that cities be efficiently managed, economically competitive and financially viable.*

*AND WHILE cities are in an increasingly important position to maintain social cohesion and drive productivity within countries, most still need to catch up with infrastructure and housing deficiencies and take needed steps towards sustainable urban management. To bring better quality of life, social equity and in particular services to the poor, it is crucial to improve the overall regulatory environment for urban and housing development, that is, infrastructure, housing delivery and preservation of key heritage cites.*

*Management of cities and that includes capacity building of municipal governments and strengthening their physical base and access to capital markets.*

*NOW THEREFORE this Assembly do resolve to: (a) Urge the Council of Ministers through*

*the EAC Secretariat to convene a regional conference on habitat so as to consolidate and harmonize ideas and have the EAC position on the Habitat 3 Agenda; (b) Urge the Council of Ministers to fast track the development of a regional urban planning policy for capital cities and cross border towns in the EAC Partner States.; and (c) Urge the Council of Ministers to establish an urban development desk at the EAC Secretariat to coordinate urban development matters in the region.”*

Rt. Hon. Speaker, I beg to move. (Applause)

**The Speaker:** Thank you, Hon. Nancy. Would you like to briefly justify your motion?

**Ms Abisai:** Rt. Hon. Speaker, thank you. Because I have said a lot in the motion, I will just raise two or three points that I would love to just emphasize. One has to do with the population growth. Maybe before I raise the one on the population, I would like to share the world population report a 2015 report edition of the UN. The need to plan cities is not just an aspect that can be taken lightly. It actually needs to be taken seriously.

In 1950, Burundi had a population of 2,309,000 people, but by 2015, Burundi had a population of 11,179,000. The projection in 2030 is that Burundi will have a population of 17,357,000 and in 2050, it will have a population of 28 million.

If you look at Kenya, in 1950, Kenya had a population of 6 million. In 2015, it has a population of 46 million; by 2030, it will have a population of 65 million; by 2050, the population will be 95 million and yet the land remains the same.

Rwanda had a population of 2,000,196 in 1950. In 2015 it had a population of 11,000,610; in 2030, Rwanda will have a population of 15,000,785 and in 2050 it will

have a population of 21 million and yet the land will be the same.

Uganda, as I finalize, had a population of 5,158,000 in 1950. In 2015, Uganda had a population of 39 million. In 2030, Uganda will have a population of 61,929,000 and in 2050, Uganda will have a population of 101,873,000 on the same piece of land.

Finally, Tanzania had a population of 7,650,000 in 1950. In 2015, it had a population of 53,470,000. By 2030, Tanzania will have a population of 82,929,000 and in 2050, Tanzania will have a population of 137,136,000. Rt. Hon. Speaker, this is on the same land. Even the countries, which feel that they have sufficient land in essence done have it. We must plan our cities.

Mr Speaker, the reason why this is so important is because most of the increase in the world population is expected to be concentrated in Africa. However, this concentration is as well going to be concentrated in nine African countries; those nine countries will have doubled their population within the world. Now, those countries are: India, Nigeria, Pakistan – the reason why I am talking about this is that I want you to see why East Africa should actually be very alert to the situation. Apart from those, DRC, Ethiopia, Tanzania is one of them – USA of course because of migration, Indonesia, and Uganda is No. 9.

So, out of the East African countries, Uganda and Tanzania will have doubled their population and they are part of the nine listed countries in the world that will have their [population doubled].

Now, when you talk about that, how can you fail to have well planned city? I want to tell you that today, Nairobi, the capital city of Kenya – in 1963 when it was planned, it was planned to cater for 800,000 people. I tell that today Nairobi caters for 8 million people

by day and 6 million by night because we have almost an influx of 2.5 million people who come to do work in the city and then leave. Therefore, that means that the ones who stay are between 4 to 6 million in a day. And we are talking about a city that was planned for 800,000 people.

All of you have watched on screens, read in newspapers, or even seen with our own eyes, the kind of structures that were put up in some of the areas in Nairobi. People have died because of poor infrastructure – poor building and floods in Dar-es-Salaam, in Rwanda and I am sure even in other capital cities.

I watched floods – there is no drainage – there is absolutely no plan to take care of this poor infrastructure and services. People are dying because there is no way that you can take care of families that have built their houses on riverbanks and in very bad areas and yet we are saying that we are a region that is growing.

Rt. Hon. Speaker, I could say more and more but I just wanted to let my colleagues know. This motion is about planning our cities and making sure that we are taking care of water and sanitation, our health care facilities, our housing facilities, our infrastructure – roads and housing so that we can live in liveable cities. Thank you so much, Rt. Hon. Speaker. *(Applause)*

**The Speaker:** Thank you, Hon. Nancy. Hon. Members, we must conclude this Order Paper today and make sure that we prepare for the 2.30 sitting. So, I am going to allow very limited debate on this and I will allow only five people. I am going to be as sensitive as I can to those who have had the least chances to contribute on this floor. I am also going to consider the Chapters.

**Mr Frederic Ngenzebuhoro (Burundi):** Thank you, Rt. Hon. Speaker. I will be very

brief. I think I will not go back to then points raised by the mover because they are very well elaborated.

I rise to support this motion, especially on the idea of convening a regional conference on habitat in order to have an EAC position on Habitat III Agenda. We must correct it on the paper; it is not Habitat 111 (one hundred eleven).

Secondly, I would like to remind you that next October, there is an international summit which will probably be in Kyoto. The objective of that conference will be to reinvigorate the global critical commitment to the sustainable development of towns, cities and other human settlements both in rural and urban areas.

The agenda will set a new global strategy around urbanization for the next two decades. So, it will be the first time in 20 years that the international community will deal with the ways in which the parties impact on human development, human wellbeing, on civic and governance systems worldwide. So, we do understand the importance of this conference. It is very crucial especially for the East African Community.

That conference will also assess how far countries have gone on the matters of habitat; housing, sanitation and shelter, and at this time, other region are preparing for this conference. So, it is very important for us as the East African Community to develop a habitat regional agenda. It is very crucial.

I would like to recall that this House has passed a motion on the issue of housing. So, it is consistent with what we have already done.

As for urban planning, as stated by the mover of this motion, is very important and urgent. It is crucial that a desk dealing solely with this matter be established at the regional



level- at the EAC Secretariat- as it is in the motion. So, I urge the Council of Ministers to cater for that in this budget. It is very important because the conference will take place next October. So, it is very important.

Rt. Hon. Speaker, I do not want to elaborate further. I just urge this Assembly to adopt this motion. Thank you - (*Applause*).

**Ms. Sarah Bonaya (Kenya):** Thank you, Mr Speaker. I would like to start by congratulating Hon. Nancy for bringing this very important motion to the floor of this august House.

Mr Speaker, this subject is very critical to us in this region because with the current influx into the urban centres by the rural population to gain opportunities. So, there is urgent need to look into this matter of urban planning and to be able to manage and mitigate the very serious problems that are envisaged in those centres like in Kenya we have seen a lot of loss of properties because of the high rate of demolitions. Houses were built along riverbanks, as she has already mentioned, so infrastructure could not be easily built. So because of that, we have had many losses.

On the other hand, Mr Speaker, Sir, realizing this policy is long overdue and we need to have done it like yesterday because we are watching this happening in our midst and yet it is not something new. I think we should be proactive and move further to come up with legislations.

I know the issues of land have been caveated and national governments have to take full control but the regional also has to move because whatever development we are doing in the region is going on, on land and we cannot say that we are blocking the land issues. We need to come up with solutions. We need to find ways of engaging each other

as a region in order to be able to come up with a harmonized approach.

The other thing is that as our population is rising by the day, we are also experiencing shrinking landmarks in the region – not the physical shrinking but the areas for settlement are shrinking because of the high rate of investment in the region. We are actually putting aside so much land for large-scale farming and other investment projects, which means most of the population, get displaced and we are actually going to encounter serious challenges because of these investments.

I think those are the main issues that we needed to look into and we need to move very fast because of the population that require all the amenities. Without proper policies, we cannot guide the planning aspect in the region. Thank you, Mr Speaker.

**The Speaker:** Thank you, Hon. Sarah.

**Ms Kessy Nderekindo (Tanzania):** Thank you, Rt. Hon. Speaker. I would like to start by congratulating the mover, Hon. Nancy Abisai.

Rt. Hon. Speaker, we know that one of the threats that we are facing as a planet is climate change. We also know that this House has been trying really very hard to move the Bill on disaster risk reduction. This is one way to achieve the objectives of that Bill in the sense that with the climate change, we know that we are going to have problems in delivering services if we do not have planned cities. In that sense, this comes really at the right time so that we can reduce the risks through having this Bill and delivering services in planned cities.

Due to time, I think I will just end there and I think that is very clear. Thank you Rt Hon. Speaker.

**Mr Chris Opoka-Okumu (Uganda):** Thank you, Rt. Hon. Speaker. I would like to add my voice to my colleagues who have spoken before and as well congratulate Hon. Nancy Abisai for bringing this motion.

Rt. Hon. Speaker, there is a dire need for planning in our Partner States. There is a as well a dire need for implementation of the plans. In some of our cities when it rains, the roads become rivers. The areas become lakes and the diseases that then occur cannot be healed because we do not have good health services. So, it is so important to plan for this and implement what has been planned.

In many of our towns, you see high-rises collapsing and killing people just because of poor planning. Just like my friend, Hon. Ndarubagiye had said, it is corruption because you cannot imagine the sort of things that are taking place. So, I really congratulate Hon. Nancy Abisai for this.

The only thing that I would like to ask is it in the resolution (b) that is urging the Council of Ministers to fast track development of a regional and urban planning policy for capital cities and cross-border town. I do not know which cross-border town in particular but for me I would have requested that it be for all the towns in the region and not for just cities and cross-border towns - (*Applause*). Thank you very much, Rt. Hon. Speaker.

**The Speaker:** Thank you very much, Hon. Chris Opoka. Hon. Members, I realize the need to speak on this motion; I have deliberately decided - because this matter touches all the countries - I have carefully chosen one person for a Partner State to re-highlight the issues. Now, I give Hon. Rwigema and the Hon. Minister will be the last one to speak on this matter.

**Mr. Celestin Rwigema (Rwanda):** Thank you, Rt. Hon. Speaker for giving me the floor. I want to first thank Hon. Nancy for this

motion. It is very important, I am supportive, and I ask my colleagues to support it.

In fact, when we are talking about development, it is a matter of planning. You cannot talk about development without talking about planning. When we are talking about planning, it is a matter of the lifestyle of our population. This is very important because I even wanted to ask Hon. Nancy where she talked about city planning, to make planning for the whole country since you cannot talk of only cities without the villages and land management - (*Applause*). So, you show how then population has developed from the 50s up to now.

**Ms Byamukama:** Just quick information. I want to thank Hon. Rwigema.

The issue of planning for the whole country - I know he lived in the USA. One of the ways that this was done was to have satellite cities so that you do not only focus on the city but the whole country, you have satellite cities in order to decongest. Thank you

**Mr. Rwigema:** Yeah, thank you very much for the information. I wanted to give an example of my country, Rwanda, when we started by planning not only for the cities - we start from the villages and this is very important because you cannot plan for the small cities without undertaking a planning for land use where you have land for agriculture and land for livestock. This is very important.

I wish that we could very soon have a regional conference on habitat. Perhaps we shall get more details and more commitment on this issue.

Rt. Hon. Speaker, the matter of planning is a matter of the lifestyle of our population and I support this motion because it concerns health, education, housing, infrastructure and everything. Thank you. I am supportive.

**The Speaker:** Hon. Members, I would like to recognize the Members who are interested to deliberate on this matter, particularly Hon. Pareno, Hon. Patricia, Hon. Mumbi, Hon. Hafsa Mossi, Hon. Bucumi and all the members standing. However, I beg for your indulgence that we hold the debate here, give, and give the Chair, Council of Ministers a chance to say something and then we put the question.

**The Third Deputy Prime Minister and Minister for East African Affairs, Uganda, and (Kirunda Kivejinja):** Thank you very much, Rt. Hon. Speaker. I really thank Hon. Nancy Abisai for having been intrigued by this question in order to be able to raise it here. As I said, learning does not end. Today, we have considered first the Bill on disability moved by Hon. James Ndahiro, a person with disability and now we are also considering a motion of great concern and moved by no other person but a woman Member of this House. You know they are the producers of the world - (*Applause*).

They are the mothers of the world and definitely, they are the first fellow to be worried about their progeny. So, definitely, I am touched and I can quote one book written by a young girl called: "*African Holistic Development*" its theme is that African problems will not be solved unless African minds first of all see them and articulate them in order to find solutions to them. Nobody is going to propel your body other than you. You are not going to have a consultant to wash your body - (*Laughter*).

Now, these problems when they occur, we seem to blame ourselves that other cities are planned. But we fail to understand how these cities came about. First of all, were they for us? You are saying that 1950 Nairobi was for 80,000, was it meant for the Mumbis and for the people from Western Kenya or any other place - (*Laughter*) - or the Kamba. It was

intended and planned for those people. And they planned each area when it was convenient and then they came and settled in it.

Muthaiga, Lavington were not our city.

**Ms Pareno:** Procedure. Is it procedurally right, Hon. Speaker to have our Chair Council addressing the House while facing the opposite side of the Speaker? (*Laughter*)

**The Speaker:** The Hon. Minister is giving a helicopter view of the House. He is seeing both sides but he is encouraged to face the Speaker - (*Laughter*).

**Mr Kivejinja:** I found a rotating chair- (*laughter*) - So, it means I can be able to steer myself in all directions.

So, in other words, the cities we are talking about were not planned for us. In addition, therefore, the problem has been that we never realized - because these were denied to us and, therefore, the people who took over took advantage to mean that independence mean to go to those 800,000 population places. But we are more than 800,000.

So, you can say that planning – a country obviously develops in stages it is good now that we have got the Hon. Nancy who are now grappling with the problems.

I want to give an experience to this that, just recently, I inaugurated a meeting of 450 urban authorities from 16 African countries in Entebbe, convened by the Executive Director of Kampala City Council, Jennifer Musisi. All these issues were raised, and they said they wanted to be together so that they could find common solutions and begin to plan for themselves.

What is happening now is that we have taken up these small areas, which were meant to be for 800,000 people, but because of the lure of independence, everybody says the things are

in Nairobi or Kampala. So, we end up with a completely new set of Africans in the greater part of the slums in the country. You cannot blame them because they came with the lure and nobody entertained them. So, they had to fix themselves.

But it is now time that we looked at a holistic problem of the whole country. When you want to control floods, do not go where water collects, instead go where the tributaries curve - *(Applause)*.

When my President was talking to some of these, they said that there is no place that is not administered. In Uganda, we have villages, parishes, sub-counties and practically there is a small chief around there who is earning money. Now we have upgraded that nobody can be an administrator at the County unless he or she is a graduate, which means his or her brains are vibrated.

We only need to say that when we have appointed these people in place, they should be practical. We are not going to find solutions through these conferences. I do not think Rwanda convened international conferences to find solutions to their problems. Once you have these people – for them to be upgraded, there should be a requirement that they must be able to get a diploma or something in planning so that they are responsible for at least making sure that when you assemble in a place, there should be a road, the houses should face this way and the toiles the other way, in the first place.

They are not going to develop by parachuting; development is gradual. Unless people face some situations, they do not change because experience is the greatest teacher. Now, with that, we shall be able to create a mechanism, first of all, of attending to the need and not planning where we are and then we shall get the expertise. Otherwise, if you think that the universities will produce the planners of the world and

then experts will come with plans from heaven then we are going to complicate our situation.

**The Speaker:** Hon. Chair, please summarize because we have another plenary session in the afternoon and we have another item on the Order Paper.

**Mr. Kivejinja:** The more close you are the more the proximity of indulging into family creation. As you grow up and you have more education, you will find that even this family planning problem will disappear. But so long as those things are not put in place, it will be a cry of the elite – and you are the only fellows who are conscious of family planning – those ion cities. Those in slums produce like rabbits and you will have a crisis. So, in other words, planning – plan not only beginning from your own self, but unless you envisage how your family will be in 30 years, you will not be able to answer any of these questions.

It is good it has been brought here – Africans themselves are beginning to see the problems and, therefore, it is our duty to make sure that we provide solutions to them. *(Applause)*

So, I thank the mover very much for sensitizing us. And once the leaders are sensitized, then know that a solution will be found. Thank you very much.

**The Speaker:** Thank you, Chair, Council of Ministers. Hon. Nancy Abisai, just one minute to respond.

**Ms Abisai:** Thank you, Rt Hon. Speaker. In the interest of time, I think everybody who supported the motion from Hon. Frederic, Hon. Sarah, Hon. Kessy, Hon. Chris, Hon. Rwigema and the Minister and all those who were recognized but were not able to speak because of time, I want to thank you.

I think they have reiterated further the need for urban planning and I would like to accept the amendment to the prayer (b) where in the motion it reads: “Urge the Council of Ministers to fast track the development of a regional urban policy for capital cities and cross-border towns.” Instead of that, it will be “...regional urban planning policy for all cities and town in the EAC Partner States” - *(Applause)*. So, I would like to accept that amendment from Hon. Chris Opoka and I thank all those who have supported the motion. I beg to move, Rt. Hon. Speaker.

**The Speaker:** Thank you so much, Hon. Nancy Abisai. Hon. Members, the motion before the House is that this Assembly do resolve to urge the EAC Council of Ministers to develop regional urban planning policy for the Community as amended. I now put the question.

*(Question put and agreed to.)*

#### **MOTION FOR LEAVE OF THE HOUSE FOR THE INTRODUCTION OF A PRIVATE MEMBER’S BILL**

**Ms Dora Byamukama (Uganda):** Mr Speaker, Sir, I beg to move that this Assembly pursuant to the provisions of Article 59 (1) of the Treaty and Rule 64 (1) of the Rules of Procedure of the Assembly do grant me leave to introduce a Private Member’s Bill entitled : “The East African Prohibition of Female Genital Mutilation Bill, 2016.” I beg to move.

**The Speaker:** Seconded by Hon. Tiperu, Hon. Mumbi, Hon. Abisai, Hon. Ndahayo, Hon. Bonaya, Hon. Kalinda, Hon. Ngenzebuhoro, Hon. Hafsa Mossi, Hon. Bucumi, Hon. Dr Nyiramilimo and all the Members standing - *(Laughter)*. This is a popular Bill, Hon. Dora proceed.

**Ms Byamukama:** Mr Speaker, permit me to say how grateful I am and how emotional it

makes me for this House to support this Bill. This subject matter is very close to my heart – let me put it simply- this is a custom whereby our little girls are being cut, after they are cut even at the age of 8 years, it is considered a rite of passage and they are after considered as women. They are married off to men who are usually old men.

Sometimes they are got out of school and, therefore, they cannot continue with education. Of course under the guise of marriage, for me it is a crime of early marriage or defilement. Most of these girls end up getting pregnant, their bodied cannot handle the pregnancy and they end up dying.

Apart from this, the culture itself is done in instances which are very complicated and in all this complications, you find that then little girls can actually get HIV in the process.

In one region of Uganda, Karamoja Region, Napak you find that after the girls are cut, they have to sit on the same stone. In other areas, they use the same knife or the same blade to cut the girls. Sometimes when we talk about this issue, people trivialize it but it is the reality.

I would like to say that it is very different from male circumcision because male circumcision is healthy. But I want to also say that it is similar in that when you look at the organ that is being cut, it has the same senses as the male organ. I am talking to adults and so I hope you understand me.

I do not know what to say; I have already written a memorandum but linking it to the law and I hope it will be part of the Order Paper, which I hope Members will read. We have the Treaty, which clearly prohibits cultural practices of this nature. We also have the Peace and Security Protocol, which deals with cross-border crimes. Now, we are developing an East African International e-passport, which is enabling people to move

around the region and it is cross-border in that the Pokot of Kenya and the Pokot of Uganda are one. The Mount Kilimanjaro Masaai are one and, therefore, it has this cross-border nature.

I would like to talk about the fact that I have also called it mutilation or you can call it cutting according to the World Health Organization. If you look at mutilation, it injures severely or disfigures by cutting off tissue or body parts. Therefore, I want to bring the gravity of the situation.

In other areas people may look at other instances – I do not want to trivialize this but I want to take it to that level of cutting and injuring so that we can give it the seriousness it deserves. And I would like to implore you to support it.

I know you understand that we have immigrants who practice it, the Somali community. Some of them practice it. The reasons for this vary. Sometimes they say it is religious. I know in the Islamic religion it is not allowed.

Sometimes they say it is customary, they are connecting with the ancestors. I would like to say that culture is dynamic and, therefore, all these reasons do not hold because our women are getting fistula; the children are dying due to infant mortality and the scarred tissue cannot stretch. For example, for the women to even enjoy sex – let me put it this way- so, the women end up being abandoned and the men get other wives.

These may seem like trivial issues but to me they are rights issues, therefore, I would like to ask that this memorandum and the Bill be part of what is on record and I would leave some time for the Members to talk about this issue. I thank you - (*Applause*).

**The Speaker:** Thank you so much, Hon. Dora. Hon. Members, the motion before this

House is that this Assembly pursuant to the provisions of Article 59 (1) of the Treaty and Rule 64 (1) of the Rules of Procedure of this Assembly do grant leave to Hon. Dora C. Kabanahita Byamukama to introduce a Private Member's Bill entitled: "The East African Community Prohibition of the Female Genital Mutilation Bill, 2016." Debate is open.

Hon. Members, I want to caution that you will be eating into your lunchtime and the next plenary will be beginning at 2.30. And this is an introduction of the Bill. But I will give some people to say a few things beginning with Hon. Pareno and then Hon. Ole Nkanee and then come that side. One and a half minutes each.

**Ms Judith Pareno (Kenya):** Thank you, Rt. Hon. Speaker. I will try to be very fast and brief. Rt. Hon. Speaker, I rise to support this motion and specifically because of the current surveys that show that an estimated 200 million women in 27 countries in Africa have by now undergone FGM.

If you look at the kind of procedure that we are talking about, it is a crude and unhealthy – if you allow me call it that- procedure that involves mutilation of certain parts and involves even closure of certain parts.

I think this Bill has come at the right time when we need to look further at the methods that are used; the complications that pertain to this kind of procedure.

An interview done with some women shows that some use razorblades, others use scissors and others even use their manual hands.

In interview with other women, they also said they could use one device on about 30 girls. So, that can tell you how serious it is. This can lead to infections and many complications. Some of them are long-life complications. You have diseases like fistula

and obstruction during labour; low pregnancy and infertility are all complications that come out after this procedure is performed.

Nevertheless, pertinent to this issue, Rt. Hon. Speaker is about the implementation of the laws that we pass. I want to give an example of what we have observed as is happening probably in Kenya. You have laws, our chiefs are supposed to be the eye for implementation of these laws in the villages but right now they have developed new ways of committing this crime -to us now this is a crime - you find that the procedures are now performed during holidays for the girls and performed quietly in such a manner that the chief and law enforcers cannot easily tell. Therefore, it is about more of implementation.

If this calls for an international or regional law – for each of our Partner States to each have a law on this, so be it. This is so serious, Rt. Hon. Speaker. I think that because of the nature of our traditions, most of it is because of our cultural practices – the mindset that we have between man and woman – which a woman is not supposed to traditionally enjoy sex - (*Applause*). Therefore, you end up curtailing her natural, God-given properties. However, at the end of the day, it is important that we pass whatever laws that are required for us to be able to preserve our daughters and mothers and to stop this vice, which is so retrogressive. I support this law.

**Mr Ole Nkanee (Kenya):** Thank you, Rt. Hon. Speaker. I thank you for having given me this opportunity to contribute to this important Bill.

Mr Speaker, Sir, first and foremost, before I contribute to this motion, I would like to thank you very much for having made this august House memorable yesterday - (*Applause*). You made history by inviting out First Ladies to this House. They witnessed their progeny in the form of Hon. Makongoro

Nyerere and I also saw another one, Hon. Jimmy Akena Obote, Hon. Mwinyi also a product of the Presidency - (*Laughter*) - and somehow these people morphologically and physically look like those people. So, they remind us very well of our lost ones. So, I thank you very much.

Mr Speaker, Sir, when it comes to this Bill – (*Interruption*) -

**Ms Maryam Ussi Yahya (Tanzania):** Thank you very much, Rt. Hon. Speaker. I would like to give information to Hon. Nkanee that Hon. Mwinyi's father is still alive and he is 92 years old. He is very alive and kicking and we wish him to live more.

**Mr Nkanee:** Thank you for the information. I am sorry having said the late also but he is not.

Mr Speaker, Sir, on this motion although Hon. Pareno did not say it, where we come from, that practice is done seriously - (*Laughter*). 60 percent of our illiterate women undergo this ritual and it is done in such a manner that it is a total destruction of that part. It is done in a way that it supposed to make a woman not enjoy any form of sexual practice. It is destruction because although it is also done to the men, it is done to men in a funny way; they do it artistically, and they even do not remove the part. They just make the surface area big- (*Laughter*).

So, our women have suffered a lot. One, a girl who is not cut is not a woman. So, for a woman to want to be recognized as a woman, they have to do it so that they can go for marriage. So, it contributes to drop outs in school. It contribute a lot to a lot of things; early marriages, and now year in year out, as Hon. Pareno said, it is done in secrecy, there are no doctors and so they die as a result of serious haemorrhage. So, this for me, is a very important Bill - (*Applause*).

I am, however, very happy because these days those who have gone to school have refused to marry those who are mutilated. They are going for those ones who are not done. And they can even pay more animals for the undone than the done ones - *(Applause)*.

With those few remarks, Rt. Hon. Speaker, I beg to support the motion.

**The Speaker:** Thank you, Hon. Nkanae.

**Mr Frederic Ngenzebuhoro (Burundi):** Thank you, Rt. Hon. Speaker. First of all, I would like to thank the mover, Hon. Dora because it is the first time to bring in such motion on FGM. I would like to thank her because she is not tired of her fight to eliminate or to eradicate this practice.

Rt. Hon. Speaker, it is true that the 6<sup>th</sup> February is the International Day of Zero Tolerance of FGM, but unfortunately as already said here, that phenomenon continues as if it is normal.

I will confess that this practice does not exist in Burundi. *(Applause)* Let me tell you that between 125 and 140 million women are victims of this practice, more than million in the world. This is rather too much. And it is said that every 10 seconds, there is a woman or a girl who becomes a victim of this. The practice is done for the young girls while between 13 and 15 years, which is extremely dangerous.

From my research, I found that FGM causes a lot of pain. It also causes very many cases of infertility and complications during childbirth. It is also said that it often leads to death. Please, this must be stopped - *(Applause)*. FGM is said that it is a practice under the belief that a woman or a girl will remain pure and ensure proper marriage.

I, however, do not think that it is the proper reason for proper marriage. Probably there must be selfishness of men behind this. That is why I think that the mover should put a chapter on education for men and women because if men are not educated about this, the practice will not stop.

Rt. Hon. Speaker, I do not want to go further with that. I will just say that it is very important and very urgent that this practice is stopped. Thank you very much. I support the motion.

**The Speaker:** Thank you, Hon. Frederic. Hon. Members, there will be a chance to debate this matter in this House. There is so far no Bill before the House. The Hon. Member is just seeking leave of the House. But we just wanted to pick the sentiments of the House towards the support of the intended Bill. I, therefore, urge those who wanted to get ready to speak on this subject matter, which is very important - *(Applause)*. I thank Hon. Dora.

Hon. Members, the motion before the House is that this Assembly pursuant to the provisions of Article 59 (1) of the Treaty and Rule 64 (1) of the Rules of Procedure of the Assembly do grant leave to Hon. Dora C. Kanabahita Byamukama to introduce a Private Member's Bill entitled: "*The East African Community Prohibition of the Female Genital Mutilation Bill, 2016*" I now put the question.

*(Question put and agreed to)*

**The Speaker:** Therefore, leave is granted to Hon. Dora. Congratulations - *(Applause)*.

## ANNOUNCEMENTS

**The Speaker:** Hon. Members, before I adjourn the House, I have two announcements to make. One is that today is Madaraka Day in the Republic of Kenya -



*(Applause)*. Therefore, we join H.E. Uhuru Mwigai Kenyatta and the people of Kenya in celebrating this day, and we wish them well - *(Applause)*.

Finally, this afternoon, we will be continuing with the consideration of the Budget. We shall be receiving the Committee report and if time permits, we shall allow some debate.

### **ADJOURNMENT**

**The Speaker:** Now, I wish to adjourn the House to 3 O'clock. The House stands adjourned.

*(The House rose at 1: 25 p.m. and adjourned until the afternoon, Wednesday, 1 June 2016, at 3.00 p.m.)*