



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 100TH SITTING - THIRD ASSEMBLY: SIXTH MEETING – THIRD SESSION

Thursday, 21 May 2015

*The East African Legislative Assembly met at 2:34 p.m. in the EALA Chambers, EAC
Headquarters, Arusha, Tanzania.*

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Good afternoon, Hon. Members. I welcome you to this afternoon's sitting.

Honourable members, in accordance with our Rules of Procedure, I beg your indulgence to adjust the Order Paper. Instead of a resolution on Code of Conduct for EALA Members, it shall be a report of the Committee on Legal, Rules and Privileges on the same matter.

I am happy to note that the Committee has just concluded an exercise on the Code of Conduct for EALA Members and are now ready to report. I will adjust accordingly as we move through the Order Paper.

LAYING OF PAPERS

THE FIFTH BI-ANNUAL REPORT OF THE COMMISSION

Ms Patricia Hajabakiga: Thank you, Rt Hon. Speaker. I beg to lay on table the Fifth Bi-Annual Report of the EALA Commission for the period July to December, 2014. I beg to lay.

THE REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON IMPLEMENTATION OF EAC LAWS

The Chairperson of the Committee on Legal, Rules and Privileges (Mr Peter Mathuki): Thank you, Rt Hon. Speaker. I lay on table the Report of the East African Legislative Assembly

Committee on Legal, Rules and Privileges on spot assessment on implementation of EAC Laws in the context of the Common Market Protocol in Burundi, Rwanda, Kenya, Tanzania and Uganda. I beg to lay.

A REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE CODE OF CONDUCT FOR EALA MEMBERS

The Chairperson of the Committee on Legal, Rules and Privileges (Mr Peter Mathuki): Thank you, Rt Hon. Speaker. I beg to lay on table the Report of the East African Legislative Assembly Committee on Legal, Rules and Privileges on amendments to Section 4 (6) of the Code of Conduct for Members of the Assembly and Rule 93 and Rule 96 of the Rules of Procedure for the Assembly. I beg to lay.

MOTION FOR THE CONSIDERATION OF THE BUDGET OF THE EAST AFRICAN COMMUNITY FOR THE FINANCIAL YEAR 2015/16

(Resumption of Debate interrupted on Wednesday, 20 May 2015)

The Speaker: Honourable members, you remember yesterday in the afternoon we had very fruitful debate but we had to interrupt it because of time. Now, I would like us to resume the debate. Debate is open and I had picked four Members who were going to contribute.

Ms Sarah Bonaya (Kenya): Thank you, Rt Hon. Speaker for giving me the floor on this important matter of the Budget of the Community.

Mr Speaker, as I looked through the Budget, I saw a critical area in this Community, which I felt was given a raw deal and I would feel very heavy hearted actually to pass this Budget with this kind of anomalies, which are perpetually repeated through our budget processes.

This particular area is on investment in EAC and as you know, investment is one major area where we get money into the countries and unless we make proper arrangements and engagements, we end up losing out and begging from our partners. This would not have been the case if we planned our investment matters in a proper perspective.

The issue I am referring to is on page 89 of the Budget document – Annual Operation Plan Financial Year 2015/16- where I can see issues like creating conducive investment opportunity for investors getting zero funding. This is an area where we needed to develop policy to remove things like Non-Tariff Barriers, counterfeit, criminal issues, among others, that discourage investors. So, for us to avail this conducive environment, we have budgeted zero.

According to the Budget, the main funder was to be TMEA and there is nothing shown on creating this environment and TMEA has not given any commitment and Partner States have also not given any commitment.

Being on the Trade Committee, I realised that this particular department lacked critical staffing to even make any impact in this very important sector because it has just one member of staff, Mr Owiti from Kenya who works singlehandedly. They need. So, they need people like statisticians, marketers and specialist in business both foreign and domestic. So, the one staff member currently cannot do us justice in terms of preparing our trade environment.

Then the other major issue in this sector is that we have investors flocking into the region and as the flock into the region, we don't know whom we are dealing with. Because we have failed to do proper research. We have actually failed to identify who genuine investors are because the investment promoters we have met have had very little to do with these investors. They seem to have their dealings at top level and are granted opportunities. Theirs is just to give them the shortest time to get into the business.

So, I think that if we don't prepare our own environment, if we don't set proper policies and strategies in this area, we shall end up losing out and mostly in the area of land. Most investments rally around land in our region. So, we end up having – because we don't give each other reports, we don't even get annual meetings among the key people – the investment promotion heads in the region.

So, we end up having briefcase investors going round from one country to another, securing land because we are actually very readily waiting for these investors who we cannot even have proper intelligence on to validate and verify whether they are genuine; whether they have capacity. So, we end up having a lot of crime around investment.

We also end up making losses because whatever we give as countries is not valued because investors bring money and technology and in turn we give land and cheap labour. So, we don't know how to equate what we are expecting and how it will change the region.

As of this Budget, actually Partner States contributed last year contributed US \$ 5,000, which is not even enough for the per diem of a Member of this Assembly in one sitting. But annually that is the budget we have granted these people while the donors are expected to bi-fund with US \$ 200,000, which is still minimal and cannot sustain this very important sector.

So, I think, Mr Speaker as we are looking at other areas for reallocation, we need to look at this because we are shooting ourselves in the foot through this kind of improper planning. I am wondering, when you look at most of the funding in that sector, it is by donors and we don't seem to be interested in our own investment issues as a region.

One other area I looked at is the health sector; the Health Research Commission. I am grateful actually because we pushed many agendas on health in the Second EALA. I am glad that we now have a commission dealing with health. But unfortunately, this area, which is getting a total funding of 900 something thousand dollars is only dealing with research.

Mr Speaker, I pick this as an issue of concern because I consider this region as one of the most researched and mostly trained in, maybe, the world. And what we need is not research. Research is of course continuous in all sectors but we needed to have put up a very comprehensive health commission which covers comprehensive areas in health. Because with the advent of the Common Market, we expect people to travel across the borders; there are issues of access to health care, which is not only research.

There are issues of standardisation and harmonisation; there are issues of insurance across the borders; there are issues of reproductive health because most of the young people as service providers cross these borders and if we only focus that commission on research, we shall be making ourselves become more of guinea pigs which we are already. That we want to research and be researched with no implementation strategy; with no tangible results.

We have so many of these documents; we have so many laws, so many policies and strategies lying on tables, collecting dust but are not being implemented. So, this research after research that we are proposing and even setting up a whole commission for, to me, is not proper.

Yes, we need a health commission as an integrated unit but it shouldn't be specifically on research. That is my opinion. Maybe we need to relook at this particular commission.

I know most doctors enjoy doing research as part of their work but what the East Africans are asking us for is more than research because we are so much researched. We are actually technically guinea pigs, as I would want to restate again. Thank you, Mr Speaker.

Ms Valerie Nyirahabineza (Rwanda): Thank you very much, Mr Speaker.

The Speaker: Order granted.

Ms Mumbi: Rt Hon. Speaker, I rise on a point of order basing on Rule 14 (1) of our Rules of Procedure. The reason I am doing this Rt Hon. Speaker is that I am very sad and I want to pick it from where Hon. Nakawuki left it yesterday.

Dr Ndahiro: Order, Mr Speaker.

The Speaker: Hon. Ndahiro, you will be granted your order but let me first dispose of this order and then you will be granted that order as well.

Ms Mumbi: Any debate interrupted - sorry- remember I have problems with my eyes. No. 14 is adjournment. *"A Member who wishes to postpone the further discussion of a question which has postponed from the Chair to some future date may move that the debate be adjourned to the debate on any motion under sub-Rule 1 shall be confined to the matter and the motion."* That is the one and, therefore, I said I am sad.

I would like to pick it from where Hon. Nakawuki left yesterday. We are discussing the Budget where the Members are making very important contributions but there Chair, Council is seated alone. My simple calculation tells me that there should be about seven Members sitting on the frontbench. It is like we are talking to ourselves.

How will they address the issues that the Members are raising when the other members of the Council are not in? *(Applause)* I think this House has other important businesses to do. Our Order Paper is long enough. We can do other businesses while the members of the Council think whether they have time to come and listen to the Members. That is when they should call us to pass the Budget. Is it, therefore, in order, Mr Speaker? *(Applause)*

The Speaker: Thank you, Hon. Member. Yes, I have picked the point of order raised by Hon. Mumbi on the questions of attendance of our Ex-Officio Members of this House who are members of the Council of Ministers and this matter was raised yesterday.

I take it as a serious matter, following what I raised yesterday, however, it is clear that there is no provision in our Rules of Procedure that gives quorum for ministers or for the members of the Council of Ministers. If the Chair, Council of Ministers is in the House, the Council is represented. That is as per our procedure. However, it is a serious concern that the Chair, Council sits alone.

The framers of the Treaty specifically knew why Ministers of East African Community Affairs were supposed to be Ex-Officio Members of this House and why they are supposed to be here. And I think the Chair, Council of Ministers should take this matter seriously. Thank you so much.

Ms Nyirahabineza: Thank you very much, Rt hon. Speaker for giving me this opportunity to contribute to this motion. From the onset, let me thank the Chair, Council not only for what my

sister, Hon. Mumbi has just alluded to but also for understanding whatever is related to the integration process.

I know that all our ministers are in full support of the integration process but maybe he will tell us the reason as to why he is alone today. But that notwithstanding, let me thank him sincerely for his strong speech in which he highlighted the EAC priorities for the financial year 2015/16.

In same vein, I would like to thank the Secretary General for his presentation the day before yesterday before he left in which he made some promises and made undertakings to source funds for some priorities to be undertaken.

Rt Hon. Speaker, Sir, I would, however, propose that this Assembly urges the Council of Ministers to immediately create two specific budget lines – I am referring to the presentation made by the Secretary General - with regard to the establishment of the Select Committee on Genocide but also the operationalisation of the EAPI Act.

Rt Hon. Speaker, Sir, I think I will not insist much on this because I happen to have interacted much with some high ranking officials from this Community and they seemed to really understand our concerns. I am confident that the two line budgets are going to be created and given sufficient money for those two activities to be undertaken.

I am also reliably informed that contrary to the question we have been asking ourselves, the East African Community Parliamentary Institute Act has been gazetted and its operationalisation is due on the 1st of June, 2015. That is the information I got from the Chair, Council of Ministers. We thank them very much for this commitment since we were not aware.

Now, on the report, I am a member of the General Purpose committee and, therefore, I am in total support of it. But let me state that the Committee expressed its concerns about this Budget in the first instance in that, first of all, there is need to budget in alignment of priorities and strategic objectives.

I am saying this because this concern has been raised due to the fact that any good budget must be grounded in the strategic objectives and priorities of the EAC, which is not the case here.

I am also informed that people under the Finance and Administration Committee have always questioned when they meet they don't bother and they give themselves liberty to delete the priorities set out in the EAC departments, which priority objectives normally fall under the EAC Development Plan. Those key priorities are normally set out during the pre-Budget Conference.

The Finance and Administration Committee comes with a mind-set and does whatever it wants in the Budget. And this, like the way you have seen it, leads to the problem of some key sectors not being given due attention. The living example here, Rt Hon. Speaker and Hon. Members is the department of the Deputy Secretary General Productive and Social Sector, which has completely been left out and whose planned activities have completely been given zero funds.

The Chair, Council in his Budget Speech on page 52 has alluded to this where he stated that: "The sector will further continue to mobilise the civil society and other interest groups in order to galvanise the Community's efforts to build a people centred integration." So, there is no way you can leave behind people like women, children, the elderly and last year I remember that stating that we all belong to that category, which must be given due attention. Unfortunately, it is not the case in this Budget.

In addition to this non-alignment of the budget, Rt Hon. Speaker, let me put forward this concern – this problem, which is very pertinent in that there is a total disconnect between the EAC planning and the Partner States' planning.

The Partner States are implementing what they want. The living example is the Common Market Protocol. I am lucky that my Chair of the Legal, Rules and Privileges Committee has now tabled a report on the oversight activity on the implementation of laws in the context of the Common Market Protocol whereby we discovered on the ground that Partner States are doing what they want.

Partner States have been given the liberty to formulate or to develop their own implementation plans because there is no regional framework to guide them in line with implementation of the Common Market Protocol. So, it means that – why am I talking about disconnect?

Now, we are passing the East African Community Budget but back home, within the Partner States their budgets have also been consolidated. While monies we are passing here are meant for coordination, back home they are supposed to be implementing. *(Applause)* What are they going to implement?

What are they going to implement if they didn't come and sit with the EAC officials? For them to make a decision or to agree upon relevant activities, which have to be coordinated at EAC level and be implemented at Partner States' level. What are they implementing? So, this disconnect must be addressed, Rt Hon. Speaker.

Of course, this does not regard the some projects, which are implemented in Partner States. Although the implementation is different depending on the pro-activeness of the officials who are implementing them but still the projects are well elaborated, well designed and are being implemented.

But as for other policies adopted at the EAC level, Partner States have been given the liberty to implement whatever they want. This must stop. When we talk of integration, it is a unified integration where no country must be left out because of any hindrance. We must work for the common goal and common vision of the Community.

Rt Hon. Speaker, this leads to some questions I am always asking. Like when the Customs Union Protocol was signed and ratified, this House unanimously stood up and advocated for establishment of structures to lead the implementation, monitoring and evaluation of anything that is implemented in line with the Customs Union Protocol.

That is when the Directorate of Customs, Trade and any other departments saw the light of the day. But as for the Common Market Protocol, each and every department is implementing the Common Market Protocol. But who is the overall coordinator at the EAC level? If the Partner States are saying that they are implementing, what is the reporting structure? Do they report to EAC? Whom do they report to? And how are they complimenting the East African Community in budgeting?

Let me give another example, Your Excellency. If Partner States, Rt Hon. Speaker – *(Laughter)* - yeah, Your Excellency.

The Speaker: Our Rules of Procedure are very clear on how the Speaker is supposed to be referred to. That is not for now. *(Laughter)*

Ms Nyirahabineza: Thank you very much, Rt Hon. Speaker. That is my wish for you. (*Laughter*) Okay, I was giving an example of sensitisation programmes. Yesterday, all the Members who contributed came back to the issue of sensitisation programmes and we know that it is very important. But back home, in each and every Partner State's Budget, there is a line budget called sensitisation. Why don't we complement each other – why don't we put all our efforts together so that we can undertake those activities? But also part of that budget can be channelled to another activity which falls under the integration process. So, I am insisting on complementarity between the EAC and Partner States in order for us to move forward.

Then on page 20, I have two small points. In our report, the Committee is of the view that there is significant low budget performance during the course of the financial year 2014/15. In the Committee, we were told that this low performance is due to slow remittances and delayed disbursements by Partner States. But also inflexibility of the budget systems and processes among others.

It seems that when they are planning - to this we had an interaction with EAC officials – when they think about a plan, of course they highlight a number of activities or key priorities to be undertaken. But when need arises, and they notice that they have forgotten one very important activity, the budget process is so rigid that it does not allow them to incorporate or integrate that very item, which in a way can hinder the implementation of what is related to the integration process.

That is why it is very important that maybe that budget process should be made flexible enough to allow the planners to plan properly and when need arises, to integrate some other activities to be undertaken. But more so, I think the Council of Ministers has to streamline that without forgetting what I alluded to before; to streamline the role of the Finance and Administration Committee.

Let me quote the Chair, Council Emeritus, Hon. Shem Bageine- we interacted several times. I don't remember whether it was in the Committee or here in the House. He made an undertaking that they are going to review the mandate of the Finance and Administration Committee in that it has always been deleting the key priorities picked together in the Pre-Budget Conference for them not to rely on the decision but to move like the Council of Ministers must move.

Now back to the productive sector again, this sector has been underfunded because of that Finance and Administration Committee. Many activities have been planned for and estimates have been calculated for that matter but those people came and disrupted everything and now the sector is underfunded. I hope that the Council will understand and accept to reallocate money that was earmarked for the departments in the productive sector so that planned activities can be undertaken. Otherwise like yesterday, my brother, Hon. Mulengani said, this Budget will have another attribute of unfairness.

My second last point is on page 25 where we were told yesterday that a critical mass of the Secretariat staff are likely to retire and complete their terms. Rt Hon. Speaker, I think if I am a CEO of a company, it would be very sad to see that people I have spent money on through capacity building have to retire. So, what is the company going to do? We have to keep institutional memory. We have to keep those records so that there is a proper and smooth handover. So, that is why I really implore this House to urge the Council to think about a policy, not only to retain those people, but also the kind of exit that is going to happen.

I am told that there is a department – I think the Directorate of Infrastructure where everybody is leaving at the same time. So, whom are they going to hand over to? This must be thought through seriously and a smooth solution must be sought by the Council.

I think the Secretariat had introduced something very fantastic, that is, performance contracting. People should be retained by virtue of their performance and not because their term is ending. People should be retained and the time limit should be removed and should be given annual contracts, meaning that the performance contracts should be strengthened so that whoever is performing well, can be kept in the docket for the smooth implementation of activities at EAC level.

My last point is with regard to training and management of projects in the EAC. Rt Hon. Speaker, we interacted with some EAC officials regarding the management and the conception or development of project proposals and they told us that some people from different Organs and Institutions of the Community are being trained at Community level.

But again, when we went further, we found that there is no holistic plan of training and capacity building for those people to develop project proposals that can attract development partners to chip in and fund some of our activities. So, I implore this House to urge the Council of Ministers through the Secretariat to develop a holistic plan so that whoever has to be trained in project management, project proposal development and monitoring and evaluation of projects can be trained holistically. And this concerns all Organs and Institutions of the Community.

I thank you so much for giving me this opportunity. I also thank our Clerk, Ms Barinda for capturing all the views of the Committee in a manner that is very satisfactory. (*Applause*)

The Speaker: Thank you so much, Hon. Valerie. Before I call Hon. Leonce, I have good news on my table here. One of our own, Hon. Peter Munya, the Governor of Meru County in Kenya, former Deputy Minister of East African Community Affairs and who was a Member of this House, and actually drove through one of the most difficult Budgets to go through, has today been elected the Chairperson of the Council of Governors in the Republic of Kenya. (*Applause*)

It is a very powerful constitutional position in the Republic of Kenya and if one of our own is lifted to that level, there we go with him. We congratulate him. (*Applause*) I now invite Hon. Leonce.

Mr Leonce Ndarubagiye (Burundi): Thank you very much, Rt Hon. Speaker for giving me the floor. I think most important things have been highlighted and explained in this House by my colleagues. I will, therefore, be somehow brief and focus on one specific point.

The Speaker: Honourable Members, our Rules of Procedure allow Members to confer but with due respect to the dignity of this House, particularly offering, at least, the ambiance where another Member can be heard. Please, Hon. Leonce, proceed.

Mr Ndarubagiye: Thank you very much, Rt Hon. Speaker for protecting me. What I was saying was that I want to focus on one very specific point that is so dear to me due to circumstances of age. It is the issue of elders or senior citizens of East Africa.

I went through the Budget of this year page by page but found nowhere the fate of elders or senior citizens has been catered for. (*Applause*) There is no activity funder, neither a seminar of sensitisation nor visit to Partner States on the issue is thereof.

It is true that in every Constitution of our Partner States there is a law that obliges grown up children to look after their parents for their livelihood. But let me tell you, and I really commend the Parliaments of our Partner States, particularly Kenya where they have made a law that gives subsistence possibilities to all the people when they have no other means. *(Applause)* It is a very good example that we can copy.

In my country, Burundi, there is a proverb in which they ask a question that: “When a rabbit is old, how does it survive?” The answer is that it is fed by the young rabbits. So, they asked a question to a young child in a primary school to answer this question, the young man answered that it dies. *(Laughter)* Is that what we mean here by not catering for the elderly? So, I beg this Assembly to urge the Council of Ministers and the Secretariat to next time cater for activities regarding the elderly.

I take this opportunity Rt Hon. Speaker also to pay tribute to the Council of Ministers, the General Purpose Committee and the Secretariat for a well done job. They told us that they spent sleepless nights working on this Budget. It is a very commendable job.

I also wish to pay tribute to the outgoing Deputy Secretary General who has been working very closely with the General Purpose Committee and I also welcome the new Deputy Secretary General who will definitely work very well with the General Purpose Committee. Thank you very much, Rt Hon. Speaker.

The Speaker: Thank you so much, Hon. Leonce.

Mr Abdallah Mwinyi (Tanzania): Thank you very much, Rt Hon. Speaker. I will make my contribution very brief and I will stick to general comments as opposed to specifics.

That been said, I feel that the general comments are of critical importance in the process in which we conduct our activities in this House.

First and foremost, Mr Speaker I would like to talk about the respect to the process of budget. I think we all know in our Partner States how the highlight of any financial year is the process and the reading of the Budget. In all the Assemblies in all the Partner States this is a time you see maximum attendance and maximum participation.

I have to be frank. I am completely in line with Hon. Mumbi on how the budgeting process is not taken seriously in this Assembly. I feel that there is business as usual feel and that the moment the Secretariat and the Council sit and decide, it is a foregone conclusion as if it is the Council that is approving this Budget. Once that is done, there is relaxation and if there are other activities to be done, people undertake and proceed to do all other activities. We are seen here as a rubber stamp and we just have to approve. *(Applause)*

The seriousness of any process can be proved by, first and foremost, attendance, secondly, by the seriousness with which the participants take that activity. Unfortunately, our attendance here today reveals a lot about the respect of this Assembly and this process as a whole. *(Applause)*

The second aspect, Hon. Speaker I would like to touch upon is a matter that was raised several times here by my colleagues as well as our respected Secretary General, Hon. Sezibera. This is a matter in relation to usage of interest on the gratuity.

Honestly, I cannot say by any means that anywhere in any institution where it is normal for any institution to use interest or part of the gratuity in the budget process. I am not sure if that

is legal neither moral but what has been happening for the last 14 years of this Assembly is that. It has been used – be it interest or the gratuity itself to cover for shortfalls and later on to be returned.

The interest is perpetual; it is not clear where it is going. It keeps being used and put back year upon year. I have a fundamental problem with that.

So, when one Member proposed to use this interest for a car grant, Hon. Secretary General stipulated and said in this House that a policy was required to underpin that. I am now asking the Chair, Council of Ministers, is there a policy underpinning the usage of interest on gratuity? (*Applause*) Please, enlighten us on that particular aspect. Is it legal? Is it moral? Is there a policy underpinning the usage of interest on gratuity in this House?

Third, again it is general, Hon. Speaker. I would like to talk generally about our absorption capacity as a Community. If you look at the Budget throughout in all Institutions with exception of EALA, there is very low absorption. What does that mean? It means we are budgeting for funds that we are not able to use.

At this point in time, the Secretariat has, I think, used about 45 percent of last year's Budget. What does that tell you? That over 60 percent is lying somewhere unused. That raises a fundamental problem. Either there is a fundamental problem in our planning or there is a serious problem in accountability and usage.

To me this has been going on year after year. The only Organ I know that effectively utilises its funds is EALA; over 99 percent usage in a financial year.

Mr Ogle: Thank you, Mr Speaker. I am a bit lost with what the Hon. Mwinyi means by EALA having a big absorption capacity when during the process of considering this Budget, we came across a line that clearly indicates that for the snacks that are given to us outside here, each Member is worthy about US \$ 50. Is that what we call absorption rate? It is misuse of funds.

Ms Byamukama: Mr Speaker, Sir, it is actually information. In the Second EALA, we consistently fought against a creature known as a float. And we are very concerned about this so called float which did not have a policy on its usage and which at a particular time when we had just gotten into EALA in 2007 was used to enhance only the salaries of the Secretariat staff. Now, this has come up again as a reserve fund. I think we need to un-package it and be very serious about how this fund is utilised and more specifically, like has been said, look at how this fund is compounded.

If it is coming from the interest of Members on the issue of gratuity, that money squarely belongs to us. So, I would like to say that having also served on the Accounts Committee, we used to say certain things, which have come to pass.

We are in the same House called the EAC but in the same house you will find that there are some children who are overfed sitting and feasting on food in one room. In another room, you will find those children who are underfed. In another you will find another group of children who are malnourished. They are actually suffering from kwashiorkor and in the same house you will find a store of food overflowing, which has not been absorbed. Are we fair; are we just? Thank you.

Mr Mwinyi: Thank you for the information. In relation to the clarification, as I said, my contribution here today is general and I am talking about overlying themes and I don't wish to

go into details. Once we go into details, we shall see even further issues that numerous Members have been able to allude to.

The Speaker: Hon. Mwinyi, are you taking information from Hon. Ndahiro?

Dr Ndahiro: Thank you, Rt Hon. Speaker. Thank you Hon. Mwinyi. The information I would like to give to Hon. Mwinyi is that the absorption capacity being lower than 60 percent and we have only two months remaining in this financial year, imagine now, without a proper procedure, where does that money end? We now have around US \$ 43 million that is supposed to be spent in two months. Is that realistic?

Then what it means is that either that money will be wasted in a rush to finish it or that money will be either put in – so, we should also look at the procedure between one budget year and another budget year. What does the Council do?

You know very well that in Partner States, there is a time for closure of Budget. The 15th day of June the Budget is closed and anything unutilised goes back to the Ministry of Finance or Treasury. Now, we would like to know from the Council of Ministers what that money ends up doing? Does it go back to donors? Does it go to – where? (*Laughter*)

So, the information I wanted to give is that we really need to think of a mechanism between two budget years, how we can treat those unutilised funds and actually plan it for the coming financial year. We don't have enough funds and yet we have. Probably the 6 million will –

The Speaker: Hon. Ndahiro, I hope you don't make the information a substantive debate. (*Laughter*)

Mr Mwinyi: Thank you very much and I dully accept very detailed information from Hon. Ndahiro. And I agree, I think there has to be a framework modality – regulations – bridging one budget to another.

Finally, Hon. Speaker – (*Interruption*)

Ms Hajabakiga: Clarification.

The Speaker: Yes, clarification and Hon. Mwinyi mark it that you have only one minute remaining.

Ms Hajabakiga: Thank you, Mr Speaker. The clarification I would like to make to this House is that in normal circumstances, the amount spent determines the amount of budget you will get in the next financial year. So, it is absurd that people spend 50 percent and then they are again given more money than they had during the previous year, which they failed to spend. It is really an absurd way of budgeting in the EAC.

The Speaker: Thank you.

Mr Mwinyi: Dully informed and I understand the absurdity of the situation that we cannot absorb half the funds in our Budget and we request for the same amount of money that we failed to absorb in the previous year. And this august House that has not been given the proper respect in this process would dully rubberstamp that situation and approve it. That is a serious issue.

Finally, Hon. Speaker, I would like to speak on behalf of the employees within the Community who have been working in the Community without proper terms and conditions or contracts for a number of years. (*Applause*)

There are persons who are working without contracts beyond the number of years that would be deemed illegal. Year upon year, we raise the same issue and we are told about the elusive institutional review so that it can be completed before we can give the hard working people in our Community their rights and their dues. There are a number of people here today who have worked more than seven years and have no insurance cover and various other rights enjoyed by the rest of the staff - (*Applause*) - and year upon year, nothing is being done. By any standard, this is wrong.

Most of these are actually not the guys seated in the gallery. They are usually the lower ranking officials in the Community. This cannot continue, Hon. Speaker. Year upon year, we pass these budgets and we are all aware of these young people – predominantly they are young – and we do nothing. This is again reinforcing a wrong that we all know without taking any action.

With those four points, Hon. Speaker, I will not tire most Members, I will urge all my colleagues on the basis of those four themes to reject this Budget. (*Applause*)

The Speaker: Thank you, Hon. Mwinyi. Yesterday, I had actually rules that I will have only four but I have got a passionate appeal from Hon. Chris Opoka that at the point of my ruling, he was out for treatment. So, I have granted him a special chance to give his submission.

Mr Chris Opoka Okumu (Uganda): Thank you, Rt Hon. Speaker for giving me the opportunity to contribute. I would like to take it from what Hon. Mwinyi commented on that we don't seem to take the budget process seriously in the Community.

Rt Hon. Speaker, this morning I attended this TWaweza session and learnt about the disability of learning in our education system. It clicked to my mind and when I came and took a look at the Budget Speech again and the Budget Speech of last year, it occurred to me that there has been serious matters of copy, cut and paste in this Budget Speech.

If you look at the theme itself, which is on the first page of the Budget Speech, which I really commend the Minister for delivering with a lot of enthusiasm. The Budget theme is consolidating the EAC Common Market and commencing the implementation of the Monetary Union Protocol.

Last year's Budget Speech read by Hon. Phyllis Kandie was the same theme; consolidating the EAC Common Market and commencing the implementation of the Monetary Union Protocol. For the whole one year, have you been marking time? Are we just going to commence the implementation of the Monetary Union Protocol now? Didn't we commence it last year?

When you go to part I of the Budget Speech, it is the same as that of last year. When you go to paragraph 2, it is the same word for word with that of last year.

Rt Hon. Speaker, you look at part III of the Budget Speech and it is the same as that of last year. Paragraph 8 is word for word. Paragraph 9 is word for word.

When you go to part IV, review of the EAC Programme performance for the financial year; it is the same. And then what is amazing is that it is supposed to be the review of the EAC Programme performance but in the very first paragraph in that part says it all: "*The Budget*

speech in reviewing the Budget performance for the year 2013/14 for Partner States contributions.” Are we reviewing Partner States contributions or the EAC Programme performance?

While we say that the execution of Partner States contribution was 91 percent, it is nothing to do with reviewing the programme performance.

The worst part of it, which is very shocking is when you look at paragraph 11 of the Budget Speech. *“The Council of Ministers stated that the priorities for 2014/15 was the establishment of a Single Customs Territory, the progressive implementation of the Common Market Protocol and harmonisation for National Laws, the implementation of the EAC programme, Monetary Union Protocol...”* This is lifted exactly from paragraph 11 of the Phyllis Kandie Budget Speech of last year but these priorities were in the Kandie speech of 2013 and 2014.

The priorities of 2014/15 are at the back of Phyllis Kandie’s Budget Speech of last year. It is totally different from what this Budget Speech is saying are the priorities of 2014/15. It is totally different, Rt Hon. Speaker. On page 60, if you look at Phyllis Kandie’s Budget Speech of last year, it has got numerous priorities up to 2023.

Rt Hon. Speaker, are we going to pass this Budget with all these mistakes? Remember what the Hon. Sarah said that this region is very much researched. There are people in the world there who follow particular things that are being done. The Budget Speech is already on the *Hansard*. This is a public document and you have got these numerous cut and paste – copying almost amounting to plagiarism. *(Laughter)*

That shows exactly what Hon. Mwinyi almost said. We are not taking this budget process seriously. People are simply cutting and pasting because they know that these things are not looked at seriously. You can’t imagine that there is even an error where something hasn’t taken place yet – it is going to take place in the future, I think, but it is already reported here as having taken place in Kigali, Rwanda in December, 2015. We are in May and they are reporting matters as having taken place.

Go to paragraph 31 of the Budget Speech. Mr Speaker, the 15th Edition of *EAC Jua kali Nguvu Kazi* was held from 3rd to 7th December 2015 in Kigali, Rwanda. How? *(Laughter)* And you even go on to say, “The 15th Edition attracted 873 exhibitors.” How? *(Laughter)* Are we not lying? Surely, Hon. Members? Surely, Council of Ministers? With these glaring mistakes; glaring copying and cutting and even misstatements of the focus of the 2014/15 priorities, which are totally different from what the previous Council presented to us last year.

The Speaker: Honourable Chris, move towards your summary.

Mr Opoka: Should we really pass this Budget? I really recommend to Members that we postpone passing this Budget because so many Members have suggested several amendments. Well I don’t know, but the speeches have already been read and things have taken place in Kigali. *(Laughter)*

Rt Hon. Speaker, with those few demonstrations, I commend that this Budget be rejected until amended and we pass it correctly, which shows that we are taking the budget process seriously. Thank you.

The Speaker: Thank you so much, Hon. Chris. Hon. Chair, Council of Ministers, the Members debates have more or less ended. I am going to invite the Chair to give his responses to the Members.

But I would like you to take note of what the Members have raised specifically issues of absorption capacity of this Community. Money is being reverted to either the reserve fund or the donors or to wherever it goes and the policy is on those reversals – the monies that go back. Critically, you must address yourself to this matter and this House needs very sanctity and clear responses to these issues.

The issue of our employees who even lack medical cover. Some of them could even be here - the ones putting us on international media. If they collapse in these chambers here, we either have to pick money from our pockets or they die.

The question of cut and paste. Chair, Council of Ministers, this Assembly comprises very senior citizens of different walks of life who don't just gloss over things. If somebody is seated somewhere there in his office thinking that these Members will just gloss over these things, that is a mirage. *(Applause)* We are going to give the eagle's eye to this Budget.

The Chairperson of the General Purpose Committee (Dr Odette Nyiramilimo) (Rwanda): Thank you, Rt Hon. Speaker. It is very difficult to respond after this kind of debate. But let me thank all the Members who have contributed and even those who have amended our report.

I sincerely want to thank all of you who have congratulated the General Purpose Committee for the report we have made and the scrutiny we gave to the Budget estimates that we were given and all these documents. We didn't leave behind any one document. We really read them through.

I don't think I will go through all the comments and amendments that were proposed but at least there are those who gave me written ones.

I will go to the first amendment, which was given by Hon. Nancy who wanted us to have Annex IV to the report of the analysis of the EAC Budget major drivers based on each Organ and Institution. We have received the amendment she brought. So, I think the Committee agrees that we add the analysis as Annex I to our report. *(Applause)*

The second amendment was moved by Hon. Ndahiro saying that the Committee recommends to the Assembly to urge the Council of Ministers to provide a 10 percent increment to emoluments of all staff of EAC.

The Council might appoint the Secretary General, DSG Finance and Administration, PSs of the Ministries of Finance and EAC Affairs to work out the modalities to increase the salaries. And the Council of Ministers should update the House on their progress by December, 2015.

The paper is also here and I think the General Purpose Committee agrees with me that we add these amendments. *(Applause)*

Another amendment was on the budget estimates and those will come when we are amending the Appropriation Bill. So, I will not go into the figures.

But the other amendment moved by Hon. Bazivamo on the mining sector; "The Council of Ministers should pay more attention to the mining sector and avail funds in the Budget to promote its development for the betterment of EAC citizens." I think the Hon. Members of the Committee agree with me that we can add these recommendations. *(Applause)*

Now, there is an amendment moved by Hon. Ogle on the paragraph of the car grant to all Members of EALA but I have not understood that amendment because in the report, it is well

articulated. It says Members of EALA without making any distinction. So, I think we are not separating Members who might receive – I think this is an administrative modality.

Rt Hon. Speaker, all the comments that were made by Members are very much appreciated by the members of the General Purpose Committee.

On the last two proposals to reject the Budget, this is different from our report because in the report we recommended to adopt it. We have seen all these errors; the cut and paste; even if you looked very critically at this EAC MTEF Budget, there are pages where you can see that they put, for example, I don't remember the page but they have copied and pasted things of security, for example, under health. So, things, which were very vivid that it was a big error but we showed them to the officers who came to interact with us and they apologised.

They said that they were errors because the documents were so big and were going to correct them. They have been writing down all those errors that were included in the documents that they gave us to study.

So, Rt Hon. Speaker, as a representative of General Purpose Committee, we are of the idea that all these errors can be corrected and that we can still pass the Budget and – (*Interruption*)

The Speaker: Who is raising clarification? The Hon. Ngoga.

Mr Ngoga: Thank you very much, Sir. I take note of the comment by the Chairperson, General Purpose Committee. So, which records are we going to keep, the corrected ones or the ones with errors because she is saying that there is an ongoing process to correct the errors?

Ms Byamukama: My further clarification is based on the fact that on the floor of this House, a lot of issues have been raised and they are in the Committee report.

There was a proposal that we maybe have a Select Committee or some kind of forensic audit so that we get our house in order. I have not heard any mention on this and I think it goes in line with what Hon. Ngoga has said. So, it is very important that much as we may go ahead and pass the Budget, we should be very clear on the kind of action that we want to be taken. Otherwise we shall be condoning the irregular manner and the issues, which have been raised. I thank you.

The Speaker: Thank you. Just before Hon. Odette takes the floor, I think Hon. Colleagues, you could maybe make the work of the Chairperson easier by sending amendments to the recommendation of the Committee on which the Chairperson will pronounce herself, either accepting or otherwise because most of the issues, which have been raised were brought in form of amendments to the recommendations, which have been taken. I think she is still taking on many of them.

There are still some clarifications that you should make to some Members.

Dr Nyiramilimo: Thank you, Rt Hon. Speaker. Of course when documents are to be corrected they have to be corrected and I think some have even been given as corrected pages. I was trying to look for them but if not, can they give us the corrected versions so that we are sure that we are appropriating the correct figures.

I think Hon. Dora was saying that if there are more amendments that were proposed and I didn't capture them.

The Speaker: Chairperson, there is information from Hon. Yves, would you like to take it? While you consume that writing, maybe you would take it.

Mr Nsabimana: A budget is a financial document. When it has errors, it must be rejected. That is part of the rules in financial matters. We cannot accept a financial document which has errors. They must go and correct them and then bring it back to the House because you cannot pass a financial document with errors. *(Applause)*

Dr Nyiramilimo: Thank you, Rt Hon. Speaker. That is a decision of the Assembly. Of course as a Committee, we had thought that errors could be rectified and then we could go ahead and pass the Budget. But if the Assembly thinks the errors are too many, I think it is the right of the Assembly to take a final decision.

But if the Council of Ministers as represented here thinks that its errors that were identified can be corrected as fast as possible, I think that the Rt Hon. Speaker should be the one to take that decision.

Dr Ndahiro: Thank you, Hon. Speaker and thank you, Hon. Odette. As Hon. Yves has just said, a budget is a tool; it is an instrument.

I wanted to give information to the Chair that actually the issues of accountability are not in her Committee. Those issues are within the mandate of the Accounts Committee. What we are looking at as a budget or in the budget process is a tool that will allow us to fund the activities.

Now, that tool might have problems or might have some issues but there is a concept of materiality. Is it material to base on rejection? The answer is no because unless you pinpoint an error that will affect the execution of the budget. But issues of copying and pasting with computers today can be corrected. So, I think we better judge the budget on issues of whether the errors are material in terms of execution or not.

Honourable Members, I think we can change and correct the errors but they don't amount to material errors that would cause us to reject the report. Thank you. *(Applause)*

The Speaker: Thank you, Dr Ndahiro.

Dr Nyiramilimo: Thank you very much, Hon. Ndahiro. Actually that is what we thought as the General Purpose Committee and I am happy that he explained that more clearly than I would have done. Because we found these errors not affecting the execution of the Budget when passed. So, the writing issues should not push us to reject the Budget since we are not interrogating the way this Budget will be executed.

Rt Hon. Speaker, there is another amendment that had been moved by Hon. Dora Byamukama and I think that this amendment can as well be adopted in our recommendations that: "The General Purpose Committee recommends that the Assembly establishes a Select Committee to investigate and recommend actions to be taken to address various anomalies found especially in the execution of the Budget performance." We need to investigate that. If members of my Committee find this appropriate, we should also add this recommendation. *[HON. MEMBERS: "Aye"]* Agreed. Thank you very much. *(Applause)*

So, these are the recommendations that we are adding to our report. They are five recommendations.

Rt Hon. Speaker, I understand very well that there are many mistakes as we all said, especially in writing – copying and pasting but we wouldn't want as a Committee which has been working very closely with the implementing Organs and Institutions for about three works – we think that they are trying their best. There is a system, which has been very difficult for them, that is, institutional review, which has slowed so many activities and that is why some issues are not being solved and in many ways, it is not in their capacity to solve.

So, that is why we recommended to the Council of Ministers to push for that institutional review. We hope that this will be done very soon.

With these responses – (*Interruption*)

Ms Hajabakiga: Thank you, Rt Hon. Speaker. I appreciate the points raised by the Chair of the Committee and I totally support her submissions. But on a matter of procedure, when they bring in a lot of amendments like the ones, which we have received, I would have liked them to be amended and then the report is sent back to us because in the past we made amendments but the recommendations and amendments do not come back to us. So, we never have a chance to refer to those documents in future. I would, therefore, request that the Office of the Clerk takes note and they amend the report and give it to us later on. Thank you.

The Speaker: Chairperson, let me slightly help you on this. We have requested the amendments to the Committee report, particularly the recommendations that have come to be submitted in writing to the Chairperson and the Clerk and, therefore, my table as well. If the Chairperson has conceded on behalf of the Committee, at the end of her submission and after the response from the Chair, Council of Ministers, I will put a question.

This is a unique report as compared to other reports of the Assembly. So, we shall treat in such a manner that we shall put a question for the report to be adopted by this House as amended. Therefore, bringing on board the totality of the amendments in the report. Chairperson, proceed.

Dr Nyiramilimo: Thank you very much, Rt Hon. Speaker. I think I will not say much because you have said it all. For sure, these amendments will be in the report.

I thank all the Members because no one has questioned what we brought in the report itself but rather just added and we agreed with your proposals. We really thank you.

I want to thank all the Members who contributed to the report: Hon. Ngoga, Hon. Yves, Hon. Maryam, Hon. Frederic, Hon. Nancy, Hon. Ndahiro, Hon. Jeremie, Hon. Kessy, Hon. Nakawuki, Hon. Bazivamo, Hon. Nusura, Hon. Mumbi, Hon. Rwigema, Hon. Ogle, Hon. Mulengani, Hon. Shy-Rose, Hon. Kabahizi, Hon. Patricia, Hon. Sarah Bonaya, Hon. Valerie, Hon. Leonce, Hon. Mwinyi and Hon. Chris Opoka. (*Applause*) All of you and those who sent messages to me, thank you very much and I hope that we are recommending that we pass this Budget. Thank you very much.

The Speaker: Thank you very much, Hon. Dr Odette, Chairperson of the Committee on General Purpose for the work well done with members of your Committee and the innovation of thanking even those who have sent messages. (*Laughter*) We also thank those who sent those messages. I now invite the Chair, Council of Ministers to give response to the debate and the position of the Chair.

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Thank you so much, Rt Hon. Speaker. I thank you for giving me this chance to respond to the

contributions of the Members but I also take this chance on behalf of Council to assure you that all recommendations and pieces of advice will be taken on board to correct or for the betterment of this Secretariat in integration.

I believe that all Members were in need of giving their contributions but not all of them gave just because they respected the Committee's contributions and their recommendations and of course respected time.

Rt Hon. Speaker, there was one thing which arose here in the House, which I want to concur with the Members concerns during our Audit Commission's report and in this report. And when we interacted with the Committee, there was something that appeared there and I will strongly take action on that to the Secretariat.

What appeared is that the Secretariat and Committee members claimed that information is delayed and some information is hidden. I showed my concern in front of the Committee concerning the whole process of this Budget Speech that was not very transparent to the Council, including myself. I will take action on this and the Secretariat, please be alert on that.

Secondly, Mr Speaker there were a lot of questions which were raised here on the floor and I will try to respond to them accordingly basing on policy issues, data and documents that were presented to me.

The first question was raised about lack of funding for the Partner States e-passports. I would like to assure you that the issue of e-passports is over and they are going to be launched at the end of this year and the funds are there under MTEF page 102 – US \$ 171,000.

There was also an issue which was raised by Hon. Sarah on investments; I would just like to inform this august House from the MTEF book, page 61, there was a printing error there on the regional competitiveness and sustainable productive sectors to support regional and global integration process. There was an issue on investment there that counts up to US \$ 670,570. These are to conclude policy with assistance from the World Bank and implemented by the Partner States.

Another issue is to convene the Public Private Partnership (PPP) Conference.

Mr Speaker, there was another issue, which was raised on the Budget that it is funded. I would like to respond to that issue by saying that this Budget is funded by two sources; the unused funds are treated according to the arrangements made by laws and regulations of this Community.

One, there are sources, which are internal form contributions from Partner States. These sources, if they are unspent, are transferred to the General Reserve Account managed based on Financial Regulation No. 32.

There is also another source which is support from development partners. This money, if it is not spent, then the funds are rolled over to finance the next financial year Budget lines, which are already committed and approved.

Mr Speaker, we faced this type of question when we were answering questions by the Audit Commission and according to the regulation, which I now can't remember, the roll over is guaranteed up to three months ahead, that is, up to August.

If the project has reached an end and funds are still available, then the funds are remitted back to the donor.

Mr Speaker, there was a question on the number of days that the Secretary General would travel during the financial year 2015/16. Mr Speaker, I want to assure this House that the provision under the SG Office has been done in such a way that allows the Secretary General attend all meetings where EAC representation is required.

However, during implementation of Budget, the Secretary General normally appoints any of the executives or directors to represent EAC but the funding comes from the Office of the Secretary General.

The Speaker: Chair, Council, would you like to take information?

Dr Saadalla: Yeah.

Mr Mulengani: Thank you, Chair Council for the opportunity to give you information. I want to give you information in that regard. Maybe be if you could go further to look at where they have provided for the Secretary General in those lines –DSG Offices – they have also provided for the relevant heads in that office to travel. So, that would imply that there is over budgeting because even the DSG in that office will have budgeted for himself to travel for that particular function. That is the information I wanted to give you.

Dr Saadalla: I take the information, Rt Hon. Speaker and I asked the relevant cost centres on this issue and they told me that in some meetings, which are being convened by that sector, the particular sector may need the Secretariat to travel to that specific meeting. Therefore, from that reason, then, the movement of the Secretariat in that particular instance is completely different from the other.

Having talked about this issue of travel, there was also another travelling problem with Lake Victoria Basin Commission's Executive Secretary. I sat with the Deputy Executive Secretary and he admitted that the travelling of EAC per se are almost 108 in total in one year and covers specific areas. For example, in Summit of Heads of State, 6; Sectoral Council of Ministers, 6; Council of Ministers, 8; Sectoral Council of Environment, 4; and keeps on going up to the EAC Audit Commission. Executive International Fora, which are 18; a grand total of 108.

The Speaker: Chair, Council of Ministers, if you remember in the debate, they were saying that the EAC – they actually did not question the frequency so much in the debate but what was questioned was that in that Budget, his travel expenses were not reflected and they suspected that his travel budget could have been hidden. That was the main point there. Proceed.

Dr Saadalla: It is true it is hidden and I agree with you. (*Laughter*) It is hidden because after inquiring using this paper, then I noticed that they could the same to the SG. So, it is hidden in there and I told them to rearrange and include it as part of the corrections to be done so that it can appear specifically as per programme and project.

The Speaker: This House would like to know why it was hidden. Is it a budgetary technicality, what is the problem?

Dr Saadalla: It is a budgetary technicality. I tried to ask and they told me that there is nothing wrong.

Mr Ogle: Thank you, Rt Hon. Speaker. If you look at the Treaty, it bestows to this House the legislative function and nothing is beyond the scrutiny of this House. Is the Minister suggesting that there are some things that are hidden and cannot be revealed to this House?

Dr Saadalla: Rt Hon. Speaker, Sir, to clarify a bit, I didn't mean that they are hidden for the purpose of doing anything bad or with a corrupt motive. This is the impression, which I got. But they were hidden with the aim of their departments because they clearly told me that whenever he moves, that department sponsors. So, they are amalgamated within, but not hidden.

I don't want to believe that and that is why I told them that for those which are there and if the meeting is being scheduled and convened by the department, then the department may give funds for the travel of SG from their vote.

The Speaker: Hon. Mulengani, before you take the floor for information, this House is clearly saying that the Executive Secretary's allowance or his SDA is not at the level of that of a departmental head - the highest level- and if I think I remember very well, you said he is at about \$ 400 per day. But in the budget provisions, there is no reflection of any member from that institution getting \$ 400 per day for any travel. Yes, Hon. Mulengani you can add on and then we get a response.

Mr Mulengani: Sir, again I would like to implore Council to go further and look at the real document. Stop relying on the words of your executive. I specifically –

The Speaker: Hon. Mulengani, you can stop the Chair, Council of Ministers from relying on his technical officers. That is the anchorage of his office. Proceed.

Mr Mulengani: I would like to withdraw that, with your guidance, Mr Speaker. But I would like to encourage Council to do personal consultations in the books.

Under the office of the Executive Secretary, Lake Victoria Basin Commission, they have budgeted at a rate of \$ 350 for travels. And in the entire Budget of the Lake Victoria Basin Commission there is nowhere you will find a budget totalling to \$ 400 at that rate. All the rates are at 350.

Now, Mr Speaker, if the figure is 350, amounting to 200 days again, the Chair, Council has been given wrong information because under the Executive Secretary's office, the equivalent of 350 travel is equivalent to 200 days. Now, when you do simple mathematics, 300 times the 200, you get a figure in terms of amounts of money travelled.

If you divide by the 400 entitled to the ES, you will get 175 days. I calculated this and during my presentation yesterday, I said maybe if they are converting the 350 rate to 400, he will travel 175 days instead of 200 days. Now, you are telling us 108. I again object to that but it is up to you.

Dr Saadalla: Thank you, Mr Speaker, Sir. The only thing I can say is that the information which I have is that this money is being kept in the administrative department in a pool. This is the answer that I got. So, in that pool you may find people travelling with that 400, which you have said and there are others with 350 and some with even less than 100. This is the information, which I have.

However, I told them that specifically for ES, they have to have a specific cost set for him so that it can be clearly stipulated under the travelling DSA of 400 as clearly stated in the Rules and Regulations.

Mr Speaker, there was another issue that – a proposal to hold a capacity building session for the Assembly on the MTEF. This has been pending for two years now. The Committee should consider setting aside resources for this important activity to increase the capacity for Members of the Assembly to acquire new knowledge and skills. The Council has no objection to this.

There was a request that we should include all Members trainings on MTEF, we agree on it but we request under the current Budget to start with the Committee Chairpersons and members of the Committee on Budget.

There was also an issue on video conferencing. Rt Hon. Speaker, currently, the video conference system is operational and a number of meetings have been convened using this facility. However, the facility currently cannot handle two or more meetings in parallel.

The Secretariat is in agreement with the General Purpose Committee on the need to review the performance of the video conference before the next financial year in order to determine the capital and accessories required for its expanded use.

Rt Hon. Speaker, there was the issue on operationalisation of the East African Parliamentary Institute. Mr Speaker, on the issue of EAPI, I wish to inform this august House that on 18th May, 2015, the Secretary General wrote a letter to the Ministers responsible for EAC Affairs on operationalisation of EAPI and I directed the Secretariat to provide a budget line for the purpose in order to allow us source funds during the year and the EAPI entity has already been gazetted. *(Applause)*

So, this is another – I don't want to be very biased today- handicap, which we found-Budget line for the purpose of allowing us to source funds during the year and the ... Act has already been gazetted accordingly. So this is another – I do not want to be very biased today. This was another handicap, which we found.

Mr Speaker, we have been looking and anchoring to the Secretariat on the gazettelement of this institute since one and a half years ago but we were told that it was not gazetted and we were misled. But I can agree again with the error of administration and operationalisation. Yesterday it was presented to us that it was gazetted since then and of course meanwhile we had already given 1 June for this thing to commence so the issue is done.

Ms Hajabakiga: Mr Speaker, the clarification I wanted to hear is that among the ministers of the Council of Ministers, we know that the meeting is attended by the CTC and all those people concerned. Don't you think that they have been misleading the Council all these years when they knew that they had gazetted this issue since 2012?

Mr Zein: In view of what hon. Hajabakiga has said, doesn't that constitute insubordination?

Dr Saadalla: I do not want to say that it was insubordination but it was a grave mistake.

Mr Speaker, there was another proposal by hon. Yves that amongst the means of looking for alternative source of funds, he clearly mentioned that revenue authorities are currently benefitting from single customs territory and we should approach them. This point is noted. I just want to tell them that this is currently applicable for at least one year but the point is noted.

The same applies to what was raised by hon. Shy-Rose Bhanji that private sectors are also keen on contributing. This point is noted and I will forward it to the respective areas.

There was another issue of the sub-committee on genocide. Mr Speaker, Council sat down and considered this issue very keenly. It recognises that this issue is very important and this committee must take action.

However as I told the Commission, this issue was not formally discussed by the Council and the Budget line has not been kept for this. However, Council promises this House that we ordered the Secretariat to put a Budget line for this with a token amount of money. Assurance has been given and this has been clearly said by the Secretariat that this money is going to be secured at the end of this year and he is going to work hard for that. Council will be behind this issue.

Issues of in-absorption were raised by hon. Maryam. Mr Speaker, there are two issues to be taken into consideration. The EAC and four other Partner States Budgets are being read and start in July but one country among these still did not get into harmonised budget time lines and they start in January.

Again within this, there is a collection of revenues in between and we are given at least up to December. Half of the contribution, at least have to be paid. This did not happen for the last one year, I have to tell you the truth. Almost all Partner States were lagging behind on paying up to February and March this year so implementation of most activities were either rolled over or used money from the contingency to buffer it –

The Speaker: Honourable members, this is a very important explanation that the Chair, Council is giving on the question of absorption capacity of the Community. It is very critical. Please Council, proceed.

Dr Saadalla: Or taking money from the reserve funds to keep issues moving on and implemented. This is on the Partner States side but I can say that up to now, almost all Partner States have disbursed 90 to 95 per cent of what they are required to disburse.

Another issue is on donor funds. Most of the donor funds calendar starts from January and ends in January. Taking into consideration the budgetary allocation of time for two to three months,, you find that our basket is being exhausted and full almost during March, April, May and June.

When we come to report to you, you will find a lot of money in the basket and you will say absorption was very low. This is the issue which we are working with and this is the situation in which we are living.

Mr Speaker, as I said before, there is a chance for rolling over until we finish the project for donor funds but for funds which are coming from Partner States, they will have to go back if they are not utilised at all to the reserve fund. (*Interruption*)

Mr Zein: Thank you, Mr Speaker. I seek two clarifications and I am going to speak slowly so that I may not lose track of both of them. Is it true, honourable minister – Are you saying that the only challenge that we have in terms of absorption capacity elates only to funds from development partners? That is the first one.

The second one is, what is the percentage of absorption capacity as we speak today in the Secretariat in terms of percentage?

Dr Saadalla: Thank you, Mr Speaker: In terms of absorption capacity in percentage up to – Today I cannot say but at least up to March or late April it was somewhere around 48 per cent.

The first clarification which he needed was that the only delaying component of absorption were donor funds. No, they are not only donor funds. Partner States also are included and that is why I said up to February and March, disbursements ranged from 55, 48 and so on. This is what I can say so it is a combined issue.

Mr Speaker, hon. Maryam also talked about institutional review being one of the reasons of non-employment. I agree with this on one aspect for established jobs in the Community but for those jobs which were supposed to go to the program, they were unfrozen since January last year.

It is true they were stagnant for almost six months but then we found that donor funds were supposed to be sent back and we requested the Council to allow unfreezing of these jobs and they were all recruited and the programs are now working. Still I agree that with all established jobs in the Community leaving the ones which are being now advertised and recruited, really they were delayed by institutional review.

Hon. Frederic wished to know whether there is a strategy for security. I can tell you openly that there is no strategy but the policy and manual are there and currently, Partner States have got units for the food security and they are implementing the policy of food security in their respective Partner States.

Among issues which I can tell you, there are some collaboration and standardisation of seed laboratories, crop production policies and exchange of storage of foods and seeds and East African Community commodity exchange issues. Concerning this, the policy is being implemented and the strategy is on its way to being established.

Hon. Nancy talked about activities to be in tandem with the broad development impact. Yes we agree with that and we take note of that. She also talked about the issue of meteorology. Concerning this, maybe she overlooked it somehow but on page – I cannot find it now but the issue of meteorology is there. On page 97 of the MTEF of the annual operation plan and the funds are also there. We take note of all other missing components and we will improve on issues of meteorology as far as giving it more money as she requested in future.

Hon. Ndahiro openly said that this is nothing but a paper budget. It is true because if you can see the whole of this Budget, wherever you go, you will find that there is a component of coordination and coordination is travelling, meetings and so on. I would just like to bring to the attention of this august House that among the travelling and convening of meetings, there are means of securing funds for the projects in our Partner States and this is a very important thing that I want to tell you.

Mr Speaker, I talked with the Council of Ministers the other day and with the Secretariat and some few members of this august House that I think there is need of at least tabling for information to this august House what is transpiring on the ground and this is going to be very

good for the process of oversight because as what happened in Lake Victoria Basin Commission, there were two reports in this august House contradicting themselves.

One says that absorption was only 27 or 47 per cent. It is true but it was 99 per cent of what had been disbursed from the Partner States and donor funds. As if that is not enough, if you go to the ground, one committee's report says almost 95 per cent of all programs were tangible and applicable programs which were benefitting East Africans. So you see the situation in which we are living. You can get less disbursement but let us not accuse that the disbursement was low and nothing is happening on the ground.

Mr Mwinyi: Thank you. Related to a very forceful argument put forward by the honourable minister and very convincing, the information I wish to relay is that the Assembly does not have an issue with travelling. Coordination is travelling. The main function of the Secretariat is predicated on travelling but the challenge we see with this Budget is that there is clear lack of leadership and management at the centre.

Nearly all the issues we have raised are managerial and leadership issues at the centre. Members raised travel to show that there is no leadership at the centre because the leaders are not there. That is the issue, thank you.

Dr Saadalla: I accept the information, Mr Speaker. There is no way I can deny that there is no problem of leadership while I am alone here. As you know, I cannot be a jack of all. I cannot be the CTC, the SG and fellow ministers of all Partner States but I have to appreciate that they are not here because – (*Interruption*) -

The Speaker: Honourable minister, we really sympathise with you as a House and we appreciate the efforts you have put in place to make this Budget process continue in spite of all the difficulties. Proceed.

Dr Saadalla: Thank you. Mr Speaker, it touched me and that is why I paused. From this, I requested the Audit Committee, members of over sighting teams and even members from the Partner States to at least request for what is being done in their Partner States and the Secretariat of course to be tabled here for your information, not even discussion because we cannot have two budgets in one side but at least for your information to have a balance on what is transpiring and a balance between the Secretariat coordination issues and those which are undergoing in Partner States programs.

A lot of programs go – (*Interruption*) -

Ms Hajabakiga: Mr Speaker, my clarification is in support of the honourable Chair, Council. The nature of international organisation and regional organisations like ours is of coordination, supervision and follow up. So the work is to travel and have meetings and nothing else because it is only the member states who implement specific projects. Honourable minister, I think what hon. Mwinyi said is not anything negative. We are saying it is understood because even as an Assembly, our major bigger budget is for travel; air tickets, meetings because we do not implement.

So it is just natural that at the centre, we do that. However, what the minister is raising is that that is what we should have received in the annual report. What actually our coordination bit translates into action on the ground in Partner States is what we would have wanted to see in

the annual report. So there is no need to separate the reports. Just one report should be telling us all that. That is what I wanted to raise, Mr Speaker.

The Speaker: Thank you, hon. Patricia. She was more or less in support of your argument.

Dr Saadalla: Thank you, Mr Speaker. Hon. Ndahiro raised another issue of motivating staff to up to 10 per cent. This needs big scrutiny and I cannot give answers in these two days but I agree. We will go through what they have gone through and I will tell the Secretariat to, if possible, seek reallocation or extra funds on how we can fit this maybe from the general reserve funds on how we can fit an increment but I do not want to give a guarantee that they are going to be on 10 per cent. We will sit down and I will push it by myself to the Council; the previous situation and the current situation and our recommendation. I will take this up myself.

There was also a very important issue on the welfare of especially general staff. It is a pity and I think we have to revise the employment procedures and regulations of general staff and other staff who are not benefitting from the funds of the Secretariat or at least we should apply what is being applied in most of our Partner States that an employer, whether part time or full time, a certain amount of social welfare funds and security have to be sent to one of the funds which deals with the security of these people.

I will forward this component which was raised by hon. Ndahiro and hon. Shy-Rose and others. I know you, Mr Speaker are very interested in this issue. So I take the responsibility to recommend to the Council to at least keep some money or increase the salaries of G-staff and the issue of welfare and security, again I will recommend to the Council so that – When I say Council I mean the full Council to pass at least a directive to give the Secretariat a directive of securing some funds or a percentage to all of these staff who are working here so that they can use an advantage of social security funds in their respective countries wherever they are. I do not want to say only the Secretariat but also other institutions and Organs.

The Speaker: Honourable member, the rules require you to stand and you catch the eye of the Speaker. Hon. Tiperu, are you – (*Interruption*) -

Ms Tiperu: Mr Speaker, I just wanted to be clear.

The Speaker: Are you rising on a point of information or clarification?

Ms Tiperu: Just clarification. Is the minister now saying that they are going to do something as far as increment of the staff salaries of EAC are concerned? Is that what you are saying or do you mean something different?

Dr Saadalla: Thank you. I said that I will stand by the G-staff but there is no harm in talking to all of them. If they are going to be incorporated- If you request me to talk to all of the staff of the EAC to be increased then I will take that forward but I am more interested in the G-staff.

The Speaker: Honourable minister, the amendment from hon. Dr Ndahiro is to request that the welfare or emoluments of salary of staff generally in the Community be increased by 10 per cent instead of 3 per cent if I got him right. He is not talking about the general staff only but even the professional staff. That is the essence of the amendment.

Ms Tiperu: I just want to give information to the minister that we draw our concerns from the fact that since 2006, it is almost a decade and there has never been an increment of the EAC staff and this is contrary to the international labour laws. You actually face being sued in future and it is demotivating so something ought to be done as a policy. If you came up with a concrete word or an undertaking, it would be very good, honourable Chair.

Dr Saadalla: Thank you, Mr Speaker. As I said, the first information which I had was from the general staff but now you remind me that I recently got a paper from hon. Ndahiro clearly stipulating that all staff including professional staff so I am ready to take this on board and present it and I will work on it personally at least up to the end of this year.

Mr Speaker, hon. Kessy talked about wanting to see the performance and achievement on the ground and I want to commend her that she is really a good mover as she moved from one place to the other and found a lot of pit falls on specific areas and problems.

I just want to assure her that our Council will talk to the Partner States to rectify all those problems which she has seen and we will do that. Let her not be tired of moving around as this is leadership. Whenever she gets annoyed, she should face the problems and tell us.

The Speaker: Honourable members, can I request somebody to tell honourable members who are outside that this is a very serious process and I am scared that somebody may rise up on a matter of quorum or otherwise and interrupt the process. Chair, proceed.

Dr Saadalla: Hon. Nakawuki talked about an issue of us not joining COMESA. I just want to tell her that it is a multi sectoral decision and it will comprise of Ministers of Finance, Foreign Affairs and so on and it is a collective decision so I cannot give any answer now about it but we take note of her concern.

The Council meeting on minerals and petroleum did not take place. It is true it did not take place and the monies will be sent for it to take place.

I talked about the sub-committee on genocide. Now there is an issue of car grants. Mr Speaker, I saw a lot of amendments on car grants but what I can say now is that in principle, Council of Ministers took the issue very seriously. (*Applause*) I say this because all members who were here and I am sure those whom I consulted by telephone when they were outside- What I mean is that members of Council of Ministers all appreciated that members of EALA must have vehicles.

So there is no problem with that. That is why I got the guts of putting a budget line in this Budget in this year. But Mr Speaker, the only thing I can say is that we could not find a place on how we can put money into this budget line of car grants. One, as clearly said by the SG, the reserve fund is finished and he coming reserve funds will have their priorities and the disbursement of funds are from the directives given by the Council according to the specific criteria which are there and which say how much, when and where these reserve funds should be used.

So it might be a bit difficult but it can be possible to give priority to the issue of giving grants for vehicles in this current budget when the reserve funds are filled. (*Interruption*)

Ms Byamukama: Thank you very much, Mr Speaker. The clarification I would like to get from the honourable minister and we sincerely appreciate what he stated is the fact that when the SG talked about the reserve fund, he said it had been depleted because some amount of money had been borrowed from it but he also asserted that when they get more remittances from the Partner States then the reserve funds will get back to a higher level.

I would like to ask from clarification. As a matter of fact we know that we have a policy in the EAC where Partner States are supposed to have fully remitted their contribution to the EAC by June 30th. Is this still operational?

Secondly, taking this into account, isn't it safe for us to say that the reserve funds will be built to a level where we can get the money that we would like to get for the car grant? Thank you.

Mr Ogle: I also want to appreciate the Council's commitment in principle, to quote the words of the Chair, Council to the issue of the members' car grant. However in view of the statement that was made by the SG that he requires a certain policy, can the Chair, Council, by agreeing to that principle, put that in writing so that it appears like the policy that the SG requires?

Dr Saadalla: Thank you, Mr Speaker. To answer the clarification of hon. Dora, I said that currently the reserve fund cannot be used because it is finished with a reserve of only \$ 1 million which cannot be used anymore. It is a buffer but I agree because in principle we have already opened the budget line, the House is already in the position of requesting funds to be there. Ministers responsible are always responsible and must be committed to seek funds to be put there so that it can be given as a fund because we are the ones committing ourselves here. This is what I can say.

At least up to the mid-year review, we can see how much has been disbursed because mid-year review is usually done during December. We can see how much has been disbursed and I know here on the amendments it is stated that EALA has committed some amount of money for at least keeping the budget line open. I will accept it, I do not have any problem with that.

On the issue of policy, I just want to say that there must be a policy. Maybe yesterday members did not understand us very well. If you want to introduce something, first of all it is not a sectoral council of EAC which approves that you should use this money or give decisions or direct the Secretariat to do something. It is a full Council and that full Council is the one which I talked to them, do not think that. Full Council is the one which gave me the go ahead to say that there is no problem with cars.

I talked to them by telephone and the answer is, if Partner States members of Parliament are being provided with cars, why not EALA members? So this is the position but now when I talk about the policy, one I know that this House has a short time. There were also points being raised by other Partner States of those full Council. If you do that, aren't we going to do double allocation? Okay, how are we going to do it? Giving money or bulk procurement to save some modalities? In future, will we be supposed to give maintenance and comprehensive insurance?

Here are a lot of things and some of them I could not comprehend but in all I can say that at least the policy to settle this issue so that the Council, when it sits down will bring a paper to the auditor and hon. Mulengani you know that when the auditor comes here –

The Speaker: Honourable members, I think the Chair, Council of Ministers needs to be helped to know that a grant is a one off item and that is what the position of the Assembly is. They are asking for a grant and you are not supposed to be working on that grant annually. It will bear more costs if you went into the modalities of insurance. It will be a very difficult situation. It is a one off grant and that is what the proposal is.

Dr Saadalla: Thank you, I agree with you and that is what we as the sectoral council agreed that it should be a grant.

So I have directed the Secretariat to provide a budget line for that and I agree with the amendments of the committee at least in that portion and not the portion of taking money from the SG. I will have to talk about this. Also find a source from internal or external sources in the next year.

There was an issue of inter parliamentary budget raised by honourable- I just want to assure you that the inter-parliamentary forum budget is there and this money is being coordinated to USAID by the Secretariat. However, the utility of this money will be directed by EALA and this money comes to \$ 154,000. It is the same as was passed in the supplementary budget.

Mr Speaker, the issues are so many but-

The Speaker: Just answer in terms of policy position.

Dr Saadalla: I beg the indulgence of those to those who I did not respond to. If anything arises, I am ready to respond during the Committee Stage. Thank you so much.

The Speaker: Thank you so much, honourable Chair, Council of Ministers for the work well done as Chair singlehandedly. We sympathise with you but we are grateful for the positive response.

Honourable members, as I told you at the beginning, because of the amendments which have been introduced in the report of the Chair of the committee, I am going to put a question on the committee report as amended. I now put the question that the committee report as amended be adopted by this House.

(Question put and agreed to.)

The Speaker: Honourable members, we are moving to Committee of Ways and Means. I now put the question on the motion as moved that this House do resolve itself into a Committee of Ways and Means to consider and approve the financial statement for the Financial Year 2015/2016 and a Committee of Supply to consider and approve the estimates of expenditure for the Financial Year 2015/2016.

(Question put and agreed to.)

COMMITTEE OF WAYS AND MEANS AND COMMITTEE OF SUPPLY

THE BUDGET OF THE EAST AFRICAN COMMUNITY FOR THE FINANCIAL YEAR 2015/2016

COMMITTEE

MOTION FOR APPROVAL OF THE FINANCIAL STATEMENT FOR FINANCIAL YEAR 2015/2016

The Chairman: Chair, Council of Ministers, please move the motion.

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Chair, I beg to move that in accordance with the provisions of Article 132(5) of the Treaty and Rule 76 of the Rules of Procedure, the Committee of Ways and Means do consider and approve the financial statements and (2) approval of budgetary estimates.

The Chairman: Secunder? Chair, committee, hon. Mumbi, hon. Bazivamo, hon. Tiperu, hon. Ndahiro, hon. Frederic. Chair, proceed to justify.

Dr Saadalla: Mr Chairman, as the motion was moved and seconded, I now seek this august House to sit down, scrutinise the Budget speech and from the outcomes which I have given from the responses, do due diligence to this Budget and allow all I have said to be passed.

The Chairman: Honourable members, the justification has been made. Is there any member who really wants to debate this? I now put the question that the financial statements for the Financial Year 2015/2016 be approved.

(Question put and agreed to.)

APPROVAL OF THE BUDGETARY ESTIMATES FOR FINANCIAL YEAR 2015/2016

Vote 001: Secretariat

Dr Saadalla: Mr Chairman, due to the consensus made, we came together with the Committee of General Purpose and I beg to move the reallocation of \$ 540,590 to be deducted under the Vote 001 from the Partnership Fund Vote. This will be transferred to Vote 002. I beg to move.

The Chairman: Honourable members, as a point of reminder, it is at this stage that amendments will be done before I make proposals. When we finish this stage and we go into consideration of the Appropriation Bill, it is only what has been agreed here that will be imported into the Appropriation Bill.

Mr Mulengani: Thank you very much, Mr Chairman. I have a further proposal on the amendment raised by the Chair, Council.

The Chairman: Hon. Mulengani, just hold on a bit. Honourable Chair, Council has made an amendment to make deduction on Vote 001 of \$ 540,590. I would like to put the question on this proposal by the Chair, Council of Ministers. I put the question.

(Question put and agreed to.)

Mr Mulengani: Mr Chairman, I want to thank the Chair, Council for having accepted the principle and therefore advised that a Vote be created for the car grant. Owing to the scrutiny

of the Budget and as debated yesterday and today, I am proposing a further reduction on the East African Community Secretariat amounting to \$ 135,200.

One, to create a Vote for EAPI amounting to \$ 100, to create a Vote for genocide amounting to \$ 100 – Mr Chairman, I am being corrected that it should be a budget line. Also to create a budget line of \$ 135,000 towards the car grant the source being as put on my proposal, from the travel details that were raised from the Secretariat. I beg to move.

The Chairman: Honourable members, the motion on the floor is that there be a deduction on Vote 001 as proposed by hon. Mulengani.

Dr Saadalla: Mr Chairman, maybe I did not get it clear. Is it \$ 100 or \$ 100,000? \$ 100? Okay, thank you.

Mr Mulengani: Mr Chairman, I would like to clarify using the microphone. It is \$ 100 for EAPI budget line. Genocide is \$ 100 budget line. Car grant is \$ 135,000 budget line.

Mr Chairman, the total budget for Vote 001 therefore would be \$ 68,961,059.

Dr Saadalla: Mr Chairman, I have an objection on the third one of the \$ 135,000 because I cannot take that money to be token money to start a budget line. I clearly explained that Council currently has not secured and is not in the projection of securing this money during the mid-term review.

Secondly, during that time when this money gets into the reserve funds, we do not now at that time what the Council of Ministers will be faced with on the priority side but I agree with \$ 100 for sub-committee on genocide because we are working towards securing funds for the sub-committee on genocide and working for EAPI.

The Chairman: Chair, I thought the honourable moved not touching the general reserve funds. He is just touching- Maybe the honourable member should clarify himself to the minister clearly.

Mr Mulengani: Mr Chairman, you were guiding correctly but for purposes of justification, I would like to clarify. The \$ 135,000 I am referring to be reallocated from Vote 001 arising from the discussions and debate raised yesterday of which the House still maintains that there should be a reallocation from the SG's cost centre in Vote 001 and the staff therein, equivalent to 100 days deduction of travel for both staff and the Secretary General amounting to \$ 20,000 equivalent of ticket travel. This brings it to \$ 135,000 to be reallocated to open a budget line for car grant.

Dr Saadalla: Mr Chairman, I have comprehended it very well but still I am not in a position of accepting this because I believe that they were clearly calculated and I am not convinced that if this will be deducted, it will not hinder the activities of the SG and therefore – You are obstructing the activities of the SG. I wish he was here himself and could talk about it but I cannot accept this amendment.

Mr Mulengani: Mr Chairman, we as a House and I think I am speaking on behalf of my colleagues, we do not want to also take what the MTEF shows that indeed the Secretary General should plan to travel for 444 days in a year. It is from that premise.

We also know that you cannot delegate beyond 365 days available for travel. It is on that basis that we are deducting to leave the Secretary General with at least 344 days for travel. Mr Chairman, this is not bad for a Secretary General to work for EALA.

The Chairman: Thank you so much. Honourable members, as you may note, this is not a dialogue between hon. Mulengani and the Chair, Council of Ministers. This is a matter of debate. Is there any member who would like to debate on this matter?

Mr Kiangoi: Mr Chairman, thank you for the opportunity. We have identified that 444 days are impossible. Even the 300 which we are allowing the Secretary General to travel are not possible because the Secretary General is based in Arusha. When does he sit in his office and do administrative work? The Secretary General's duty is not to travel. For him to say that if he does not travel then he is not working beats logic.

I therefore support the motion that we do deduct as proposed by hon. Mulengani. Thank you.

The Chairman: Honourable members, I have given the Chair, Council of Ministers lee way to go and consult with his technical team. As you realise, he is alone here so when you see him moving, please do understand. If you want to raise a matter, wait until he is seated so that he picks it clearly.

Mr Mathuki: Thank you, Mr Chairman. Mine is also very brief that this is a moral issue and this is an Assembly. We cannot agree to pass a budget where we are allocating 444 days to the Secretary General of the Community. I think this is immoral and all that we are doing is reallocating so that we will be fair. In fact even giving 360 days is indeed being too ambitious. I feel it is better that we allocate fairly. We cannot pass a budget where we are allocating 444 days for travel by the Secretary General. It will not be right.

Therefore, I support the motion by hon. Mulengani. Thank you.

Mr Sebalu: Thank you very much, Mr Chairman. I do appreciate the predicament of the Chair, Council but I think we have to proceed from a point of simple logic. We have 365 days in a year and that is a leap year. Actually it will defeat anyone's imagination how a Parliament like ours can sit and provide for 444 days basically saying that the SG will never sit in Arusha even for a single day. I find that a bit disturbing because we appreciate that these travels are official duties and they generate funds.

That is good but how can you provide for an office of the Community to be travelling beyond the possible days of the Community, to be travelling beyond the possible days of a year? What magic is our Secretary General using which other secretary generals do not use? Even if he were to work 24 hours travelling at night and working during the day, he is not magical so it simply does not make sense and we are simply being very realistic.

Even the levels that we have put are extremely ambitious because we are presupposing that he will never sit here to attend to matters. What message are we giving out there that we are a very seriously inefficient Community where the Secretary General moves, he never rests, he never sleeps but all he does is moving? I think there is need for – (*Interruption*)

Ms Hajabakiga: Thank you, Chairman and thank you, hon. Sebalu for giving way. Yesterday when hon. Mulengani raised this issue, I was perturbed and I wanted to prove whether it is true or not. Let me give you an example which I gave yesterday on page nine of the MTEF.

For the Secretary General and the Counsel to the Community to travel to attend EALA session, they alone, the number of days are more than what he could use to travel to EALA sessions. That shows us how the ... of those days. I would not even think that the Secretary General read and saw it himself. I think it is officers budgeting because for them they know that EALA has six sessions so they just multiply six session by US\$500 and yet we have made a resolution in this House.

Let me repeat that the audited accounts and Budget sessions will sit in Arusha. Now even if he has to attend this session, he will be in Arusha. He is paid housing allowance to stay in Arusha, he is resident in Arusha. The only thing he may claim is the sitting allowance and that is not what is contained in the MTEF on page 9.

That is just an example of one section. So we want you, Chair to request Chair, Council to understand and help us pass this Budget. This is not too much money and you know there are processes of reallocating and amendments of the Budget Bill. All that can lead later on when the money is completely exhausted on his desk, you will get money somewhere.

The Chairman: Thank you, hon. Patricia. Hon. Sebalu, please summarise.

Mr Sebalu: As I conclude, the amendment of hon. Mulengani is a very noble and realistic request because even if those were to be single trips without return journeys, still they would be too many.

The Chairman: Thank you so much. Honourable members, I put a question on this matter. First the amendment on the matter as presented by hon. Mulengani. Council has conceded on one and two and only on the other aspect so I am putting a question on the other aspect which Council has not conceded on. After that I will put the question on the whole of it.

I put the question to the amendment as moved by hon. Mulengani on the matter of the travel days being adjusted.

(Question put and agreed to.)

The Chairman: I now put the question on the amendment as moved by hon. Mulengani wholly.

(Question put and agreed to.)

The Chairman: I now propose the question that a total sum of \$ 68,961,059 under Vote 001 be provided for the expenses of the East African Community Secretariat including the defence liaison office and the directorate of customs for the Financial Year 2015/2016.

I now put the question that a total sum of \$ 68,961,059 under Vote 001 be provided for the expenses of the East African Community Secretariat including the defence liaison office and the directorate of customs for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 002: East African Legislative Assembly

Dr Saadalla: Thank you, Chair. In this Vote, as you have seen, I deducted from Vote 001 \$ 540,590. Now I want to add the same amount of \$ 540,590 to Vote 002 to cater for East African outreach, sensitisation and public hearing activities.

The Chairman: Honourable members, the motion on the floor is that a deduction as moved - The computation is being done by the Clerk but do accept me to say as moved by the Chair, Council of Ministers to be added to Vote 002.

Mr Kiangoi: Mr Chairman, the question that you are about to put is not very clear. Let us know how much money had been provided earlier so that we pass actual figures. It is a small figure that can be computed. What is being deducted from Vote 001 and added to Vote 002 which is EALA? Thank you.

The Chairman: Honourable members, the first amendment which is with us is carrying forward what was done on Vote 001 and that is what the minister has moved to be added to Vote 002. That is what I am putting a question on. I put the question.

(Question put and agreed to.)

Mr Mulengani: Mr Chairman, in the same vein we deducted an equivalent of \$ 135,200 from Vote 001 to be added to Vote 002 and I propose that we add to Vote 002 \$ 135,200 to bring a total sum of \$ 16,541,436.

Mr Chairman, it is also proposed that the East African Legislative Assembly Vote will make an internal reallocation equivalent to \$ 1 million to the budget line of the car grant.

The Chairman: Thank you, hon. Mulengani. Honourable members, hon. Mulengani has moved that reallocation be done within Vote 002 to bring the total to \$ 16,541,436. I now put the question on the motion moved by hon. Mulengani.

(Question put and agreed to.)

The Chairman: Honourable members, I propose the question that a total sum of \$ 16,541,436 under Vote 002 be provided for the expenses of the East African Legislative Assembly for the Financial Year 2015/2016.

I now put the question that a total sum of \$ 16,541,436 under Vote 002 be provided for the expenses of the East African Legislative Assembly for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 003: East African Court of Justice

The Chairman: I now propose the question that a total sum of \$ 4,301,551 under Vote 003 be provided for the expenses of the East African Court of Justice for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 4,301,551 under Vote 003 be provided for the expenses of the East African Court of Justice for the Financial Year 2015/2016.

(Question put and agreed to.)

The Chairman: I was impressed by the activity on Vote 002.

Vote 004: Lake Victoria Basin Commission

The Chairman: I now propose the question that a total sum of \$ 10,137,163 under Vote 004 be provided for the expenses of the Lake Victoria Basin Commission for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 10,137,163 under Vote 004 be provided for the expenses of the Lake Victoria Basin Commission for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 005: Inter University Council for East Africa.

The Chairman: Honourable members, I now propose the question that a total sum of \$ 4,507,648 under Vote 005 be provided for the expenses of the Inter University Council of East Africa for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 4,507,648 under Vote 005 be provided for the expenses of the Inter University Council of East Africa for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 006: Lake Victoria Fisheries Organisation

The Chairman: Honourable members, I now propose the question that a total sum of \$ 3,091,997 under Vote 006 be provided for the expenses of the Lake Victoria Fisheries Organisation for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 3,091,997 under Vote 006 be provided for the expenses of the Lake Victoria Fisheries Organisation for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 007: The East African Science and Technology Commission

The Chairman: Honourable members, I now propose the question that a total sum of \$ 726,755 under Vote 007 be provided for the expenses of the East African Science and Technology Commission for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 726,755 under Vote 007 be provided for the expenses of the East African Science and Technology Commission for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 008: The Kiswahili Commission

The Chairman: Honourable members, I now propose the question that a total sum of \$ 756,361 under Vote 008 be provided for the expenses of the East African Kiswahili Commission for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 756,361 under Vote 008 be provided for the expenses of the East African Kiswahili Commission for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 009: The East African Health Research Commission

The Chairman: Honourable members, I now propose the question that a total sum of \$ 935,498 under Vote 009 be provided for the expenses of the East African Health Research Commission for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 935,498 under Vote 009 be provided for the expenses of the East African Health Research Commission for the Financial Year 2015/2016.

(Question put and agreed to.)

Vote 010: The East African Competition Authority

The Chairman: Honourable members, I now propose the question that a total sum of \$ 701,530 under Vote 010 be provided for the expenses of the East African Competition Authority for the Financial Year 2015/2016. Debate is open.

I now put the question that a total sum of \$ 701,530 under Vote 010 be provided for the expenses of the East African Competition Authority for the Financial Year 2015/2016.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Chair, I beg to move that the House do resume and the Committee of Supply and the Committee of Ways and Means report thereto.

The Chairman: Secunder? Hon. Chair and all the members standing. I now put the question that the House do resume and report thereafter.

(Question put and agreed to.)

REPORT OF THE COMMITTEE OF WAYS AND MEANS AND THE COMMITTEE OF SUPPLY

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Speaker, I beg to report that the Committee of Ways and Means has considered and approved the financial statements and the Committee of Supply has considered and approved the Budget for the East African Community totalling up to \$ 110,660,098 for the Financial Year 2015/2016. I beg to move.

MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF WAYS AND MEANS AND COMMITTEE OF SUPPLY

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Speaker, I beg to move that the report of the Committee of Ways and Means and Committee of Supply be adopted. I beg to move.

The Speaker: Seconder? Hon. Dora, hon. Chair, hon. Taslima, hon. Bazivamo, hon. Rwigema, hon. Patricia and all the members standing.

Honourable members, the motion is that the report of the Committee of Ways and Means and the Committee of Supply be adopted. I put the question to the motion.

(Question put and agreed to.)

BILLS

SECOND READING

THE EAST AFRICAN COMMUNITY APPROPRIATION BILL, 2015

MOTION

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Speaker, I beg to move that the East African Community Appropriation Bill 2015/2016 be read for the second time.

The Speaker: Seconders? Hon. Chair, hon. Shy-Rose, hon. Bazivamo, hon. Rwigema, hon. Valerie, hon. Pareno and all members standing. Chair, proceed and justify.

Dr. Saadalla: Mr Speaker, I have to commend the work well done by this august House and this was all done for the benefit of spearheading the integration process both economic and political integration and social integration.

The changes which were done here showed that this august House is keen on approaching or getting much closer to fellow East Africans on the issue of sensitisation but not only sensitisation but giving them awareness of what opportunities they can use within the East African Community.

This also will allow to keep East Africans together much closer, to deepen and widen and tighten integration. With these few remarks, I hope this august House will let this Bill pass for the second time. I beg to move.

The Speaker: Honourable members, I now propose the question that the East African Community Appropriation Bill, 2015 be read a second time. Debate is open.

Debate not being there, it is not necessary for me to call Council to reply. I now put the question that the East African Community Appropriation Bill, 2015 be read a second time.

(Question put and agreed to.)

**THE EAST AFRICAN COMMUNITY APPROPRIATION BILL, 2015 HAS BEEN
READ FOR A SEOCND TIME**

BILLS

COMMITTEE STAGE

**THE EAST AFRICAN COMMUNITY APPROPRIATION BILL, 2015 IN
COMMITTEE**

Clause 1

The Chairman: Honourable members, the proposal is that Clause 1 be part of the Bill. Debate is open. I now put the question that Clause 1 be part of the Bill.

(Question put and agreed to.)

Clause 2

The Chairman: Honourable members, the proposal on the table is that Clause 2 be part of the Bill. Debate is open. I now put the question that Clause 2 be part of the Bill.

(Question put and agreed to.)

Clause 3

The Chairman: Honourable members, the proposal is that Clause 3 be part of the Bill. Debate is open.

Honourable members, I now put the question that Clause 3 be part of the Bill.

(Question put and agreed to.)

Clause 4

The Chairman: Honourable members, the proposal is that Clause 4 be part of the Bill. Debate is open. I now put the question that Clause 4 be part of the Bill.

(Question put and agreed to.)

The Schedule

The Chairman: Honourable members, the proposal on the floor is that the Schedule be part of the Bill. Debate is open.

Honourable members, you may wish to know that the amendments must be moved at this stage also. What we did there was not with the Bill yet at this stage so we have to amend the Schedule and I think the Chair, Council of Ministers is –

Dr Saadalla: Mr Chairman, I move an amendment of transferring the amount of \$ 540,590 from Vote 001 to Vote 002 and be read accordingly. I beg to move.

The Speaker: Thank you so much. We will dispose of the Chair's amendment and then come to hon. Mulengani amendment and incorporate it in Vote 001. Honourable members, are we together?

The proposal is that Vote 001 be amended as proposed by the Chair, Council of Ministers. Debate is open.

I now put the question to the amendment as moved by the minister – Honourable Chairperson.

Dr Nyiramilimo: Thank you, Chair. I think we should put the number on Vote 001 and instead of \$ 69,636,849 which was the first number to be replaced by the number that we agreed which is \$ 68,961,059 and then that is the amendment that we only bring and we do not go into the details.

The Chairman: Thank you so much. I think the Chair is right. The guidance from Chair makes our work easier. Instead of moving one by one - Those were already adopted so now we will move to adopt to adopt the Schedule as per what we passed. So I put the question that Schedule 1 under Vote 001 read \$ 68,961,059. I now put the question.

Honourable members, I am guided that we are not going to put questions to the schedule one by one. We will put it at once. Any other amendment on the schedule before I put the question?

Dr Nyiramilimo: Thank you, Chairperson. On Vote 002 East African Legislative Assembly, we replace the number that was \$ 15,865,646 with \$ 16,541,436.

The Chairman: Thank you so much. The honourable Chairperson has moved that the Schedule be amended as read. Are there any more amendments to the Schedule generally?

There being no amendments, I now put the question that the Schedule, as amended, be part of the Bill.

(Question put and agreed to.)

The Title

The Chairman: Honourable members, the proposal is that the Title be part of the Bill. Debate is open.

I now put the question that the Title be part of the Bill.

(Question put and agreed to.)

MOTION FOR THE HOUSE TO RESUME

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Chairman, I beg to move that the House do resume and the Committee of the Whole House report thereto.

The Chairman: I put the question that the House do resume and report thereto.

(Question put and agreed to.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Speaker, I beg to move that the Committee of the Whole House has considered the Bill entitled the East African Community Appropriation Bill, 2015 and passed it with amendments. I beg to move.

The Speaker: Seconder? Hon. Chair and all members standing. Honourable members, the proposal is that the report of the Whole House be adopted. I put the question.

(Question put and agreed to.)

THE EAST AFRICAN COMMUNITY APPROPRIATION BILL, 2015 FOR THIRD READING BY WAY OF MOTION

Assistant Minister for EA Cooperation, Tanzania (Dr. Abdallah Saadalla Abdalla): Mr Speaker, I beg to move that the East African Community Appropriation Bill, 2015 be read for the third time and do pass.

The Speaker: Honourable members, I now propose the question that the East African Community Appropriation Bill, 2015 be read for the third time and do pass. Debate is open.

I now put the question that the East African Community Appropriation Bill, 2015 be read for the third time and do pass.

(Question put and agreed to.)

THIRD READING OF THE EAST AFRICAN COMMUNITY APPROPRIATION BILL, 2015

A BILL FOR AN ACT ENTITLED THE EAST AFRICAN COMMUNITY APPROPRIATION ACT, 2015

The Speaker: Honourable members, I conferred with the Clerk to this committee and also the mover of this Bill and - The chairperson of the committee is not around.

Honourable members, I had already moved to the next order but I think it is appropriate that I first go ahead and congratulate the Chair, Council of Ministers for a very important work he has done in driving through this very difficult process of passing this Budget alone.

I would also like to take this opportunity to congratulate and thank the Chairperson of General Purpose and the committee members for a work well done.

Finally I would like to congratulate this Assembly for passing this Budget with the scrutiny that it deserved. Congratulations.

**THE EAST AFRICAN COMMUNITY ELECTRONIC TRANSACTIONS BILL, 2014
FOR SECOND READING BY WAY OF MOTION**

The Speaker: Honourable members, this is where I was earlier. I have conferred with the Clerk to this committee and the mover of this Bill. The chair of the committee is not around. We should have moved on this Bill on the third reading and proceeded but unless guided by the committee that the chair has put in writing to any member to represent him, I find it very difficult to proceed on the floor.

I would therefore like to beg the indulgence of the mover of this Bill, hon. Dr Ndahiro that I will administratively handle this matter with the committee leadership and make sure that this Bill is passed because the East Africans are yearning for it. But I thank you for your effort.

**RESOLUTION OF THE ASSEMBLY CONDOLING WITH THE GOVERNMENT
AND PEOPLE OF KENYA OVER THE TRAGIC LOSS OF LIVES IN THE
GARISSA UNIVERSITY ATTACK BY WAY OF MOTION**

Mr Jeremie Ngendakumana (Burundi): Mr Speaker, I beg to move that this Assembly do resolve to urge the Assembly to condole with the government and people of Kenya over the tragic loss of lives in the Garissa University attack.

Mr Speaker, I beg to move.

The Speaker: Secunder? Hon. Nakawuki, hon. Hafsa Mossi, hon. Isabelle and all the members standing. Hon. Jeremie, proceed.

Mr Ngendakumana: Motion for a resolution of the Assembly to condole with the government and people of the Republic of Kenya over the tragic loss of lives in the Garissa University attack and urging the Council of Ministers to expedite the establishment and ratification of a regional mechanism for effective implementation of decisions made in the area of peace and security.

“GUIDED BY the fact that Garissa University College was founded in 2011 as a constituent college of Moi University in the facilities of the former Garissa Teachers’ Training College, it was the first and only public post-secondary school to offer approved university degree courses in the north Eastern province around 200 km from the border with Somalia, which was considered as one of the safest spots in the region.

The institution provides courses in the schools of education, information science, art and social sciences.

On 2 April 2015, gun men stormed Garissa University and took lives of at least 148 people of whom 142 were students, three were soldiers and three were police officers. Up to 587 students escaped but 79 were injured.

FURTHER GUIDED by the fact that the attack was the deadliest in Kenya since the 1998 Al Qaeda bombing of the United States embassy in Nairobi, at least 200 people died and is the second deadliest over all with more casualties than the 2002 Mombasa attacks where 30 people died, the 2013 West Gate shopping mall attack with 67 people dead, the 2014 Nairobi bus bombings in Madera where 28 people died, the 2014 Gikomba bombings where 12 people

died, the 2014 mpeketoni tax where 60 people died and the 2014 west gate Mall attacks were at least 29 people died,

FURTHER GUIDED by the Treaty for the establishment of the East African Community that peace, security and strong political relations are critical factors in creating a conducive environment for regional cooperation and integration and

CONSCIOUS OF THE FACT that close cooperation, mutual understanding and collaboration in matters of peace and security will be to the mutual benefit of the Partner States,

AWARE THAT in order to promote the achievements of the objectives of the Community set out in the Treaty, the Partner States agreed under Article 5(3) to promote peace, security, stability and good neighbourliness among themselves,

FURTHER AWARE that a number of regional efforts aimed at promoting peace and security are in place including progress towards the conclusion of an EAC Protocol on peace and security although this is bedevilled by constant details,

RECALLING THAT under Article 124 of the Treaty, the Partner States agreed that peace and security are a prerequisite to social and economic development within the Community and vital to the achievements of the objectives of the Community,

NOTING WITH CONCERN that terrorism continues to pose a serious threat to regional peace and security, the enjoyment of human rights, the social and economic development of all Partner States and undermines regional stability and prosperity,

FURTHER CONCERNED that these threats have become more diverse with an increase of terrorists acts'

RECOGNISING that terrorism will not be defeated by military force, law enforcement measures and intelligence operations alone and underlining the means to strengthen efforts for the successful prevention of terrorism and the protection of those who could be susceptible to terrorist recruitment as the particular goals of counter terrorism strategies under strives for sustainable peace and security,

APPRECIATING efforts by all leaders who stood by the people of Kenya to give them further assurances during the time of despair that the Kenyan spirit shall remain ever glowing since Kenyans are one indivisible family that cannot be deterred by acts of cowardice,

NOW THEREFORE this Assembly hereby do resolve as follows:

1. Condemn without reservation and in the strongest terms the terrorist attacks that took place in Garissa University of innocent East Africans. We sincerely hope that while Kenya is going through this difficult time, all the Partner States will work together to fight against the scourge of terrorism and intensify the existing cooperation to bring the perpetrators of this horrible act to justice and the restoration of peace and security in the region.
2. With profound sadness following the senseless shooting in Garissa, we will never condone such cowardly acts of terror aimed at instilling fear and propagating discord among our citizens. We extend our deepest heartfelt condolences to the bereaved families, relatives and friends of those who have lost their loves and to wish the injured

a quick recovery. In this moment of deep sadness and loss, the Assembly expresses its solidarity with His Excellency Uhuru Kenyatta, the President of the Republic of Kenya and the government of the People's Republic of Kenya.

3. We urge the need to strengthen international, regional and sub-regional cooperation aimed at enhancing the East African capacity to prevent, combat and effectively eliminate terrorism in all its forms and manifestations.
4. We condemn the negative and increased use of technology in particular the Internet by the terrorists and their supporters for the purpose of recruitment and incitement to commit terrorist acts as well as for financing, planning and preparation of their activities.
5. We urge all Partner States to prevent and suppress the financing of terrorist acts.
6. We further urge all Partner States to take and strengthen national measures as appropriate to prevent terrorists from acquiring weapons of mass destruction and the means of delivery to the region.
7. We also urge the Council to expeditiously conclude the establishment and ratification of a regional mechanism for effective implementation of decisions made in areas of peace and security to consolidate further ties of friendship and fraternity among Partner States in the hour of need.”

Mr Speaker, I beg to move.

The Speaker: Thank you so much, hon. Jeremie. Honourable members, the motion is that we do resolve this. Debate is open.

Mr Ngoga: Thank you very much, Mr Speaker. I note that we are approaching 6.30 p.m. and I beg to move the motion that we suspend the provision of our rules, particularly Rule 11(1) in order for us to proceed beyond 6.30 p.m.

The Speaker: Thank you? Hon. Peter Mathuki, hon. Hafsa Mossi, hon. Nengo, hon. Tiperu. Honourable member, you can make a small justification then I put the question because it is overwhelmingly supported.

Mr Ngoga: Thank you very much, Mr Speaker. The reason I moved to suspend this particular provision is because the next item is very important. The preparation for this has been going on for a long time and it is very important that we deal with it now and not wait any longer.

The Speaker: Thank you so much. The member has moved that we suspend the provision of Rule 11(1) that limits our business to 6.30 in the spirit of your hard work that we suspend this rule and proceed beyond 6.30, I now put the question.

(Question put and agreed to.)

The Speaker: Thank you so much. Honourable members, the motion on the floor is that this House do express itself to condemn the atrocities that happened in Kenya and pay tribute to the people. Debate is open.

I would like members to take as short a time as possible on this debate such that we can consider other matters.

Ms Patricia Hjabakiga (Rwanda): Thank you, Mr Speaker. I would like to support the motion. It is important and we would have done injustice if we left this session in Arusha without saying something about the Garissa attack and similar attacks to the citizens of East Africa by the terrorist groups.

It is inhuman, it is unacceptable and as East Africa and especially East African Community as a whole and specifically our Partner States, we should do something that will stop this terrible situation which is becoming regular in our region.

Mr Speaker, I support all the provisions but I wanted to add one more recommendation of the resolution to request the Partner States to come together and draw a mechanism which will help any one of our countries which is being attacked so that they can jointly work together to support that particular country which is in danger. I will draft it and bring it over to the mover but I thought it was lacking.

We are specific on the area of the protocol but the protocol may take time but it is urgent that we move faster so that the heads of state can actually do something even before the protocol comes into place.

Mr Speaker, once again I support the motion.

The Speaker: Thank you so much. Honourable members, I am going to allow only four people to debate on this motion. I will pay specific attention to those who have not spoken during this motion.

Ms Emerence Bucumi (Burundi): Thank you so much, Mr Speaker for giving me the floor. First of all I would like to congratulate hon. Jeremie Ngendakumana the mover of this motion which is very important.

The matter of peace and security was the concern of the Chair, Summit when he addressed the Assembly during the plenary in Bujumbura. If there is no peace, if there is no security, there is no life.

We need to stand as the mover proposed in resolution number one to condemn without reservation and in the strongest terms that terrorist attack at Garissa University. You cannot imagine how families have lost, how the country has lost and how the region has lost. We lost not only 142 students but we lost a whole generation, the future of our region.

Mr Speaker, the world is suffering too much because of that kind of terrorism. There are the Al Shabaab, Al Qaeda, Boko haram etc. it seems that fighting them has become impossible and should be impossible since both of those terrorists have that ideology that if you kill a human being, you will go to heaven, meaning that to kill many human beings, you will go faster to heaven. I do not know if you aspire to the same heaven.

Mr Speaker, I totally support the ideal of strengthening the international and regional cooperation aimed at enhancing East Africa's capacity to prevent and combat terrorism in all its forms. Thank you once again, Mr Speaker.

The Speaker: Thank you, hon. Bucumi.

Mr Twaha Taslima (Tanzania): Thank you, Mr Speaker. I just wanted to comment on number- First of all I am commending the mover because this is a very important matter.

Secondly, I would like to say something on number three, the resolutions. We are saying, “We urge the need to strengthen international, regional and sub-regional cooperation.” Regarding the word ‘urge’, I would think we either say, “We urge the international community to strengthen international, regional and sub-regional cooperation” or “We underscore the need to strengthen international, regional and sub-regional cooperation.” It is upon the mover to take it.

The Speaker: Hon. Taslima, can you draft the amendment? I presume you are amending the provision. Can you draft it and pass it to the mover for his response?

Mr Taslima: I will do that.

Ms Hafsa Mossi (Burundi): Thank you, Mr Speaker. I also want to add my voice to thank the mover of this motion. Indeed I support the motion. I want to say that we condemn the brutal attack which happened on innocent citizens of East Africa.

Mr Speaker, we felt very helpless when this attack happened especially when we know that this is an institution, the only one in that region that is providing higher education. In addition, many of the children who were killed come from marginalised communities. Mr Speaker, you can understand that it would be extremely difficult for the region to be able to educate their children.

Mr Speaker, I think this attack and other terrorist attacks can give us lessons as East Africa so that you can be united and fight seriously against these terrorists who are trying to destabilise our region.

We stand with the people of Kenya indeed because when you attack one of the East African Partner States, you attack all East African Partner States. I want to urge the Partner States to really take this matter seriously and strategize on how to fight these cruel attacks and especially to be able to put in place an East Africa Counter Terrorism Strategy.

With these few remarks, I beg to support.

The Speaker: Thank you so much. Hon. Nakawuki, two minutes.

Ms Susan Nakawuki (Uganda): Thank you very much, Mr Speaker. I will utilise my two minutes. I want to appreciate hon. Jeremie for this motion and I also want to condole with the Kenyan government and the people of Kenya. I really feel sorry for the parents who lost their children in the Garissa attack.

Mr Speaker, I met one aren’t who actually told me that her daughter had refused to go back to the university for fear of attacks and that was in Uganda because we were also alerted in Uganda that there were plans to attack some of the universities in Uganda.

Mr Speaker, we all appreciate that the East African Community has been facing a number of challenges when it comes to issues of peace and security in the recent years. Many of the Partner States have had attacks not only in Kenya but even Uganda and other countries.

Mr Speaker, in 2013 there was a report by the Development Assistance Committee of the Organisation of Economic Cooperation and Development and in that report, it was indicated that four out of our five Partner States are fragile when it comes to issues of peace and security and the only Partner State which was seen as a bit okay was the United Republic of Tanzania.

This calls for combined efforts. We appreciate the cooperation between our Partner States on security matters but I think something more needs to be done because we are seated on a time bomb. Al Shabaab and other terrorist groups are still in action and I really hope that Council will take our department of Peace and Security more seriously by availing more funds because right now, they are mainly depending on donor funding. GIZ has been the most influential in funding this particular sector and yet it affects all East Africans.

So I would like to call upon Council to act quickly and find money for this department so that we can continue that area of cooperation to ensure that all East Africans are safe. I thank you, Mr Speaker.

Ms Nusura Tiperu (Uganda): Thank you, Mr Speaker. First I would like to associate with the motion and sympathise with those who lost their loved ones.

Secondly I wish to include that in the motion we urge all public institutions to beef up security in the region.

Thirdly, there used to be a tradition of our children being trained before they join university. If you look at the mode in which our people are being killed in cold blood without any attempt to defend themselves, it is a clear indication that they are not trained. So I would pray that we also add that all our EAC governments should consider re-introducing para-military training or all children before university entrance. Thank you.

The Speaker: Thank you so much, honourable member. I now invite hon. Jeremie to respond.

Mr Ngendakumana: Thank you, Mr Speaker. I would like to say that what happened in Garissa was not the first act of terrorism in this Community. We experienced this in 1998 when the US embassy in Nairobi was bombed by Al Qaeda but at the same time in Dar es Salaam in the United Republic of Tanzania, they registered the same act of terrorism.

With this, we can understand that this Community- what happened in Garissa University can happen elsewhere in this Community and that is why not only Tanzania and Kenya but in 2010 in Uganda, the act of terrorism was registered while people were watching the FIFA World Cup final. About 64 people were killed and 71 injured. Therefore that is why I was saying that what happened in Garissa can happen elsewhere in our Community if nothing serious is done.

Mr Speaker, we have been talking about the mechanism of fighting terrorism in our Community. The EAC Protocol on peace and Security provides a ... of cooperation in security matters and combating terrorism. This is provided for in Article 3(c) of the proposed EAC Protocol on Peace and Security.

Article 3(2)(h) provides one of the objectives of this protocol as to enhance the capacity of Partner States in combating terrorism and piracy. The entire Article 6 of that protocol is exclusively about combating terrorism. Therefore Mr Speaker and honourable members, there

is a need, as a matter of priority, for all EAC Partner States to come up without the signature, the ratification and the full implementation of the EAC Protocol on Peace and Security for the purpose of putting an end to those barbarian acts of terrorism among other objectives.

Mr Speaker, before I conclude, I would like to recognise all the members who have contributed to this motion namely hon. Patricia, hon. Bucumi, hon. Taslima, hon. Hafsa, hon. Tiperu and hon. Nakawuki. In case I have forgotten one of you, I beg your indulgence. Thank you.

Mr Speaker and honourable members, with those few remarks, I beg that this motion be adopted. I thank you so much.

The Speaker: Hon. Jeremie, I am presuming that you have accepted all the amendments as moved by embers. Can you please confirm that so that I put the question as amended? You had not alluded to that. Honourable members, the motion before us is that this House do adopt the resolution of the Assembly condoling with the government and people of Kenya over the tragic loss of lives in the Garissa University attack, as amended by the members. I put the question.

(Question put and agreed to.)

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE CODE OF CONDUCT

The Speaker: The Chairperson, Legal Rules and Privileges in their democratic processes have delegated this duty to one of the members. I therefore invite hon. Pareno to move. As we agreed, lay the report.

Ms Judith Pareno (Kenya): Mr Speaker, I already laid.

The Speaker: Okay, now move.

Ms Pareno: Mr Speaker, I beg to move that this Assembly do resolve to amend Section 4(6) of the code of conduct for the EALA members and Rules 93 and 96 of the Rules of Procedure of the Assembly. I beg to move.

The Speaker: Seconder? Hon. Taslima, hon. Kiangoi, hon. Mathuki, hon. Christophe and all the members standing. Hon. Pareno, proceed.

Ms Pareno: Mr Speaker, on behalf of my chair I present this report of the Legal Committee and I proceed to read the introduction.

1.0 Introduction

1. In accordance with Article 59 (1) of the Treaty for the Establishment of the East African Community (EAC) and rule 85 of the Rules of Procedure of the Assembly (2015 Edition), we wish to submit the report of the Legal, Rules and Privileges Committee (LRP) to amend section 4 (6) of the Code of Conduct for the Members of the Assembly and rule 93 and 96

(3) of the Rules of Procedure of the Assembly. The proposed amendments submitted by Hon. Judith Pareno were considered by the Committee first time on Tuesday 12th and Wednesday 20th May 2015 during EALA's 6th Meeting of the 3rd Session of the Third Assembly being held in Arusha, Tanzania.

2.0 THE OBJECTIVES OF THE AMENDMENT

2. The objective of the proposed amendments is to clear ambiguities in the interpretation and operationalization of the Code of Conduct for the Members of the Assembly in general, and more specifically its section 4 (6).

3.0 Methodology

4. In carrying out its mandate, the Committee employed various methods, which included the following:
 - (a) Presentation of the amendments by the mover;
 - (b) Consideration of written submission from the mover and other Members of the Assembly;
 - (c) Literature review of the Treaty and other relevant documents;
 - (d) Compilation of the report based on inputs from various Members;
 - (e) Consideration of the amendments by the Committee;
 - (f) Amendments to the Code of Conduct for the Members of the Assembly and the Rules of Procedure for the Assembly by the Committee taking into account comments raised by the Members.

4.0 THE CONSIDERATION OF THE AMENDMENTS

5. The Committee considered for the first time Hon. Judith Pareno's proposed amendments on Tuesday 12th May 2015 in Arusha, Tanzania. On Wednesday 20th May 2015, the Committee after thorough scrutiny of the proposed amendments recommended drafting instructions to amend section 4 (6) of the Code of Conduct for the Members of the Assembly, and rule 93 and rule 96 (3) of the Rules of Procedure of the Assembly. The recommendations are based on the written submissions received from Hon. Judith Pareno and other Members of the Assembly as well as the consideration of the proposed amendments by the Committee.
6. The Committee felt the proposed amendments are timely and an important effort to easily interpret and smoothly operationalize the Code of Conduct for the Members of the Assembly.
7. In accordance with rule 85 of the Rules of Procedures of the Assembly, the Committee considered thoroughly scrutinized the proposed amendments. The Committee further analyzed the proposed amendments and *developed amendments which are attached to this report as Annex I.*

5.0 Conclusion

8. As it has been stipulated in this report that proposed amendments seek to clearly interpret and operationalize the Code of Conduct for the Members of the Assembly in general, and more specifically its section 4 (6).

9. The Committee also observes the proposed amendments will play an important role in clearing ambiguities in the interpretation and operationalization of the Code of Conduct for the Members of the Assembly in general, and more specifically its section 4 (6). It is therefore the view of the Committee that this Assembly supports and passes these amendments so as to facilitate the smooth operationalization of the Code of Conduct for the Members of the Assembly.

6.0 Recommendation

10. In light of the above emerging issues from the Members to enrich the proposed amendments, the Committee henceforth recommends that this August House adopts the report and the annexed proposed amendments.

The Speaker: Thank you so much, hon. Pareno standing in for the Chair, Legal Rules and Privileges Committee. Honourable members, before I open debate in this matter, it is important that as the Speaker of this Assembly I make these fundamental points clear. The principle that we passed in our last sitting in Bujumbura is in no way being tampered with and I would like to reaffirm to the East Africans that just like has been perceived, we would like to be very exemplary in this region.

This provision has given us a high moral ground as a Parliament. What we are doing now is just to develop a mechanism of how to implement the principle that we passed so these fundamental facts need to put clear. Honourable members, debate is open.

Mr Joseph Ombasa (Kenya): Thank you, Mr Speaker. I stand to support this amendment as ably put by hon. Pareno. The amendment of the code of conduct 4(6) is to remove ambiguity. It was being read previously, as it is now, to mean that if you lose one entitlement say a sitting allowance then you must also lose the subsistence allowance to the extent that if a member was sick and did not attend a sitting here but that member was in the hotel, that member would be deducted both subsistence and sitting allowance because the two were together.

So it is to remove that ambiguity so that we have now each applying accordingly. That is why it said ‘as the case may be’ and ‘and or sitting allowance as the case may be’. If the case is for sitting allowance then the sitting allowance is deducted. If the case is for per diem, then only per diem is deducted.

Moving very quickly, the provision of 93(4) is to provide for compassionate leave. You see, it comes under leave of absence. A member may be sick and a member may be hospitalised or in and out of hospital. A member’s immediate family, and I want to amend where it reads, “... death of a member’s immediate family.” It is a member’s immediate family member. It cannot be, death of a member’s immediate family because family is plural. It is a member’s immediate family as defined in the various provisions even in the insurance so that that one also will read, “Death of a member’s immediate family member including parents and siblings.” You remember parents and siblings are not in that category of immediate family member. It is a person, their spouse and children. That is how it is normally interpreted but here we have included the parents and siblings.

The third one is ‘any other emergency as the Speaker may, in his or her opinion, determine’. This is to cover situations like for those with young children. A child may be sick. You cannot

say that you are not covered by one or two. The parent of that child will be entitled to this compassionate leave. So it covers all those areas.

What is important is that there will be guidelines. If one is on compassionate leave, what are the entitlements of a member who is on compassionate leave? Those will be covered adequately and may include payments being made.

Finally Mr Speaker, it is to connect the code of conduct, the rules of procedure of committee sot our main rules because if you do not make reference to them, they just stand alone. Provide and connect them so that we can bind them in one book and then they will apply accordingly.

Mr Speaker, I beg to support.

Mr Abubakar Ogle (Kenya): Thank you, Mr Speaker. From the outset, let me complement the Committee of Legal for bringing this amendment which was very necessary and critical especially given the huge disquiet and crisis it was almost creating in the Assembly.

Having said that, let me quickly suggest an amendment to that amendment. My amendment reads, and I am amending the amendment of the subcommittee of the Legal Committee this way: ‘A member who is absent from a sitting of the Assembly, committee or any other activity of the Assembly shall forfeit the subsistence and/or sitting allowance, as the case may be applicable. Subject to the provisions of Rule 93 of the Rules of Procedure, the Speaker shall determine the applicability of this provision.’

Let us not make any mistake about this. We are not against any accountability. We are responsible here and we know what we are doing here. If anybody deliberately does not, for some reason without any explanation is absent, he or she has got to pay the price. Nobody is accepting any loss about this.

What we are saying is we now our past and where we came from. We did not get rid of a rogue Speaker to replace it with a monstrous institution that wants to misinterpret provisions here and there in their own way. I am not going to be in the busy of accepting any orders from a monstrous Commission who wants to take powers unto themselves and interpret things and ensure that this happens. Nobody can and should police me. I am responsible, I know what I am doing here. I am accountable, I will lose my allowance if and when – (*Interruption*)

The Speaker: Hon. Ogle, will you take clarification from hon. Pareno?

Ms Pareno: Thank you, Mr Speaker. I needed to understand hon. Ogle when he says we amend to include, ‘Subject to the provisions of 93 of the Rules of Procedure’. Does he mean that we have that together with ‘notwithstanding the fact that such non-attendance or – I would want to understand his amendment as I have not understood it?

Ms Byamukama: Thank you, Mr Speaker and thank you, hon. Ogle for giving way. I would like to understand from hon. Ogle’s submission as to what makes the Commission monstrous because we are members and colleagues, we were elected to serve on the Commission and I do not understand why suddenly the Commission has become monstrous. I think this particular word should be struck off the record.

Let me just say one particular thing. Mr Speaker, we are all elected members of EALA. When we come to EALA, we actually get a monthly salary. Apart from the monthly salary, we are facilitated to be able to work in committees as well as work in plenary.

Mr Speaker, when it comes for example to the issue of plenary we get subsistence allowance as well as per diem and plenary takes a maximum of only nine days. The weekends are not tampered with. Per diem is supposed to facilitate our stay in the area to be able to execute our work. Subsistence is given because you actually sit in a meeting.

So I want to understand and appreciate as to why this would make the Commission monstrous. The Treaty goes on to talk about the issue of vacation and it says you can use your seat if you actually do not attend seven consecutive meetings. Therefore we have to be very careful when we are dealing with these issues.

Mr Speaker, on another humble note – (*Interruption*) -

The Speaker: Honourable, I hope you are not debating. You just rose on a point of clarification. Can you summarise?

Ms Byamukama: I am summarising. The clarification I want to seek is that we have just been castigating the Secretary General for having 444 days of travel which was unrealistic. We are oversight body and we have to be exemplary like you have just said so I want some clarification and I would like this to be expunged from the record. This is not a Commission position, this is a Treaty position and the code of conduct is a combination and rules so –

The Speaker: Thank you, hon. Dora. You will substantively debate. Honourable members, hon. Ogle is on the floor and two members rose on a point of clarification. That is where we are. You rose on a point of procedure depending on the clarifications or on how we are proceeding generally? Hon. Patricia, can I hear you?

Ms Hajabakiga: Mr Speaker, I need to find out that provision of the rules but let me say it as you may remember. I am standing on a point of procedure. The motion on the floor and the objective as was read in the report of the committee is the amendment to clear ambiguities in the interpretation and operationalization of the code of conduct for the members of the Assembly in general and more specifically, in its section 4(6).

Mr Speaker, there is a provision in the Rules of Procedure where a member who wants to amend any other provision as being done now by hon. Ogle should have submitted it first to the Committee of Legal Rules and Privileges to consider it and it cannot be a subject of debate on this floor.

The Speaker: Hon. Ogle, let me first rule on the procedural matter then you proceed on the clarification. What is before us is a committee report that we are dealing with. Any amendment will be an amendment to the committee report not direct to the Rules of Procedure or its annexes. If you want to move any amendment to any of the provisions of our rules or the annexes as we have passed them, you have to send your amendment to the Committee of Legal Rules and Privileges.

As of now, hon. Ogle you are on the floor. Deal with the clarification and proceed.

Mr Ogle: Thank you, Mr Speaker for that clarity regarding the point that was raised by hon. Patricia.

I just want to respond to hon. Pareno's clarification. Yes I am seeking for the removal of that notwithstanding aspect in her amendment. I will repeat. My amendment reads, "Subject to the provisions of Rule 93 of the Rules of Procedure, the Speaker shall determine the applicability of this provision." That is my amendment. I do not need to argue.

The idea behind this is to ensure that we restore the authority of the Speaker in the management of this matter and nobody else. The only one person who symbolises and represents the will of this Assembly is the Speaker and nobody else. When I referred to some monstrous institution otherwise, there are guys who want to – (*Hon. Ombasa rose*)

The Speaker: Hon. Ombasa, please sit down first before I give you a chance. I think there is a provision also in this rule that one may move that a member never be heard on a subject so let us be orderly. Hon. Kiangoi, move on a point of order.

Mr Ombasa: Mr Speaker, I am moving on a point of order. Is it in order for the honourable member to suggest an amendment that will be contrary to the provisions of the rules and the law to give the Speaker powers to deal and interpret and go beyond the rules, to provide beyond the rules what is provided for in the rules? Is it in order that we would go into that kind of illegality because it would take away the application of the rules so that the Speaker provides for situations which are not provided for in the rules?

The Speaker: Hon. Ogle, please confine yourself to the principle.

Mr Ogle: Let me just continue anyway. Mr Speaker, I am not creating additional powers to the Speaker, I do not have those powers. What we are saying is we are restating the powers of the Speaker to handle this. Nobody else should purport to have that authority and that is the crux of my submission. Mr Speaker, I beg to move that amendment. (Interruption)

Ms Byamukama: Mr Speaker, is it in order for the honourable colleague to mislead this House by stating that we are reinstating the powers of the Speaker in this instance whereas it is very clear that although the Speaker may have powers to grant leave of absence, the Speaker may not have the same powers to grant per diem when a member is not present? Is it in order?

The Speaker: Honourable members, the Treaty is very clear. The powers of the Speaker are enshrined in the Treaty and there are other enabling laws and rules which are like our Rules of Procedure that go ahead to make sure they explain further the powers of the Speaker as enshrined in the Treaty. Anything that is contrary to the Treaty shall not see the light of day. That is the principle.

Therefore, anything that tends to circumvent and touch the Treaty that gives the Speaker certain powers. Legally you know will not survive but this is what we are dealing with so I personally feel that the Speaker's power is your power as a House. The Speaker represents the House. If you try to do anything to the contrary that limits the Speaker's power, you are limiting your own power as a House. Debate proceeds.

Mr Mike Sebalu (Uganda): Thank you, Mr Speaker. I do rise to support the amendment of hon. Ogle and I have a few reasons for that. When we elect a Speaker, the Speaker is the head

of the institution and that is something we need to appreciate. We need to allow room for the Speaker to use his office and discretion to deal with administrative matters of this House and for me, some of the issues that we are raising of an administrative nature.

The Speaker has powers to instil discipline, he can invite a member for a pet talk to get them to toe the line. He has the power to engage, be it at committee or even calling other members to deal with any situation that may arise. A situation that restricts the Speaker so much and stereotypes that office to me is not desirable.

When I elected the Speaker personally, I had full confidence and I have full confidence. When you elect someone at that level, it is on the basis of full confidence, full trust and appreciation of a sense of judgement. So these matters where a sense of judgement can be called upon to prevail, my view is that they should be given lee way.

A restricted office of the Speaker is a disabled office and Rule 93 was for all intents and purposes, aimed at giving that leverage to the Speaker to exercise their due powers and responsibility. So basically I do support that 93, as originally conceived, be appreciated. I beg to support.

The Speaker: Honourable members, do not mind. The good hon. Martin Ngoga has already moved that we can proceed until midnight.

Mr Zein Abubakar (Kenya): Thank you very much, Mr Speaker. Allow me first of all to thank the committee for the work they have done and thank them for the proposals that are only limited to bringing clarity to the interpretation and application of those provisions.

Allow me to also thank you, Mr Speaker for your commitment before the beginning of the debate that we are not touching the principle that was designed to enhance the integrity levels in the House.

Thirdly, allow me to also respectfully disagree with hon. Ogle and hon. Sebalu who I hold in very high esteem that this is not a matter concerning the office of the Speaker and the powers allocated to the office of the Speaker. The office of the Speaker and the powers that are located to that office are clearly defined and I appreciate your guidance on that and draw the attention of colleagues that there is a danger. You do not want to put the Speaker in a situation where they have to interpret if the Speaker has powers to make what is ordinarily illegal to become legal.

In fact let me make two points and then sit down. The first one is that even the Commission as an institution, when they are making the guidelines, they have no right whatsoever to interpret guidelines in such a way that it will make what is illegal to become legal. To make what is not permitted by the Treaty, good governance, good financial management go away and in its place put things that will reward people outside the confines of the Treaty and the law.

So I support the position of the committee and urge my colleagues in this House to consider that the committee had heated debates, I know. The committee had to burn the midnight oil to consider this matter deeply. I know and that they arrived at what is legal and supported by the Treaty. I therefore support the position of the committee. I thank you.

Mr Straton Ndikuryayo (Rwanda): Thank you, Mr Speaker. I stand to support the report and also congratulate hon. Judith Pareno. However I have one issue concerning annex 1.

Mr Speaker, on the issue of per diem, per diem in budgeting is called DSA. DSA is Day Subsistence Allowance which means it is the money you take when you are out of home for your survival to pay different expenses like hotels and other things.

Mr Speaker, however I support the report. I was seeking clarification on one amendment on page one of the annex where they say that they are amending Rule 93 of the Rules of Procedure of the Assembly to introduce a new cause to read, “A member shall be entitled to compassionate leave on any one of the following grounds”.

Mr Speaker, my concern is on point (a) where they are saying sickness necessitating hospitalisation, whether a member is hospitalised throughout the period or in or out of the hospital.

Mr Speaker, the clarification I am seeking is I know very well that you are a member. To be honourable you have to behave honourably but sometimes can say I am sick, I am in hospital but I am not in hospital.

Mr Speaker, if you say to be hospitalised in or out of the hospital, it brings confusion. I support this but I am seeking clarification from the Committee on legal on these two items from these proposed amendments. Mr Speaker, I beg to move.

The Speaker: Thank you so much. Before I pick hon. Isabelle, I would like to make some clarifications that honourable members, the objectives of this amendment is also to develop implementation guidelines so some of these aspects which are not clear may become clearer when we get the guidelines out. The guidelines shall be developed by the Commission in consultation with the Committee of Legal, Rules and Privileges. Thank you.

Ms Isabelle Ndahayo (Burundi): Thank you, Mr Speaker. First of all I support the motion. Before I say something on this motion, I would like to say that the idea behind this provision of the code of conduct was not bad. It was like a reminder to members that we must be committed to our work.

I do not doubt the commitment of the members of this House but the way it is being implemented is causing a lot of problems and that is why you can see here that people are agitated.

Mr Speaker, too much serious sanctions may be harmful to this House and to the business of this House. You cannot condemn a group of people because of one rotten egg. I think each person must be accountable individually and that is why this clause must be reviewed and must take care of different situations which may arise to a given member.

I do not think that we need to organise a meeting of the Commission to decide on a given case for every case which happens for the Commission to decide on this. I support the idea that the Commission may set out guidelines for the implementation of this code but the Speaker must decide.

I support the idea of the – (*Interruption*) -

The Speaker: Hon. Isabelle, will you take the clarification?

Ms Ndahayo: Okay, I will take it.

Ms Hajabakiga: Thank you, Mr Speaker. The clarification I want to give is that the Speaker chairs the Commission and if the guidelines will be adopted, the Speaker will have sanctioned that they get adopted. To make it even more clearly, the Speaker has got a casting vote in case of disagreement in the Commission. Thank you.

The Speaker: Thank you, hon. Patricia. You can respond and then resume your seat because you were concluding.

Ms Ndahayo: Mr Speaker, I do not know if it is necessary for me to give an example which happened to me when I was supposed to leave. I was supposed to change my ticket and leave. Even now I have to leave for Nairobi so that I can sleep in Nairobi and be able to catch the morning flight to Bujumbura so that I can get to Bujumbura during the day. I was requested to pay back the per diem for this day and I have to sleep in Nairobi. Imagine.

Now I have to wait for the Commission to decide on this? Imagine. So I think we need to be human in this case. I think for every organisation to be able to run its business smoothly, we need to take care of social factors otherwise I think if we do not take care of the social factors of people, I do not think we will run our business smoothly. Thank you.

The Speaker: Thank you.

Dr Martin Nduwimana (Burundi): I thank you so much, Mr Speaker. I rise to support the motion of the Legal Committee and at the onset I wish to congratulate and thank that committee because what that committee brought in is very important. First is clarification and clearing indeed what was confusing to mix DSA and sitting allowances. They are two totally different things. It is important for us to be guided.

There is another very important aspect or part of this amendment which is here in this report and it is about compassionate leave. It is very new in this Assembly and up to now I think it is only EALA with that provision. To me, the two points were very important and accurate.

Otherwise, I think it is not polite, fair or human from a staff or any person to react or act like I have heard from hon. Isabelle. A member goes there to request. It is a right to request a change of schedule and the response is, yes I will do that but before you bring back money. That is unacceptable.

The issue is not if hon. Isabelle or if a member has to bring back money or not. The issue is, who is entitled to interact with a member? To me it is our Speaker to take decisions like that when it happens and that is different from the fundamental matter.

The definition has been brought by hon. Straton. It is just a recall. DSA is something that you get when you are out of home and on duty elsewhere in a city. In principle if you are at home then you have no right to DSA. DSA is not a salary, it is just facilitation.

I do remember and I think even in this Budget we have passed, we have been tackling where there are double payments when someone is travelling and gets DSA twice. Therefore, we have to comply with the legality as members and our Speaker has to comply also with the legalities. We cannot afford to go and negotiate what is very clear.

In the same vein, sitting allowances are given when hon. Martin Nduwimana is before the Speaker and standing and sitting on the seat. In fact in some national assemblies, each member has a definite seat and his name is on that seat. When he is not there, the seat is vacant so you cannot at the same time you are absent from your seat and claim for sitting allowance. It is not possible, it is illegal.

So I am supporting the report. I am not leading or trying to think or convince someone that the Speaker could negotiate what is very clear. Even a very new member of staff knows that sitting allowances and DSA are very precise. If you are there, you have it. If you are not there, you do not have it. If someone wants to deliberate from that angle, it is an error.

Mr Speaker, I beg to submit.

The Speaker: Thank you so much. Honourable members, you have strictly two minutes. After two minutes, if I had the means I would switch off the microphone.

Mr Christophe Bazivamo (Rwanda): Thank you, Mr Speaker. I actually first of all support the report of the committee and maybe also highlight some disappointment towards members of the committee who do not support the same report they have signed.

I would want also to appreciate- Since a long time, we have not been able to have meetings on the first day in the afternoon. I have seen in this time that it has been possible and it has been very well. I have also observed that this Arusha sitting has been a very good sitting, well attended and it is very satisfying. Can one imagine why? (*Laughter*)

Mr Speaker, I do not support people trying to put the Speaker in a situation where one will go and negotiate to receive money illegally. If you go there and the Speaker refuses, this is a loss of time. If he accepts, it is stealing money of the Community. Why do we fight to give the Speaker such a situation? What do we benefit from this as a Community?

Mr Speaker, I think what is here as a report of the committee comes from a long discussion and it helps the House to operate in a dignified manner and to have a good image in the Community. Going behind, for me, is kind of trying to put in place a situation for corruption or for stealing money. This is unacceptable – (*Interruption*) -

The Speaker: Honourable member, you may have to measure your language. To say a member is a thief is to steal. I am not saying that you have said it but I am requesting that you measure the language.

Mr Bazivamo: Mr Speaker, actually I am emphasising that the House should avoid such situations of putting the members or the Speaker in such a situation. I beg to support the report, thank you.

Mr Ole Nkanae (Kenya): Thank you, Mr Speaker. I stand here one, to congratulate and appreciate the code of conduct which has been operating. For one, the sixth meeting of the

Third EALA, this sitting has been wonderful, well attended for the simple reason that, that code was existing.

Mr Speaker, what hon. Ogle is trying to do is to take us back into the dark ages. Our quorum has been very good. If you go by that amendment, you will have a problem of quorum. Nobody will be here but I support the report. Thank you.

Dr. Odette Nyiramilimo (Rwanda): Thank you, Mr Speaker. Just one minute. I totally support the report but I have a question. ‘A member shall be entitled to compassionate leave’. What does this mean? Does it mean that for example if a member has lost a sibling or is in hospital, he or she will be entitled to some amount of money that will be determined by the Commission? Thank you.

The Speaker: Thank you. You will be answered.

Ms Susan Nakawuki (Uganda): Thank you, Mr Speaker. First of all I want to say I am a member of the Legal Committee but as you may see that report of the committee, my signature is not there because I was not present at the meeting which took place yesterday reason being my timetable was telling me that I did not have any committee meeting in the morning.

Because it was on short notice, when they sent the email, I did not actually receive it. I only found out – Hon. Dora, I wish you could give me a chance to speak.

The Speaker: Just concentrate on your time and do not pay attention to any other thing.

Ms Nakawuki: Thank you, that was diversionary. Mr Speaker, I learnt of the meeting when I had come here for the plenary session so allow me to express my views.

Mr Speaker, I personally believe that any piece of legislation should have a human face. Every piece of legislation, starting with this code, should address issues of natural justice and equity.

I appreciate the fact that we have colleagues here who never fall sick. They are lucky, maybe it is God given. We also have people here who do not have emergencies. We also have those whose children are really grown so they do not have issues with small children but at the same time, there are those who still have those issues.

Mr Speaker, I do not want to stand here and pretend to be “holier than thou”, because I do not think there is anyone in this Assembly who has never had any form of emergency be it committee or plenary – (*Interruption*) -

The Speaker: Honourable members, can we allow and listen to the honourable member on the floor? If you want to take the floor, the rules are clear.

Ms Nakawuki: Thank you very much, Mr Speaker for protecting me. I know hon. Dora’s children are my age so she is not bothered – (*Interruption*) -

Ms Byamukama: For the information of hon. Nakawuki, I do not have any child who is her age. Secondly Mr Speaker, this code of conduct was adopted by the whole House. I do not know why she keeps on saying my name. This is the second time she is saying my name, I do not know the reason. Is it in order for the honourable member to insinuate that some of us are

inhuman? I did not pass this code of conduct alone and what we have provided for in form of compassionate leave is the human face.

The point we are making is you cannot have your cake and eat it too. Therefore if you get per diem, you must work. If you are not sitting, you cannot get the sitting allowance.

The Speaker: Move your order.

Ms Byamukama: I would like to move the order and say that is it in order for hon. Nakawuki to keep on raising my name on the floor of the House and insinuating that I do not have a human face whereas this code of conduct is the property of the whole house? Is it in order?

The Speaker: Thank you so much. First, no member here knows the age of every member's child. Secondly, there was no other person on the floor except you, hon. Nakawuki. Thirdly, please always avoid addressing choruses which are not addressed to you. Therefore you are not in order. Proceed with your submission.

Ms Nakawuki: Thank you, Mr Speaker for that guidance.

Mr Speaker, I was trying to derive an issue to the effect that we can all have emergencies. I do not know how you will face a scenario where a member comes to the House here with a drip because they are unwell but they have bills to pay. They have to pay for the hotel, they have to pay for their meals, they are unwell and the code says you must be present for you to be facilitated.

Mr Speaker, I am sure you have envisaged a scenario where members are present, there is a plenary session but they are either in hospital bed ridden or they are in the hotel unwell and you have had to go and visit them – (*Interruption*) -

Mr Bazivamo: Thank you, hon. Nakawuki. For the case you are insinuating of a member in a hotel, actually it is catered for in this amendment. Thank you.

The Speaker: Hon. Susan, proceed and conclude.

Ms Nakawuki: I do not whether to thank him for the information but I am not informed. I will put my point across.

Mr Speaker, I do not know how you are going to look at members because you also are going to be in a very precarious situation, going to visit members in hospital or in their hotels when they are unwell and you have to remind them to send you the per diem when they have to pay for hotel accommodation and their meals.

Rules always have exceptional clauses because even if you go to the Constitution where there is a right to life there is some exception somewhere whereby there are still death penalties much as somebody can enjoy a right to life.

Mr Speaker, we have seen scenarios happening here at EAC. The late Musonda collapsed here on EAC land. She was rushed to the hospital and passed on. I pray that we try to avoid seeing such occurrences again because if we come up with very stringent conditions, it is bound to happen, God forbid.

There is also a right to livelihood. If I left the comfort of my house and came for whatever business, maybe I have been given food which is not fit for the purpose and I fall sick, I am entitled to my livelihood and that is why we should not mix two things. There is a sitting allowance and there is a subsistence allowance.

I agree 100 per cent that if a member is not physically in the meeting, they should not take the sitting allowance but the subsistence allowance, if the member is present somewhere for whatever reason that they have not been able to appear in person with your acceptance as Speaker – That is why your powers as Speaker under Rule 93 should not be tampered with.

Mr Speaker, any institution without leadership will be a dead institution. You must be able to provide leadership. For me as a lawyer, you cannot convince me that this compassionate leave will cater for people who will all sick or who lose their loved ones. As long as the major provision is saying notwithstanding the fact that such non-attendance was permitted, that alone negates this. So there is no way members are going to come to you or you are going to visit your members and say, please clerk here is compassionate leave. It is not going to happen. Let us not fool ourselves.

Mr Speaker, this thing should be reversed as soon as yesterday. Honourable members, we are all going to be affected at one point even those who think they cannot have emergencies. You will get an emergency, you are caught up in a situation where it is inevitable for you to be here present and you need this very money.

Mr Speaker as I conclude, if we are to adopt this amendment as it is, maybe we would include a provision that the first provision where a member is absent, shall not apply where a member has been granted compassionate leave otherwise we cannot go with this kind of rule. So I beg to support the report of the committee with the amendment as proposed by hon. Ogle. I thank you.

Ms Agnes Mumbi (Kenya): Thank you, Mr Speaker. From the onset, I support the report of the committee but I can tell you that I will say a story that is not being told because we proposed this amendment in Bujumbura and I was one of them. Hon. Mike Sebalu supported it but the timing was not right.

I remember you guiding me from your seat that amendments will come later so thank you for hon. Judith for bringing this motion at this time but I want to talk about the issue of implementation that is making us look like we have a very good consensus.

As the committee sat to have this operationalized, there was an embarrassment because the members found a list in an officer's office called Abela and you should have been there to witness the scene. We kept on telling them that the problem is not here. You created this problem so as the Commission sits, let them implement a way of officers handling the members who have got those small issues of deductions, whether it is by per diem or sitting allowance. It was shameful.

I can also say that there was another incident in Bujumbura and there was an exchange outside the parkin of the hotel and I was a witness. Somebody else came to help me about members so the implementation- It is very good and I join my colleagues saying we have full attendance, we have behaved well but please, through your office, let the implementation be done in a

humane manner. Let the officers handle members in a very cautious manner, let it be done in an organised manner.

My last point – (*Interruption*) -

The Speaker: Honourable member, before you leave that point and go to your last one, I think it is important to make this clear for the staff who cannot debate in this House and make it abundantly clear that you passed a principle in Bujumbura without guidelines of implementation. The staff was stuck and my office was stuck on how to implement this matter and therefore a mechanism had to be brought in place.

I am happy that it happened the way it has happened as it has opened our eyes to make sure we come up with clear guideline son how it is supposed to be done so let us not portray the picture that the staff were the wrong people, no. Proceed, honourable.

Ms Mumbi: Mr Speaker, I never said the staff were doing wrong but the implementation was bad. I do not have another word to call it. There was a bit of disrespect. I was there and it came out.

My last point is the issue of compassionate leave. I am seeking guidance from your office, Mr Speaker. Every one of us in this House has some political inclinations. In a few months you will have members asking for permissions because they are going for elections in their countries. I know for example members who are here and they are called back over party activities. It is not compassionate leave, it cannot be called that but it is an emergency that has happened in a Partner State that your attention is needed for a day or two and then we run back.

My plea to the Commission, as the seat to give guidelines, that apart from the compassionate leave, let them also look for another name that they can add that kind of scenario. I beg to support.

The Speaker: Honourable members, it is important to note that this code of conduct has no fingers, we are all in it together and this House is full of members who have a lot of morals. I have receipts of members who have refunded money because they feel it is not worth taking because they came some days late. I would like to mention them.

I know hon. Zein has refused to take certain monies because he has come some few days later to the Assembly so we are all in it together. It has no fingers, we are all morally upright so let us debate this knowing it is something to govern us all together.

Mr Abdullah Mwinyi (Tanzania): Thank you very much, Mr Speaker. Based on the time, I will contribute as briefly as I can.

First and foremost I do not stand here pretending to be a moralist nor as someone who has never gone far ff. I have come late and I have taken the full amount without refunding, as most people have done. However, the ley thing here is that every regulation has a context. For two assemblies these rules were in place and they have been observed predominantly without review.

Usually whenever any regulation comes into play, there is a trigger for it and in our case the trigger has been abuse. There are members who for two or three consecutive plenaries have

come and picked up allowances and disappeared and not attended a single day with impunity. There are members who have gone to committees on the last day to pick up the per diems and leave. There are members who have gone on the first day and departed on the same day. We all know them, we all understand what the issues are and we have had many instances where we have not had quorum.

So there is a triggering event that has brought this code of conduct into play. That is one.

The second aspect is I think it is very critical and important to separate rights and enablers. All members here have a salary. That is a right as a member. Whether you come and attend or not, the salary goes into your account. That is your right and no one can interfere with it or touch it.

Enablers or facilitations are funds provided for a specific purpose. We have been part of this Community, we have taken things for granted, we have abused them but not to this extent. Things have gone too far whereby we have forced policing upon ourselves. I know of parliaments in this region where members are paid on a daily basis. You go in, you sign and get your daily pay in the evening. The next day you do the same. It was never like that in the initial. Those regulations were put in place because of abuse.

We here today passed a budget and we scrutinised DSAs of senior staff of the Community. We cut travel days of the Secretary General because we saw them as 444 in a 365 day year. It means there is an overlap. How can we do exactly the same? It is not an issue of morality. They are issues of legalities. Something is right or wrong, there is no right and left on this particular issue. Right or wrong. We cannot give the powers to the Speaker to decide on a wrong action and we all know it is a wrong action.

Honourable members, we brought this situation on ourselves. It would never have been necessary to bring these regulations in the first place if we had not abused them terribly. We have let the cat out of the bag, the cat cannot go back in again. It is too late, we have already brought it on the floor, we have regulated, and we have to be regulated from now on because of our own abuse.

Honourable members, with those few words I would like to support the report and I urge everyone to do so and to avoid further abuse lest we get further regulations and get paid on a daily basis. I thank you very much.

The Speaker: Honourable members, I am giving only two members; hon. Nancy and hon. Ngoga. Kindly do not repeat what has already been stated so that we move on.

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker. I would like to thank the committee for this amendment and I would like to just say because my colleagues who have spoken have more or less said everything that I would have loved to say but I would like to say what makes a rule look bad is the implementation. For me I think administratively and the way it is implemented and the guidelines that are going to be developed are what will determine how acceptable this will be taken in.

So I just want to emphasise the need of having these guidelines developed as soon as possible. Administratively, let us see how it is going to be handled so that people will not – There is a

case, I will not name names but there was a case where people thought that probably it was the Chair of the committee. Some accused the clerk so let us not have those kinds of situations.

Secondly, I think it was even wrong for the code to be implemented without guidelines. It was not right and administratively and legally, it is not right for it to be implemented and that is the reason for some responses and remarks that are being elicited by some members here. It is because of how some of them were treated so I just wanted to re-emphasise that the committee should fast track the development of those guidelines so they do not bring confusion to members and the House anymore and also the importance of it having a human face.

It is very important, I am talking from my own perspective. Mr Speaker, just for a minute if I could just say this, I never miss any plenary, I do not miss my committees but I attend all my committees but there was a time I had a very unfortunate incident that happened to me. When I came, members of my committee are the ones who actually suggested that because of the traumatised position that I was in, they allowed me and said no, we stand with Nancy and we want her to be able to go.

Let us look at such issues without necessarily belabouring the point. Thank you, Mr Speaker.

Mr Martin Ngoga (Rwanda): Thank you, Mr Speaker. I will be very brief because most of what I had wanted to say has already been discussed by honourable members who spoke before me. I would like to state from the onset that I support the motion because I was part of the committee that discussed it and we spent a lot of time dealing with most of the issues that honourable members have raised here.

Mr Speaker, for me this is a matter that is either in black or white. It is a question of definition. We spent the whole day here trying to allocate funds to specific functions for specific purposes. Much as I may need medical attention the question is whether DSA is the right source of my financial needs for that purpose. Much as I may need to deal with any other emergency, the question is what is the right source of my financial needs?

Nobody is averse, these are human realities. We all go through these problems. I think we should even have sought guidance from those who execute the Budget to tell us what the components that fall under DSA are and what are the components that fall under sitting allowance because it cannot be open ended. There cannot be a situation where a Budget line is open ended. That is why we cannot spend money meant for snacks for our cars unless it was provided as such during the budgeting.

Nobody is pretending that people do not have reasons to spend money but the question is, is the money we are spending for our situations the right ones? Is it the right source or are we putting ourselves in a situation where auditors will one day demand that we return this money because it is a question of legality and illegality.

It is not the fact that anybody is questioning in the wisdom of the Speaker or whoever may be in position to decide but rules are there to regulate human behaviour and the security is not entrusting people. The security is having rules and regulations that people may apply irrespective of what they may wish to do individually.

Lastly Mr Speaker, I know members are offended by some of the situations that they went through but we have to give some reason; a benefit of doubt to the staff that had to implement

the rules for the first time. We put them in a situation that they had not gone through before so they may have made some mistakes but can I beg members who were offended to forgive for once. When we have put in place guidelines and clear rules, they will not make the same mistakes again. Thank you very much.

The Speaker: Thank you. Maybe to mention something very brief here, the members who were affected by the implementation as they went, the office of the Speaker - You are talking about powers. I have evoked powers to review it to make sure that DSA is separated from sitting allowance and those who were actually in the hotels did not suffer because they had to pay the hotels since they are here. So that review will be done to make sure that if you were in the hotel, you will miss your sitting allowance but you will get your SDA because you are in the hotel and you are sick. That will be done.

Hon. Tiperu has written a note to me that she has a very special thing that she wants to contribute to this debate. I will give her the chance. As stated, we need to give a human face to every situation. Hon. Tiperu, please take the floor.

Ms Nusura Tiperu (Uganda): Thank you very much, Mr Speaker. I am happy that hon. Judith brought in the proposals on behalf of the committee and I want to associate myself with all the recommendations that she has proposed.

I am glad that as a Parliament we are becoming innovative to look at how best to do our job. I am also happy to record that I have lived at a time when the power of deciding how members are handled was vested on the Speaker and now there is a change. So I will be happy or write in future how things happened based on how we were treated in the two scenarios.

However Mr Speaker, I just want to say that I want clarification from hon. Judith on Article 135 so that we are all confident that whatever we are doing, we are not contravening the Treaty and that everything we are doing is for the good of this Community. Thank you.

The Speaker: Thank you so much. Two things on the way we are going to proceed from here. There are two amendments that have come, one from hon. Ogle and another from hon. Kiangoi. I have been guided properly, I hope they have written and submitted them to hon. Pareno. Can you confirm that you have them? Yes.

I cannot put a question on the report. After we dispose of these amendments we will vote on the report of the committee. I will start with the one of hon. Kiangoi. Maybe you can refresh the minds of members.

Mr Kiangoi: Mr Speaker, mine was to – Because it was stated that loss of a member's family, that would be wide. It is a family member.

The Speaker: Is that what is stated in the amendment?

Mr Kiangoi: The amendment reads, 'loss of a member's family'. I think it was a typing error.

The Speaker: Thank you but still it remains an amendment. So I am going to put the question on the amendment of hon. Kiangoi as explained by him.

(Question put and agreed to.)

The Speaker: That becomes part of the report. Now I will go to the second amendment as moved by hon. Ogle and debated. I put the question to hon. Ogle's amendment.

(Question put and negatived.)

The Speaker: Honourable members, if you are in disagreement you would have risen up but that was my reading of the voices you heard. In the interest of time I would have even taken the matter to a secret ballot but I think –

Honourable members, I would like to congratulate you upon this exercising of your opinion. This is an institution of Parliament where we have varying opinions. We put them on the Table, we debate them and the majority take the day and we are in it together so it has no fingers.

The ball is now in the hands of the Commission in conjunction with the Committee of Legal to come up with very good implementation guidelines so that we do not again start accusing the staff members. I thank you so much. I now invite the chairperson of the committee to respond and we put a question to the report.

Ms Pareno: Thank you, Mr Speaker. I think we are all tired but we have done a good job. I wish to acknowledge the members who have contributed to this debate on the report. I appreciate hon. Kiangoi's amendment. I also appreciate hon. Ogle's amendment and I appreciate the House for making their voice heard in terms of that amendment.

Mr Speaker, I also wish to appreciate hon. Sebalu for supporting this amendment and the report of the committee but I have an issue with hon. Zein's terming the proposed amendment as illegal. Give me a chance to try and express myself because I have taken a lot of notes.

The Speaker: Hon. Judith, in the interest of time, amendment of hon. Ogle which has been disposed of, you may restrict yourself from commenting on it because it is not a substance now. It has been – Give clarification to what is relevant.

Ms Pareno: I had a lot to say on that but I leave it to the wise decision of the majority.

Hon. Straton, I also appreciate your comments, hon. Isabelle or supporting the motion, hon. Martin, hon. Christophe, hon. Nkanae. I need to clarify something to hon. Odette's question. She asked whether by the provisions we have made that the Commission is going to make regulations and guidelines, are we saying that they are going to make a member get entitled to some money as part of the regulations.

I wanted to say that that is like putting the cart before the horse because we need to first go into deciding as a Commission and look at other practices of other parliaments in terms of compassionate leave so I would not be able to at this moment say whether we will give some money or entitlement for compassionate leave or not because it will be subject to the Commission's decision.

If they will call it monetary that will be the decision of the Commission but at the moment I cannot make a comment on that.

I appreciate hon. Susan Nakawuki. I appreciate hon. Mumbi and I want to say something about what hon. Mumbi said. She said the staff were not really wrong but it was the implementation. I want to say that if the implementation was done in a very wrong way then whoever did not did it wrongly. She did not elaborate on what happened and I want to elaborate that for purposes of us knowing exactly what we are deciding as an Assembly.

Hon. Isabelle was briefing you on her own experience. Yesterday she went and approached the people who do the ticketing asking them to see how best she can arrive in Bujumbura during the day so that she does not arrive during the night because it is not safe. The only available opportunity was for her to leave a bit early today. In fact they had said they wanted to leave at 9. Do you know what message she got from the Clerk? That if you leave today, bring back the DSA yet this is a member who was ready to work the whole day today but leave in her own time and not necessarily having to sleep here.

So are our clerks going to be checking whether we are – If I want to leave for Nairobi right now after working the whole day, are you going to check whether I am going to be in my hotel or not? I think this is unfair, this is not being treated like members of Parliament and that is why I feel the Speaker should take control of the welfare of members and not leave it to the clerks.

I think you rightly said that you were able to consider who should be able to be paid DSA and who should be paid sitting allowance. I think that was wrong so we do not treat it casually by saying probably they were not able. Actually they would have interpreted that particular provision in the best interests of the members but they simply refused and interpreted it to the detriment of members. That is my response to what hon. Mumbi said.

I also appreciate hon. Mwinyi, hon. Nancy, hon. Ngoga and I have a clarification request from hon. Tiperu on Article 135. I want to read it because she has referred to it. It talks about financial rules and regulations. It says, “*The Council shall make financial rules and regulations of the Community.*” So who makes financial rules and regulations? It is the Council.

Two, “*Self accounting institutions of the Community shall make their own financial rules and regulations in line with the provisions of the respective enabling legislation.*” If we are a self-accounting institution, if what we are doing or what we have done in our code of conduct touches on financial rules and regulations then to me I would say – (*Interruption*)

Mr Mwinyi: Thank you for giving way, hon. Judith. Just to clarify – I should have stood on a point of information, I am sorry. It was information.

The Speaker: Proceed.

Mr Mwinyi: It is in relating to the self-accounting status. The East African Legislative Assembly is not a self-accounting Organ, it is a sub accounting Organ of the institution and we do not have the mandate to make our own financial rules and regulations. The Secretariat and the Secretary General is the principal accounting office of the Community. I thank you.

The Speaker: Hon. Judith, it is coming to 8.20 p.m.

Ms Pareno: If that clarification is the right one and I have no doubt on his information or knowledge, I was just trying to read these provisions of the Treaty and I would say the question

is, in view of her clarification, if what we have passed today or what we did pass in the rules; section 4(6) of the code of conduct – if it is on financial rules and regulations then we shall have to uphold the Treaty and disregard the code of conduct. To me the Treaty is superior, not even the rules can contradict with it, and not even the code of conduct can contradict with it. So as a House and as we move forward to do the implementation, let us know whether what we have passed in the code of conduct 4(6) – If it is on financial rules and regulations then we shall be out of order and the Treaty can always be applied and what contradicts can always be disregarded. I am through, Mr Speaker. (*Members rose*)

The Speaker: Thank you so much, honourable chairperson. Honourable members, unfortunately the chairperson was responding and she has already resumed her seat but before I put the question to – Hon. Zein, unfortunately I cannot give you any clarification because there is nobody holding the floor now. My hands are tied.

Honourable members, take this clearly that we are law abiding citizens working in a rule based institution and we shall not bend any rule or law we have passed ourselves. If there be situations where a member feels a rule or a law is not properly implemented or is misinterpreted, the arbiter is known. I just want to plead with you to know that this is passed for all of us.

Based on what I have stated and with the clarification from the chairperson, I now want to put the question on the report of the Committee on Legal Rules and Privileges to be adopted by this House. I put the question.

(Question put and agreed to.)

Dr. James Ndahiro (Rwanda): Thank you, Mr Speaker. I move to request this House to grant me leave to move a private members bill entitled the East African Community Disability Bill, 2015. Mr Speaker, I beg to move.

The Speaker: Seconder? Hon. Dora, hon. Zein, hon. Nakawuki, hon. Nancy, hon. Pareno and all the members standing. Hon. Ndahiro, please justify.

Dr. Ndahiro: Thank you very much, Mr Speaker. I can see that everybody is tired but I will only mention three things. We have a population in East Africa that requires protection, support. We have a population that we want to move from the current situation and position put by ourselves. Persons with disabilities in East Africa are disabled because the societies under which they live make them so. If we change the situation, people with disabilities will participate in the integration process of this Community, they will bring up their families and they will participate in the development of our nations.

Therefore, we are saying that giving me leave to introduce a private members' bill that has provisions based on human rights because what we are demanding in this bill are the rights of people. We are trying to move away from the social side that has been taking us as social objects for the last 50 years.

Mr Speaker, at an appropriate time I can go into details but the objective of this bill is to make them full participants of the integration process in this Community, human beings with rights and obligations. Thank you very much and I beg your support, honourable members'.

The Speaker: thank you so much, hon. Dr Ndahiro. Honourable members, the motion before us is that this Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly do grant leave to hon. Dr Ndahiro to introduce a private members' bill entitled the East African Community Persons with Disabilities Bill, 2015. Debate is open.

Honourable members, I now put the question that the honourable member Dr Ndahiro be granted leave to introduce a private members' bill.

(Question put and agreed to.)

The Speaker: Honourable members, we have come to the end of this sitting and also this meeting. I would like to, in a very special way, congratulate all the members for the great work you have done.

I would like to state that I am a very proud Speaker of this House for the work you do. We have tickled the entire East African Community to pick interest in the proceedings of this Assembly because of the manner in which we do the work we do.

I encourage you to maintain the momentum as we have been doing since this calendar year begun and I also encourage the different chapters that when you go back home, it is appropriate for you to call press conferences and brief your countries about what has happened in this meeting.

That will be a very good way of reaching out to the rest of the population to let them know about what we have done. I would like to thank you so much for the good work; the Budget and review of everything and the Committee of General Purpose, this has been your meeting. I congratulate the Chair and the members.

With those few words of appreciation, I would now like to adjourn the House *sine die*. House stands adjourned.

(The House rose at 8:17 p.m. and adjourned sine die.)