



## 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 151<sup>ST</sup> SITTING - THIRD ASSEMBLY: SECOND MEETING - FIFTH SESSION

Thursday, 20 October 2016

*The East African Legislative Assembly met at 2:30 p.m. in the Chamber of the Zanzibar House of Representatives in Mbweni, Zanzibar.*

#### PRAYER

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

*(The Assembly was called to order)*

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#### ADMINISTRATION OF OATH

**The Speaker:** Honourable Members, I rise to notify you that the new Member from the Republic of Burundi is present and he would like to take his seat in this House. He replaces the late hon. Hafsa Mossi. His name is hon. Jean Marie Muhirwa, and the National Assembly of the Republic of Burundi elected him. The Speaker of the Burundi National Assembly forwarded his name to the East African Legislative Assembly.

However, in accordance with Rule 5 of the Rules of Procedure of this Assembly, he cannot sit or participate in the proceedings of this House until he takes the oath or affirmation of allegiance to the Treaty as a Member of the Assembly.

Rule 5(5) specifically states that,

“When a Member first attempts to take his or her seat, other than at the first sitting of the new House, he or she shall be brought to the table by two Members and presented by them to the Speaker, who shall then administer the oath or affirmation of allegiance to him or her.”

I therefore request any two Members of the House who know the new Member to present him to the Speaker to enable him take the oath.

The oath was administered to:

Jean Marie Muhirwa

**The Speaker:** I now request the two Members to sit the Member in the House.

## ADMINISTRATION OF OATH

**The Speaker:** Honourable Members, I rise to notify you that the new Member from the Republic of Rwanda is present and she would like to take her seat in this House. She replaces hon. Christophe Bazivamo, who resigned to take his new appointment as Deputy Secretary General at the EAC Secretariat.

Hon. Oda Gasinzigwa was elected by the Parliament of the Republic of Rwanda and the Parliament of Rwanda forwarded her name to the East African Legislative Assembly.

However, in accordance with Rule 5 of the Rules of Procedure of this Assembly, she cannot sit or participate in the proceedings of this House until she takes the oath or affirmation of allegiance to the Treaty as a Member of the Assembly.

Rule 5(5) specifically states that,

“When a Member first attempts to take his or her seat, other than at the first sitting of a new House, he or she shall be brought to the table by two Members and presented by them to the Speaker who shall then administer the oath or affirmation of allegiance to him or her.”

I therefore request any two members of this House who know the new Member to present her to the Speaker to enable her take the oath.

The oath was administered to:

Oda Gasinzigwa

**The Speaker:** I now request the two Members who introduced her to the Speaker to take her to her seat.

Honourable members, I would like to take this opportunity to congratulate and welcome our two new Members; hon. Jean Marie Muhirwa from the Republic of

Burundi and hon. Gasinzigwa Oda from the Republic of Rwanda. I welcome you to this august House to represent the people of East Africa.

Honourable members, on consultation with members from the two Republics; that is the Republic of Burundi and the Republic of Rwanda, the hon. Jean Marie Muhirwa will be serving on the Committee of General Purpose and the Committee of Regional Affairs and Conflict Resolution.

That therefore will mean that hon. Leonce and hon. Nengo will adjust accordingly.

Hon. Oda will serve on the Committee of Legal Rules and Privileges and on the Committee on Accounts.

The following adjustments will be made. Hon. Xavier Francoise Kalinda will move to Legal and hon. Valerie Nyirahabineza will move to the Committee of Agriculture, Tourism and Natural Resources. The committees therefore stand aligned as mentioned. Thank you – *Interjection*).

**Mr Abubakar (Kenya) Ogle:** Mr Speaker, I stand under Rule 30(1) of our Rules of Procedure to move a motion on a matter of public importance.

Mr Speaker, I intend to move that this House resolve to suspend the hiring of staff in the EAC, until both the Council and the Assembly have carried out a proper audit. I so move, Mr Speaker.

**The Speaker:** Hon. Ogle, can you kindly repeat yourself on the rule under which you are moving?

**Mr Ogle:** It is rule 30(1); a motion of an urgent matter of public importance.

**The Speaker:** Do you have a seconder? Hon. Ogle has moved under rule 30(1): any motion on urgent matters of public importance supported by one third of the Members present. Can I ask him to justify the motion first on the nature of the urgency?

**Mr Ogle:** Mr Speaker, over the last couple of months, the EAC has advertised for various jobs in the EAC institutions and organs and they have been receiving applications.

Nonetheless, we have ceased some report that the circumstances of short listing has not been above board. In fact, there are claims about corruption, underhand dealings to a point where they need to recruit the PA for our Speaker without involving the Office of the Speaker. I think it is very critical that there must be an independent audit carried by both the Council and the House on this matter so that it is accordingly investigated.

Secondly, Mr Speaker, I am aware that the SG formed an independent oversight body to investigate that critical aspect. The recommendations of that oversight body were that the HR department be investigated accordingly. Therefore, it has something to do with the way staff are being recruited. I think it is very critical that this thing be referred to the relevant committees of this House and we urge the Council also to help us get a proper audit of this situation as it is very bad. It is something touching on the integrity and reputation of this Community. I so move, thank you.

**The Speaker:** Honourable members, the provisions of these rules are there for us to use but it is also important that...this provision does not mean that you do not confer with the Speaker. For ease of processing of such matters of public importance and urgency, I would like to plead with honourable members that when such a matter arises and you think you want to move such a motion, for ease of processing of your motion, and I repeat, for ease of processing of your motion, desist from ambushing the Speaker.

This is a matter of great importance; issues that touch on the management of the Community and the Speaker receives it just

at the table, much as certain things have been ongoing. I am not watering down the motion as moved by hon. Ogle but I am putting this on record for ease of processing of such motions in future.

Hon. Ogle, you can go ahead and defend your motion. Before hon. Zein takes the floor, I would like to repeat rule 30(1) for Members to have this at the back of their minds that any motion on urgent matters of public importance supported by one third of the Members present. Proceed.

**Mr. Abubakar Zein (Kenya):** Thank you, Mr. Speaker I will be very brief. The reputation of this Community is at stake on how we hire staff for this Community. The hiring of staff for this Community needs to be open, transparent, and accountable and have integrity.

When you have many East Africans complaining that they have applied for jobs- and this is not the first time – to serve in this noble Community and they do not get shortlisted or notified as to why they have not been shortlisted and they are qualified and competent then it raises a question about the integrity of the whole process.

Secondly, we have been accorded administrative and financial autonomy by the Summit of the heads of state of this Community and I will limit myself to the Assembly and the Court. If the Assembly and the Court are not in charge and responsible for hiring their own staff then we have serious problems.

Let me talk about the Assembly for instance. I know that we have principles within the Community, which including term limits, but if you go by parliamentary practice, there is not a single Parliament in the whole world that does not hire its own staff, or has term limits for members of staff of Parliament, and there is a reason behind. It is because the profession of serving Parliament is a noble profession but it is

also a restricted profession. Once you leave Parliament...It is in the interest of this Parliament to retain its best staff but it is also in the interest of this Parliament to have the best possible members of staff that it can have confidence in.

I will venture to go further than hon. Ogle and say that a personal assistant to the Speaker of this House, or a personal assistant to the Judge President, should be someone in whose recruitment the Speaker or the Judge President have a say. They should be comfortable with these people because it also raises a question of security and a question of ability to work with the Speaker.

Our Speaker may not be able to speak for himself but we Members do not have shackles that stop us from speaking for ourselves. When we have administrative and financial autonomy, we should also have a say in who we shortlist to come to this Assembly.

There are murmurs among our staff members; EALA staff members when they see competent, qualified, highly experienced staff members who have gone up the grades and know the ropes in this House and they apply for positions which they are over qualified for and they are not even shortlisted or given an opportunity to appear before an interview panel then there is something terribly wrong with that.

I would like to plead with Members of this Assembly that what hon. Ogle is asking on behalf of this House is not something so radical. What hon. Ogle is asking is saying, hold on, suspend, and let the Council of Ministers, which has the mandate look into these matters. Let the relevant committees of this House have a look at it. If everything is fine, no problem, it can go on but it is wrong to make it *fait accompli* particularly when there are complaints of underhand dealings and corruption.

Further, there is something that we need to work with the Council of Ministers. The principle of being able to hire all East Africans in a balanced way is a good principle but if they use that principle for other organisations and then they say even EALA cannot hire because there is a quota in the other organisations in your ranks that have been filled, it is also inherently unfair.

We are in the process now of putting our house in order - our Community in order. The Chairperson of the Summit, President Magufuli has pleaded with us and said, make things work properly. Let the institutions have predictability, integrity, and let the Community lead by example so that when we do things, we do them correctly. If the Members of this House who are the representatives of the people in this Community are privy to knowledge and information that there is something terribly going wrong and we keep quiet, it means we are doing a great disservice to this Community. I salute, sir.

**The Speaker:** Thank you. Are there other Members who would like to speak to this motion?

**Ms Nancy Abisai (Kenya):** Mr Speaker, I first of all would like to agree with you that this is a matter of great importance and yes, as much as I support the motion, I think we should have actually processed it in a way that Members would also be able to understand what is at stake.

I just wanted to add my voice to say that there are citizens of East Africa who have actually approached some of us and they are so dissatisfied with what is happening in the recruitment process and I think it is a matter that even if we do not have the powers to stop anything, I think it is important for us to pronounce ourselves as an Assembly and speak to matters that are not working properly within EAC.

When you find that on a shortlist, there are questionable issues about the recruitment

process then I think that it is just proper that it is revisited. So I think that what the Member, in my understanding, is trying to say is that if there is an issue, can it be revisited?

Mr Speaker, this is affecting all the five Partner States. It is not about any country, it is about Burundi, Rwanda, Tanzania, Uganda and Kenya. The process upon which the recruitment is being done is affecting citizens of all the five Partner States so it is a matter of public importance and I think it is important as a House that we pronounce ourselves and raise some of the issues that probably have not been talked about. I beg to support.

**The Speaker:** Thank you, honourable.

**Mr Abdullah Mwinyi (Tanzania):** Thank you very much, Mr Speaker. I would like also to support this motion on the following points.

Mr Speaker, I had the occasion in the second Assembly of visiting the European Union and one of the core challenges that they had of which they came to a very good understanding was how to recruit. The head of recruitment at that time came to address us and he told us that one of the biggest challenges you will face in the integration process is in the recruitment stage of bringing in talent into the Community.

He said that what they had found – because the European Community involves many countries- is that it is expected that the core of the civil service within the European Union should reflect the Partner States and Member States but the reality of it is that it can never be equal. They made a concerted effort to ensure that excellence is at the top of their priority over and above anything else. The standard is excellence and then nationality.

With time and with judicious overview, adjustments can be made to ensure that all Partner States are represented at the civil service of the Community.

That being said, I believe that one of our biggest challenges is the quota system. The quota system presents a number of challenges. We seem to think nationality as opposed to quality. We bring in and cloud the recruitment process based on nationality and equality.

Mr Speaker, we have been in this Community for a number of years. The murmurs in the recruitment process are not new. There are many issues that have been raised, there are allegations of corruptions, of favouritism and I believe that this motion is timely. An investigation needs to be done so that we satisfy ourselves.

If all these are just mere allegations, as my honourable friend has said, then it is fine. We shall see them on the floor of this House, or from a report from the Council of Ministers. However, certainly, this matter needs to be looked into and the policies for recruitment need to be addressed. A serious review needs to be done in order to ensure that we have the brightest and the best in the Community working for the East African Community.

Mr Speaker, I beg to support.

**Mr Martin Ngoga (Rwanda):** Thank you very much, Mr Speaker. It happens that we are discussing this subject in a situation where we have very limited information in terms of how far the process has gone. There are many questions that may need to be answered.

I understand that as an Assembly, we have this oversight function but I have great respect to internal remedies where they exist and where you have aggrieved parties. Under normal circumstances, I would be reluctant to exercise my oversight function before the internal remedies are exhausted.

Therefore, Mr Speaker, I would like to play a devil's advocate. If I were sitting on the Front Bench, I would ask for an opportunity to look into this matter and report to the House. If the Council of Ministers can pick

this matter, investigate these allegations, probe the rules, see how they work or do not work for us, and report to the House, it would be a much better situation. However, because I am not one of them, I am likely to settle for this House stepping in, if Council of Ministers are not going to do that.

**The Speaker:** Before hon. Dora takes the floor, I want to state that the Speaker is the Chair of the EALA Commission, and recruitment, specifically of the EALA staff, is a shared responsibility between this Assembly, through the Commission, and the Council of Ministers.

Before the Commission, during this meeting, they brought lists of people who did interviews for recommendation of the Commission to Council for appointment but the Commission has deferred the process because of numerous reasons and one of them is the issue raised by hon. Ogle in terms of recruitment process in the light of the declared autonomy of the Assembly and Court.

Therefore, this matter is not farfetched, it is true that it is within the purview of what is going on and I think Council may wish also, before we vote on this matter, to update this House slightly on what they are considering. Thank you.

**Ms Dora Byamukama (Uganda):** Thank you, Mr Speaker. I will not differ from what you have said because I also wanted to give information to the House.

I would like to thank hon. Ogle for bringing this matter to the House. I would like to point out, in addition to what has been said, a few aspects that we need to address.

Mr Speaker, when you look at Article 49 (2) (f) states, "The Assembly shall recommend to the Council the appointment of the Clerk and other officers of the Assembly." The words are "shall recommend".

In the Second Assembly, we went as far as asking for the interpretation of the word

'recommend', and we concluded, with the Counsel to the Community's advice, that it is not just mere recommendation. Now, in view of what hon. Zein has said and in view of the fact that now, we have administrative and financial autonomy, we as the Commission, under your guidance, have been trying to put together what we understand as this autonomy.

Mr Speaker, let me just say something to this effect. In the first instance, the user department or organ in this case should be able to establish the vacancies and these should be in line with what has been agreed upon in the institutional review so obviously, the organ of EALA has to make sure that these vacancies are brought to the fore so that they are known.

Secondly, terms of reference. Because we are the user department, we will be able to know the kind of person or kind of qualifications that person should have.

Thirdly, we also need to agree with whoever is hiring on the issue of adverts. When will the adverts be and in this case, sometimes it is very important for us to be part of this process because Members will be in a position and it will not be like influence peddling but to also do a head hunt because there is also selective bidding. You would know that this person has worked as a personal assistant, for example and therefore they are best suited for the job.

This is not influence peddling but it is in a way bringing the correct resources to the fore. Therefore, I think it is important that the East African Legislative Assembly get to know about the adverts that maybe some of these are even announced in the Assembly or brought to the attention of Members so that everybody knows about the process.

Then of course, there is a shortlist, which has to have certain criteria set also by EALA, and then there is the interview

process. I am meant to understand that in this process, we have Deloitte and Touché and these are professionals therefore, they cannot be faulted to some extent.

Even at the shortlisting and interviewing, EALA needs to be represented. Finally, at this point maybe you could have about three names recommended to the Commission and then the Commission would be able to look at the whole process.

So, in essence what I am saying is what hon. Ngoga has said. The information brought is very important but to some extent, we need more. I think the mover can bring more because if you bring out one name, maybe there are other positions, which may have also had the same problems.

On the issue of quotas, I would like to agree with hon. Mwinyi but it is already now a Council position because I know for a fact that in some of these cases like the one which hon. Ogle has brought up, Uganda could not front a candidate and the Republic of Rwanda could not front a candidate. This goes to the issue of auditing and the quota system, and we may not be able to fault that.

Finally, I would like to say that at this point in time, the best we can do is to urge the Council of Ministers to be able to work with us to develop the administrative and financial autonomy to address these issues, and for the Council of Ministers to interest itself in what is happening because once you have this kind of dissent going on in the corridors, it is not very healthy for the operations of the Community.

Therefore, I would like to second what hon. Ngoga has said that maybe in the circumstances, the Council should be seized with the fact that we need to have clear guidelines on these recommendations and on the financial and administrative autonomy as well as look into the allegations which have been made and I hope that the mover will be able to

substantiate further because I know that it is an on-going process.

These are my few comments, Mr Speaker and I hope that they help the process.

**The Speaker:** I will give one or two people to speak to this and then we will go as per the requirement of our rules.

**Mr Straton Ndikuryayo (Rwanda):** Thank you, Mr Speaker. I just have information to support the motion moved by hon. Ogle on specifications for retirement of professional staff in this Community as reported recently in the Audit Commission report.

The Chairman of the audit Commission reported a serious challenge on the issue of retirement of professional staff in this Community, as there is no separation between the political appointees or the Executive and the professional staff.

He clearly stated that this Community is training for other regional international bodies. He says how the professional staff can come for one term of five years. The first term he is learning the institution and in the second term, he is preparing or his exit.

For institutional memory and good performance of achieving activities, it is better to keep our professional staff so that we have accountability.

Mr Speaker, now we have what we call the EAC Public Service Commission. If this Commission is in place and the Council can work with that commission, they can revisit and amend the staff rules and regulations. That is where the issue is.

The auditors also said that the issue of short-term contracts has ... with the issue of term limits of professional staff. They further said that we could find somebody who can stay for more than 10 years on short contracts where he has one year renewable every year and he can spend 15

years but for one who entered officially from the recruitment of five-year terms, after one term, he retires after the second term.

Mr Speaker, the issue of accountability should be costumed to the recruitment process. There is also the issue of the application process. This should be automatic.

There are some complaints where people are applying but they do not get automatic replies as to whether the Community has received their documents. When it comes to shortlisting, they do not see their names on the short list and there is no other list to show that maybe they did not have some documents so that in the future, they can complete their documentation.

With that information, Mr Speaker, we can urge the Council of Ministers to work with the Public Service Commission and EALA in terms of having smooth and clear recruitment processes. Thank you.

**The Speaker:** Thank you, hon. Straton. I will allow hon. Tiperu and hon. Sarah 2 minutes to speak each and then I will request Council to say something because they cannot keep quiet on this matter. I will give Council to make some statements and then we will proceed on disposing it off.

**Ms Nusura Tiperu (Uganda):** Thank you very much, Mr Speaker. I would like to thank hon. Ogle for moving this motion and I believe that he is doing it in good faith. He is doing this because of the complaints that have come to most of us as Members of Parliament. He is also doing this in the spirit that we had a ban on recruitment in EAC. After a long request, this ban was uplifted and so the entire region is anxious to see that the team that is going to be recruited will be a replica of the fairest process that the Community will come.

Therefore, his motion is in good spirit and I would like to agree with all the colleagues that say that there must be input from

Parliament on staff of Parliament to represent our autonomy.

Mr Speaker, if you look at the positions that were advertised, professionals and East Africans all over the world applied and so halting the process will help Council to ensure that the cries out there are listened to and finally a clean process is adopted and ultimately, whoever is shortlisted will be acceptable by the entire Community.

With those remarks, Mr Speaker, I support hon. Ogle and I urge my colleagues to do the same.

**Ms Sarah Bonaya (Kenya):** Thank you, Mr Speaker. I would also like to add my vice to this important motion. From the onset I would like to say that I support the motion and I think it is timely especially now in the Community where after a very long time, and more especially from next year in March when we are going to lose most of our experienced staff who are going to end their term of service.

I think if we do not consider processes and procedures in an accountable and transparent manner, we will have a big challenge coming towards us and I think it is very critical that we step back and look into these procedures and processes of employment and also involve EALA who is a major consumer in this so that we have a transparent process. Thank you, Mr Speaker.

**The Speaker:** Thank you. May I invite honourable Chair, Council of Ministers to say something on this motion?

**The Deputy Minister for Foreign Affairs, East African, Regional and International Co-operation (Dr Susan Kolimba) (Ex-Officio):** Mr Speaker, on behalf of the Council, I would like to say that I am taking note of the concerns raised here. It seems like an ambush but it is a good ambush because it was not there. You just raised it so I do not have the actual information. However because the issue raised is a



concern of the Community, I am taking note of the issue.

Secondly, the Council is aware that –  
(*Interruption*)

**Dr Nyiramilimo:** Thank you, Mr Speaker. Is it in order that the Chair, Council talks of the motion raised, according to the Rules of Procedure as an ambush? Thank you, Mr Speaker.

**The Speaker:** Hon. Dr Odette, the honourable Chair, Council of Ministers said she has been ambushed in the context of the use of that word. It does not connote any bad thing. The whole premise of this provision of rule 30(1) provides for that ambush anyway and she has qualified it to say that it is a good ambush. Honourable minister, proceed.

**Dr Kolimba:** Thank you, Mr Speaker. As I was saying, the ambush was good. Why I am saying it is an ambush is because I know that the Commission had a meeting with the Council of Ministers this week. It is only two days ago and looking at the issues that were raised in this Assembly, it is still an issue.

I cannot take it lightly; it is serious and I do not think that, from what I have heard; the contributions of Members of Parliament, it says that the information was there. That is why I am saying that it somehow looks like an ambush because I do not have the information.

The Council is aware that Article 49(2) (f) allows the EALA to recommend the staff they want to recruit to the Council so that you appoint the people that you think have the qualities and deserve to work in the positions you want. I am aware of this and one of the Members of Parliament here had said. Therefore, I just wanted to assure you of that.

I also want to assure you that –  
(*Interruption*)

**Mr Ngoga:** Thank you, Mr Speaker. The Chair, Council alluded to the discussion in the Commission but there was never a discussion on allegations of corruption that Members have spoken about so that must be clear. There was limited information on the matter and it has been raised now so that we do not give the impression as if what was discussed in the Commission exhausted the matter as raised by the honourable member. Thank you.

**Dr Kolimba:** Thank you for the information. I would like to assure the assembly that the Commission is going to sit. We have this ad hoc commission but I am not sure of the date when they are going to sit but they are awaiting recommendations from EALA for the appointment of those positions, which you would like to appoint. I can assure you that this is in the process for the recommendation from EALA to be sent to the Commission.

The last issue I would like to address because the matter that was raised today is a serious matter. We need a report to the Council so that we can discuss it and give recommendations and decide on what needs to be done. Although the report is not there, we are here and we have heard. We will also make follow up on that but we also need a report to work on it. Thank you, Mr Speaker.

**The Speaker:** Thank you. Honourable members, I am going to do something that I should have done earlier. I am going to give hon. Ogle a chance to summarise his motion before I put the question but I want to ascertain that a third of the Members here seated support this motion.

Can I have your hands up? All Members who support this motion. Thank you. I have ascertained that.

Hon. Ogle, please can you proceed and respond to this so that we dispose it off?  
Hon. Ogle, the floor is yours.

**Mr Ogle:** Thank you, Mr Speaker. I am a very worried man because we have lately been visited by a demon. When you look at the series of things that have been happening over the last couple of months, we had a procurement fiasco, which you rightly referred to the Committee of Legal Rules and Privileges for investigation.

There is also the illegal culmination of the APSA programme, which you also accordingly referred to the Committee of Regional Affairs.

Now there is talk about corruption and underhand dealings in the way recruitment is going on in this Community. I think I am very right to say that we have lately been visited by some demons and it is only fair that we are able to verify the allegations as they are laid out. This is out of rules and procedures. We do not proceed on allegations but the talk out there in town and in the corridors is that there is a certain fee for short listing, there is a further fee for appointment. These are very serious allegations that touch on the integrity of the entire Community.

Mr Speaker, for a long time there has been a freeze on recruitment because of an animal called the institutional review. That went on for close to eight years and it just ended a couple of months ago. When it did, this is what is happening. You start immediately on corruption, on nepotism, on underhand dealings. I think we need to verify this.

Further to rule 49(3) of the Treaty, if my memory serves me right, the provision is so clear that this Assembly – it is not talking about the Commission. It is talking about the Assembly. *(Interruption)*

**Ms Byamukama:** I did support hon. Ogle. Apart from Article 49 of the Treaty, we also have the Administration of EALA Act, which is a law of the Community so much as it may be this House, there is an organ, which has a legal mandate to handle the

issue before bringing them to the House. We are not saying they should not come to the House but we do have a specific law on that matter.

**Mr Ogle:** I have no objection to that but the position is that the Treaty takes precedence to the Administration of EALA Act. I think that should be very clear.

What I am seeking is that the relevant committee verify this matter accordingly, and that the Council joins in so that we are able to verify this. In the meantime, we are just asking for a freeze, nothing more. If the process has been right and they have adhered to all the procedures then it can continue but if there are some question marks, I think it is only fair that we are able to verify.

Mr Speaker, you have referred questionable matters to the relevant committees – *(Interruption)* -

**The Speaker:** Hon. Ogle, do not worry, your prayers are clear.

**Mr Ogle:** Thank you, Mr Speaker.

**The Speaker:** Honourable members, hon. Ogle moved under rule 30(1) and his motion was supported by more than a third of Members seated – *(Interjection)* -

**Mr Mathuki:** Mr Speaker, procedure. Hon. Ogle, when you bring a motion of public importance, which I did not pick from his submission, it is supposed to be supported by two thirds. A third? Again, from his submission, the point is when we talk of initial public importance in this House, we do not talk about allegations but substance that is affecting and is of a serious nature. You do not start talking of allegations of ‘I hear of corruption’.

This is a serious House – *(Interruption)*-

**Mr Zein:** Mr Speaker, is it in order for a Member who came late, who was not privy to what was discussed, who was not aware of the justification, who is not aware of the

qualification under the rules, who is questioning the wise decision of the Speaker to allow the motion? Is that in order?

**The Speaker:** Honourable members, you know that the proceeding of this house streams live throughout this region and the world. A Member may not be in this Assembly but follows the proceedings online.

However, it is also not in order when motion is moved under rule 30(1) and the required number of Members sitting has supported it, to declare the third of Members sitting to be speculative.

So the motion is properly before this House and we shall dispose it off well. Hon. Peter Mathuki, conclude your procedural point.

**Mr Mathuki:** Thank you, Mr Speaker. I am guided but you have also put it well that I does not have to be physically here. I was following but when I heard somebody was trespassing and wanted to abuse the rules, I had to come in. how can I allow the rules to be –

**The Speaker:** Honourable members please. Hon. Patricia, I kindly request that I guide a bit. You are rising on a point of order? Proceed.

**Ms Hajabakiga:** Mr Speaker, is it right that an honourable member lies in the House? Initially he said he was not pleased by the information as to what transpired. We can go to the *Hansard*. Now he is saying he was listening to the information outside.

**The Speaker:** Hon. Peter, let me help on this. If I got the honourable member right, he says he was not privy to the allegations but he has been following the allegations as raised on the floor.

Hon. Pater Mathuki, can you conclude your procedure in less than a minute?

**Mr Mathuki:** Thank you. I am only shocked that those who were seated here

physically were unable to follow what was happening. I was following the TV and all that I am saying is that nobody should abuse the rules. I am privy to what was happening but I have not heard any issue of public importance in the submission. In fact, he should be punished. He should report to my Committee of Legal. Thank you.

**The Speaker:** Honourable members, the motion as moved by hon. Ogle under rule 30(1) has been debated. I want to put the question to it that those in favour of the motion as moved by hon. Ogle say ‘aye’ and those against say ‘nay’. The Speaker would like to be as clear as possible –

**Ms Byamukama:** Mr Speaker, this is a very serious house and I know that we should give it the seriousness. What is the prayer of the motion because it was not written? We cannot remember. Can we be refreshed about the prayer?

**The Speaker:** Okay, let me refresh the House on the prayers of hon. Ogle as moved. After putting it on the floor that there are complaints about the recruitment process of the staff working within the EAC, his prayers are that, one, the process be investigated and that this investigation be done by the relevant committee of this House, working with the Council, and that a substantive report about what has been done by the committee be brought to this House. Hon. Ogle, are these your prayers? Thank you.

So, honourable colleagues, are we clear with what hon. Ogle has prayed for? Can I now ask those who are in support of hon. Ogle on my left to put up their hands? Those on my right in support put up your hands.

To my left, those against the motion put up your hands. Those on my right against the motion? Those abstaining?

Honourable members, those who have voted in favour of the motion are 22. Those who have voted ‘no’ are nil and those who

have abstained are four so the motion carries the day.

The matter therefore stands referred to the relevant committee of this Assembly for further interrogation. Thank you so much.

### PAPERS

**The Speaker:** Honourable Minister, we are at the point of laying your report on the Table under Order No. 4. May you proceed to lay the report on the Table?

**The Deputy Minister for Foreign Affairs, East African, Regional and International Co-operation (Dr Susan Kolimba) (Ex-Officio):** Thank you very much, Mr Speaker. We concluded on the matter regarding the service commission. Have we concluded on the matter regarding recruitment? Although we have concluded it, I just want to give one small information.

The members of the service commission have just been sworn in two months ago. It is a new commission. Before it we used to have Deloitte and Touché but now we have our permanent service commission which is in place. They have met twice and they only deal with issues of recruitment. They are only two months old and the way it is made, we have representatives from all five Partner States and they agree on each and every candidate. They go slow and take their time. They work together until they agree on all applications –

**The Speaker:** Honourable members, we are not proceeding correctly on what is obtaining here. I had used my latitude to allow the minister to say something as Council but I want to put this very clear. Chairperson, Council of Ministers and members of the Council who are in this House helped this House during debate to give information for us to always debate and pass appropriate decisions. That information should have come out clearly during the debate and that is why I insisted saying that can Council talk to this motion?

Therefore, we have taken note of that. This motion in essence is requesting that the ad hoc service commission tour with the committee in investigating this matter with the Council because the creation of the ad hoc committee is the creation of the Summit and the Council. Therefore, I do not think that there is a contradiction. We will complement each other. Chair, Council of Ministers and Members, I do not think that you should be uncomfortable about this motion. Thank you so much, proceed with the report.

**Dr Kolimba:** Mr Speaker, in accordance with Article 59(3) (b) of the Treaty for the Establishment of the East African Community and Rule 16 of the Rules of Procedure for the Assembly, I beg to lay on the table the “*Report of the Council of Ministers on the progress made by the Community in the development of its common foreign and security policy, from January 2013 to March 2015*”. I beg to lay.

**The Speaker:** Thank you, Chair, Council of Ministers. The report stands referred to the Committee of Regional Affairs and Conflict Resolution.

### MOTION FOR A RESOLUTION OF THE ASSEMBLY TO URGE EAC PARTNER STATES TO FASTTRACK THE DOMESTICATION OF THE MALABO DECLARATION AND ITS COMMITMENTS

**Mr Mike Sebalu (Uganda):** Thank you very much, Mr Speaker. I beg to move a motion for a resolution to urge the East African Partner States to fast-track domestication of the Malabo declarations and its commitments. I beg to move.

**The Speaker:** Seconders? Hon. Isabelle, hon. Bucumi, hon. Nancy, hon. Kizigha, hon. Nengo, hon. Patricia, hon. Susan, hon. Opoka, hon. Sarah and all the Members standing. Hon. Sebalu, proceed with your motion.

You may read the Motion and at the end of the reading, you go ahead and justify it.

**Mr Sebalu:** Most obliged, Mr Speaker.

*“WE Members of the East African Legislative Assembly having received the report of the Committee on Agriculture, Tourism and Natural Resources on the East African Agriculture Business Summit 2016 organised by the Eastern and Southern Small Scale Farmers and other partners in the agricultural sector in the East African region;*

*AWARE of the objective of the Summit that was to galvanise small holders’ voices for increased financing for agriculture in East African region, increase public awareness on the CADP result framework and the Malabo declaration 2014-2025;*

*CONSIDERING from the East African Community Agriculture Budget Summit 2016;*

*RECALLING the provisions of the Treaty for the establishment of the East African Community in particular Articles 105, 106, 107, 108, 109 and 110 on agriculture and food security;*

*RECOGNISING the provisions of the regional agricultural instruments including the East African Community Agriculture and Rural Development Policy and Strategy, the East African Community Food and Nutrition Policy, Livestock Policy and the regional fisheries instruments as well as the East African Community CADP ... and the East African Community Food Security Action Plan alongside the action plan to enhance the resilient capacity of livestock keepers in the arid and semi-arid lands of East Africa;*

*FURTHER RECOGNISING the importance of agroecology and smart agriculture in the ever-changing climate conditions;*

*RECALLING the seed declaration of July 2009 for investing in agriculture for economic growth and food security;*

*FURTHER RECALLING the communiqué of the ninth extra-ordinary summit of EAC heads of state point 13 held in Dar-es-Salaam on 30 April 2011;*

*AWARE AND CONCERNED that the Maputo declaration of July 2003-2009 has not been fully implemented in the East African Community and that the Malabo declaration of 2014-2025 domestication process has been slow and that the budget allocations that target 10 per cent in most East African Partner States has not been fulfilled and that annual agricultural sector growth within EAC remains below the targeted 6 per cent except in Rwanda;*

*FURTHER CONCERNED of the rapid disappearance of food diversity and local seeds as well as large-scale land acquisitions with unchecked promotion of foreign investment that takes away agricultural land from small-scale farmers;*

*RECOGNISING that agriculture contributes 40 per cent to the region’s gross domestic product in the East African region;*

*FURTHER OBSERVING that the level of agriculture funding has not yet cartelised economic transformation due to low value for money, systemic leakages and corruption and that small holder crop growers, pastoralists, fisher folk priorities still do not form the basis of agricultural planning and budgeting;*

*ACKNOWLEDGING that agriculture can potentially eradicate poverty 211 times more than oil and gas sector and that fruits, vegetables and cereals have been the fastest growing value chain sub sector in the EAC;*

*MINDFUL of the every changing climate conditions and that ... as el Nino pose a threat to production and livelihoods and*

*foretells further poverty, hunger and malnutrition;*

*OBSERVING that small farmer priorities still in practice not forming the basis of agricultural planning and budgeting;*

*WELCOMING the AU Malabo declaration of June 2014 on accelerated agricultural growth and transformation for shared prosperity and improved livelihoods and its eight goals to be achieved by 2025 as follows:*

- 1. Recommitment to the principles and values of the CADP process;*
- 2. Recommitment to enhance investment finance in agriculture by upholding 10 per cent public spending target and operationalization of Africa Investment Bank;*
- 3. Commitment to ending hunger by 2025 by at least double productivity focusing on inputs, irrigation, mechanisation, reduce PHL at least by a half and reduce stunting to 10 per cent, commitment to halving poverty by 2025 through inclusive agricultural growth and transformation and sustain annual sector growth in agricultural GDP by at least six per cent, strengthening inclusive Public-Private Partnerships on agricultural commodity value chains, create job opportunities for at least 30 per cent of the youth in agricultural value chains;*
- 4. Commitment to boosting intra-Africa trade in agricultural commodities and services by tripling intra-Africa trade in agricultural commodities and fat track continental free trade area;*
- 5. Commitment to enhancing resilience in livelihoods and*

*production systems to climate variability and other shocks;*

- 6. Commitment to mutual accountability to action and results.*

*MINDFUL of the importance of domesticating the regional framework to transform agricultural sector while recognising the rights and roles of majority small crop growers, fisher folk and livestock keepers as well as medium and large scale farmers;*

*ACKNOWLEDGING that the regional Parliament has a critical role to play in advocating or appropriate implementation of various commitments by Partner States as well as domestication of implementation principles into national laws and in overseeing the status of their implementation and involvement of all stakeholders in the agricultural planning, budgeting, implementation and monitoring for positive impacts on the citizens;*

*NOW THEREFORE, THIS ASSEMBLY do hereby resolve to expedite:*

- 1. The domestication of the Malabo declaration 2014-2025 by putting in place regional legally binding protocols and financial instruments which are responsive to the needs of small holder farmers, the youth and women to ensure regional realisation of its goals;*
- 2. Institutionalise an annual dialogue framework between farmers, non-state actors, member states CADP focal points persons, agriculture parliamentary committee chairpersons and EALA Committee on Agriculture, Tourism and Natural Resources through an annual conference. The conference should promote dialogue on the implementation of the Malabo commitment so as to enhance mutual accountability within the*

- agricultural sector in the region as well as fronting new ideas;*
3. *To carry out sensitisation programmes to reach out to policy makers including ministers responsible for agriculture to ensure that the EAC Food Security Action Plan 2011-2015 and the EAC Climate Change policy have been properly implemented as directed by the 9<sup>th</sup> EAC heads of state Summit as well as the proper implementation of the Malabo commitment by Partner States;*
  4. *Urge EAC to prioritise harmonisation of national laws, policies and strategies on agriculture and food security to ease urgent implementation of Malabo commitments;*
  5. *To enhance inter agency collaboration at local, national, regional and continental levels in the implementation of the Malabo commitments;*
  6. *Request EAC Partner States to draft, renew and amend regulations, standards and policy frameworks addressing agriculture, land, water, environment, infrastructure, energy policies, budgets and development programmes which are compliant to the Malabo declaration;*
  7. *To seek to increase the quality of investments through addressing national priorities connected with farmers' own priorities, closing leakages, corruption, wastage and increasing absorption rate in the agricultural sector with a correlation between budget allocation, agricultural returns and sectoral growth targets;*
  8. *Call upon EAC Partner States governments to allocate budgets to agriculture that reach the Malabo declaration target of at least 10 per cent annually or at least to progressively. The main focus should be on financing small holder centred programmes like extension services, research, input support, improving access to finance and market and to focus on efficient utilisation of budget allocations;*
  9. *To sue bottom up approach to produce a centred and ensure a trickle-down effect to small holder producers, women, youth during programming and to engage budgetary priorities, respond to the needs and priorities of the small holder food producers, the youth, women and investments called for in highly productive value chain enterprises through increasing allocations, capacitating youth and women to utilise communities;*
  10. *To increase competitiveness in agriculture through investing in agro-industries, appropriate infrastructure, energy, water, roads, access to markets for small holders;*
  11. *Call upon EAC national parliaments to use their cardinal role to popularise the Malabo declaration to enhance citizens' knowledge and create capacity to put pressure and demand corresponding allocations from governments.*
  12. *To ensure that governments put in place platforms for mutual accountability to urge increased government responsiveness;*
  13. *Request national level parliamentary agriculture committees and local councils to institute collaboration and dialogue framework with small farmers, non-*

*state actors so as to review implementation and performance of the agricultural sector and in particular the Malabo commitment and ensure that they are climate change compliant to avoid losses in investments by small holder farmers;*

14. *Request the EAC Secretariat to institutionalise the regional agricultural advisory council to give advice on the harmonisation of regional agriculture policy frameworks and programmes. The Council could comprise of EAC/EALA Secretariat and member states representatives, academia, regional farm organisations and civil society as well as consumers;*
15. *The EAC Secretariat to expedite development of a strategy to strengthen coordination unit and regional collaboration in the implementation of Malabo commitments and to ensure that the Council adopts the same;*
16. *Requests EAC Council of Ministers to transmit these resolutions to the heads of state summit scheduled for November 2016 for their endorsement.*
17. *To take action aimed at enforcement of the resolution adopted by EALA on agriculture, food security and climate change."*

Mr Speaker, I beg to move.

**The Speaker:** Thank you, hon. Sebalu. It is a long one. Do you still want to speak some light words on it before I give it to the seconder to debate?

**Mr Sebalu:** Thank you very much, Mr Speaker. First of all, I would like to thank your good offices for having considered this resolution worthy of

space on the Order Paper and for debate by this Assembly.

Before I engage in my justification or the same, with your permission, Mr Speaker, allow me to welcome our newest Members of the Assembly who have just been sworn in from the Republic of Rwanda and the Republic of Burundi. You are most welcome, *karibu sana*.

You come at a time when we are in autopilot because we are trying to wind shop and we are engaging top gear to ensure that we make impact after our tour of duty as representatives of the East Africans.

Mr Speaker, the Malabo declaration is an AU instrument and we need to appreciate that we are part of this whole architecture of the African integration and it needs to be appreciated that it is an acknowledged fact and principle that the regional economic communities are the building blocks for the continental integration.

Therefore, the East African Community is no exception in this regard. EALA is very well known to be a regional assembly whose area of jurisdiction is the entire East African region and it does that through the three core mandates of EALA that include representative, legislative and oversight.

Using all these mandates, we have an obligation to ensure that all is well. As representatives, we have to put the voices of the people on the table. This is a matter that is of concern to the farming community of East Africa and in particular, the smallholder farmers who form the bulk of the food supply chain. Therefore, they are concerned that the sector under which they fall is not being sufficiently funded, and yet there is a commitment at the continental



level to offer a minimum of 10 per cent in terms of funding. Many of our Partner States have been found to be below the threshold except for Rwanda, which has surpassed the same.

Therefore, as representatives, this is a very appropriate platform in order to voice the needs and aspirations of the East African people and the matter under consideration is no exception.

As a legislative arm, we can make laws where appropriate but where that is inappropriate, we also have other channels of expressing ourselves authoritatively on matters that concern the people and a resolution of the House is one of such avenues which has a high degree of authority although it is below legislation and that is why I chose to take this avenue to make a clear public statement of commitment to the farming community in terms of what they desire and what they want to see their countries do in conformity with the commitments that our Partner States do make in international for a.

As an oversight body again, we are under obligation to oversee implementation, not only at Partner State level but also even from a regional perspective because these are commitments and each of our Partner States is bound by them. We are signatories to the same and we should be seen to be making good in terms of the return to the investment in agriculture.

When you observe the EAC outlook, you will definitely appreciate that EAC is a model integration area that seeks to graduate to a level of political entity or a political authority. So, when we get these best practices that we have committed ourselves to and we approach them from a regional perspective, we then make ourselves

better placed in terms of appreciating our continental commitments.

We are looked at as the best and fastest integrating region in Africa and this goes with obligations and rights as well. We have to make good on commitments and be able to fulfil those commitments.

Mr Speaker, there are perceptions and good ones at that. How is EAC viewed or rated among the RECs? You will find that EAC is rated among those RECs that constitute best practices in a number of areas. The fact that we have a functioning Assembly that makes laws, which laws take precedence over national laws is a best practice that has heralded across the continent.

Therefore, we need to use this best practice to get the performance of our Partner States up to date with commitments at the continental level. We are seen as being exemplary then how best are we going to be exemplary if we do not look at some of these issues from a regional perspective?

I want to see a situation where our heads of state go to the Summit and they indicate that the East African region is 100 per cent compliant and it is looked at as a regional collective action regarding the commitments that were made.

We are considered to be pace setters, and this is an area where we can prove that indeed we are pace setters.

We are considered role models. Again, when we come up to be 100 per cent, there is no better way of being defined as a role model. We are high achiever and we are a success story from certain other assessments.

That therefore puts a big obligation on our part to make good and be able to justify those assessments of our capacities.

Mr Speaker, East African Community Partner States are all dominantly agricultural based in terms of their economies. Agriculture constitutes the bulk of the economy.

Secondly, we are all party to the Malabo declaration as East African Partner States and I want to appreciate that they have demonstrated some degree of commitment to the said declaration and the trend is indeed in the upward surge. The trajectory of this trend is in the upward surge so that is commendable but we need to pass the mark so that we get to meet the targets and go one-step better by surpassing it. If we are to do it as a collective action where all the Partner States come good on this, definitely this will make us the envy of the region.

I would like to applaud the Republic of Rwanda for having gone that extra mile and the example is clear testimony that actually it can be done. If one of us has been able to do it, then the rest of us can be able to do it. It is achievable as clearly demonstrated by one of our Member States.

Mr Speaker, 100 per cent compliance will put EAC in a league of its own and make it the envy of the entire continent. We do not want to be second best but the best well aware that only the best is good enough. Like our senior citizen, the late Julius Kambarage Nyerere always said, it can be done provided each and every one of us played their part. Therefore, if each and every Partner State can play its part, we can be a front-runner in this endeavour.

Mr Speaker, I beg to justify.

**The Speaker:** I was getting worried that you are finishing all the points for the seconders.

**Ms Isabelle Ndahayo (Burundi):** Thank you, Mr Speaker. You have said

it. It is difficult to talk after hon. Sebalu has finished everything.

Mr Speaker, before I debate this motion, allow me to welcome our new Members. A sister and brother in this big House and wish them fruitful work.

First of all, let me thank the mover of this motion. Even if I am the seconder, the idea of this motion is his and I congratulate him for this.

Secondly, I fully support the motion because of the following reason and I have two main reasons for supporting this motion.

First, the Malabo declaration has a very good and important objective of accelerating agriculture growth and transformation for shared prosperity and improved livelihood. Through this objective, you can immediately understand that the target group here is the population and most likely the rural population, which is almost 90 per cent of the population of the whole Community of the population of each Partner State in EAC.

This Malabo declaration requires, among others, allocation of 10 per cent of the national budget but the situation in our Community is not good. If you will allow me, I will give you information about the statistics from the regional strategic analysis and acknowledge support systems where they have tried to give information on the government's agriculture annual expenditure report where in 2015, only the Republic of Burundi and the Republic of Rwanda has expended more than 10 per cent in their agriculture expenditure.

In 2016, the government agriculture expenditure was as follows: in Burundi, it is 14.22 per cent. Kenya is 2.4 per cent but this excludes counties' fund. For Rwanda, it is 18.8 per cent.

Tanzania is 4.9 per cent and Uganda is 4.5 per cent.

You can see how the situation is in the expenditure on agriculture for our Partner States. This report goes on and tells us that EAC has the highest average annual agriculture expenditure shares where we have 5.8 per cent, which was followed by West Africa, which has 5 per cent, Central Africa has 3.8 per cent and Southern Africa has 2.5 per cent.

You can see that East Africa survived because of the Republics of Rwanda and Burundi where we have that high average. Therefore, we can ask other Partner States to improve their contributions and try to allocate at least the 10 per cent required.

The other reason I support this motion is that this motion calls for fast tracking the implementation and commitment of Malabo declaration. It tells what exactly needs to be done in order to attain the objectives, then develop the agriculture sector, end hunger in our Community, and improve our livelihoods.

Mr Speaker, in order to implement this recommendation, all stakeholders must be involved and the question now is who these stakeholders are. We must first of all identify them and youth and women must be given priority.

Here, the principle of evidence based planning, dialogue and accountability must be applied. There is a need for partnership between all stakeholders including civil society, the private sector and farmers. These are the main stakeholders in this sector. There is a need for awareness and information sharing between all stakeholders.

While some people hear about Malabo declaration, they think only about the allocation of 10 per cent of the national budget but this declaration is bigger

than that. It goes beyond. It has many other resolutions, which need to be known by everybody involved and who are supposed to be involved but are not aware. I am sure that even many leaders and officials are not aware of this declaration.

Those ministers in charge of agriculture, or some Members of Parliament who happened to participate in those meetings most likely know this declaration. Even in this House, I think there might be some Members who are not aware of the content of this declaration. So how are we going to advocate if we are not informed?

We also need to be sensitised about the Malabo declaration. By implementing this declaration, we will have considered the majority of our people. Youth will have access to credit because I think all Partner States will have removed all limits to access to credit. Again, these financing agencies will be brought on board.

We will review the debt between the rich and the poor. The agriculture sector will not be only for self-reliance but it will be for business. I also think and if it can be possible that even the revenue from agriculture can become bigger than the expectation from oil and gas.

Before I finish, let me call for all Partner States and the EAC Secretariat to allocate the 10 per cent of their budget to the agriculture sector and ensure proper management of this allocated money. Let it be used for what it has been budgeted for. We should avoid corruption in order to get the real targets.

Our population need to be accompanied. We need those people who must accompany people, give them guidance so that they can move together

with everybody, let agriculture be for all of us, and develop our Community.

With these few remarks, I fully support the motion and request other Members to support it. I thank you.

**The Speaker:** Thank you, hon. Isabelle. Are there Members who want to contribute to the motion? Hon. Nakawuki. But it looks like the mover did justice to the motion and that is why Members are – *(Interjection)* -

**Ms Susan Nakawuki (Uganda):** Thank you, Mr Speaker. I would like to thank hon. Mike Sebalu for this very important and informative motion. I rise to support the motion.

I appreciate that the mover seems to be a very good farmer because of the wealth of information he has given to us that he has exhausted each and everything that Members would have given.

I would like to appreciate the AU heads of state for coming up with this kind of declaration. I know and I am sure that if it is fully implemented, it will take us to another level.

Mr Speaker, it looks so glossy when I look at all the commitments here. My prayer to the Almighty God is that we are able to implement it fully and achieve these commitments by the year 2025. This is a very good agricultural vision for Africa and this is the way to go.

Mr Speaker, looking at commitment number two - I will just pick a few things from there - which is a commitment on enhancing investment finance in agriculture. Under this commitment, we have committed to enhancing investment finance, both public and private to agriculture and we resolve that we are going to allocate at

least 10 per cent of our public expenditure to agriculture.

We have also resolved that we are going to enhance appropriate policy and institutional conditions and support systems for facilitation of private investment in agriculture, agri-business and agro-industries by giving priority to local investors. I want to emphasise the part of giving priority to local investors.

Mr Speaker, there is a tendency by all our governments that international or foreign investors are given better treatment than our local investors are. Usually foreign investors are given incentives. When they have to invest, they are given free land, they are tax exempted, among others but local investors are left to toil on their own.

It is my humble prayer, especially through the Chair, Council of Ministers, that local investors are given the attention and priority, which we have resolved to accord them under this Malabo protocol.

Mr Speaker, the interest rate charged by commercial banks are too high that our farmers can no longer afford them. When you borrow money from the bank, they charge you interest from the first day and when the season is not the best, they will end up taking your collateral, which is usually your land that you are using as a source of livelihood and then you will remain with nothing.

I would like us to borrow a leaf, as it is a practice with the East African Community. There is a new law in the Republic of Kenya I hope my colleagues from Kenya would give better information about this. They have put a ceiling when it comes to interest rates charged by banks. They are not supposed to charge beyond 8 per cent I think – *(Interruption)* -

**The Speaker:** I think it is about 5 per cent above the Central Bank lending rate.

**Ms Nakawuki:** Exactly. Thank you, Mr Speaker. They are not supposed to charge so much above the Central Bank lending rate and this has caused a lot of noise from the banking sector but a lot of applause from the citizens of Kenya. I think this should be the way we should go when it comes to these loans to promote agriculture.

Therefore, I beg Council of Ministers to study this model further and then it is applied in the entire East African Community region.

Also, allow me to add that this declaration makes a commitment of ending poverty through agriculture. I know it is very possible but as long as there is no value addition added to our agricultural products, this is going to remain a dream far away from reality. You grow your coffee, cotton and receive peanuts. It is bought from you and taken outside the country and then it comes back to you in form of this coffee we buy.

For example, when you go to Café Javas and you ask for a cup of coffee the amount of money you are going to pay for it is not even compared to the price of coffee from the farmers. You would feel so sad and give up on agriculture. Somebody else is reaping big but the farmer is reaping peanuts. How are we going to be able to get our people out of poverty through agriculture by 2025? It is only nine years away. Actually, it might seem far away but it is just nine years away. How are we going to be able to do this?

I thank hon. Sebalu because among the resolutions is sensitisation of policy makers but I wanted him to also include sensitisation of the masses. We have

seen scenarios where especially young people – because among our resolutions, at least 30 per cent of youth will be employed under the agricultural sector but I want to put it to the attention of this House that the youth feel that they are second class citizens when involved in the agricultural sector and that this is not something for the youth.

There is a bad stereotype that farming is for the poor. They do not go into agriculture. In fact, a young person would prefer to sell their plot of land that they probably inherited from their parents or grandparents, come to the city and buy a *boda boda*. The next day the *boda boda* is stolen or it breaks down and all hope is gone.

Therefore, we should educate our masses more so that they can learn that agriculture is one good source of livelihood that everyone should participate in. Many people have made it big through agriculture and that life can go on even if you do not have a white-collar job.

As I wind up, I would also like to say something small on land acquisition and this is an issue that we should take serious note of through Council of Ministers. I would like to appreciate the United Republic of Tanzania and the way they jealously guard their land. You know, East African Community possesses most of the arable land within Africa and the world actually.

Because of this, there is a rush for this land. Foreigners are coming in our countries, buying huge chunks of land and they are enjoying growing of food, which they export. This is against the spirit of this declaration. They export all this food. How are we going to end hunger when we have sold all the land to foreigners who grow food and ship it to their own countries?

Therefore, this is something that we should take keen interest in and discourage. Our people should hold on to their land. The land is for East Africans and through it, we shall be able to end poverty and hunger. I thank you, Mr Speaker and I beg to support the motion.

**The Speaker:** Thank you so much, hon. Susan.

**Mr Frederic Ngenzebuhoro (Burundi):** Thank you, Mr Speaker. First of all, I would like to congratulate and welcome the new Members of EALA and assure them that they have to a very interesting family. Once again, congratulations because I know that it is not easy to come to EALA.

Mr Speaker, I would like to congratulate the mover of this motion, hon. Mike Sebalu and say that it seems to be a wakeup call for East African Community in particular and in general to all African states that have signed this declaration.

Mr Speaker, to promote agriculture is very important but further to that, it is important to sensitise people on the importance of agriculture.

An event that occurred very recently in Burundi is when a young man killed his father because of the issue of land. He had decided to sell a part of the family land and the father opposed. That young man wanted to get money to go and buy a *boda boda* and try to get money riding it in the town. The father opposed and he was killed. The young man did not know that he could get money through the land.

It is very important that we sensitise people on the issue of agriculture and on how it can save our young people.

Mr Speaker, in the Malabo declaration there is commitment three, which says

that Partner States commit to facilitate efficient and effective water management systems through irrigation.

I would like to highlight that it is unfortunate that in our region, people continue to suffer from hunger. This region has been blessed with a lot of water. I do not know if you are aware that the biggest lakes are in our region: Lake Victoria, Lake Tanganyika, Lake Albert, and others. I am not sure we are aware that the rivers we have in this region contribute to promote agriculture but it is unfortunate... imagine what Egypt would be like without water from Burundi, Rwanda, Uganda and Tanzania. You can imagine that now Egypt is sending us help through rice yet it is we who have helped them. Imagine when for example if we wanted to have a small dam on one of the catchments of the Nile, it is a dispute and Egypt is ready to send – Let me restrain from what I was going to say.

The last example is the problem between Ethiopia and Egypt because Ethiopia has decided to put a certain dam on the Nile. I think that our region must be aware. If we could use our water through irrigation, we would never talk about hunger in this region. I would like to urge the Partner States, especially in EAC to promote irrigation.

You can imagine a small country like Burkina Faso has only two months of rain and through those two months, all the rain is reserved and with that, they produce vegetables, fruits and even export vegetables thanks to the two months of rain.

Here, some countries have ten months of rain but that rain goes out of the region unfortunately. Therefore, it is not that we must promote skills for the uses. I think it is now time that we think about irrigation.

Mr Speaker, I would like to say that this motion is very important because it will be a wakeup but we must also continue to think about it.

Lastly, on the motion, I would like to ask the mover to clarify some items used here because they are under abbreviation. For example on page one when he said, "Recognising ... policy in the regional fisheries instruments as well as the EAC CAADP..." Is it possible to put what it means? What is that? Someone will read this motion and he will never understand exactly what it means.

There is also another acronym on page two where it says, "... commitment to end hunger by 2025 by at least double productivity on food irrigation, mechanisation, reduce PHA." What is that? Can you put the meaning of that abbreviation?

Having said that, I would like to say that I fully support this motion and call upon Council, as it is recommended here in the motion, to push it to the Summit so that we can fast track the Malabo declaration. Thank you.

**Mr Leonce Ndarubagiye (Burundi):** Thank you very much, Mr Speaker for giving me the floor. I have sincerely nothing to comment about this motion but first of all let me congratulate the new Members and welcome them here in EALA; Hon. Jean Marie Muhirwa and hon. Oda Gasinzigwa, you are welcome.

This motion is a very good motion. A motion in itself can be very good but if it is not implemented, it remains an idea on paper. When you look at our countries, for almost 50 years, very few have been able to progress in the matter of food security and so many other things yet we have been independent for many years. Some gave the example of

Rwanda. I think it is a question of political will.

In Rwanda, it is a policy that has not been developed in all our regions, which is what they call homegrown solutions. If anyone waits for solutions to come from the World Food Organisation, FAO, United Nations, I believe we will stay exactly where we are forever and that is what actually the international organisations would like to see happen, because they have food to sell.

Hon. Ngenzebuhoro gave an example of Burkina Faso. It was chased in one year through the policies and decisions taken by the then government and President of Burkina Faso, Captain Thomas Sankara. Among the reasons he was assassinated was the ability to change what had not been done before him for years.

Those powers who were interested in seeing candidates in Burkina Faso remain what they are so that they can continue plundering their raw materials including Uranium would prefer to have a country that cannot feed itself so that they can continue to supply their food and eventually have them at ransom. That was the Burkina Faso example that was given by my colleague, hon. Ngenzebuhoro.

Concerning East African Community, I believe that motions, resolutions and laws are very good but implementation is a problem. If you check in the drawers of the ministries of agriculture, you will find decisions and resolutions, which were taken years ago and which have not been implemented. It is really a pity.

I say here again that for as long as we do not create a nation state to be able to mobilise the whole population of a nation, we will reach nowhere.

Anyway, I support this motion and hope that this one will be implemented. Thank you very much.

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

**Mr Sebalu:** Thank you very much, Mr Speaker. I would like to recognise with appreciation the Members who have contributed to this motion.

First, I also want to put it on record that Mr Speaker, all the relevant documentations regarding this motion were provided and done so in good time so that Members can be able to follow form an informed position. I wanted you to take note of that.

Allow me, Mr Speaker, to thank with appreciation hon. Isabelle for the input and the information she also provided to enrich especially quoting from that report and the statistics therein

Allow me also to thank hon. Nakawuki for her engagement and especially the dimension of the investment and the interest rates, access to credit. Those are matters that really make life difficult for the smallholder farmers and the best practice that she picked from one of the Partner States.

Hon. Ngenzebuhoro, I thank you for your intervention. You indicated that you needed some technical assistance on some matters, which I will gladly give. CAADP is simply Comprehensive Africa Agricultural Development Programme so it is an instrument of Africa in terms of how we need to look at agriculture as a strategic part of our economies. All the individual Partner States are supposed to apply that instrument as a way of catalysing agricultural development in their respective countries and collectively in the entire continent.

The second one was ASAL that is Arid and Semi-Arid Lands – *(Interruption)*-

**Mr Ngenzebuhoro:** Clarification. That one was already said. It is the other word, which is – *(Interjection)* -

**Mr Sebalu:** In the interest of time, Mr Speaker – *(Interruption)* -

**The Speaker:** Hon. Frederic, the point here is that the abbreviations in the main text be put clear. These things are used in the context of the motion and the attachments, which are already here attached to the motion.

For simplicity and for the *Hansard* maybe, hon. Sebalu, you can mention that in passing.

**Mr Sebalu:** In conclusion, Mr Speaker, I just want to call upon the Council of Ministers – Before I do that, hon. Nakawuki, the idea of sensitising the masses is indeed very critical because more a time we bring certain policies and get them implemented without getting the people on board. It is very important for the people to understand, appreciate, own and be able to champion certain interventions with the full knowledge of what they intend to gain and what it stands for in terms of the country so it is an aspect that is very important.

Finally, Mr Speaker, I just want to call upon the Council of Ministers to take this resolution very seriously. And as regards the prayers that were forwarded to the Council of Ministers, I ask them to be kind enough and find space for it during the forthcoming Summit so that they bring it to the attention of members of our Summit who are our heads of state so that we create a unique way of dealing with some of these continental commitments as a region where we can be able to achieve 100 per cent compliance. That will be a best practice and it will cast us in very good light.

Finally, Mr Speaker, I would like to thank you and the entire House for



having listened to the voices of the farming communities of our region. We are their representatives we are their legislators, we do oversight on their behalf and therefore, listening to their vices and projecting them in a manner using our vantage position is something that we must be proud of and it is something to write home about.

Mr Speaker, I beg to move.

**The Speaker:** Thank you very much, hon. Mike Sebalu. Honourable members, the motion before this Assembly is that this Assembly do resolve that the EAC Partner States fast track domestication of the Malabo declaration and its commitments. I now put the question.

*(Question put and agreed to.)*

**The Speaker:** I would like to congratulate hon. Mike Sebalu for consistently pushing for the agricultural development in the region. I thank you so much.

**MOTION FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAC PARTNER STATES TO PROTECT THE RIGHTS AND FREEDOMS OF ALBINOS**

**Ms Shy-Rose Bhanji (Tanzania):** Thank you, Mr Speaker for giving me this opportunity. I would like to move a motion for a resolution of the Assembly to urge EAC Partner States to protect the rights and freedoms of persons with albinism. I beg to move.

**The Speaker:** Seconders? Hon. Ussi, hon. Kizigha, hon. Maryam and all the Members standing. Please proceed to read your motion and justify.

**Ms Bhanji:** Thank you, Mr Speaker. I stand here in support and in defence of people with albinism. There is no doubt that these are human beings –

**The Speaker:** Can you please read the motion then you justify later?

**Ms Bhanji:** I beg your pardon, Mr Speaker. I will read the motion.

A motion for a resolution of the Assembly to urge EAC Partner States to protect the rights and freedoms of persons with albinism.

*“WHEREAS Article 6(d) of the Treaty for the establishment of the East African Community enjoins the EAC Partner States to uphold among others the fundamental principles of good governance including adherence to the principles of democracy, the rule of law, social justice, equal opportunities, gender equality as well as the recognition, promotion and protection of human and people’s rights in accordance with the provisions of the African Charter on Human and Peoples’ Rights;*

*BEARING IN MIND Article 2 of the African Charter which guarantees every individual the enjoyment of the rights and freedoms recognised in the African Charter regardless of the race, ethnic group, colour, sex, language, religion, political or any other opinion, national and social origin, fortune, ... or other status;*

*FURTHER BEARING IN MIND Article 18(4) of the African Charter which provides that the persons with disabilities shall also have the right to special measures of protection in keeping with their physical or moral needs in addition to Article 23 of the Protocol to the African Charter on Human and Peoples’ Rights on the rights of women in Africa which provides for the special protection of women with disabilities;*

*COGNISANT of the fact that the principles proclaimed in the Charter of the United Nations recognise the*

*inherent dignity and worth and the equal and inalienable rights of all members of the human family as the foundation of freedom, justice and peace in the world;*

*RECOGNISING that human rights and fundamental freedom are universal, indivisible, independent and interrelated and that the rights of every individual are recognised in global human rights instruments which include among others, the Universal Declaration of Human Rights, the International Convention on Economic, Social and Cultural Rights and the International Convention on Civil and Political Rights;*

*AWARE that persons with albinism have continually been discriminated against in regard to employment and access to educational, social and financial services;*

*FURTHER AWARE that there is increase systematic violence, brutal attacks and maiming of persons with albinism who are highly targeted for ritual killings due to the myth and misconception that their body parts are a source of wealth and good charms;*

*RECALLING a resolution guided by the African Charter for Human and Peoples' Rights, resolution number 253 of 2013 on the prevention of attacks and discrimination against persons with albinism;*

*APPRECIATING that the national constitutions of the East African Community Partner States recognise the fundamental human rights and freedoms and the enjoyment of these rights without discrimination;*

*NOTING that specific interventions need to be urgently instituted and appropriate legal and institutional frameworks developed to curtail the ritual killings and discrimination*

*against persons with albinism in a bid to restore their dignity and guarantee the enjoyment of their rights and freedoms;*

*NOW THEREFORE be it resolved by this Assembly that:*

- 1. The Assembly condemns all forms of discrimination and attacks against persons with albinism, ritual killing and trafficking in persons of people with albinism in the East African Partner States;*
- 2. The Council of Ministers impresses upon the Partner States to urgently prioritise ... actions for persons with albinism by coming with enhanced interventions that will guarantee the protection and enjoyment of the rights and freedoms of persons with albinism including guarantees of access by persons with albinism to quality and free or affordable sunscreen lotion, low vision assistive devices and proper health services, in particular, early skin cancer detection and prevention as well as eye care services;*
- 3. The East African Community Partner States also prioritise affirmative action for persons with albinism for purposes of addressing long history of marginalisation, in particular in matters related to education, employment, economic empowerment and decision making;*
- 4. The East African Community Partner States take effective measures to eliminate all forms of discrimination against persons with albinism and increase education and public awareness raising activities;*
- 5. The East African Community Partner States enforce compliance to the ... of impartial and speedy*

*and excessive investigations into attacks against people with albinism, the prosecution of those responsible and by ensuring that victims and members of their families have access to appropriate remedies;*

6. *The East African Community Partner States institute a collaborative partnership with the civil society organisations, the private sector or any actors with a view to eliminating stigma against persons with albinism and promoting the rights, dignity and living conditions of persons with albinism in our region;*
7. *The East African Community Partner States promote, in collaboration with relevant regional and international organisations, bilateral, regional and international initiatives aimed at promoting the rights, dignity and living conditions of people with albinism in the region."*

I beg to move, Mr Speaker.

**The Speaker:** Thank you so much, hon. Shy-Rose. I know you may want to give some light justification to your motion but Sergeant-at-Arms, please can you help me bring the Members who are consistently consulting outside not to affect our quorum in the House? Honourable please briefly talk to your motion.

**Ms Bhanji:** Thank you, Mr Speaker. I stand here in support and in defence of people with albinism. There is no doubt that these are human beings like all of us here in East Africa and beyond. People with albinism must live as long as possible, as long as God's wish just like any and every one of us. Doing anything otherwise to shorten their lives

is a criminal offence and is not acceptable.

Mr Speaker, in the holy books of the Quran and the Bible it says, "Thou shall not kill." However, in some parts of East Africa – (*Interruption*)-

**Ms Ussi:** Thank you, Mr Speaker. I just want to give information to hon. Shy-Rose that in the Koran it says if you kill one person; it is equivalent that you have killed the whole of humankind in the world. Thank you, Mr Speaker.

**Ms Bhanji:** Thank you, hon. Maryam for your information, which I think, is also very important for all of us to understand that if we kill one person, it is equal to killing the whole of mankind.

Mr Speaker, as I was saying, in the holy books of the Koran and the holy Bible, it is said that thou shall not kill. However, in some parts of East Africa, notably in Tanzania and Kenya, we are committing this crime of killing our brothers and sisters who are people with albinism for selfish reasons.

These killings are because of negative beliefs that the usage of albino body parts can be used to bring good fortune or good luck or we can become rich.

Mr Speaker, in this age and time, superstition and witchcraft – (*Interruption*) -

**The Speaker:** Hon. Shy-Rose, sorry for the intervention again. Can the Sergeant-at-Arms tell the Members who are outside to come back to the House without interrupting our normal proceedings? Hon. Shy-Rose, proceed.

**Ms Bhanji:** Thank you, Mr Speaker. As I was saying, in this age and time, superstition and witchcraft should have no place in our society. It is very sad and unfortunate that some people think that using parts of people with albinism

can help them in search of good luck, fortune or whatever professional triumph they are looking for.

Mr Speaker, this is the age of science and technology and all of us must fully embrace the age of science and technology to bring about development but not going backwards by killing our brothers and sisters for our selfish gains.

Mr Speaker, the charm or a portion made from people with albinism (PWA) body parts are a fiction and are counterproductive and simply a blatant moral mishap. It is also a commodification of PWA. All their body parts should be condemned in the strongest words possible.

Mr Speaker, maiming PWAs is a horrible crime as it leaves our brothers and sisters to become disabled forever. Some of the kids are left homeless, they become orphans and they live in very difficult conditions because every day they are afraid that they are going to be killed. We can all imagine what kind of life that must be.

In Tanzania the prevalence of albinism is estimated to be 1400 people being affected, and as we speak on this motion, almost 100 people have been killed since the year 2000 but maybe the figures are more as some of these cases go unreported and the number looks small.

Mr Speaker, discrimination of PWAs, insecurity and attacks are huge. They are taking place every day in our society but as I said, some of these horrible things go unreported.

**The Speaker:** Hon. Shy-Rose, please summarise because this motion is for Members to debate, right?

**Ms Bhanji:** As I summarise, let all of us wake up and recondition ourselves

that people with albinism are just like us. Any form of discrimination should not be accepted, any form of killing of our people with albinism should also be stopped at once.

Mr Speaker, lastly a very important point is that it is very important for the people with albinism to get relevant health services. This is key because it will help them to go on with life because as it is, they are facing many difficult challenges.

Mr Speaker, I beg to submit.

**The Speaker:** Thank you. Honourable members, the motion before this House is that this Assembly do resolve that the EAC Partner States do protect the right and freedom of persons with albinism. Debate is open.

Honourable members please do not go beyond three minutes.

**Ms Emerence Bucumi (Burundi):** Thank you, Mr Speaker for giving me the floor. Before I proceed, let me first congratulate the new membership hon. Jean Marie Muhirwa and hon. Oda. I welcome them in the new family of EALA.

Mr Speaker, I support the motion especially on the resolution number one to condemn all forms of discrimination and attacks against persons with albinism.

Mr Speaker, when you see how albinos are treated in our society, it looks like they are not human beings. It was a time when a people from the United Republic of Tanzania came to collect albinos in Burundi for which purpose I do not know but the destination was not good for them.

That time, albinos were called *iboolo* in Kirundi, which means something, which is precious and very expensive

like gold or diamonds. To have an albino in your house was a big danger for you because you could be attacked at any time because you have something expensive in your house.

The second issue is that stigmatisation of the albinos. Everywhere that albinos are, people consider them as a wild animal. Some run away when they see albinos.

The EAC Partner States must take effective measures to eliminate all forms of discrimination against persons with albinism and to increase education and public awareness so that such vulnerable groups are protected.

Without saying too much, Mr Speaker, I support the motion. Thank you.

**The Speaker:** Thank you so much, hon. Bucumi.

**Ms Angela Kizigha (Tanzania):** Thank you very much, Mr Speaker. I just want to contribute a little bit about this motion of albinism. According to the report from Amnesty International, it accuses countries like Tanzania, Malawi and Mozambique for failing to protect the albino population.

Albinism is more common in sun Saharan African countries than elsewhere in the world. Superstitions are about conditions especially in Malawi, Tanzania and Zambia. As the mover of the motion explained, this is something, which is very bad. Some people believe that if you have a ... of an albino, you may be rich and any other way of making their lives succeed while they are still human beings which is against the way of the Koran and the Bible.

Some people believe that having sex with an albino woman can cure HIV/AIDS, which also puts the position of the women who are albinos in trouble

because they are always being raped and no one is talking about this matter.

Others believe that bones of albino people can contain gold and medicinal properties, which is also not true. We all know that albinos are human beings like any other.

Others believe that bones can bring wealth and good luck to their daily activities especially during the elections. This has been a common belief for people to think that if you have anything of an albino either their skin, bones, or anything, it can help you to become someone to the public, which is also not true.

Mr Speaker, I support the motion, and I urge all Members to support this motion because I remember that about three months ago when we were in Dar es Salaam hon. Ndahiro tried to bring this motion and it did not go through.

I urge this House to make sure that we all support and also the Council of Ministers to take this motion in good hands so that it can reach the Summit and at the end of the day be assented to for the safety of our people within this region especially in sub Saharan countries which also Tanzania, Malawi and Zambia fall into. I beg to support, Mr Speaker.

**The Speaker:** Thank you so much, hon. Kizigha.

**Ms Maryam Ussi (Tanzania):** Thank you very much, Mr Speaker. First of all let me take this opportunity to thank hon. Shy-Rose for bringing this motion to the House.

Mr Speaker, let me also take this opportunity to congratulate and welcome the new EALA Members from Burundi and Rwanda. You are most welcome.

Mr Speaker, people with albinism used to disappear and people used to think and believe that because of their condition they cannot survive and they are dying but of recent, we have seen that people with albinism being killed and mutilated.

Mr Speaker, let me first commend the efforts taken by a non-governmental organisation called Under the Same Sun for taking interest in protecting people with albinism.

Mr Speaker, let me also take this opportunity to thank the government of Tanzania. It has been pointed out a lot that the albinos have been killed in this land but of recent, the government has been tougher on people who are harming and killing the albino. There is a recent judgement where a person who was convicted of killing an albino child was sentenced to death and death sentences are rarely given here in Tanzania but now the government is sending a message that people should not kill albinos.

Mr Speaker, lastly I would like to say that to remove the stigma, let me appeal to government and non-governmental organisations to give equal opportunities to people with albinism regarding employment.

As it might be my last time to speak as we are coming to an end, let me also take this opportunity to thank you for your leadership and to thank the commissioners because through you...it has been nine years since EALA sat in Zanzibar. So, I would like to thank you and all of you Members who have agreed to come and sit here. Let me urge and pleased that this should not take another nine years for EALA to come and sit in Zanzibar.

Let me also thank our President Dr Ali Mohamed Shein for coming to open our

Parliament and the Rt. hon. Speaker and Deputy Speaker for their hospitality. We hope that Members have enjoyed Zanzibar and we urge you to make this your holiday destination for those Members who are finishing your term. Come and have a holiday, come and invest in Zanzibar.

We have a saying *Zanzibar ninjema. Atakaye aje*. You are most welcome and we hope you have enjoyed Zanzibar. I thank you, Mr Speaker and I support the motion.

**Mr Abubakar Zein (Kenya):** Mr Speaker, one way of defining a society if it is civilised or not or struggling with civilisation is by the way the society keeps the most vulnerable and those who may be perceived to be different from other members of society.

When we demand in this House that the rights of persons with albinism be respected, we are not seeking anybody's favours. We are demanding to extend equal protection under the law to all our citizens. We are saying that the rights of persons with albinism are human rights and these are not negotiable, human rights are not begged for.

We demand for the full recognition of the rights of persons with albinism. We demand extension of protection to all those families that have persons with albinism and communities and we demand for special care, attention and affirmation to be extended to persons with albinism.

We must make it extremely expensive for those who seek to violate the rights of persons with albinism. If there is punishment for murder, let it be double punishment for those who murder persons with albinism. If there is punishment for hate speech, let it be double punishment for those extending

hate speech against persons with albinism. If there is punishment for incitement to violence, those who are in the business of conspiring, influencing, inciting and agitating violence against persons with albinism must face the law fully.

Last but not least, we must also make sure that we zero rate taxation on protection creams that are necessary or the day to day living of persons with albinism.

In addition, we must extend health in terms of saving the vision, particularly of children with albinism so that they are able to live a full life – *(Interruption)-*

**Ms Byamukama:** Very quickly Mr Speaker, I would like to congratulate hon. Shy-Rose and add that apart from problems with eyesight, people with albinism also have problems with skin conditions and they usually get cancer and therefore they need a lot of protection from the sun as well as special lotions. Therefore, these are some of the dignity and living conditions that could also be taken into account. I thank you.

**Mr Zein:** Thank you, hon. Dora and that is what I was referring to as protection lotions or creams and I agree with you entirely that it is absolutely critical for that to be zero rated and in some cases to be bought by the state.

Mr Speaker, I am not trying to pre-empt a debate that will come to this House but I must say this and if I do not, I will go home with a bit of sadness in my heart that I did not say it. Today, the members of the General Purpose Committee led by its wonderful Chair had the opportunity to visit the Kiswahili Commission. What a wonderful place. When we are waiting for the report to come to this House

about our visit there, we must thank the government of the United Republic of Tanzania for hosting this amazing institution in this beautiful island of spice. It is a beautiful land of spices, that is what they say *maracha karafu*.

I also extend our gratitude and thanks to the revolutionary government of Zanzibar for hosting that institution.

Before I sit down, let me thank hon. Maryam and hon. Mwinyi and the Tanzanian chapter for the wonderful hosting of this Assembly in this beautiful island of spices. I thank you.

**The Speaker:** Thank you so much.

**Ms Valerie Nyirahabineza (Rwanda):** Thank you very much, Mr Speaker, for giving me the opportunity to contribute to this very important motion. From the onset, let me thank my sister hon. Shy-Rose for really bringing this wonderful motion.

Before I go further, let me also join my colleagues in welcoming our two colleagues who were just sworn in and I welcome them in this House and I pledge that we will work closely to uplift the lives of East Africans and to meet the expectations of the East Africans who we are representing here.

Mr Speaker, when it comes to the issue of people with albinism, some people including me become speechless because when you see the way, in some places, these people are treated, you just wonder whether some of us are human.

I support this motion first of all because it is grounded in Article 6(d) of the Treaty for the Establishment of the East African Community, which says that the Partner States shall uphold, among others, the fundamental principles of “*good governance, including adherence to the principles of democracy, the rule of law, social*

*justice, equal opportunities, gender equality as well as recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' Rights."*

Mr Speaker, we were given a task to go and identify people with albinism in some families, be it in their respective families but also in some foster families because some families happened to have adopted or taken in many ways these people with albinism.

The report on what we saw on the ground was not pleasant at all. Some parents and even some foster families had gone up to hide those people and thus, they have been denying them from enjoying their full potential rights, specifically the right to life.

They were hiding them so that nobody sees them but in another way, some of them were pretending to protect them because they were afraid that people would come and take them away.

The day before yesterday we were debating that important Bill which was passed by this House, brought by my good sister and friend, hon. Dora Byamukama, on trafficking in persons. These people with albinism, wherever we went, we noticed that they have been subjected to trafficking in persons for different reasons.

We have seen that according to different reports out there, people are trafficked for many reasons, one of them being to be reduced to slavery or sexual harassment but for these people with albinism, they are trafficked simply because the traffickers want to sell their body parts. Their body parts have become like trade-able goods.

Mr Speaker, this is an issue which needs to be dealt with seriously so as hon. Zein put it clearly, these people need

special care. They need attention and love and our governments have to take serious measures not only to protect them but also to make them enjoy their potential rights like any other person.

We are all equal and the first obligation of our state is to create a conducive environment for all of us to live in a country and in a region, to enjoy our rights without being denied any one of them.

When it comes to education, I was very surprised that when we went to oversee some areas, we were told that specifically children with albinism – those who are hidden in houses or in bushes, could not go to school. For some of them who can go to school, due to some physical problems, which are also permanent as hon. Shy-Rose put it, they cannot be educated the way other people are.

In some classes, they are stigmatised, they are put in a separate class, they are not authorised to be with others or whenever they mix with other students, they cannot undertake any activity like their colleagues are doing.

Therefore, I call upon our governments. I am very happy that some countries have started or have already made some steps ahead and people with albinism are enjoying their rights, as they should. However, I call upon our states to harmonise whether it is a legal framework or policy or whether there are other specific measures be it institutional for those people to feel like they are not abandoned, to feel like they are all of us and to be given that right to be educated so that tomorrow they also become the future leaders of this Community.

Mr Speaker, I would like this Assembly to seriously condemn those parents or whoever is involved in that aspect of



hiding them. Let them enjoy. Let them play with others; let them do whatever they want. Let them feel free and this motion says clearly that this Assembly should urge EAC Partner States to protect the rights and freedoms of albinos.

I think we should raise up our voices and call upon our government to act accordingly with the support of all of us. I thank you, Mr Speaker and I support the motion. I once again thank my sister, hon. Shy-Rise for your good heart and for bringing such an important motion. Thank you.

**The Speaker:** Thank you so much, hon. Valerie. Honourable members, I have recognised hon. Nengo, hon. Dr Odette, hon. Martin Ngoga, hon. Frederic who wanted to contribute to this motion. You know today is our last day and we need to dispose of all items on the Order Paper and in a few hours, I am supposed to be leaving this chair to go and represent you in the IPU meeting in Geneva so allow me to halt debate at this point and allow hon. Shy-Rose to respond. Thank you so much.

**Ms Bhanji:** Thank you, Mr Speaker. Let me take this opportunity to begin by thanking you, Mr Speaker for allowing this important motion to appear on the Order Paper.

I also want to thank the Office of the Clerk for their support in drafting this motion and all the preparations therein.

Mr Speaker, I also express my sincere appreciation to all honourable members for passing this crucial motion which will seek for ways of EAC Partner States to join hands in defence of people with albinism and to fight all the elements of stigma, discrimination and killing of PWAs.

Also, I owe my sincere gratitude to my brother, hon. Abubakar Zein and hon.

Nusura Tiperu for seconding my motion.

Similarly, I want to thank wholeheartedly the support that was given to me by the deputy minister in the Prime Minister's Office in the United Republic of Tanzania, Dr Ali Possi who gave me a lot of insight concerning this topic on people with albinism.

Mr Speaker, for your information, Dr Ali Possi was appointed by the President of the United Republic of Tanzania, His Excellency Dr John Pombe Magufuli as a Member of Parliament but on top of that, Dr Magufuli also appointed Dr Possi to become the Deputy Minister, Prime Minister's Office in charge of disability. Dr Possi is also one of the people with albinism.

Mr Speaker, I also want to thank Miss Vicky Ntetema, a strong activist fighting for the rights of people with albinism. She gave me a lot of knowledge and advice concerning this motion.

Mr Speaker, allow me to recognise honourable members who contributed to this motion: hon. Emerence, hon. Angela Kizigha, hon. Maryam Ussi, hon. Abubakar Zein, hon. Dora Byamukama and here I would like to agree fully with the proposals made of zero rated taxation on all the health kits for our brothers and sisters who suffer from albinism.

I would also like to recognise the contribution from hon. Valerie Nyirahabineza. Mr Speaker, I do not think I have forgotten anyone this time. I want to thank all of you for supporting this motion. God bless you all.

Lastly, I would like to congratulate the new Members from Burundi and Rwanda and I wish to welcome them to

this august House. *Tuna wakaribisha sana. Asante sana*, Mr Speaker.

**The Speaker:** Thank you so much, hon. Shy-Rose. Honourable members, the motion before this House is that this Assembly do resolve that the EAC Partner States do protect the rights and freedom of persons with albinism.

*(Question put and agreed to.)*

**MOTION FOR A RESOLUTION OF THE ASSEMBLY URGING COUNCIL TO ESTABLISH A POLICY FRAMEWORK TO SUPPORT MEMBERS OF THE ASSEMBLY AND OTHER STAFF OF THE COMMUNITY WITH SPECIAL NEEDS AND REQUIREMENTS**

**Dr Odette Nyiramilimo (Rwanda):** Thank you, Mr Speaker. I beg to move for a resolution of the Assembly urging the Council of Ministers to establish a policy framework to support Members of the Assembly and the staff of the Community with special needs and requirements.

“WHEREAS Article 6(d) –  
*(Interruption)* -

**The Speaker:** wait a minute, Dr Odette. Seconders? Hon. Bucumi, hon. Shy-Rose, hon. Nengo, hon. Leonce, hon. Dr Martin and all the Members standing. Hon. Dr Odette, proceed.

**Dr Nyiramilimo:** Thank you, Mr Speaker.

*“WHEREAS Article 6(d) of the Treaty for the establishment of the East African Community provides that the fundamental principles that shall govern the attainment of the integration objective shall include good governance including adherence to the principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality as well as the*

*recognition, promotion and protection of human and people’s rights in accordance with the provision of the African Charter of Human and People’s Rights and;*

*WHEREAS Article 14 vests the Council of Ministers with policy powers for purposes of approving EAC policies and recommending the Budget of the Community under Article 132 of the Treaty;*

*CONSIDERING that Article 2 of the African Charter on Human and Peoples Rights enshrines the principle of non-discrimination on the grounds of race, ethnic group, colour, sex, language, religion, political or any other opinion and national origin, social origin, fortune, birth or other status;*

*FURTHER CONSIDERING the same charter under Article 18 provides that the family shall be the natural unit and ... of society, it shall be protected by the state, which shall take care of its physical health and morals. The state shall have the duty to assist the family, which is the custodian of morals and traditional values recognised by the Community. The State shall ensure the elimination of every discrimination against women and ensure the protection and the rights of the woman and the child as stipulated in international declarations and conventions. The aged and the disabled shall also have the right to special measures of protection in keeping with their physical or moral needs;*

*ACKNOWLEDGING that the above principles have been developed into the Community by the Treaty for the establishment of the East African Community;*

*DESIROUS to mainstream these principles in the organs and institutions of the Community;*

*APPRECIATING that in the last review of the Rules of Procedure of the Assembly, provisions were made to cater for the facilitation of Members with disabilities to allow true participation of Members with disability in the affairs of the Assembly;*

*CONCERNED that such facilitation is not extended to members nursing children and older Members in the Assembly;*

*NOW THEREFORE THIS Assembly do hereby resolve to:*

- 1. Urge the Council to urgently address a policy to cater for the special needs and facilitation for employees of the Community;*
- 2. To direct the Committee on Legal Rules and Privileges to expeditiously make proposals on provisions that are necessary to facilitate Members during pre and post-natal stage and/or involved in nursing a newly born child or children to effectively participate in the affairs and activities of the Assembly;*
- 3. To direct the Committee on Legal Rules and Privileges to make specific proposals to cater for the special needs of the elderly Members of the Assembly to effectively participate in the affairs and activities of the Assembly. The proposals should be forwarded by the Speaker to the Chairperson of the Council of Ministers for consideration and adoption."*

Mr Speaker, this motion is a motion from the General Purpose Committee. We sat as a committee and we agreed that we should move a motion to cater for Members in need and for staff in need as well.

Whereas the African Charter on Human and People's Rights in its Article 2 states the

principle of non-discrimination on the grounds of race and all these but also on the grounds of sex. In this Assembly, should a woman be deprived of her rights of full participation to the proceedings of the Assembly on the grounds that the woman has delivered and gave birth to a child which has enriched humanity and the Community and which child is going to perpetuate the development of this world?

Should the woman be deprived of the right to nurse and breastfeed the child in order to participate in the activities of the Assembly or of the Community in general? The right to breast feed is a right to all women. In some countries like in Canada, they have put in the Canadian Charter of Rights and Freedoms, the right to breastfeed anywhere, anytime. Even in the Assembly during the proceedings, you can see a woman breastfeeding while taking the floor and participating fully with the child.

Therefore, Mr Speaker, I think it is high time that we consider the matter. I can tell you that I personally suffered that discrimination when I was breastfeeding when I had my last-born. He was three months old and that day the Minister of Health, because I was then working in a hospital and teaching in the medical assistants' school - the minister called me and said, "You have to go to Arusha for a workshop." I told him, "Minister, I am still on maternity leave and I will finish my maternity leave within two days but I am breastfeeding." He told me, "You women are claiming to be equal to men. Now I am sending you to a workshop outside the country and you start complaining. What is it? You have to go there."

I accepted to go, but I asked for facilitation so that I could take my baby with me as well as a nanny to help me when I am sitting in the meeting. The minister refused. I had no money to buy a ticket for a nanny or for the baby or even to make other arrangements in the two or three days that I was given. I travelled, but first of all, I could not follow

what was going on in that meeting. I suffered physically because of all the milk that I was holding and psychologically. I spent the whole week sleeping in that dormitory of ESAMI, somewhere in Arusha and I thought that women should really be given their full rights and the children themselves should be given their rights.

If I go to the rights of the child, the World Health Organisation has taken a decision that every child should be breastfed up to 6 months of life at least because that is not only good for the nutrition of the new born but also - (*Interruption*)-

**Dr Nduwimana:** I wish to mention that that organisation proposes and that proposal is adopted by all countries all over the world. It is to breastfeed exclusively up to six months. I wish to bring in the 'exclusively', which means that nothing else except breast-feeding for the first six months.

I mean that every new born has the right to be with his or her mother all the time. Short of all, the breastfeeding fails. Thank you.

**Dr Nyiramilimo:** Thank you, hon. Dr Martin. Yes, the child should breastfeed exclusively for the first six months because that protects the child against all the diseases, the antibodies that are needed to fight against any infection and it helps the child to develop his own immunity. Therefore, it is very important that the child breastfeeds.

The UN Convention on the rights of the child in Article 4 says that the government has the responsibility to make sure that the child rights are protected; it must help the family to protect child rights and create an environment where the child can grow and reach his or her full potential. That is the UN convention.

In Article 18, which is about the right to be raised by parents, what is happening currently in our Community is really a

problem because every woman who delivers while working or EAC does not have any right at all. They suffer a lot.

I beg all my colleagues to support this motion so that we urge the Council of Ministers that without any delay, they put that policy in place to support the breastfeeding women. Also, in the pre-natal period, it can be very difficult for a pregnant woman to travel to some places and some distances and do some work. So all these should be considered.

About the elderly, when somebody is aging, sometimes they would have some needs that are also not catered for. If in some offices you have to climb up to the seventh or sixth floor or even third floor, a person of 70 years of age might find this very difficult.

Sometimes they might need wheelchairs as well as many needs that can be catered for when needed.

Without much ado, I would wish that we all support the motion and make sure that people working for the Community are in normal conditions. Thank you, Mr Speaker.

**The Speaker:** Thank you, hon. Dr Odette for the motion. This motion is long overdue. This policy should have lived with us from the inception of the Community.

Honourable members, the motion before this House is that this Assembly do resolve that the Council of Ministers establish a policy framework to support Members of the Assembly and other staff of the Community with special needs requirements. Debate is open.

**Ms Emerence Bucumi (Burundi):** Thank you, Mr Speaker for giving me the floor to contribute on this motion, which is very important for Members of EALA, staff and us.

Mr Speaker, we do not have such provisions since EALA existed. For me it

was a big mistake. Maybe it was so because the number of people who were concerned by this issue was very small to be considered.

For example, I remember during the Second Assembly that only two women gave birth. For this Third Assembly, for more than four years, two women did and still need special facilitation - *(Interruption)* -

**Mr Zein:** I would like to give information to the honourable member and I accept her statistics but to indicate that a number of honourable members became fathers during that period as well - *(Laughter)*.

**Ms Bucumi:** Thank you, my brother for that information. I was saying that even if it is so, the African Charter on Human and Peoples' Rights is clear on the issue of non-discrimination against women and on the issue of protection of the rights of the woman and child.

Not having facilitation is discrimination itself. Imagine when one is about to travel for plenary, how the mother is obliged to pay the air ticket for the baby and also for the assistant, the accommodation of those two people and so on. This is too much for a mother like me.

I hope and I do not have doubts that all of us support this motion. This is why it is stipulated in the resolution number two that the Committee on Legal Rules and Privileges needs to make a proposal expeditiously on provisions that are necessary to facilitate Members during pre and post-natal states.

Mr Speaker, we need to have such provisions so that our colleagues benefit from that facilitation before it becomes late.

Before I conclude, if the Chair of General Purpose Committee allows, I could propose a correction on page two on the top to replace 'disabled' with 'people with

disability'. I thank you, Mr Speaker and I support, once again, this motion.

**The Speaker:** Thank you so much, hon. Emerance. Honourable members, as you debate, it is important for me as the Chair of the Commission to inform the Assembly that this matter has been before the Commission. We wanted to have an internal policy as the Assembly and we therefore instructed the Clerk of the Assembly to find out whether it is within our mandate as an Assembly to come up with such a matter.

What seems to have come out technically from the Office of the Clerk is that this is a matter of Council and I want to thank the Chair of General Purpose for bringing this up as a motion.

**Ms Maryam Ussi Yahya (Tanzania):** Thank you very much, Mr Speaker. Let me take this opportunity to thank my Chair of General Purpose Committee, hon. Odette Nyiramilimo for bringing this motion forward.

Mr Speaker, EAC at this level is in the 21<sup>st</sup> century and we should adopt what the Ugandan Parliament has decided to put for nursing mothers. The Ugandan Parliament has put a place where a new-born baby and mother can go, rest, and breastfeed. This Parliament is within the EAC Partner States so we should adopt this in one of our policies.

Mr Speaker, it is obvious that parliaments of previous years, maybe in the 40s and 50s that it was not common for young Members to be in the parliamentary building. Now as we develop, it is much more prominent for the Council to consider having a policy to help mothers.

Why am I saying this? I would like again, because it was long time ago, to take this opportunity to thank this Parliament because when I joined this Parliament, I had my third child in 2013. I was a new Member but this Parliament, with its solidarity, took

the time to put the motion in this Parliament, which I was not aware of because I was not around but they made sure that I was catered for.

I am forever grateful and I did not want to speak but I wanted to stand and speak as a live testimony that without help, a young EALA Member will suffer. This is because sometimes when we pass things here, when they reach the Council level, those privileges that we ask are sometimes seen as a luxury but I have no choice but to leave my child at home and come back to conduct EALA business because I have been elected just for five years.

If I say no, I will have to stay for maternity leave for six months or one year to nurse my child; I will have no choice but to leave that baby.

I am not saying that we should be facilitated for the whole year but at least for the first three or six months whereby a Member needs to come for the parliamentary sessions but they need to pay for all the amenities by themselves to come and conduct EALA business.

Therefore, I believe that it is time for this policy to be formulated. In reality, it discriminates the young Members if this policy is not in place.

Mr Speaker, lastly let me also say that I know this policy is needed not only of nursing mothers. This policy is also for the elderly and disabled. I would also like to thank the administration of EALA because one of our Members we can see that he has been helped. Since I have been here I could see that help was provided for her and I believe that it was because of the administration of EALA and because that policy is not there.

We need this policy for not only mothers because I cannot stand here and say that this is only for mothers but also for coming mothers. For us we have already stopped and we are a nuclear family but for coming

mothers, for the elderly who are coming in the future in this Parliament. They should not be discriminated against.

Mr Speaker, I support the motion.

**The Speaker:** Thank you, hon. Maryam.

**Ms Nusura Tiperu (Uganda):** Thank you very much, Mr Speaker. A mother is a mother regardless of where you come from, which race you belong to. The conditions that you go through giving birth are similar.

I want to congratulate you in the first instance because you are seated there and it is during your time that a motion has been brought for this matter to be handled in a more holistic manner.

We have all suffered the challenges of being a mother while serving as a Member of Parliament. It is sad because EAC is a regional body and we believe that the EAC should be able to follow some of the International Labour Organisation principles, the UN principles, among others, and be exemplary so as to make the working conditions attractive enough for people to feel that they can leave their countries and come and serve at the regional level.

Mr Speaker, as mothers, we have survived because of the good will of your office and at times, I sympathise because it is as we push you so far that of somebody was to go deeper, we would be in courts of law being questioned as to why you sometimes give favourable treatment to the women.

The time is now. I hope that we suffered on behalf of the rest to be able to highlight the issues.

Mr Speaker, if the babies we had were able to talk, you would be crying today. We have had cases of leaving a child for a week or two and while you are here, your breast milk is so packed up that we have had to squeeze part of that milk to extract it out. We have had to be in pain while we are

seated in these chambers and the children back home are suffering such that even as a mother while you are seated here, your mind is back home.

We have had cases where when you go back, the child rejects the milk, and so at the age of one month, you have to remove this child from breastfeeding and so the child is denied the nutrients that come with breast milk.

We talk about the value of breastfeeding but we are the example of the mothers who have tortured our babies without giving them the good breast milk that my mother in the village gave me to be what I am today. Therefore, the problem is real.

Members have had to touch in their pockets to come with a baby sitter. Sometimes, some of the Members have had to come for sessions and the child is left in the car. You may not know what will happen or if there is overheating in the car; you are here but worried whether the child suffocates.

EAC has come up with the wonderful structure but up to today, we do not have a baby care centre. I am surprised that we have to talk today but this is a message to the Council that within the structures of EAC, let there be a top of the range childcare facility so that the Members of Parliament and the staff who work for the Secretariat can carry along their babies, leave them playing while you are serving the region.

Mr Speaker, hon. Maryam put it clearly that this is against the young people. We are talking of about 143 million people in East Africa who are largely young. To have no care for maternity is an indication that young people should not be seated in this Parliament. To have no facilities for women is an indication that the East African Parliament or the Secretariat is an organisation that is meant for the men.

Hon. Zein put it clearly that we had fathers here and I want to congratulate them for the

good job done. Apart from the celebrations that came with the news that they had had babies, there was no fundamental effect on their performance as Members of Parliament here because somebody back home was doing the job.

It is high time that my honourable auntie, hon. Odette's motion, is highly supported and that this Community, through this Parliament looks into the facilities or the legislation on issues of maternity in our Member States. We are complaining but the same case could also be happening in our Partner States.

In that regard, let me thank the Speaker Rebecca Alitwala Kadaga, your mentor, Mr Speaker, for having provided the women of Uganda and the people of Uganda with a childcare facility in the Ugandan Parliament. We should follow suit and even the other regional parliaments and organisations of all nature in the region. It is high time everybody made it clear that as East Africa, we care for our children, we support our women and that we want them to be more valuable and do better work at least by ensuring that what comes with the issue of child bearing is taken into consideration.

In conclusion, I am passionate about this because it is as though we are against the laws of nature. It is written in the books that ... subdue the world. According to statistics in this House like my sister, hon. Bucumi said, we are not doing so well and I believe – *(Interruption)*–

**Ms Nyirahabineza:** Thank you, Mr Speaker. The information I would like to give is that some of us have breached that principle simply because that facility is not there. So kindly bear with us and I urge Council to take this issue seriously so that we can resume.

**Mr Ndarubagiye:** Thank you very much, Mr Speaker. Is it in order that the mover of the motion quoted the books when actually

the book was written or decided when there were only two persons on earth that was Adam and Eve? Shall we continue to be the same? If it is correct...

**The Speaker:** Hon. Leonce, it is true that God in His wisdom for perpetuity of human nature gave the responsibility to man to procreate and effectively fill the world and we have taken strong note of the information from hon. Valerie of our inadequacy becoming an impediment to the order of God. Thank you so much.

**Ms Tiperu:** Mr Speaker, I thank the honourable members for their information. I will conclude by saying that indeed, we are not doing well, and I believe it is because of the facilities that are here in our working environment that some of the people could, among others, have opted not to fulfil the obligation that has been commanded to them by the Almighty God.

Mr Speaker, I am also glad that –  
(*Interruption*)

**Dr Nduwimana:** I would like to give information that there is a lot of data and it is well known that when there is a policy implemented in order to facilitate breast feeding including facilities offered in work places, those policies have shown that they are cost effective economically, financially and of course in terms of health for the mother and the child.

Therefore, I cannot support enough the proposal of my young sister who is still active to request those facilities and that policy. It is very important and crucial. Thank you.

**Mr Sebalu:** The information I want to give my sister is she referred to the issue that the male MPs here could go through such situations without physically being distressed but the information I want to give is that it might not be physical to see the stress but it is affected in other ways.

It could be the bank balance, the requirements that are needed and that goes into the difference between panic, tension and stress. Panic is when the wife is pregnant and looking at how to manage the situation. Tension is when the girl friend is pregnant. How will it be manoeuvred? Stress is when both are pregnant.

**Ms Tiperu:** Mr Speaker, let me conclude by saying that this noble motion will go a long way in reducing stress because I believe the fathers will have an opportunity to go for paternity leave and it will also go a long way in helping some of those in dire need like I have seen hon. Leonce at times when we come and he finds difficulty in using the bus with us and he has had to use his own means to find a more comfortable car to come for sessions especially when we are alighting between the airport to our hotel venues.

With those remarks, Mr Speaker, I wish to support the motion and urge everybody to do the same.

**The Speaker:** Thank you, hon. Tiperu.

**Mr Zein:** A procedural motion, Mr Speaker. Looking at the clock, it is almost 15 past the hour so under 84(1), I would seek to move that we continue sitting until we finish, particularly given that the next speaker is going to make her maiden speech. We should allow for us to sit until we conclude on this very important matter and I hope that you will be able to give a few men to also speak so that this is not seen to be a women's motion.

**The Speaker:** Thank you so much, honourable member. Honourable members, hon. Zein has moved a motion seconded by hon. Ogle and hon. Nakawuki that we extend our time to allow conclusion on this matter before the Assembly. I put the question.

(*Question put and agreed to.*)



**The Speaker:** We will extend to allow us conclude this and also as I told you, I have to catch a flight to head to represent you in Geneva in the IPU so let us give the honourable member the space and we be brief.

Honourable member, you have latitude to make your maiden speech.

**Ms Oda Gasinzigwa (Rwanda):** Thank you, Mr Speaker. I would like to support the motion and start by supporting the previous honourable member by saying that this is not a women issue but a family issue, it is a gender issue and I think that the men in the room would agree with me that we have moved beyond looking into women issues as women issues.

I have happy as I am sitting in this Assembly for the first time to see how the Members are so gender sensitive.

I will speak briefly because of the time but I would say that this is a sensitive matter and as someone who was blessed to work and lead the gender observatory in my country, we have seen a lot of issues when we talk about the right of participation of young girls, women and other marginalised groups although we do not believe that women are a marginalised group.

I wanted to say that it is high time that we move towards looking into the practical issues like this motion and go into what happens after putting the clause of equal rights in participation, equal rights in decision making- How can you be part of it if there are some issues hindering you.

I think this motion is very important even in our Member States and it is practical. I heard in the morning one of the colleagues saying that the issue is on the implementation but I want to say that if this policy is in place, I think we have many examples in our Member States where for example in Rwanda we have what we call early childhood development centres. These centres are now moving to the work

place and I think many Members here have been talking about it.

I do not want to take much of your time, I think there will an opportunity to discuss it in detail, if I am not wrong and Mr Speaker, if you allow, as I am taking this floor for the first time as a new Member, I would like to take this opportunity to thank you in particular for the warm welcome, to thank my colleagues – now I can be strong and say my colleagues – for the warm welcome and I can assure you that I will take this opportunity to work with you as a team member and move the agenda of EAC forward. I thank you.

**The Speaker:** Thank you so much, hon. Oda for the great insight on the issue on the table and the appreciation you have extended.

**Mr Abubakar Ogle (Kenya):** Mr Speaker, I also wish to take this opportunity to congratulate the two new Members who have joined us and in particular hon. Oda. I think she is very much in order to have made her maiden speech because I have sat in this Assembly for about four and a half years and there are certain Members who have yet to make their maiden speech. I do not need to go beyond that.

Therefore, for her to be sworn in this afternoon and to make her maiden speech immediately, I think she is perfectly in order. Congratulations.

Mr Speaker, speaking to the motion, I was initially at a loss because I thought it was being presented as a motion of the Committee of General Purpose and I was going to take a different position that was going to put me in a very bad situation because I cannot object to the report of the committee I belong to unless I did a minority report.

However, I am consoled by the fact that this is a motion moved by a Member and it has nothing to do with the committee so I will accordingly take my different position; the

very position I articulated when this matter came for discussion before our committee.

Mr Speaker, I am opposed to the body of this motion. Special needs. Who determines what those needs are? What do they need? I can understand clear elements like disability. When a person is lame, I can understand. When a person is blind, I can understand. When a person is dumb and deaf, I can understand. Those are clear, self-evident issues. They need help and that is very clear. The way you make it in a very general and broad term like special needs – I think we do not want to have an open-ended situation because my fear is that it is subject to abuse.

I can say, as a Member of this House, that I have an aching knee, I have a bad back, I have some problem with my toe, I am in need of support. Does that include me in this? We really ought to be very careful and manoeuvre through this in a very fine way and in a very clear manner. I am glad that this matter is seized of the Commission and that you are going to develop the policy with wisdom but thinking that there is a policy matter before this Assembly – that is my first point of objection.

Secondly, it appears that the focal point about this motion is about pregnancy and mothers who are giving both. The implication is that we are trying to criminalise pregnancy. We are making it as if it is a sore – These are women performing their natural roles. Delivery is part of their duty. I always say, with due respect, that women – (*Interruption*) -

**Ms Ussi:** Thank you very much, Mr Speaker. I would like to give information to hon. Ogle that in no way are we complaining of having children. We just want to make it easier for us to be able to perform our other duties while we are having young children.

**Mr Ogle:** Thank you very much. I did not say that they were complaining bit the point

I am trying to make is, when a lady becomes pregnant, to use the Swahili word, *lazima nuji panja*. She knows what she is getting into. She knows the process and the results. While we may want to contribute and help a nursing mother, making it a policy for this House and this Community is taking it a bit too far. I am objecting to that. We do not even have to go that way.

You have to avoid the essence of making pregnancy and giving birth a criminal thing that needs to be discussed as a matter of need. The woman is performing that proper natural duty.

With those clear objections, Mr Speaker, unless those fears of mine are allayed in this motion, I want to oppose it very strongly. Thank you.

**Mr Abubakar Zein (Kenya):** Thank you, Mr Speaker. Allow me first to request my brother, hon. Ogle, to understand that we who have disability insist that humiliating terms should not continue to be directed at persons with disability.

Within those who have disability, we reject the word ‘dumb’. The word ‘dumb’ is humiliating, condescending and it takes away our rights as persons with disabilities.

I know my brother because I have lived with him for a long time now that he champions the rights of persons with disability and we thank him for the support but for that word, we would like it not to appear even in the *Hansard* and in the annals of the record of this House so I would move that that word be struck off and removed and expunged from our records.

The Speaker: Note taken.

**Mr Zein:** Secondly, I am a person with disability. It is not political correctness and I am sure about this. You cannot talk about equality and then because of the natural roles that women play, put barriers to their ability to participate in this House fully, or to even climb the ladder of professional

conduct or performance or because they are going to give birth, take their other rights including rights to be treated fairly and equally.

This has been articulated in many world instruments including those of the International Labour Organisation, including the Bill of Rights of all our Partner States, including the Treaty for the establishment of the East African Community.

Let me make two other points and then sit down. One, we must endeavour and strive and work towards making the Community an equal opportunity employer. This means giving the same opportunity to both men and women and this means also facilitating both men and women equally while taking cognisance of other roles that they play in society.

The last point I wanted to make is that this motion is so important that before we even transact the Gender and Equality Bill, which has already gone through the first reading in this House, before we even interact with the Gender Policy within the East African Community, we must live by example. We must lead by example so that we may inspire a revolution in our Community so that both men and women in the Community have equal opportunity to serve this great Community. I submit, Mr Speaker.

**The Speaker:** Thank you so much. I have recognised all Members who want to speak to this motion but I will give hon. Nakawuki. Honourable colleagues, if you could take three minutes each that would be good enough. Thank you, the motion has overwhelming support.

**Ms Susan Nakawuki (Uganda):** Thank you, Mr Speaker. I could not hesitate but contribute towards this motion much as I did not want to.

I would like to thank the Chair for General Purpose Committee for moving this

motion. Also, allow me to thank, in a special way, all the members of the Committee of General Purpose for being so caring.

Mr Speaker, allow me to put it on the record of this House that members of the General Purpose Committee have even fundraised and bought an air ticket for my son on two occasions. I have a three-month-old baby and I have been struggling as a mother to serve the East Africans; to do my job ably.

Mr Speaker, it feels sad when you have a child and then you feel as if you have received a death sentence and I will tell you when any woman has a child and they do not get the help they need, they feel that way.

Mr Speaker, you know the number of times I have been to your office asking for help. Ever since I had my son three months ago, I have been coming to you requesting for assistance for a baby sitter in terms of the air ticket, in terms of accommodation and in terms of feeding. I have been coming to you for assistance for my son to get an air ticket, and in all the attempts, you have not been able to assist because of lack of a policy.

Mr Speaker, it is a human right for mothers to raise their children and for children to be with their parents.

Mr Speaker, I know the challenge apparently is an institutional policy and my first question is what the practice in EALA is because as a regional parliament, we are at the epitome. We are supposed to provide the example and I know for the different mothers who have gone through the East African Legislative Assembly, the help they have received has gone from one Speaker to the other and it has either come as a favour or otherwise but without a policy.

I am not the first one to have a baby in this Assembly and I am not going to be the last one.

Mr Speaker, as a mother, I have challenges other than the tickets. For example, this time we have been here, every single morning I have had a committee meeting. You have to attend a committee meeting in the morning, which ends at 1 o'clock or 1.30 after which you attend plenary which goes to 7 o'clock sometimes but at the same time you have to do your job as a mother.

By the time you leave in the evening, your breasts weigh more than a kilo but you are sacrificing to serve the people of East Africa yet you are not able to get the minimum help you require. This is a plea to Council of Ministers. I know you are parents, you have children, you have nieces and nephews so when I say this, you know what I mean.

Today I left the hotel at 9.30 and left my son because I had a committee activity on General Purpose. Afterwards we had plenary. As I talk, it is past 6.30 p.m. and I am still around but my plea is that I need the help, Mr Speaker.

I appreciate that the report is saying Council should come up with a policy but my question is how long is this taking to take? I need immediate help. I need help in the interim.

For example when I was coming for this plenary, I had to pay almost \$1000 for a ticket for my nanny, I had to pay for a ticket for my son, I have had to pay for two hotel rooms for myself and for my nanny. I have had to feed her and myself. It is all on me and at the same time, my baby has needs. It has been tough and I am seeking an interim remedy as we wait for the policy.

Mr Speaker, I know that sometimes you look at me when I come to you and you also wonder what you should do for me but it is my plea. I am requesting very Member, including members of the Commission. Mr Speaker, when I am at Parliament of Uganda, I carry my baby along in the morning when I am going to Parliament. I

put this baby in the nursery – it is a very beautiful nursery with bay-sitters – I go to Parliament, do whatever work I have to do, I pass by the nursery, I breastfed my baby. It has not been a hindrance for all the time that I was in the Parliament of Uganda but in EALA, it is a big problem.

Mr Speaker, as I wind up, it is my humble request that women in EALA or mothers in EALA should not abandon their babies. Members here have had babies and they have had to start leaving home after three months. It is like abandoning your duty as a mother.

I saw hon. Tiperu leaving her baby behind when he was hardly six months because she did not have the help and I am pushing on. In fact, six months should be the minimum but the appropriate time would be a year. I cannot leave my baby behind when I have to work unless one of these days you will see me missing in the Assembly because I have to give my baby priority and that way I am able to serve.

Therefore, my humble plea is to ask all Members to support this motion and to request Council of Ministers to expedite the issue of the policy and help the mothers and the seniors.

Mr Speaker, when we were in the canteen behind there, I saw hon. Leonce trying to get down the stairs and he could not manage. The good thing is that there was a security man there who came and helped him down the steps. Now I can imagine if he was at the airport rushing to catch a flight and he does not have the help. Therefore, I request that this matter be treated with the urgency and seriousness that it deserves. I thank you.

**The Speaker:** Thank you, honourable members. I will give hon. Dora two minutes so that we can conclude on this matter. This matter cannot be opposed by any Member.

**Ms Dora Byamukama (Uganda):** Mr Speaker, thank you for your indulgence. I

want to support the motion and to add my voice to those who have welcomed the new Members; hon. Oda and hon. Jean Marie.

Mr Speaker, I warmly welcome the new Members and I had the privilege of meeting hon. Oda when we both served as UN experts on UN resolution 13/25 in Tunisia and I have never forgotten our meeting. She is an extraordinary woman and as you have already seen, with extraordinary potential so we are privileged to have her.

I just want to address myself to what has been said here and in particular, to the issue of special needs. I do understand hon. Ogle very well as I usually do but I also want to tell him that when we talk about special needs, these special needs also attract special rights so where you have special needs, you also have special rights to address them.

In this instance, I would like to quote the example of Uganda. The Republic of Uganda's Constitution, which was promulgated in 1995, promotes the rights of women and in particular, it states that taking into account their unique maternal functions. So when you look at women as a group, the women have a unique maternal function which cannot be ignored and this maternal function makes women very unique in that only women get pregnant, only women can breastfeed and even when a man goes before an interview panel and has left a nine month old pregnant woman at home, nobody will ask where the woman is or whether the woman is pregnant. However, if a nine-month-old pregnant woman goes before a panel to be interviewed, because the evidence is so clear and she cannot hide the fact that she is pregnant, this works against her.

Likewise, in this case, we would like to say that where there is this unique maternal function, we should do the very best that we could to support women in all ways.

Apart from what has happened in the Republic of Uganda which we have actually worked for because we also introduced paternal leave and I was the Chair of that committee, therefore the men in this House who also have wives who give birth, should be given some time off and given some due consideration because in some instances when a woman gets pregnant, some men actually get pregnant along with the woman psychologically and therefore it is very important that we take all this into account.

Mr Speaker, I would like to say that this is linked to gender equality. For example, we also have principles like affirmative action and therefore we should find it within our means to be able to support, in the best way possible, people who need this kind of support.

Reference is made for example to the elderly and we are all going to this older age group at one time or the other. For example if a person has to use a walking stick in the Assembly- I know in our rules we had that prohibition, these are issues we should address very squarely and be able to handle.

Mr Speaker, I would like to turn to Sustainable Development Goals (SDGs) very quickly and say that the SDG 5 specifically talks about the issue of gender equality. The state in which access to rights or opportunities is unaffected by gender. So whether I am a woman who is eight months pregnant or whether I am a woman who is breastfeeding and has a baby or whether I am a woman who is aspiring to have a baby at 60 years of age, this should not be affected by any other aspect.

Therefore, I would like to urge and like you said, Mr Speaker, we have started work on this and I would really like to see it happen in our lifetime; in the Third EALA that we take care of our mothers, of our daughters and our children and the family as a whole. I thank you.

**The Speaker:** Thank you, hon. Dora. I would like to give honourable Chair, Council to say something before hon. Odette who will summarise.

**The Deputy Minister for Foreign Affairs, East African, Regional and International Co-operation (Dr Susan Kolimba):** Mr Speaker, I have listened to the Members contribution on the matter. I think this matter is crucial and I will just advise that this matter should be taken to one of the committees or the Commission so that they can prepare something and bring it to the Council where we will look at it.

We know that some members of the EAC, especially those who are coming from the Secretariat handled it properly but we still see that there are women who are in need and it is reasonable and understandable. This report should be brought to the Council so that we can advise accordingly. There is no need to take a long time on this issue because it is understandable. *(Applause)*

**The Speaker:** Thank you so much, Chair, Council of Ministers.

Honourable members, this procedure needs to be known. When this House passes a resolution, which urges Council of Ministers to do something, what the Speaker does is that immediately I write a letter forwarding this motion to the Chair, Council of Ministers for further action. So immediately, after this motion has been passed, Madam Chair, you will receive my letter as you have received all. So the action will be left on your side.

**Dr Nyiramilimo:** Thank you, Mr Speaker. I first of all want to congratulate and welcome the new Members in our Chamber: hon. Jean Marie and hon. Oda and I thank the new Member from Rwanda; hon. Oda for having supported the motion on her first day.

I think everybody has supported this motion already. Thank hon. Bucumi. You have

proposed that we should correct ‘disabled’ and replace it with ‘people with disabilities’ but where you have seen it written on number four, it is on the African Charter on Human and Peoples’ Rights and we transcribed what was in the charter but we will check on what is in the charter if we made an error but we could not change what is written in the African Charter for Human and Peoples’ Rights.

I thank hon. Maryam, hon. Nusura. I cannot agree more on having a childcare space. We should have that in East African Community Secretariat and at the same time, it can serve for all the three organs because they are together. That is necessary.

Hon. Ogle has a problem of understanding what a special need is. These will be defined when the policy is specified. It will state clearly who those people are that are in need. I assure hon. Ogle that we cannot take pregnancy as a crime, it is a very normal process and I wish everybody could be pregnant but only women can be but it is a unique situation and privilege that God gave to women only because they are special creations.

I thank hon. Zein and mostly because he has been the engine in writing this motion.

I thank hon. Nakawuki. After she spoke, I said really, who cannot understand that situation? So honourable members, that was due yesterday and not today.

I thank hon. Dora and I thank the honourable Chair, Council because she understood. I cannot say it is because she is a woman and a caring person but I think even men who are seated in this chamber are equally sensitive of those precarious situation when it should be a happy and very enjoyable situation.

Mr Speaker, I would like to make small corrections in the title to make sure that we say that we are urging Council of Ministers to support Members of the Assembly and

the staff of the Community because Members are not staff.

In the resolution, when I was reading the motion, I moved the last sentence of the second resolution at the end because everything has to be understood that the Speaker should forward the proposals to the Chairperson of the Council for consideration and adoption. Even if we know that, that is always done, we thought that it was still good to put it in writing.

I think what the Chairperson requested was that we should maybe help at defining the situation and giving them - When we send this resolution, we can help in writing down the memorandum that we would submit to the Chair, Council so that it is fast tracked. Thank you very much, Mr Speaker and I beg to move.

**The Speaker:** Thank you, hon. Dr Odette. Before I put the question, honourable members, it is true that this House of both gender celebrate our motherhood. We celebrate our spouses, our wives and daughters. We cannot discriminate against the female gender. This Assembly and not even the Community cannot do it. I am sure that hon. Nakawuki has a profound memory of my discussion with her that while she was on her maternity leave, we gave her preferential treatment and when other Members were going for sensitisation, she did not but she had a way of participating in the process while she was attending to her baby.

In the same vein, my office and the Office of the Clerk will try its best to make your life easier within the ambiance of the law as it is now. The Commission is very concerned about this situation and they have instructed the Clerk, as I told you, to do all the legal work to make sure that this situation is attended to. We are very concerned about the situation.

On my side as the Speaker, I want to pledge that I will work with the Secretary General

and with the Judge President to make sure that the next time - which is likely to be in May - when we are sitting in Arusha, you have a room where you can sit and breastfeed - (*Applause*).

Those obvious deliverables cannot wait for a policy. We shall do that as the leadership of the organs. I thank you so much.

Honourable members, the motion before this Assembly is that this Assembly do resolve that the Council of Ministers establish a policy framework to support Members of the Assembly and staff of the Community with special requirements. I put the question.

*(Question put an agreed to.)*

**The Speaker:** Honourable members, I would have loved us to continue and dispose of the last matter which is on the Order Paper which is a question by Council of Ministers but I will carry it forward. The rules allow me to and I am cognisant of the fact that we have been sitting for long for the last two weeks. It is not that I do not take the matter as urgent or important.

Before I adjourn, I would like to express my profound gratitude and happiness to the government and people of the United Republic of Tanzania and specifically to the President and the Chairman of the Revolutionary Council of Zanzibar for his kind attention and what he has extended to us in the form of coming to address the Assembly and also opening our plenary. We are very grateful to him.

I am also very grateful to my brother and friend, the Rt. hon. Maulid, the Speaker of the Zanzibar Representative House, the Clerk of this great Parliament and the staff of the entire Parliament of Zanzibar for the great assistance and hospitality that has been extended to us.

I would like to also extend my appreciation to the Zanzibar people who have been interacting with you in all the places you

went to, for being kind to the Members of the Assembly and specifically thank the chapter of Tanzania for making us feel at home. Hon. Maryam, we cannot thank you more, we are very grateful for the assistance. Send our regards to the old man for the assistance he has extended to Members. We are grateful to the family.

Honourable members, the sensitisation programme is on. We as a Commission have put our feet down to make sure we do our best to make sure that programmes are not interrupted again. We have agreed that the sensitisation will follow the same course, which you received at the same methodology that we have been following. The only addition that the Commission has requested that we should add is to boldly add the two pillars of integration which we have not been talking to our population about: the Monetary Union, you were already briefed last Friday about the developments. Take the message to the people. In addition, the Political Federation pillar. The minister gave us very good insight in this House so we need to take this to add onto the information that we have been sharing with our population.

The Commission has also agreed that we are constrained by time, not only finances. Even if we have all the finances now, time is still a problem to us so we shall be doing other activities during the sensitisation exercise; those that fit within the concept of the sensitisation like the public hearings of some Bills. We therefore plead with you Members that during the sensitisation period, if you are communicated to by the Clerk that you do public hearings on specific Bills in your Partner States, please go ahead and do them as we do not have time.

With those few announcements, I would like to extend my deepest appreciation to you, Members for sitting this long. Literally, we have been extending time almost every day or sitting. That is a situation of serious commitment to work, I

thank you so much and God bless you for that commitment. House stands adjourned *sine die*.

*(The House rose at 6:55 p.m. and adjourned sine die.)*