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EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

82ND SITTING – SECOND ASSEMBLY: FOURTH MEETING – THIRD SESSION

Thursday, 22 April 2010

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of the Parliament of Rwanda, Kigali.

PRAYER

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

(The Assembly was called to order)

PAPERS

The following Paper was Laid on the Table: -

(by Ms. Georgette Nibitanga (Burundi):

The Report of the 122nd Meeting of the Inter-Parliamentary Union

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON AGRICULTURE, TOURISM AND NATURAL RESOURCES ON THE ONSPOT ASSESSMENT OF THE EAC PROJECTS OF THE LAKE VICTORIA BASIN COMMISSION

The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms Safina Kwekwe) (Kenya): Mr Speaker, I beg to move that the *Report of the Committee on Agriculture, Tourism and Natural Resources on the on spot Assessment of the EAC Projects of the Lake Victoria Basin Commission* be adopted. I beg to move.

Mr Augustine Lotodo: Seconded

Ms. Kwekwe: Mr Speaker, from the onset I wish to acknowledge the deep appreciation of the Committee to the Executive Secretary of the Lake Victoria Basin Commission, and all the staff of the Lake Victoria Basin Commission for the warm welcome and cooperation at all levels given to the Committee. I also appreciate the LVEMP II Project Director and staff for their insight and support throughout the visit. *(Applause)*

The Committee would also like to thank Mr Fas Mutiye, who is the Provincial Commissioner of Nyanza Province of the Republic of Kenya for the warm welcome to the Members of the Committee when they paid a courtesy call on him. Further, the Committee would like to thank the District Commissioner of Kericho and the District Officer of Nyando for their support during the tour.

Mr Speaker, the Committee also appreciates the coordinators of the stakeholders who work with the Lake Victoria Basin Commission at the national level for giving information on our visit and for allowing them to brief the Committee.

Hon. Speaker, I wanted to start by acknowledging that from the onset.

Hon. Speaker, in line with Articles 111 and 114 of the Treaty for the Establishment of the East African Community, and in accordance with Rule 79 of the Rules of Procedure of the East African Legislative Assembly, the mandate of the Committee on Agriculture, Tourism and Natural Resources includes the assessment of projects and programs related to the work of the Lake Victoria Basin Commission. The Committee undertook a mission from the 5th to 9th October 2009, to assess the work of the Commission.

The objective of the visit was to explore the needs, challenges, and opportunities that the Lake Victoria Basin Commission faces in terms of future planning and budgeting. This would help members understand which areas need intervention during the budget session, and to make recommendations on the status.

Mr Speaker, the Committee visited the following: The Provincial Commissioner of Nyanza; the Lake Victoria Basin Commission headquarters; irrigation sites and schemes within Nyanza; the Community based environmental projects in Nyando and Kericho Districts; the Kenya Fisheries Research Institute; the Kenya Public Water Service; OSIENALA, a local NGO; and, the Kisumu Port.

Hon. Speaker, this was a Committee activity, and a list of participants is attached to this report for Members' information.

Mr Speaker, the Lake Victoria Basin Commission (LVBC) is a specialized institution of the East African Community, which is responsible for coordinating the sustainable development agenda of the Lake Victoria Basin. Chapter 19, Article 114 (2) (b) (iv) of the Treaty for the Establishment of East African Community (1999) provides for the setup of the LVBC. Articles 33 and 34 of the Protocol for the Sustainable Development of Lake Victoria Basin, which the EAC Partner States ratified in

December 2004, provide for the establishment of the LVBC as an Institution of the East African Community.

The LVBC became operational in April 2006, and it relocated its headquarters to Kisumu, Kenya from Arusha, in January 2007. As we all know, the lake is an important shared natural resource for the EAC Partner States. It is a resource of great socio-economic potential, and its basin covers an area of 193,000 square kilometres in Kenya, Tanzania, Uganda and parts of Rwanda and Burundi.

Mr Speaker, the scope of the cooperation for the Commission includes areas of water, fisheries, forestry and wetland resources; sustainable agriculture and land use; promotion of trade and industrial development, infrastructure and energy; research and information exchange; public participation, wildlife conservation and tourism development; public health, with emphasis on HIV/AIDS, nutrition and sanitation; navigation safety and maritime security; environment protection and management; and, integrating gender concerns in all activities of the basin.

Mr Speaker, the following were our findings on the projects and programmes of LVBC and on the objectives of each project.

The Maritime Safety and Security Project

The programme aims at reducing disaster and pollution on Lake Victoria. The disasters, which are mainly marine vessel accidents, occur because of lack of safety of navigation, breaking of navigation rules occasioned by inadequate knowledge of the users of the Lake, and/or deliberate attempts to break the laws and regulations.

One attempt by LVBC to address such disasters was to spearhead the enactment of the Lake Victoria Transport Act in 2007 by EALA. The Act focuses on hydrographs, aids to navigation, oil and toxic chemicals contingency plans.

The EAC/AMREF Lake Victoria HIV/AIDS Partnership

Mr Speaker, this is a three-year EAC programme funded by the Governments of Sweden and Norway through SIDA to the tune of US\$6.4 million. It seeks to establish a framework for improving the effectiveness of HIV and AIDS responses for mobile populations within the Lake Victoria Basin. Populations of focus are fishing, agricultural plantation and university communities. The programme benefits from links with community-based groups in fishing and agriculture. The programme has national representation through multi-sector National Technical Teams, who offer technical and policy guidance to the implementation of activities

The Lake Victoria Maritime Communication Project

This project focuses on the installation of Lake Victoria ring communication infrastructure funded through the Africa Development Bank to the tune of US\$506,760.

The project aims at ensuring that the lake users are in contact with each other as well as with the shore-based rescue service; have their position automatically registered for

safety; automatically receive weather alerts and take appropriate action; send distress signals and receive help; and, exchange dedicated commercial/business data with partners on shore.

The Mt. Elgon Regional Ecosystem Conservation Programme (MERECP)

Mr Speaker, this is a US\$ 4.89 million four-year programme funded by the Governments of Norway and Sweden. It focuses on linking environmental management to livelihood security and poverty alleviation and seeks to improve the social and economic capital of local communities through provision of seed capital to Community Based Organizations (CBOs) for Community Revolving Fund (CRF).

The ultimate goal of the Community Revolving Fund is to pre-occupy households with investment activities and consequently draw their attention away from overexploitation of the ecosystem.

The Lake Victoria Environmental Management Project (LVEMP)

Mr Speaker, this is an initiative by the five EAC Partner States for the management of the lake basin coordinated by the Lake Victoria Basin Commission worth US\$ 250 Million. It is designed to contribute towards the on-going efforts of achieving the Lake Victoria Basin (LVB) Development Vision. The project focuses on interventions that will reduce environmental stresses within the Lake Victoria Basin, and on watershed management. It is expected that the project will add value to local economies by focusing on creating a framework for a coordinated and harmonized response from a regional perspective. This will be done through the creation of a platform for interweaving the skills and expertise of different disciplines and sectors in the understanding of the implications of ecosystem changes.

The Lake Victoria Water and Sanitation Initiative (LVWATSAN)

Mr Speaker, this program is currently being implemented in seven towns in the Lake Victoria Basin through funding from the African Development Bank (ADB) worth US\$ 1 million. The project comprises an integrated package of interventions, including water supply and sanitation improvements; solid waste management; drainage improvement in key areas; and, capacity building and training.

The overall impact of the project will be to put the urban towns in the Lake Victoria Basin on track to achieve the Millennium Development Goals targets for water and sanitation by 2015. This will lead to improved health and livelihood of the population

Achievements of the Projects and Programmes

Hon Speaker, the Committee learnt that ongoing projects coordinated by the LVBC have contributed to an improved understanding of the challenges facing the Basin. For example:

- i. LVEMP has contributed to a better understanding of the Water hyacinth menace and other environmental problems on the Lake;

- ii. The HIV and IDS programme has contributed to the establishment of a coordination framework for HIV/AIDS actors in the basin, an aspect that has reduced duplication of HIV/AIDS activities and programmes.
- iii. The Mt. Elgon Regional Ecosystem Conservation Programme (MERECP) programme has enhanced the income generating capacity of households resulting in improved livelihoods.
- iv. The Lake Victoria Water and Sanitation Initiative (LVWATSAN) project has made significant contribution to the activities of the local authorities in establishing safety structures for water and appropriate sanitation.
- v. The Marine Safety and Security project has contributed significantly to the reduction in the number of accidents on the Lake.

Mheshimiwa Spika, the Committee was also informed of the challenges and constraints faced by the Lake Victoria Basin Commission while exercising its mission, and these include: -

- i. sovereignty hold-ups by the Partner State governments on critical issues;
- ii. the EAC budget allocations for the LVBC, which is not progressive;
- iii. a bill for the establishment of the Lake Victoria Basin Commission has stalled for the last three years. The delay is holding up the “teeth” the Commission needs to achieve more; and,
- iv. inadequate human resource capacity, in the EAC, the LVBC and the stakeholders.

Hon Speaker, the representatives of the Kenya Marine Fisheries Research Institute and the Public Water Service informed the Committee that they are working on the assessment of environmental health and fish ecology, enhancement of fish markets and water sanitation through the Water Hyacinth Programme.

The Committee appreciated the collaboration between these institutions and the LVBC, and the use of new communication technologies impressed the Committee. The Kenyan Marine Fisheries Research Institute works closely with *Zain* and *Safaricom* companies to provide mobile phones to representatives of the fishermen, the Beach Management Units, at selected locations to ease communication between them and KEMFRI. This allows them to determine and fix the prices of fish depending on the catch of the day, and to alert one another on the dangers they may face on the Lake. Members of the Committee greatly appreciated this practise, and suggested that this should be a model for the other EAC Partner States, not only in the fishing industry, but also in other sectors, such as Agriculture.

Visits to Projects Sites

Hon Speaker, the Committee also undertook some field visits to different project and programme sites, which included the following: the LVEMP II Project at the Ombeyi Rice Irrigation Scheme in Nyando District; tree planting projects; two water catchments areas in Kericho; and, multi-sectoral projects in Nyakach District.

In Nyando, the LVEMP II supports the association of one hundred rice farmers, and the Committee met some of them at Abwao. The committee learnt that the area used

to be a national irrigation scheme. LVEMP I, the predecessor of LVEMP II, assisted farmers to fight against floods by constructing dams worth Kenya shillings 424,000.00 in the years 2004 and 005. The farmers informed the Committee that they were happy with the project because as a result, production had increased over the years.

The farmers also briefed the Committee on land ownership, marketing, and quality of rice. The farmers informed the committee of their need for a mill to assist them process their rice. The LVEMP II representative informed the Committee of a component of the project to provide a mill for the farmers. However, the Committee took note of the challenge of floods, which continue to affect the project.

In Kericho, the Committee visited a tree-planting project. Here, the Committee was informed that over 60 per cent of the four-year project was already done, and that main challenge there was lack of water. The LVEMP II representative however informed the Committee that pipes for the distribution of water had already been laid.

Mr Speaker, in Nyakach, the Committee visited a micro-catchments area where Koyombe communities were engaged in a number of projects, namely; poultry, sericulture, fodder shrubs, tree nurseries, horticulture and gully rehabilitation through planting drought resistant trees, onion farming through drip irrigation, integrated aquaculture, and fish ponds. The Committee also visited a dairy goats-keeping farm, where the owners of the farm informed the Committee that their livelihoods had improved because of the project.

However, the stakeholders raised a number of concerns. They requested for more time for KARI and LVEMP II to continue their projects; fencing of gullies; construction of more dams; and, the de-silting of the existing ones.

Visit to OSIENALA

Honourable Speaker, during the tour the Committee also interacted with some partners of Lake Victoria Basin Commission in order to understand how that LVBC liaises with others in pursuance of the development of the Basin. In this regard, the Committee visited OSIENALA, which is an organisation of friends of Lake Victoria, a regional NGO located at Ddunga on the shores of Lake Victoria. Established in Kisumu in 1992, its main concern is to empower the Lake Victoria communities to become key participants in the management and equitable utilization of the resources for sustainable livelihood. The organisation works in partnership with the EAC Partner States.

Even though it is based in Kisumu, OSIENALA has extended its areas of operation to other EAC Partner States, and has become a multi-sectoral NGO. The organisation owns a radio station for policy advocacy, public information dissemination and interaction with the communities. The Committee commended the best practices of OSIENALA, and suggested the sharring of the practices with other NGO's operating in East Africa since they add value to development in the region.

Visit to Kisumu Port

Hon. Speaker, lastly the Committee visited the Port of Kisumu. At the Kisumu Port, the Committee noted that the port was not operating optimally, and the Port Manager informed the Committee that this was because the water hyacinth had made transportation very difficult. He informed the Committee that the main challenges for the port were lack of political will to develop the port, lack of funds, and the water hyacinth invasion of the Lake, which is making the navigation of the Lake difficult.

Hon. Speaker, the Committee makes the following recommendations:

Committee Recommendations

1. The EAC Council of Ministers should expedite the process of concluding the Lake Victoria Basin Commission Bill.

Hon. Speaker, Members of this Assembly will recall that after the Bill was read a First Time in July 2007, the Assembly referred it to the Committee. The Committee then considered the Bill at its meetings in Arusha, Kigali and Kampala, proposed a number of amendments to it and invited the Council of Ministers for an exchange of views on the proposed amendments. A meeting with the Chairperson of Council took place on the 23 September 2008, in Nairobi, where the Chairperson of Council requested time to consult further before returning to the Committee for exchange of views.

Hon Speaker, whereas the Rules of Procedure of this Assembly are silent on the time that a Bill can take in the reading stages, the Committee recognises the power of the Speaker under Rule 82 to make a ruling on any matter not expressly provided for in the Rules of Procedure. The Committee therefore prays that the Speaker will find it necessary to make a ruling on the matter of the LVBC Bill, 2007.

2. The EAC should coordinate with the World Bank and other development partners to ease their procedures to allow projects to proceed without unnecessary delays.
3. Sovereignty issues should not be allowed to hinder EAC institutions in their goals and objectives.
4. As the need of capacity building of human resources has been raised by many project coordinators, the Committee recommends projects and governments inclusion of that item in their budgets and programs to allow East Africa have up to date human resources, capable to compete at international markets and to develop their Region.
5. The KARI and LVBC should develop joint databases for dissemination
6. Human recourse base on water related issues be developed
7. Projects in the LVBC need regular monitoring and evaluation in order assess their progress and challenges
8. Local farmers in the Lake Victoria Basin need to be availed with access to funding

9. The Government of Kenya should rehabilitate Kisumu Port in order to attract investors into the transportation and tourism sectors in the region.

In Conclusion, Mr Speaker, the Committee was pleased with the visits, and the presentations made. Members were happy to hear from the beneficiaries of the projects and to see how they had transformed their livelihoods. The Committee concluded that the LVBC projects have to be supported and given enough funds to reach a bigger number of people. Members appreciated the work that the Commission is doing and the fact that it liaises with various partners in the region.

The Committee wishes to record its appreciation to the Government of Kenya for providing land on which to construct the headquarters of the Commission. *(Applause)*

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

(Question proposed)

Mr. Augustine Lotodo (Kenya): Mr Speaker I am a member of this Committee, I do associate myself with the recommendations, and conclusions arrived at in the report.

I would like to say that the Lake Victoria Basin Commission is an institution of the East African Community and it does a lot of good work, especially for the thirty million people living within the Lake Victoria basin.

The Lake Victoria Environmental Programme (LVEMP II) which we went to assess brought out some aspects that I feel are very important. Mr Speaker, This project directly benefits the people. The projects undertaken, and especially the programs relating to fishing, goat keeping, and tree nurseries have greatly transformed the lives of the farmers there. As a Committee, we felt that this is supposed to happen to all the programmes that the Community is undertaking.

Mr Speaker, during our tour we also visited the Kenya Fisheries Research Institute. There we were informed about the research that the institute has conducted on the on the water hyacinth in Lake Victoria. They are also researching on the fish within the Lake. However, we felt that there was a need to expand the database to be able to capture all the types of fish in the Lake. They also gave us information that some of the fish were disappearing from the lake and therefore it was very important to keep a database for them so that we are able to sustain the fish within the Lake Victoria.

Mr Speaker, the only negative aspect that we found during our tour was that we are not using the Lake Victoria optimally. We found no major transport activity on the Lake, and we felt that we should have investors investing in the ports along the Lake so that the tourism business can increase. Moreover, we could actually move our goods by water instead of moving them in heavy trucks by road. Therefore, it was a strong feeling of the Committee that we really need to invest in the Lake.

Finally Mr. Speaker, I would like to thank you, on behalf of the Committee, that we made a difference. Thank you. *(Applause)*

Dr. George Nangale (Tanzania): Thank you Mr Speaker, I am also a member of this Committee, and during the on spot assessment tour of the EAC projects of the Lake Victoria Basin Commission in October, I was leading the delegation. *(Applause)*

Mr Speaker, I want to assure Members that the work that the Lake Victoria Basin Commission has been doing since it moved to Kisumu a few years ago from Arusha really impressed the delegation. I particularly want to cite its collaboration with other institutions within and around Kisumu, for example, with CAMEFRE.

This organisation links fishermen and the beach management units using the *Zain* and *Safaricom* mobile telecommunication networks such that the fishermen can immediately sell their fish to the traders who are far away from the beach management units. We were very impressed with the work they were doing.

Mr Speaker, we had the opportunity to meet different people, and as the Chairperson has said, we identified some challenges that we need to address.

Mr Speaker, let me point out the issue of the Lake Victoria Basin Commission Bill. Following the first reading of this Bill in July 2007, the Assembly referred the Bill to the Committee for consideration, and the Committee came up with some amendments concerning the structure of the Commission, and in particular the involvement of the Sectoral Council in the administrative structure of the Commission. The Committee proposed amendments to place the Sectoral Council as a policy direction organ of the Commission and not to get involved in the day-to-day management issues of the Commission. Mr Speaker, it was at this point that the Committee and the Council diverted, leaving the Committee waiting for the Council to finalise internal consultations until today. I hope and pray that you will be making a ruling on this issue as the Chairperson has suggested.

Mr Speaker, when I was chairperson of the Committee, stakeholders and journalists around East Africa kept asking us when we would conclude on this Bill. *(Applause)* This showed the strong public interest in this issue since it deals with the management of the most valuable shared resources in East Africa, the Lake Victoria Basin, on which at least 30m million depend, I being one of them, because I come from the Basin. Mr Speaker, I support the motion. Thank you. *(Applause)*

The Speaker: Honourable Members, before hon. Sebalu takes the Floor, I want to point out that two days ago we debated a report here from the Accounts Committee, which told us how useless the Lake Victoria Commission was. Today we have another group here telling us how good the Lake Victoria Basin Commission is. I think we are confusing East Africans out there. Maybe the Chairperson can clarify so that we consistent as a House. *(Applause)*

Mr Mike Sebalu (Uganda): Perhaps the observation from the Speaker will now make my work a bit difficult - *(Laughter)* - because what I would like to state is that I was part of this delegation, and I am very proud to have been part of it. I do associate myself with the findings. Mr Speaker, this report was done in October and maybe since then the Lake Victoria has degenerated - *(Laughter)*. *(Interjection)* That was not a substantive contribution...or is it on something different. I thought it was from what I have said - *(Interruption)*

Ms Dora Byamukama: Mr Speaker, I would like to thank hon. Sebalu for giving way and to inform this August House, as a Member of the Accounts Committee, that

there is a difference between the report of the Accounts Committee, the subject matter of the report of the Accounts Committee and this particular report today.

MERCEP, which the Accounts Committee was reporting on, is a project, which, was recently transferred to Lake Victoria Basin Commission to manage. It is not even a year old. But the fact that it could even be transferred to Lake Victoria Basin Commission to manage clearly illustrates that there is some degree of satisfaction on how the Lake Victoria Basin Commission is being managed. *(Applause)* MERCEP is a component of what the Lake Victoria Basin Commission is managing and administering. Therefore, these are two different entities. This is my clarification and information.

Mr Sebalu: Thank you very much hon. Dora Byamukama for that information. Mr Speaker, my substantive contribution regarding this report is in the following perspective.

First, I do support this report, and I would like to thank the different stakeholders who made this visit and the on-spot assessment possible. My thanks also go to the office of the Speaker and the leadership of the Assembly.

Mr Speaker, my catch on this kind of activity is in respect of EALA using the Committee system to interface with the population, and with the programmes and projects that are being undertaken for the benefit of the people. I really find that a useful principal, and especially so because when we went for this on spot assessment, it gave us an opportunity to interact with the people.

The beneficiaries of some of these projects and programmes and we were able to get a feedback on their impression of what is taking place and how the East African Community, through some of these programmes, is impacting on the daily lives of the ordinary East Africans. We were also able to use these interactions to visualise the bigger picture of why we need to integrate as a region.

The tour gave us a very good opportunity to meet with very ordinary people. There are areas where we interacted with very ordinary people, but they were very informed and knowledgeable. It is therefore the view of the Committee that if we could use the different Committees of EALA to reach out to the people using this medium of communication and interaction, it would go a long way to get the ordinary people to know, appreciate and own the process of integration. *(Applause)* They would understand and appreciate some of the EAC programs that are within their proximity. This was very evident in Kisumu. Actually, some people had previously thought that some of the programs were Kenya Government programs, but through this interaction, they were able to know that the EAC, through those agencies, is doing work for the ordinary people in that part of the region. *(Applause)* Therefore, this work method, Mr Speaker, is something we need to encourage and enhance as a means of reaching out to the people, and thereby answering the paradigm shift of ensuring that this is a people-centred integration process. You cannot do it better other than by using the people's representatives, through their oversight function, to link up with the people and create that rapport and synergy.

Mr Speaker, when we went out, we definitely did note a number of findings, which were peculiar and interesting. The Chairperson has expounded them very well. We

noted some challenges faced in the implementation of some of these programs, and we have made some recommendations. However, the challenge that I want to share with the House is that these findings are good; we have already seen them, we have shared them within the Committee, but I think we need a mechanism for follow-up so that it is not a one-time kind of activity. We go out there, identify challenges and we get to pick some findings.

We should be able to create a sustainable mechanism for follow-up on the recommendations and challenges so that we create a process of quality control in the process of managing the programs and projects. In doing that we will get a second look at the performance and be able to improve on the performance from our oversight function point of view.

Therefore, as a parliament, it is incumbent on us to make sure that all the committees of the Assembly - and not only the Committee on Agriculture - go out, pick up findings and make recommendations. We should have an inbuilt mechanism to ensure that there is a mechanism for follow-up; that we make follow-up missions to assess progress from the last interaction for purposes of improving performance.

Mr Speaker, I would like to thank you for the opportunity, and I do support the Committee report. I call upon Members of the House to support the recommendations that the Committee has raised. They are of value and they would definitely improve the performance of some of these projects for the benefit of the East African people.
(Applause)

Mr Speaker, I beg to support the motion.

Ms Lydia Wanyoto Mutende (Uganda): I thank you, Mr Speaker, for the opportunity to contribute to the report of the Committee on Agriculture, Tourism and Natural Resources. I have two issues.

The first one is on page four, concerning the Mt Elgon Regional Eco-system Conservation Program (MERCEP). I recognise that the Committee on Accounts did visit the projects on Mt Elgon, but I just want to underscore the importance of this project, because hardly a month ago we did loose about 480 people in that sub-region where I come from as a result of mudslides. That was a clear manifestation of how poorly we are managing our environment, and hence the importance of this program. I would like to thank all of you, colleagues, who were able to send us condolence messages, but also material support during that difficult time.

Mr Speaker, mine is also to ask this Committee, maybe, to put in more effort and vigilance to ensure that we do not loose more people, because we have an opportunity as an EAC, but more especially as a program, to support those Communities to ensure that the eco-system there is preserved.

I imagine that if we had put in a lot more support and vigilance, maybe we would not have lost those people the way we did, because on the other side of the mountain where they have conserved the environment, there was no problem of mudslides, even during the heavy rains. However, on the side of Bududa where there was a lot of environmental degradation, we faced a catastrophe. It was such a big loss that they have not been able to recover all the people who died in that catastrophe.

I therefore would like to recognise the importance of this project – (*Applause*) – and to call upon the Committee and this Assembly to put in more energy and vigilance to ensure support for the ecosystems of the Mt Elgon area. We must also ensure proper management of and respect for the catchments areas. We should not be reluctant about doing our job. I now realise how important it is for us to support this program and ensure that it works.

Now that we have gone to the Lake Victoria Basin Commission, this Assembly should do what it can with the Council to expand the Commission to be able to teach our people how to preserve the environment and how to co-exist with the environment.

The second issue that I want to raise on this report concerns the working method that we have adopted as an Assembly. Yesterday we were debating the report of the Committee on Regional Affairs and Conflict Resolution on the Nanyuki V Seminar. My own feeling about our parliamentary relations is to ensure, if we can, that all our work as EALA finds synergy and network with the work of the national parliaments. And, if it were possible, since we have new Members of Parliament every other season, we could make an agenda or insist on having a program during the orientation of national Members of Parliament. This would help us to make the East African Community integration agenda part of the orientation of our national Members of Parliament. (*Applause*)

By this, I mean, for example, that after Parliamentary elections in Burundi, let us give all the new Burundian Members of Parliament a full orientation so that they own the EAC integration process. We could drive to Arusha by bus and take them through the projects and programmes of the EAC so that when we go to do oversight with the relevant Committee Members of the Parliament, they are on board the process.

I was looking at the list of participants attached to this report, and I did not see the Members of Parliament from those areas the Committee visited. I know we have budget and time table constraints, but if we agreed as an Assembly, we could find a way to involve them. We could have an arrangement whereby whenever we go out for public hearings or outreach programmes, we bring along Members of the relevant committees in the National Assemblies and the Members of Parliament who represent those areas we visit. That way, our work would be easier and follow up would be easier. Furthermore, we would be able to cause ownership and oversight from the national level, the local level and from the regional level. (*Applause*)

Mr Speaker, if we did this, we would not only build our working relations with the national parliaments but also be able to deliver to our people, get feedback, build synergies in terms of getting what we want, and create ownership of the entire integration process. I thank you. (*Applause*)

The Third Deputy Prime Minister and Minister for EAC Affairs, Uganda (Mr Eriya Kategaya) (Ex-Officio): Mr Speaker, what I am going to say does not reflect the Council's position but mine.

I would like to thank the Committee for this report, but there is one point on which I want clarification. On pages six and ten, there is mention of “sovereignty hold-ups” hindering the proper functioning of the Lake Victoria Basin Commission. Since this is

a common natural resource, I would have loved to have more details on what these sovereignty hold-ups are so that we can discuss them because the preservation of Lake Victoria is crucial, not only for the environment but for the livelihood of about 30 million East Africans. It also provides an important dietary component, namely fish, which provides protein for our people. Mr Speaker, I am not a very keen fish eater, but I want to plead for the fish. *(Laughter)*

Secondly, the report mentions some communication gadgets put on the Lake for ease of communication in case of trouble, but I would have also liked to see in the report something about navigation beacons on the Lake, because their absence on the lake constitutes a hazard. That is the missing link in ensuring safety on the Lake. When there are no navigational beacons, the fishermen will just move up and down on the lake without guidance on where it is deep and where it is not deep. I think that also causes some accidents.

Thirdly, I do not know whether it was in the terms of reference of this Committee, but there is one worrying issue, which I think this House should consider, namely, the issue of the fish stocks in Lake Victoria. I think there are about three or four problems here. One is that we are almost over-fishing in Lake Victoria. We have set up a number of factories without coordination, without harmonisation and without agreeing on how much each of us can take out of the Lake. Tanzania has put up fish factories, Uganda has done the same, Kenya has done the same, but there is no coordinated way of supervising how much each of us is taking out of this Lake. *(Applause)*

In the case of Uganda, we have been concerned about the fishing gears. Some of these fishermen are using small mesh nets, which actually take out the young ones out of the Lake, which means that they are depleting the fish stocks of the Lake.

The other point concerns the Nile Perch. The fish is big, and some *Bazungu* like it very much, but I am told it consumes many of the smaller fish. I think this has also led to the reduction of the variety of fish in the Lake. I am told that, that fish can eat up to 50 kilos. Some countries have actually taken it out of the waters because in its quest for becoming big, it eats a lot. Therefore, in the process it has depleted the variety of fish that we have been having in the Lake Victoria. I think this August House should attend to this matter. *(Applause)*

Then the other point is on the silting of the Lake. We had a seminar in Kisumu some time back on the Lake - I do not remember in which year - and during that seminar, the experts showed us that the level of the Lake is coming up, because shores of the Lake and the rivers going into the Lake are carrying a lot of soil, hence the silting. The edges of the lake are not protected; the vegetation around the lake has been cut down, thus exposing the banks. The banks are bare! And this is not in anyway saying that some of us are not guilty; we are all guilty. But, because of the silting, the depth of the Lake is coming up. I am sure that any of you who has flown from Entebbe to Kigali has seen the colour of the rivers going in the Lake. They are brown; they should be blue! That means that they are carrying a lot of silt. So silting, in both the rivers and around the shores of the Lake, is a serious problem, which should be attended to. *(Applause)*

Lastly, Mr Speaker is the discharge of untreated industrial waste into the Lake. I think this should be studied, because I think there was evidence that some of the factories near the Lake are discharging their wastes directly into the Lake, thereby endangering the lives of the fish and other animals in the Lake.

Therefore, much as I commend the Committee for this work, perhaps, funds permitting, we should have a more serious visit to address these problems. This is not only a common resource, as everybody is saying, but it also contains one of the best foods in terms of health, namely fish. Therefore, if we don't attend to these problems that I have briefly mentioned, at this rate the Lake will either dry up or the fish stock will go down, and we will find that we are not protecting this very important natural resource for the East Africans. So I think if the House, resources permitting, could delve more in these issues so that we alert the authorities that this is a problem to be attended to. *(Applause)*

Mr Speaker, as I said from the beginning, I would like the Committee Chairperson to let me know about these sovereignty hold ups that are interfering with the smooth protection of this Lake. Thank you Mr Speaker Sir. *(Applause)*

Dr. Said Bilal (Tanzania): Mr. Speaker, I would like to associate myself with this report because it shows how focussed this House is on the issues confronting the EAC.

If my memory serves me right, at the very outset of this Assembly, and prior to the debate on the Lake Victoria Basin Commission Bill, the Committee on Communications, Trade and Investment made a similar visit to the Lake Victoria basin and its riparian area to appraise and assess the potential of the activities being carried out for the livelihoods of the people in the region. Therefore, I want to agree with the observation in recommendation one that we cannot over-emphasise the need to address ourselves on the Lake Victoria Basin Commission Bill. I think it is very important that we now focus our attention on the finalisation of this Bill. It has been long overdue.

Mr Speaker, when I read this report on page two, I am happy to notice that this great area covers all the five Partner States, so it is a quintessential socio-economic concern of the EAC. The number of visits that EALA has made there through the various Committees should not surprise one. Beginning with the Trade and Investment Committee visit, followed by the report from the Accounts Committee, all those were necessitated by the need to address ourselves to the issues in the Basin. So, I want to stress that these visits are very important, and I agree with hon. Kategaya that we need to have more visits, because of this basin touches, in a very subtle way, each and every aspect of our lives and activities. Therefore, this will not be the last visit, and I am happy to hear that we need to marshal more funds so that it is possible to make more visits.

I would like to applaud the Committee for seeing the need to make this on spot visit. I thank you and I beg to support the motion. *(Applause)*

The Speaker: Does the hon. Chairperson of the Council of Ministers want to say anything before I call the Chairperson of the Committee?

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Diodorus Kamala) (Ex-Officio): Thank you Mr Speaker, first let me congratulate the Committee for touring the Lake Victoria Basin. I would like to comment on a few things. One, somewhere in the report it is written that LVEMP I helped in the better understanding of the water hyacinth and environmental problems on the Lake. Well, that is a success, but I think the focus of LVEMP was the total elimination of the water hyacinth in the Lake Victoria! Now the question is, did that component of LVEMP I project succeed?

Now if you read the report on Kisumu, it says that one of the problems facing the port at Kisumu is that the port cannot be used as expected due to the problem of the water hyacinth. If that is the case, then one can conclude that the element of dealing with the water hyacinth of LVEMP I project did not succeed, and that is why we are still facing the problem. Now the next question to ask is what we are supposed to be doing now, because we have to deal with that problem.

Now the question is whether LVEMP II is going to deal with the problem of the water hyacinth. I think that is a challenge for us all. The Lake Victoria Basin Commission might have to come up with a different project to deal with this problem because in the first phase, we only focused on Lake Victoria, forgetting that Rwanda and Burundi were not on board. That is why we could not solve the problem. We were able to eliminate the problem of the water hyacinth on Lake Victoria only temporarily. Because Rwanda and Burundi were not on board, the problem continued at later stages. However, given the fact that Rwanda and Burundi are now on board, there is a need to come up with a special project to deal with this problem, or to make it one of the components of LVEMP II. Otherwise, we are going to continue facing the same problem.

The other issue that I wanted to raise concerns *RV-Jumuiya*, the research vessel that the DFID donated to the EAC. I do remember that in different meetings we were told that it was a very good, fantastic, and robust research vessel, but I came to realise that it was as if DFID had just dumped the research vessel to East Africa. This is because this research vessel did not work as we expected. After the first assignment, it was grounded in Mwanza, and when I visited there, I was informed that the engine was consuming more fuel than expected, and therefore they decided to overhaul the engine and everything. Then I asked them why they had been saying that it was a fantastic and good reward from the DFID! They had no answers.

However, what really surprised me was the way they procured the new machines. The person who was given the job as a consultant to find out the problem on *RV-Jumuiya* is the same person who procured the new engine. Now what has made me to ask the questions - for which I have not yet received answers up to this moment - is that the same person is the one who fixed the engine. Now, he has procured, he has installed and he is the consultant. (*Shame; shame*) Therefore, I will not be surprised if in three weeks or so we are told that the vessel is grounded again - (*Shame!*) This is an area that we need to look at or else we will end up spending billions of money only to be told that the ship is still not doing what we expect it to do.

On the use of River Kagera as a means of transportation, Rwanda had requested EAC to use River Kagera for transport. When I visited the Lake Victoria Basin Commission, they told me that a preliminary study had established that we could use

River Kagera as a means of transportation to connect Rwanda, through River Kagera, to Lake Victoria, and then to Mwanza and to the rest of the region. I think what we need is to remind the Lake Victoria Basin Commission to proceed with that project and to find funds for us to implement that one because it will be an alternative route, not only for Rwanda, but for Burundi and the other parts of Tanzania as well. Therefore, we must focus on that area.

Mr Speaker, there is one thing; Lake Victoria is a very interesting area. So many people are interested in it. Yesterday I got information that the Nile Basin Program has lined up US\$57million for use on Lake Victoria. US\$57million is a lot of money, and this project is going to cover Uganda, Rwanda, Burundi, Tanzania and Kenya, but are the people of East Africa aware of this project? For me as the Chairperson of the Council of Ministers, I am not aware. Perhaps when they presented the project to the Council of Ministers I was not there. Maybe my Deputy Minister was there; but personally, I am not aware. What I am trying to say here is that we have seen what has happened to US\$57 million – *(Interjection)* -

A Hon. Member: Hon. Minister, it is under Nile.

Dr. Kamala: He is telling me it is under the Nile Basin Initiative, but my concern here is that if you have so many people working in the same area without coordination, someone can show you work done under the LVEMP I project as work done under another project - *(Applause)*. This has happened in Tanzania on a certain road. Funds from the ministry, funds raised from the local government and funds from donors were all used to construct the same road! I do not want this to happen.

This House is in a good position to follow up on all these projects; it does not matter whether you come through Nile Basin Initiative, the Lake Victoria Basin Commission, or with money from elsewhere. This August House should be empowered to be able to know who is doing what in East Africa. Otherwise, we might end up using millions of money to do the same thing, and at the end of the day not serving our people of East Africa. *(Applause)*

Mr Speaker, lastly, I would like to appreciate the oversight role performed by the Committee, and I would like to encourage this August House to continue doing the same. However, I would also like to suggest that there is a need to have a well-defined process of making sure that when the heads of the EAC organs, the Secretary General, the Deputy Secretaries General and others are called to report to the Committee, they do not say that they are doing something else – *(Applause)*. This is because in principle, all over the world, whenever the Parliament calls you, you cannot say you are doing something else – *(Applause)*. For instance, in Tanzania or in Uganda or elsewhere, when a Committee of the Parliament wants to hear something from you, you cannot send a permanent secretary, or a deputy minister, or say you have some other business to do! *(Applause)*

Therefore, let me send this message to all the people in the Secretariat, and to the Heads of State that, from now on, should anyone be called by any Committee of this Assembly and does not appear, that will be taken as insubordination, and serious measures will be taken against him or her. *(Applause)*

Having said that, I want to say that we shall continue to discuss the other issues and see what we can do about them. Let me conclude by extending my sincere thanks to this August House, and urge you to continue doing the noble job that you are doing to serve the East Africans. *(Applause)*

The Speaker: Thank you very much hon. Chairperson of Council, those with ears will hear *(Laughter)*

The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms. Safina Kwekwe) (Kenya): Mr Speaker, I thank you for giving me this opportunity, and I thank the hon. Members of this House who have overwhelmingly supported the report of this Committee. Their very useful contributions have added value to the report.

Mr Speaker, members raised some issues during their contributions, and let me start by saying that this Assembly has never been, is not, and will never be inconsistent. It has always been consistent.

I want to thank hon. Byamukama for her clarification that the issue that we debated in this House two days ago was in relation to the Mount Elgon Ecosystems Project, which is just one of the projects that the Lake Victoria Basin Commission is now overseeing. So, *Mheshimiwa Spika*, the concerns that were raised about the MERCEP project still hold, but with the moving of this project to the Lake Victoria Basin Commission, it is my belief and prayer that now we shall see changes and the concerns that have been raised shall be addressed.

Mr Speaker, I want also to thank the hon. Chairperson of the Council of Ministers and the hon. Kategaya for emphasising what this House has always been saying that the House has a responsibility for oversight. It is an obligation, but this House cannot meet that obligation without facilitation. Therefore, I want to thank them especially for demonstrating that they are truly faithful Members of this House, and for sharing the concern of this House that its oversight role needs attention. I thank them for that.

Mheshimiwa Spika, on the concerns raised by hon. Lydia Wanyoto about the loss of life after and property following the mud and landslides, I want to say that it is indeed a catastrophe, and it is unfortunate that any East African should die because of rain, when rain should be a blessing. However, I would like to inform this House that when the Committee of Accounts visited the Lake Victoria Basin Commission, they noted an unfortunate occurrence, and this was in the report that the Committee tabled.

Therefore, the component of the MERCEP Project meant for opening a revolving fund needs to be expedited to mitigate such tragic events as was experienced on the Ugandan side of Mt. Elgon. Uganda had opened only one out of the twenty accounts required for the establishment of the envisaged revolving fund, and Kenya had opened up to 11 out of the twenty that they were supposed to open.

Hon. Speaker, I think this is a wake-up call to our Partner States that when they agree to obligations and commit themselves to agreements, it is their duty to ensure the implementation of those agreements. Our people should not die as a result the degradation of ecosystems, in not only the Lake Victoria Basin, but also anywhere else in the East African region! *(Applause)*

Mr Speaker, let me take this opportunity to thank hon. Chemonges Lotodo, Dr. George Nangale, hon. Mike Sebalu, hon. Lydia Wanyoto, hon. Eriya Kategaya, Dr. Said Bilal, and Dr. Diodorus Kamala, for supporting the motion.

I also thank them for fortifying the recommendations of the Committee that this Assembly needs to remain relevant through its oversight role, that this Assembly needs to address itself to the challenges being faced by East Africans, and that we need to improve our work methods by working with the national parliaments whenever we go; that the Lake Victoria Basin Commission must engage the expertise of people from different fields to establish the fish stocks; and on the issue of navigation, that the LVEMP II, which has a very strong component on navigation, should have had a component on navigation, and that, that component should have been done like yesterday because it is a matter of concern and of immense benefit to all of us in East Africa; and that, River Kagera has to be made navigable for it to be opened up for transportation, just like the Lake Victoria has to be navigable for it to be safe and secure for the use of its abundant resources and for transportation purposes.

Mheshimiwa Spika, I want to thank, in a special way, Dr. George Nangale, who was the Chairperson of the Committee at the time of this trip - (*Applause*) - for his sterling leadership - (*Applause*) – and I also thank you in a very special for having made the work of the Committee very possible. (*Applause*)

In conclusion, Mr. Speaker, I want to re-emphasise the prayer that has come from the Members, and which I now put to you as the fountain of honour for this Assembly, that you, as the head of this August House, should use the powers vested in you by the Rules of procedure, particularly Rule 82(2), to make a ruling on the way forward for the Lake Victoria Basin Commission Bill, 2007.

Hon. Speaker, at an opportune time, though your own wisdom, I pray that this ruling will be made so that this very important piece of legislation can see the light of day, and, hopefully, become Law.

Hon. Speaker, I thank you. (*Applause*)

(Question put and agreed to)

Resolution adopted.

QUESTIONS FOR ORAL ANSWERS

Question Reference EALA/PQ/OA/015/2010

Ms Dora Byamukama (Uganda): Asked the Chairperson, Council of Ministers_ *Article 91 of the Treaty obliges Partner States to establish and maintain co-ordinated railway services that would efficiently connect the Partner States within the Community, and, where necessary, to construct additional railway connection.*

Can the Chairman Council of Ministers inform this House on plans and steps that have been taken so far, to operationalize Article 91 of the Treaty?

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr. Diodorus Kamala) (Ex-Officio): Mr. Speaker, Article 91 of the Treaty supports the overall objectives of Article 89, which obliges the Partner States to evolve coordinated, harmonized and complementary transport and communications policies, improve and expand the existing transport and communications links, and establish new ones as a means of furthering the physical cohesion of the Partner States so as to facilitate and promote the movement of traffic within the Community. Sub-article 91(2)(b) states that: *“Partner States shall make their railways more efficient and competitive through, inter alia, autonomous management and improvement of infrastructure.”*

To this end, during the period 2006-2007, the three Partner States of Kenya, Uganda and Tanzania privatized their railways operations through long-term concessions. The joint Kenya and Uganda Railways operations went to Sheltam of South Africa under the business name of Rift Valley Railways, while the Tanzania Railways operations was awarded to RITES of India. The performance of the concessionaires has been the subject of public debate but overall, the privatization exercise did not yield the expected results of enhancing cargo transport by rail.

The Tripartite Task Force of the Chief Executives of the COMESA, EAC and SADC Secretariats have realized that concessioning had remained a problem in all the three regions as none of the currently operating concessions had registered any meaningful success. Therefore, they have directed the development of a model concession agreement that will be sufficiently comprehensive to plug the loopholes that the concessionaires, and in some cases the states, have capitalized on not to fulfil their obligations. The development of this agreement is ongoing under the North-South Corridor Aid for Trade programme.

Mr. Speaker, regarding the other provisions of the Article, the East African Railways Master Plan, read together with the comments that the Council adopted from the Partner States on the Plan, and taking into account the Summit directive on the conversion of the narrow gauge railways to the standard gauge, when implemented, will address the spirit of the Treaty provision. The Master Plan addresses issues related to legal and institutional framework, traffic projections, and technical and operational issues that need to be addressed to improve railways performance in East Africa.

Mr. Speaker, on its part, the Council of Ministers has approved the recommendations of the First Joint Meeting of the Ministers of Finance and of Infrastructure, held on 5 November 2009. Among other things, the Council approved the establishment of a railways regulatory authority at the regional level to coordinate, among other issues, competition, exchange of equipment, policy development and investment, among other related issues. During the same meeting, the honourable Ministers of Finance committed to set aside resources for the detailed design of the standard gauge prioritized by the East African Railways network. They are due to consider the financing proposals at their second Joint Meeting scheduled for May 2010 during the pre-budget consultations.

Mr. Speaker, on the 11th and 12th of March 2010, the Secretariat, in collaboration with the African Development Bank and the World Bank organized a regional Conference

in Dar es Salaam on railways development in the EAC. The Conference, which was officially opened by His Excellency President Jakaya Mrisho Kikwete, President of the United Republic of Tanzania – (*Applause*) - was attended by over 200 delegates from the five Partner States, EALA Members, development partners and investors. The 20th Council of Ministers meeting directed the Secretariat to table the recommendations of the Conference at the May 2010 meeting of the Ministers of Finance and Infrastructure before their adoption by the 8th Sectoral Council for Transport, Communications and Meteorology.

Mr. Speaker, it is clear that the Partner States and the Community are working towards the implementation of Article 91. At the relevant Committee level, the honourable Members will be briefed on the actual progress of the implementation of the provisions of this Article and the plans that the Council has approved for the revitalization of the railways in East Africa.

The Speaker: Do you have a supplementary question, hon. Byamukama?

Ms Byamukama: Mr Speaker, I would like to congratulate the hon. Chairperson of the Council of Ministers for this very elaborate and concise answer to the question. I am fully satisfied. My humble plea is that he continues to update this August House on progress made. I thank the hon. Chairperson Council of Ministers. (*Applause*)

The Speaker: This is the first time that Mheshimiwa Byamukama has been fully satisfied. (*Laughter*)

Question for Oral Answer Reference EALA/PQ/OA/016/2010

Ms Dora Byamukama: Asked the Chairperson Council of Ministers_

“Partner States are obliged under Article 101 of the Treaty to promote the efficient exploitation, development, joint research and utilization of various energy resources available within the region.

Can the Chairman Council of Ministers inform this August House on plans and steps that have been taken so far to realize this Treaty provision?”

The Minister for East African Cooperation, Tanzania, and Chairperson Council of Ministers (Dr. Diodorus Kamala): Mr. Speaker, Sir, the plans and steps that the EAC Secretariat and Partner States have taken so far to realize this Treaty provision are as follows:

- a) The East African Power Master Plan (EAPMP) was developed to identify least-cost power development options for the region. Since it was developed in 2005 before Rwanda and Burundi joined the EAC, the plan is being updated to include the two Partner States and to take account of other developments in the power sector.
- b) Joint promotion of the region for exploration and development of oil and gas through the East African Petroleum Conferences and Exhibitions which are held biannually and hosted on a rotational basis by the EAC Partner States.

- c) Cross-Border Electrification Programme where towns receive electricity supply from a neighbouring Partner State if the grid is nearer than supplying from within their own Partner State. Lunga Lunga in Kenya is supplied electricity from Tanzania under this programme and has operated successfully since 2004, while Namanga, Tanzania was linked to the Kenyan system in April 2009. Other projects earmarked for implementation under this programme include Lwakhakha (Uganda) from Lwakhakha (Kenya), Mutukula (Tanzania) from Mutukula (Uganda) and **Burongo** (Tanzania) from **Kikagati** (Uganda). Projects for Rwanda and Burundi are being identified and more projects are expected after completion of rural electrification master plans that Partner States are developing under their Rural Electrification programmes. The EAC is developing a Cross-Border Electrification Policy and Model Power Supply Agreement. The proposed policy will also address exploitation and development of trans-boundary renewable energy resources.
- d) Preparatory studies for a natural gas pipeline from Dar es Salaam to Tanga and Mombasa are expected to start in May 2010. In addition, plans are in place to extend the existing oil products pipeline from Kenya to Uganda, Rwanda and Burundi.
- e) A Regional Refineries Development Strategy was completed and approved by the Sectoral Council on Energy in April 2008. The Strategy also addresses development of petroleum storage and distribution infrastructure to enhance availability, reliability and efficient distribution of petroleum products in the region. In addition, the Council, at its 19th Meeting held in November 2009, approved an Emergency Petroleum Supply Plan (EPSP). The EPSP will be used to govern distribution of petroleum products in the event of an emergency or disaster affecting the supply in a Partner State.
- f) A Regional Strategy on scaling up access to modern energy services has been developed.
- g) Terms of Reference and provisional budgets for the development of the following master plans are in place and will be implemented when funding becomes available:
- i. Renewable Energy, Energy Conservation and Energy Efficiency Master Plans estimated to cost US\$ 1.2 million; and,
 - ii. Fossil Fuels Master Plan estimated to cost US\$ 1.5 million.

The Speaker: A supplementary, *Mheshimiwa* Byamukama?

Ms Byamukama: Mr Speaker, I want to thank the hon. Minister for the answer he has given, but I would like to ask him, maybe, to throw some more light on the issue of promotion of efficient exploitation and utilisation of various energy resources. In reference to promotion of efficient exploitation, I am referring to the fact that we do not seem to have a clear inventory on the various energy resources we have in the region.

I am saying this, Mr Speaker, sir, based on some information that I have. For example in Tanzania, coal is lying to waste whereas other parts in the East African region would love to use this kind of energy resource.

The other point I would like to raise is that, for example, we have geo-thermal electricity coming out of the rift valley – *(Applause)*. All the East African countries share the rift valley and therefore there may be need for us to look at this particular source, as well as solar and other sources of energy. So, I would like something more comprehensive, not only referring to the renewable type of energy but also the non-renewable ones as well because we need to go to the area of chemical as well nuclear energy. What plans do we have? Can he be more concise on this? I thank you.

Dr Kamala: Mr Speaker, sir, I do agree with hon. Byamukama's proposal that we need to have in place an inventory of the different sources of energy that we can exploit. The EAC Power Master Plan identified projects for different sources of energy, and among them were projects that were not viable for implementation by the individual Partner States, but as East African projects.

For example, in Tanzania we have the Stiegler's Gorge, which has the capacity to produce over 2000 mega watts of power. Previously when we considered generating power from the Gorge as a Tanzanian project, the World Bank told us that because of the Net Present Value of the project, it does not qualify for financing. However, when we presented that project as an East African Project, the World Bank is no longer saying that project is not viable. *(Applause)* So, I do agree with that one. Furthermore, currently in Tanzania we have identified coal deposits that we want to exploit to produce electricity. So, what we are doing now is to make sure that all the East African Partner States are inter-connected on the major power lines so that if one Partner State can produce enough electricity, it can support the other Partner States that cannot produce enough. That project is underway, but I do agree that the Secretariat and the Council of Ministers will need to take seriously the advice by hon. Byamukama to make sure that we identify all the available resources and we work towards that end. Thank you. *(Applause)*

Dr. Said Gharib Bilal (Tanzania): I thank you, Mr Speaker, for giving me the opportunity to ask a supplementary question. I must say that I am satisfied with the answer by the hon. Minister, just like hon. Byamukama – *(Laughter)* - I was thinking carefully whether I should ask this supplementary question, and I believe it is in order.

Recognising that the trend universally today is to have a compendium of energy options, and also recognising that East Africa is well endowed with a vast ocean and vast area where you can harness wind energy, can the Chairperson of the Council of Ministers inform this August House if there are any plans to exploit this kind of energy. Thank you.

Ms Jacqueline Muhongayire (Rwanda): Thank you Mr. Speaker, for the opportunity to ask a supplementary question. First, I would like to congratulate the EAC for the initiative in developing energy Master Plans, but how will the EAC Secretariat engage the Assembly in the formulation of renewable energy master plans that the minister has enumerated? Thank you.

Dr Kamala: Well, on hon. Bilal's question on the use of wind power to generate energy, I think there are two things here: You can use the waves of the ocean to generate energy and using wind is another. But I do agree with him that these projects need to originate from somewhere, so, let me ask hon. Bilal to allow the EAC Secretariat to be quoted as the source of the idea of the ocean and wind energy for electricity – *(Laughter)* - so that from there we can work and see what we can do. *(Laughter)*

Mr Speaker, let me add that Tanzania has eventually decided to start preparatory activities of producing nuclear energy, because we have plenty of uranium in Tanzania. Three companies that have done surveys in Tanzania, and they have discovered uranium. We are now in the preparatory stages of starting to produce nuclear energy - *(Applause)*. This is a difficult activity, but we do hope that the international community will support Tanzania because our aim is to use this for energy and not anything else - *(Laughter)*.

Mr Speaker, I have understood hon. Muhongayire very well. The key issue here is how EALA is involved in those projects and programs. The Treaty provides for the Principle of Subsidiarity, and that principle requires the participation of all the stakeholders. So that being the case, the Council of Ministers will do what it can to make sure that in all our activities we take into consideration the principle of subsidiary, and that EALA is involved, not only as an observer but also as active participants - *(Applause)*.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAST AFRICAN COMMUNITY TO ERADICATE THE TRAGIC PHENOMENA OF STREET CHILDREN

Mr Leonce Ndarubagiye (Burundi): Mr Speaker, Sir, I thank you for giving me the floor. I beg to move a motion that this Assembly do resolve to use the East African Community to undertake a comprehensive study to eradicate the tragic phenomenon of street children. I beg to move.

Ms Safina Kwekwe: Seconded

Mr Ndarubagiye: Mr. Speaker_

WHEREAS Article 59 of the Treaty provides, among other things that any Member may introduce any Motion in the House, provided it is in accordance with the Rules of Procedure of the Assembly;

AND WHEREAS Article 120 of the Treaty for the Establishment of the East African Community provides that the Partner States undertake, inter alia, to closely co-operate amongst themselves in the field of social welfare with respect to adopting a common approach towards the disadvantaged and marginalised groups, including children, through rehabilitation and foster homes, healthcare, education and training;

CONSIDERING THAT the Constitution of each Partner State caters for the protection of the family, and especially the children;

FURTHER CONSIDERING THAT the EAC Partner States are signatories to the United Nations Convention on the Rights of the Child vide General Assembly Resolution 44/25 of 20/4/1989;

RECOGNISING the mission and duty of every Partner State towards its citizens, including street children;

RECOGNISING FURTHER that street children live in an inhumane and shameful manner, which is not akin to human communities;

CONSIDERING that the promotion of the welfare of the citizens of the East African Community, including street children, is one of our cardinal duties;

NOW THEREFORE, THIS ASSEMBLY do resolve to urge:

- 1. The EAC Council of Ministers to direct the Secretariat to undertake a comprehensive study for the eradication of the tragic situation of the street children in the EAC region;*
- 2. The EAC Council of Ministers to urge the Secretary General to submit the results of the study to the Assembly at its First Meeting of the Fourth Session of the Second Assembly, or soon thereafter within the course of the Fourth Session of the Assembly.*
- 3. The Council of Ministers to expeditiously operationalize Article 120 of the Treaty, particularly pertaining to the development and adoption of a common approach towards addressing the plight of street children through the rehabilitation and provision of foster homes, health care, education and training amongst others.*

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

(Question proposed)

Ms Safina Kwekwe (Kenya): Mr Speaker I thank you for according me this opportunity, and I want to commend hon. Ndarubagiye for taking this initiative to address this major phenomena of the street children in the EAC region. It is a catastrophe, it is tragic, it is unfortunate, and it is bad to have street children in East Africa at this time and age. Let me start with the definition of street children.

The Human Rights Watch defines street children as *“the children for whom the street more than the family has become their real home. It includes children who might not necessarily be homeless or without families, but who live in situations, where there is no protection, supervision or direction from the responsible adults.”*

Mr Speaker, those are the street children as defined, but in our daily lives and endeavours, we, including myself, have seen street children as a nuisance. We have given them all sorts of names: we have called them vagrants; we have called them homeless children; community children; rough sleepers; *chokoras*, and all sorts of

degrading names. However, I think that this Assembly needs to ask itself, why do we have street children in East Africa?

Mr Speaker, East Africa - as the name suggests - is founded on the fabric of African values, and some of these African values are very tight social and support systems that act as support structures during hard times, like, for example, breakdown of family structures and financial difficulties, among others. However, this social support and the support systems in our societies have been increasingly eroded, and that is why today you will find orphaned children or children abandoned on the streets. In African traditions, orphaned children belong to the community. In the village, a child is a child of everybody, but today an orphaned child cannot find a support mechanism through the extended family, nor through the clan system, or through the village structures. Therefore, that child will find solace in the streets.

We have experienced political, ethnic, and civil strife in this region, and that in itself is a cause for having street children on our streets. Poverty, discrimination, social customs, and lack of social welfare schemes that target vulnerable groups are all causes of this tragic phenomenon of the street children that we are witnessing today everywhere on the streets of East Africa. So, what are the consequences of this?

Mr Speaker, when you have street children who do not have any protection, supervision or direction of a responsible adult, such children will fall easy prey to traffickers. It is like jumping from the frying pan into the fire, because when children are forced into begging rings, what happens to them? They are beaten; sometimes they are disfigured intentionally so that they can attract more money from sympathetic people like you and I. These children are forced into prostitution and other inhuman and degrading acts; they are forced into crime, be it picking pockets, trading in drugs, substance abuse, and, sometimes even robbery with violence. They are forced into a culture of violence, where they are both victims and perpetrators of that violence. They are sexually abused; they are physically abused; they are forced into child labour where they do menial labour, which is not even...they are not ready to for the kind of labour that they go into. Some of us have them in our houses as house help, but more tragic, hon. Speaker is their loss of innocence, and their loss of childhood.

There is a saying in Swahili that *ujana ni moshi*. I wonder what childhood is! It is even worse than mist, smoke! Within 18 years, this child is no longer a child by law. Nevertheless, street children are forced to mature faster, and under very cruel circumstances. They are actually forced to mature into adulthood while still in their childhood.

But, hon. Speaker, why should this be the case today in the EAC when we have the Treaty for the Establishment of the East African Community, which has provided for remedies to this kind of tragic occurrence in the region? The first teacher, the first role model, the first guardian of a child, we all know, in our society, is the woman. But when that woman is forced, through difficult circumstances beyond her means like discriminatory customs, to forfeit or forgo what should belong to her. She may be forced, for example, to abandon her home because she is widowed; she is forced to leave her property because probably she has refused to be inherited. So what does she do? She moves away, and she has to make ends meet the hard way. And, the children

whose needs cannot be met by such a woman, what do they do? They suffer the most and they are forced to move to the streets!

But, Article 121 provides for the protection of the woman. I say this because the woman is the first guardian. She is the guardian of her children. She is the first teacher; she is the first role model. When you protect the woman -and the Treaty provides for that - you will indeed contribute to alleviating the problem of street children.

Mr Speaker, Article 124 of the same Treaty, and particularly paragraphs 3 and 4, provides for the issue of civil strife, which has indeed been a major contributor to the phenomena of children on the streets. It states, "*Partner State shall evolve and establish regional disaster management mechanisms which shall harmonise training operations, technical cooperation and support in this area.*"

Street children are a disaster and a dilemma to this region, and we must find mechanisms to manage this because the consequences of having street children on the streets doesn't only harm the children themselves, but they also harm us!

Mr Speaker, the mother of all is Article 120 of this Treaty, which I am glad hon. Ndarubagiye, has quoted in the motion that provides for social welfare that "*The Partner States undertake to closely cooperate amongst themselves, particularly in the development and adoption of a common approach towards the disadvantaged and the marginalised groups...*" Who is more disadvantaged and marginalised than a street child, hon. Speaker?

I think and believe that this House has it in its power the means to contribute to the eradication of children on our streets. I pray that hon. Ndarubagiye can find it favourable to include a third resolution "to urge the Council of Ministers to operationalise expeditiously, Article 120 of the Treaty, particularly pertaining to the development and adoption of a common approach towards the phenomenon of the street children through rehabilitation and provision of foster homes, healthcare education and training, amongst others.

Mr Speaker, I thank you and I support the motion. (*Applause*)

Dr Odette Nyiramilimo (Rwanda): Thank you Mr. Speaker, for giving me the opportunity to contribute to this motion, which I fully support.

Mr Speaker, sir, this phenomenon of street children is disastrous as the motion says. I studied this phenomenon from 2000 to 2001 when I was the Secretary of State for Social Affairs, and the children, especially the vulnerable children, were under my docket.

When I studied this phenomenon in Rwanda in 2000, I was very surprised to find that the number of street children in the town of Kigali was about 6000. At the beginning, I thought that most of them were orphans, but they were not. Only 20 percent of these street children were orphans. About 15 percent were from single mothers, 40 percent had both parents but they just happened to be living on the streets but their parents did not bother to look for them, and that is a disaster. There is a big problem in the

families in Africa. It is not only in the East African Community but it is in the whole of Africa. Wherever you go in Africa you will find this phenomenon of street children.

In the study we did in Rwanda, we also found out that about 5 percent of the children were even born on the streets, because there are girls who leave their homes and come to the town to look for jobs but end up living on the streets. These girls get pregnancies there, either through rape or willingly. Therefore, I would like to support this motion, and urge the Secretariat and the Council of Ministers to do a study to help harmonise the policies on children and on families. If we have the families that were supposed to have, then we would not have this phenomena of street children the way it is today.

Of course, there are various laws and policies on vulnerable children in our Partner States, but our countries do not respect them. Therefore, perhaps the Council of Ministers and the Secretariat could harmonise these policies and laws and put in place mechanisms for monitoring or controlling these policies and the Assembly would oversee the implementation of the laws in our Partner States.

Thank you very much Mr Speaker, Sir. *(Applause)*

Ms Lydia Wanyoto Mutende: Thank you very much *Mheshimiwa* Speaker for giving me the opportunity to contribute to this motion by Hon. Ndarubagiye, which I support. I would like to congratulate him for following his heart; he is very passionate about children. We serve together on the Committee of General Purpose, and he has lived up to what he has said in the motion. Every time we are doing some work, his pours out with children. *(Applause)* Therefore, I would like to support him because he lives and walks his talk in terms of children. *(Applause)*

Mr Speaker, I wanted to contribute to this motion in terms of three key areas. One is that the causes of the phenomena of street children are very complex, but also they are delicate and they vary from country to country. Therefore, I support the idea of having a comprehensive study. Whether it is a desk study or a survey, I hope that we can have very clear terms of reference for this study. I also hope that we will be able to follow this up at the Committee level with the hon. Ndarubagiye and ensure that we come up with terms of reference that will be able to give us what we want. We should be able to get a snapshot or status quo of street children in the five Partner States so that we are able to design the relevant interventions.

Mr Speaker, a quick look at the causes of street children, like hon. Nyiramilimo has said, many of them come to the streets because of poverty. They have parent, they are not orphans but because of poverty. Sometimes these parents drive the children to the streets to beg and take some supplies back home. Some of them are victims of broken families, and therefore there are children of single parents that go to the streets to beg so that they are able to supplement the families of these single parents. The other issue is civil strife. For example, in the northern Uganda, many of the street children that we have had in the last few years are a result of the civil strife that we have had in our country. Children were never safe at home when their parents either went to fight or got lost in the course of running away or in the camps. Therefore, it caused us the phenomena of street children. I could go on and on to talk about causes of street children, like hunger, but there are also natural causes of street children.

The Example I gave earlier, of Bududa, where I come from in the sub-region, we got street children in hardly a week because following the mudslides, people died, many children became homeless, and they just jumped on any truck that was going to town and then they became homeless. We found we had a very big problem of street children in Mbale town within a week.

There are so many causes, that is why I support the proposal of having a study or a baseline survey to find out what is it that causes street children. Thereafter we shall have very innovative and creative interventions that are outside the box. The issue that is in the Treaty of foster homes, day-care home systems...these are traditional things. In our time and generation, we should be able to have innovative and creative ways of handling children that have found their way to the streets in our time. The only way we can do this is to find out what are the causes of street children in the different settings, but also the level of abuse that they have been subjected to suffer during the long time that they have been on the streets; the drug abuse, the rape and any burglaries.

Mheshimiwa Speaker, I would like to request your indulgence to ask hon. Ndarubagiye to allow me to move a friendly amendment to his motion. The amendment I would like to move is on resolution number one that is urging the EAC Secretariat. My humble opinion is that this is a policy issue, and it should therefore go to the Council of Ministers. *(Applause)* So, I would like to move an amendment in that direction that we urge the Council of Ministers to issue a directive on a comprehensive study. As I have said, I think we should take off time to support Council and be able to elaborate the terms of reference so that we get what we want form this study. As you are aware, a policy issue cannot go directly to the EAC Secretariat. They will be able to give you the money and give you the policy direction that we want. Therefore, it should be the Council of Ministers, if hon. Ndarubagiye accepts.

The second amendment that I would like move, and again I beg your indulgence, is on the second resolution on the issue of urging the Secretary General to submit the results of the study to the Assembly in the First Meeting of the Fourth Session. My humble experience is that this is not possible, realistically. This is a very mega policy direction; it is a very serious issue, it is difficult because we have five countries to deal with the phenomenon of street children, so you will need to go to the ministries responsible and civil society organizations to find out what is happening on the streets. We will simply not get what we want by the fourth session.

Therefore, Mr Speaker, if hon. Ndarubagiye agrees, we should remove the issue of timeframe but keep our finger on the need to have the report quickly done so that we are able to manage the time frame when we deliver the terms of reference that we want to the Council of Ministers. Thank you, Mr Speaker, and I beg to support the motion. *(Applause)*

Ms Nusura Tiperu (Uganda): Thank you very much Mr Speaker, for giving me this opportunity. I would like to join my colleagues in supporting this motion and would like to commend hon. Ndarubagiye for having moved this motion. *(Applause)*

Mr Speaker, I have decided to comment on this motion because, like my colleague hon. Wanyoto has said, it comes right from the heart of hon. Ndarubagiye. I did get an opportunity to travel with him to Denmark, and the weather there was so difficult for us to handle and he made fun and “if the street kids in Uganda, Burundi or Kenya could be brought in Denmark, we would find them all dead the next morning.” So that showed me that really every time he is thinking about children, and I am not surprised that he has come up with such a motion.

Mr Speaker, the motion is really a tall order on the Secretariat. Hon. Ndarubagiye is calling upon the Secretariat and the Council of Ministers to think deeper into the causes of street children. It is a motion that calls upon the governments in the Partner States to realise that the stability of the region is paramount if we are to have our countries without street children. As my colleagues have already spoken, many of the kids end up on the streets because of insecurity, and whether you like it or not, the streets become a safer place to stay in.

It is also a tall order on the Council of Ministers to ensure that we are prepared to handle any cases of disaster. The motion is further an order to ensure that the Council of Ministers looks at the question of poverty eradication among our citizens very critically. It is also a call upon our East African governments to ensure that the billions that are talked about in budgets are changed into peoples livelihoods in our villages, because most of the kids end up on the streets due to hunger.

I am glad that the Treaty, in Article 105 and 110, talks about agriculture and food security in the region. Therefore, the motion is really echoing the spirit that is already there in the Treaty. It is also calling upon the Partner States to liaise on the issue of punishing those who are trading in the street kids. I would like to give an example of my country Uganda, where we have a scenario of many street children. When you talk to them, there seems to be a racket of people who are now doing business using these children. Some people drop them off on the streets in the mornings and pick them up in the evenings or late night, and nothing is done to such people. This calls for serious mechanisms to ensure that people trading using children being on streets are seriously penalised, and not only in Uganda but in all the Partner States. *(Applause)*

Mr Speaker, this motion is trying to remind us to analyse our social fabric clearly. What is that not happening? Why are stepmothers sending children to the streets? It is also an indication that there is need for parents to take on their mantle and become responsible. We have had a number of scenarios. For example, a man may decide to have more than one wife but he has no control over the women, and you will find that the children are harassed. Therefore, for those men who choose to be polygamous, they must ensure that they have control over their homes so that the women that they marry do not torture children, making them end up on the streets. *(Applause)* Otherwise, it seems that we are getting genetically modified men who marry but do not have control of their homes – *(Interjection)*.

Mr Speaker, talking about the moral fabrics, I want to say that some of the kids end up on the streets because people who are supposed to give them protection are defiling them. Cases of fathers defiling their own daughters and cases of sodomy abound. This calls for a re-assessment of what is happening in our respective homes.

Mr Speaker, I would like to support what hon. Kwekwe said on the question of rehabilitation centres. There is indeed a need for a rehabilitation centre in each of the five Partner States to offer an alternative for these kids to go to, because looking at the magnitude of the problem and causes of the phenomenon of streets kids, perhaps this is not a matter that we can handle in a year or two years time. So, there is need for the social rehabilitation homes so that the kids of East Africa can have a place that they can call home; so that the children who have been traumatised due to the loss of their parents can have a place which they can call home; so that the children who have lost their parents due to HIV and AIDS can have a place which they can call home.

Mr Speaker, we have heard of cases of children, who were on the streets, but after getting Good Samaritans, who took them into their homes, they have ended up musicians, some have become lawyers. Really, the case studies are there. This will offer an alternative to those children who really have nowhere to go.

With those few remarks, I really support the motion, and once again, I thank hon. Ndarubagiye and the seconder of the motion. The motion is in good spirit, it is vital for this region, and especially so when we talk about tourism. There is no way you can have many tourists traversing Kenya, Uganda, Rwanda, Tanzania and Burundi if they do not feel safe. It is mostly the street children who jump and grab the bags and necklaces of these tourists. We have even heard of cases of someone killed in the process of trying to fight off a street kid. It may be that this child has no alternative, and jumping on the neck of a tourist is a mechanism of survival instinct. I therefore, support this motion. *(Applause)*

Ms Claire Kayirangwa (Rwanda): I thank you, Mr Speaker, for giving me the opportunity to contribute to this motion. I beg to support the motion.

The problem of street children is a big problem. It is a social, human rights, economic and security issue. *(Applause)* The street children are among the disadvantaged and marginalised groups, which the state has a duty to assist by providing them with homes, healthcare and education. So, why are these children on the streets? We need to address the causes in order to tackle this issue effectively. Therefore, Mr Speaker, the study should concentrate on the root of the problems, which originate from the crucial problems of poverty of the majority of the population. Therefore, in my view, resolving the problem of the existing street children will not bring a lasting solution. But instead, we should call upon the Partner States to prioritise the social welfare of the people by increasing their budgets for education, healthcare, and agriculture, which constitutes the biggest source of revenue for the populations in East Africa. *(Applause)*

Mr Speaker, I beg to support the motion and I thank the mover. *(Applause)*

Dr. James Ndahiro (Rwanda): Mr Speaker, I support the motion, but I would like to request my honourable friend Ndarubagiye, to allow me to make two amendments.

Mr Speaker, we are not going to reinvent the wheel. I am aware of so many studies conducted, not only in East Africa, but also in the whole continent. I remember sitting in one of the meetings that was considering the East African Social Protection Strategy, where the social affairs ministers in our region met and worked on a

document. I remember that the Kenyan Minister for Social Affairs chaired that meeting. Therefore, that document exists; studies exist.

Secondly, I am also aware that all our Partner States are signatories to the UN Convention on the Rights of the Child. That document highlights the issues of street children, so what is required is just a mechanism to make the specific Articles operational.

Mr Speaker, I would like to urge that instead of asking the Secretariat to conduct a study, we should rather urge the Partner States to domesticate the UN Convention on the Rights of the Child. The Secretariat should provide a mechanism to operationalise it, and to bring, quickly, the EAC Protection Strategy, which handles the specific challenges of children living on our streets.

Mr Speaker, I do not know if that document is still with the ministers, but if it still in the Secretariat, that particular document should be operationalised, instead of asking the Secretariat to conduct another study. If they can do those two things, I think it would be faster and it would serve the same purpose. *(Applause)*

The Speaker: Hon. Ndarubagiye, there are a number of amendments here that have been suggested. Maybe you can comment on them as well.

Mr Ndarubagiye: Mr Speaker, I have heard the proposed amendments. I accept the proposal by hon. Wanyoto about the delay, because getting something from the Secretariat may take some time. However, as our Assembly has the right to summon anyone responsible for a study that we have ordered, I believe they may do it in a shorter time. *(Applause)* Nevertheless, I believe that for the time being, the Secretariat is the right Organ for us to request the work from, since we will be able to follow and insist that they do the study very quickly.

I do agree with Dr Ndahiro that there may have been many studies done all over the world, but the most important thing is not doing a study, but the implementation. Why we are asking the Secretariat to do a study is because it will be easy for us to follow up its implementation later on. Let us do it domestically so that it concerns East Africa. We are not going to do it for others – *(Applause)*. Actually, by its very existence, UNICEF should have eradicated all the problems concerning children in the world. It should have eradicated the tragedy of so many children all over the world.

Mr Speaker, just like Dr. Nyiramilimo, when I was an official in the government of Burundi, we also did a study on the street children. What she said about some of the children having both parents but being on the streets, and the government not taking any measures to arrest and punish those parents who abandon their children on the streets is the truth. It is really a tragedy.

Mr Speaker, what is most important is for us to be serious with this matter and to enforce the laws and decisions that we will take following the study. Actually, we all know that not only the state laws but also, all the religions in the world advocate for the protection of widows and orphans. *(Applause)* So, why have we become so

heartless that we leave our children on the streets in our region? It is really a sin of the whole community; it is unbelievable!

Very soon, I will be making 70 years. I remember that there were no street children during my childhood, why was that? (*Interjection*) There were streets then; small streets, but streets they were - (*Laughter*). What I mean here is that children belonged to the community, why not now? Communities still exist, whether they are in an urban area or in the villages, communities are still there, better organised and independent.

Mr Speaker, I think what was supposed to be said has been said, but, honestly, if one is fortunate, and has been blessed with wealth and has possibilities of developing, when he sees his neighbour's small children on the street, normally you must feel sympathetic.

I therefore take this opportunity to express my gratitude to hon. Safina Kwekwe for seconding the motion and for making good proposals for amending the resolution. (*Applause*)

I would also like to thank Dr. Nyiramilimo for sharing her very good experience in this matter. I am very grateful to hon. Lydia Wanyoto for the proposal and very kind words about me. I am very touched. I also thank hon. Nusura Tiperu for her kind words, proposals and support. I am very grateful to hon. Kayirangwa for her good idea of fighting poverty, but I think we should at least start with one specific thing before we tackle poverty as a whole. I also thank my good friend, Dr Ndahiro for his proposals. (*Applause*)

Mr Speaker, I beg this House to adopt this motion. Thank you very much. (*Applause*)

The Speaker: Honourable Ndarubagiye, we have a number of proposals and amendments that have been brought before the House, and you are supposed to have commented on whether you agree with them or not. You only thanked for the proposals. For example, we have one from hon. Safina Kwekwe, which says,

“To urge the Council of Ministers to expeditiously operationalise Article 120 of the Treaty pertaining to the development and adoption of a common approach towards addressing the plight of street children through the rehabilitation and provision of foster homes, healthcare, education, and training amongst others”

Mr Ndarubagiye: I fully accept the proposal provided we do not remove the recommendation we are giving to the Secretariat. Is it contradictory?

The Speaker: Forget about the Secretariat now. We are talking about this particular amendment, which deals with the Council of Ministers operationalising Article 120. It is an addition.

Mr Ndarubagiye: I accept.

The Speaker: We also have a proposal from hon. Lydia Wanyoto to recommendation one, which says,

“To urge the EAC Council of Ministers to issue a directive in respect of a comprehensive study for the eradication of the tragic situation of the street children in the region”

Honourable members, perhaps I would suggest that we say, *“To urge the EAC Council of Ministers to issue a directive to the Secretariat in respect of a comprehensive study...”*

I say this because if there is no budget line for this activity, it cannot be undertaken. Therefore, it will be useless to make a resolution that will not be able to implement because there is no budget line for it. Maybe if you bring in the Council of Ministers to issue a directive, then the Secretariat will look for funding from wherever the Council of Ministers will agree. Maybe you can think about it in that light.

Mr Ndarubagiye: In that case, I accept the amendment.

The Speaker: The second proposal from hon. Lydia Wanyoto was that instead of putting a timeline of the First Meeting of the Fourth Session, which might be in July, considering that the financial year starts in July, if we tell them to bring it by the First Meeting of the Fourth Session, it will be a bit difficult, even if you got the money today. Instead of putting a timeline or the exact date, she proposes that we say, *‘urge the EAC Council of Ministers to submit the report of the study to the Assembly for the purposes of assigning relevant interventions.’* I do not understand what “assigning relevant interventions” mean. Is that what you said hon. Wanyoto?

Ms Wanyoto: It is “designing”. May be it is my poor handwriting, hon. Speaker.

Ms Kwekwe: Mr Speaker, I am not speaking for hon. Ndarubagiye, but I would like to comment on that amendment. I propose that we delete *“at its First Meeting of the Fourth Session of the Second Assembly”*, but retain *“within the course of the Fourth Session”* because that gives us one full year, starting July 2010. I think that within that time, if there is good will and commitment, they should have done something. *(Applause)*

The Speaker: Hon. Wanyoto, do you have anything to say on that amendment to your amendment?

Ms Wanyoto: Mr Speaker, I have no problem. My only worry was the reality of asking the Council within a certain timeframe. If hon. Ndarubagiye can appreciate the issue of making a realistic timeframe, I have no problem. *(Applause)*

The Speaker: So the resolution would now read, *“Urge the EAC Council of Ministers to submit the report of the study to the Assembly within the course of the Fourth Session of the Assembly for the purpose of designing relevant intervention”*. Is that what you meant?

Ms Kwekwe: Mr Speaker, I was moving an amendment to the amendment of hon. Wanyoto that it might be unrealistic to say the First Meeting of the Fourth Session, but I think it is very realistic to say within the course of the Fourth Session. Whatever she has said before that holds, but I would still want us to retain *“within the course of the Fourth Session of the Assembly”* so that we still have a timeframe. I thank you.

The Speaker: Hon. Kwekwe maybe you were not listening to me because that is exactly what I said. If you read number two of your document, it says, “*Urge the Secretary General to submit....*” All we are saying is “*urge the Council of Ministers to submit results of the study to the Assembly – then you remove “the First Meeting of the Fourth Session” and replace it with “within the course of the Fourth Session of the Assembly.”* Is that fair?

Hon. Members: Yes.

The Speaker: Now we have the last one from hon. Ndahiro, which says,

- i) *Urge the Partner States to domesticate the UN Convention on the Rights of the Child.*
- ii) *Urge the Secretariat to operationalise the EAC Social Protection Strategy.*

Mheshimiwa Ndahiro, maybe you could tell us about the EAC Social Protection Strategy. Is it there?

Dr. Ndahiro: Hon. Speaker, that strategy is there. It was presented by the –
(*Interruption*) -

The Speaker: I think you have to stand up when you are speaking in this House.
(*Laughter*)

Dr. Ndahiro: I am sorry hon. Speaker.

That strategy was presented in a forum of African Social Affairs Ministers in Windhoek, and the Minister in charge of Social Affairs of Kenya presented the East African Social Protection Strategy. From that meeting, they had a time frame and they were on course to operationalise that strategy. What I do not know is how far it has gone and where it is today, but I am aware of that document and I am aware of an East African study. (*Interjection*)

The Speaker: Yes, information.

Ms Wanyoto: Mr Speaker, I would like to give hon. Ndahiro information that the two amendments he has proposed will be very well catered for as an outcome of the report. For us to put it there will be pre-empting the report, because we would like to see a snapshot of what is pertaining about children in East Africa, namely, what is their space in international statutes, in African documents, and at the regional level?

Therefore, that report will tell us the status quo of the children, and then we will be able to give the relevant interventions wherever they are, whether we have documents or not, because, if we put in the same resolutions, how will you explain the other pertaining documents? Mr Speaker, so much has been said about children, but they persist on the streets!

So I would like to beg his indulgence, through this information, that let us first of all get the study so that we know what’s pertaining and then we will be able to urge for what we want by way of intervention. Thank you.

The Speaker: Hon. Ndahiro, before you say something, I think hon. Hajabakiga also requested for some clarification.

Ms Patricia Hajabakiga (Rwanda): Mr Speaker, I was seeking clarification from the Council of Ministers to know whether this strategy exists, and whether it has been adopted by the Council of Ministers. If it does, then we can ask for operationalisation, if not then probably we can deal with other things.

The Speaker: Honourable Minister, any word on the East African Social Protection Strategy?

Dr Kamala: I am not aware, and I would not like to mislead this House. *(Applause)*

The Speaker: Hon. Ndahiro maybe we can leave the strategy out unless we are very sure that EAC Strategy has been adopted. I know you had it in Windhoek, but sometimes our Ministers say things there, which are not happening here. So we don't want to mislead the House.

Dr. Ndahiro: Mr Speaker, I think we can leave it at that but still urge for the domestication of the UN Convention on the Rights of the Child.

Ms Wanyoto: Mr Speaker, I beg for the indulgence of the House, but also of Dr. Ndahiro. I do not think it is right for this Assembly to pass a resolution to urge for domestication when we do not know the status or level of domestication in the five countries. Are we very sure that the Partner States have not domesticated these instruments? Therefore, again I want to beg Dr. Ndahiro to give the study a chance so that we know which countries have not domesticated so that when we pronounce ourselves we have a record. Thank you. *(Applause)*

Mr Mike Sebalu (Uganda): Thank you Mr. Speaker. I just want to suggest the study, among others things, is supposed to review existing literature, and it is through that we are then able to get a very informed way forward. *(Applause)* So, I think at this point we are comfortable going for a study and the findings of the study pertaining to the levels of implementation of existing instruments can be a useful point of intervention to determine the way forward. *(Applause)*

Dr. Ndahiro: Mr Speaker, I will agree with the suggestion, although I am aware that all the Partner States of the East African Community are signatories to that UN Convention. That literature is out. Even if you go to Google, it will show you. *(Interjections)*

Now, if that instrument was domesticated and operationalised, we would not be arguing about this issue - *(Interjection)*. So, that means that it is not domesticated, therefore it is not being implemented, although we are signatories. What I am saying is that if we urge for a study, then we must also mention the review of the instruments that are in place, instruments to which our Partner States are signatories. They should tell us how far they have gone with the domestication and implementation of the Convention - *(Interruption)* -

The Speaker: Honourable Members, please allow hon. Ndahiro to say his point. The thing is that we do not need a study to know whether the Partner States have

domesticated or not. Hon. Ndahiro, if you can find out whether the Partner States have domesticated the Convention. If they have not, then perhaps you can bring a resolution to this House to urge the Partner States to domesticate it. You do not need to wait for a study to urge the Partner States to domesticate the Convention.

Therefore, in essence we can only say that now that we do not know the domestication status of the Convention in the Partner States, we should not put it in this resolution. However, I think hon. Ndahiro has a right, at later date if he finds out whether the Convention has not been domesticated, to bring another resolution to this House. He does not have to wait for a study for which we still do not know whether they will get funding within the year.

Mr Ndarubagiye: Thank you very much Mr Speaker. I believe that hon. Ndahiro can even bring it as a question so that the Minister can tell us whether it has been domesticated. We cannot put more weight on this motion, since it is very clear as it is. I think it will be good for Dr. Ndahiro to bring another motion or a question.

The Speaker: He has already conceded to that, Mheshimiwa. I thought you were saying something else.

(Question put and agreed to)

- (Applause) -

Resolution adopted.

MOTION

FOR A RESOLUTION OF THE ASSEMBLY TO ACCORD SPECIAL THANKS TO THE UNITED REPUBLIC OF TANZANIA FOR GRANTING NATIONALITY TO 162,000 BURUNDI REFUGEES

Mr. Leonce Ndarubagiye (Burundi): Thank you very much Mr. Speaker, I beg to move a motion that this Assembly do resolve to accord special thanks to the government of the United Republic of Tanzania for granting nationality to 162,000 Burundi refugees. I beg to move.

Mr. Frederic Ngenzebuhoro: Seconded.

Mr. Ndarubagiye: Mr. Speaker, the motion I am proposing reads like this: *“Resolution of the Assembly according special thanks and extending its unreserved appreciation for decision taken by the government of the United Republic of Tanzania to grant nationality to 162,000 Burundi refugees”.*

WHEREAS the preamble of the Treaty for the Establishment of the East African Community stipulates the four steps of integration of EAC, namely the Customs Union, Common Market, Monetary Union and Political Federation;

AND WHEREAS the realization of each stage of the process leads to deeper integration;

RECOGNISING the bold decision by the Government of the United Republic of Tanzania to give citizenship to 162,000 Burundi long time refugees;

ACKNOWLEDGING that the decision promotes and hastens the integration process;

CONSIDERING that such a move bears witness to the commitment of the United Republic of Tanzania in putting in practice the Community's motto of "One people, One destiny"; (Applause)

NOW, THEREFORE, This Assembly do resolve to:

- 1. Accord it's special thanks and appreciation to His Excellency President Jakaya Mrisho Kikwete, President of the United Republic of Tanzania, his Government and the people of the United Republic of Tanzania for the decision to grant nationality to 162,000 Burundi refugees; and,*
- 2. Urge Hon. Dr. Diodorus Kamala, Minister of EAC Affairs, Tanzania and current Chairperson of the EAC Council of Ministers, to transmit this Resolution to His Excellency the President of the United Republic of Tanzania."*

Mr Speaker, sir, I beg to move – *(Applause)*.

(Question proposed)

Mr. Frederic Ngenzebuhoro (Burundi): Thank you very much Mr Speaker, I will not have much to say because this is an interesting issue for me. What I would like to do is to urge other East African Community Partner States to follow this good example of the Government of Tanzania to grant nationality to all refugees from the East African Community, and of course the refugees who ask for it. I would also like to thank the Government of Tanzania and all other Partner States who will follow this good example. Thank you. *(Applause)*

Ms Dora Byamukama (Uganda): Thank you Mr Speaker, I support the motion fully and I am glad to note that this motion is a twin, if not a child, of the issue that we raised in respect to the visa. Therefore, I am glad that it has come to the fore. I support it fully.

Having said this, I would like to mention three things. The first issue that I would like to highlight is that it makes me very sad, particularly when I am in Uganda, to hear that some people from the neighbouring states are being ferried back home by UNHCR as refugees. This is very sad, especially when we have come to this point of integration, which allows free movement of the people. *(Applause)*

I would like to salute the United Republic of Tanzania, headed by his Excellency President Jakaya Mrisho Kikwete, for this noble stance that it has taken. As usual, Tanzania always sets the pace. Indeed, when you look at the national symbol of Tanzania, it is the giraffe. I think the United Republic of Tanzania has the gift of the capability to see very far and ahead of all of us.

Now since Tanzania has set the pace, I would like to urge, like hon. Ngenzebuhoro, all the other Partner States to do likewise, because, for example, while we are squabbling over Migingo, there is granting of national status to 162,000 people. This means that Tanzania has given these people “Mgingo” a thousand times over! *(Applause)* Therefore, in effect, the squabbles that we have over these little islands and rocks have paled in light of Tanzania granting citizenship to 162,000 Burundi refugees. Maybe we should not even call them refugees; I think we should call them East Africans, because this is East Africa and, indeed, we are one. *(Applause)*

The second issue that I would like to highlight in support of this motion is the issue of dual citizenship. Our Partner States should seriously consider dual citizenship, especially for us the citizens of East Africa, so that I, a Ugandan, can choose my other citizenship from the region if I so wish. In light of this, Mr Speaker, we as a House have deliberated on the issue of passports and other non-tariff barriers such as the yellow fever vaccination certificate and others.

I would like also to take this opportunity to urge the East African Partner States to evolve East African identity cards. I am glad that the hon. Chairperson of the Council of Ministers is here. I know that he is an achiever and that sooner than later he will also act on these issues. I salute him and the United Republic of Tanzania. *(Applause)* We look forward, and we are very happy, to go back with this information. I fully support this motion. I thank you. *(Applause)*

Mr Mike Sebalu (Uganda): Thank you very much Mr Speaker, and bravo to the United Republic of Tanzania. This is a laudable move, and it shows maturity of leadership. However, there are issues that we need to consider here as we look at this very important aspect.

Who is a refugee in the first place? A refugee is a person who has crossed international borders because of political persecution from the motherland, which is different from an internally displaced person, who, for one reason or the other, has moved from one part of his country to another.

Mr Speaker, there are international standards that regulate the welfare of refugees. You cannot repatriate them forcefully. You cannot just wake up and force them to go back against their will. Even the issue of a nationality status, they must request for it. You cannot force them to take up the nationality of a country they ran to forcefully. There are such aspects to take into consideration. This means that the 162,000 Burundians who Tanzania has given nationality status may not be the only refugees there. Perhaps the others did not ask to be considered for nationality status, because they must request for it. However, the most important thing is that once they make that request and it is granted, then we must salute the magnanimity of the host country. Therefore, we must salute Tanzania for that. *(Applause)*

I am sure there are many refugees in Tanzania. I think there are Somalis there and others – *(Laughter)*. How are we looking at some of these others? I think this magnanimity – *(Interjection)* - Mr Speaker I am talking about the whole phenomenon of refugees in East Africa in light of this good example. We have many of them scattered in many parts of East Africa. I have just mentioned the Somalis. They could be in Kenya, in Tanzania or in Uganda, so the other Partner States should consider

extending such magnanimity across borders, of course taking a good leaf from the Tanzanian example.

Mr Speaker, the most important lesson that we need to learn from this magnanimity is that there are certain actions that we need to take as Partner States, which will build the confidence of the East African people. These are what I would like to call the quick wins; the quick wins in terms of benefits of integration, where we create a sense of belonging, a sense of togetherness and a sense of unity as a region. Therefore, the other Partner States need to emulate the good example that the United Republic of Tanzania has shown as a confidence building measure within the region.

Mr Speaker, this is practical demonstration that we can create a truly East African citizenry. We should start looking at ourselves as East Africa, so that we demystify the international borders that divide us, such that it will now be a question of internal displacement. You are displaced from Rwanda to Uganda; you are displaced from Uganda to Kenya, because you are within the bigger territorial integrity of East Africa. Therefore, this is a demonstration, and if we started some of these acts of magnanimity amongst our different people, then we would be demonstrating that actually it is possible to live as one people and in a same geographical area. Therefore, I would like to thank the Government of Tanzania for this point of reference that we should always use in the way we do our business.

Mr. Speaker, many constitutions are quite flexible in these aspects. For instance, in Uganda, we recognise Rwandese amongst the tribes we have, and it is in the constitution. We need to build some aspects, because we have been together, we have lived together, we share a common history, and we share a common destiny.

Mr. Speaker, I would like to thank hon. Ndarubagiye for moving this very good motion. He is not a beneficiary, but he is happy for his fellow countrymen and women – *(Interjection)*. Perhaps if it had come earlier he would have benefited. Nevertheless, since others have benefited, it is good to pat the Republic of Tanzania on the back for coming up with this very innovative, very humane and friendly gesture to allow these people enjoy the right of citizenship of Tanzania, with all the rights and benefits that accrue to other Tanzanians. Thank you very much Mr Speaker for the time you have given to me. *(Applause)*

Dr. George Nangale (Tanzania): Thank you hon. Speaker for giving me this opportunity to join my colleagues in support of this motion. I hope and pray that the 162,000 Burundians refugees who have now been granted citizenship in Tanzania where I come from will be good citizens – *(Interjection)* - will adhere to the rules and laws of Tanzania, and I hope that some of them will join EALA representing Tanzanian in future.

Mr Speaker, I also want to inform this House that this is not the first time that Tanzania has granted citizenship to refugees. In the 1970s, Mwalimu Nyerere, who was the head of State by then, our Father of Nation, granted citizenship to thousands of refugees who were staying around Tabora region. *(Applause)* My appeal, Mr Speaker, is that all the Five Partner States should continue to maintain peace and harmony in our countries so that in future we do not generate refugees within East Africa. *(Applause)* Having said, I support the motion.

The Speaker: Hon. Minister, do you have anything to say before I call hon. Ndarubagiye?

The Minister for East African Cooperation, Tanzania and Chairperson Council of Ministers (Dr. Diodorus Kamala): Mr Speaker, I have three things to say. One is that on behalf of the Council of Ministers...that is the good thing of being a chairperson, even if you have not met, whatever you say, you say it on their behalf. *(Laughter)* Therefore, on behalf of the Council of Ministers, I do support and appreciate the motion by hon. Ndarubagiye.

Secondly, as a minister from Tanzania, I do welcome the 162,000 Burundians who have now become Tanzanians, because as you know, one of the reasons the United States of America is a super power in this world is because it has a combination of people from the different parts of the world. Therefore, Tanzania is looking forward to combining all types of people from East Africa, and at the end of the day Tanzania might emerge as the super power of East Africa, just because of having a combination of all East Africans - *(Laughter)*

Having said that let me also say that the motion urges me to deliver this resolution to my president. Let me assure the House that I will do it, and in the best way possible. Thank you. *(Applause)*

Mr Ndarubagiye: Mr Speaker, there is a saying that “there are truths that one cannot see with eyes that have not cried”. If an eye has cried because of a reason, that truth it knows. Therefore, it is very good that people who have never been refugees are supporting this motion, and that really touches me. I am sure that all those who have been in that situation know what it means to be a refugee, and to be stateless.

The magnanimity of the Republic of Tanzania has touched us deeply for several reasons. First, being in Tanzania, they are close to Burundi and they can easily visit their people. They are not necessarily going to stay in Dar-es-Salaam; they may stay not far from Burundi. Mr Speaker, the most important thing, however, is that what Tanzania has done for my people who have lived there for so many years will also lessen the burden of them coming back to Burundi, a very small country. *(Applause)* Let me tell you, 162000 people represent about 27000 families of an average of six people. You can imagine, a country like Burundi having 27000 people coming back! Finding them land to cultivate would be almost an impossible task. Therefore, we are very grateful to Tanzania. *(Applause)*

Mr Speaker, I remember something that the Late Mwalimu Julius Nyerere told me, that the only permanent factor in history is geography. Burundi will always be there, Tanzania will be there, Rwanda and Congo will always be neighbours or one entity, but they will never move. Being close neighbours, we have become like a family or like relatives. That is very touching indeed. . *(Applause)*

I want to express my gratitude to hon. Ngenzebuhoro for accepting to second this motion. Many thanks also go to hon. Dora Byamukama. I am very thankful to hon. Mike Sebalu for reminding us that in Uganda there are very many people who have been incorporated and integrated into the communities. I know for sure that there are almost 3 million Ugandans of Burundi origin that have been there for the last 70 or so years. Thank you very much Uganda, as well. *(Applause)* I also express my gratitude to Dr. George Nangale for welcoming the refugees who have now become citizens of Tanzania like himself- *(Applause)*.

I am very grateful to Minister Kamala, the Chairperson of the Council of Ministers, for his innovation and readiness to bring the resolution to his government prompt. *(Interjections)*

A Hon. Member: They should vote well!

Mr. Ndarubagiye: Burundi people know how show gratitude - *(Laughter)*. I thank you very much, hon. Speaker for giving me the floor. *(Applause)*

(Question put and agreed to)

Resolution adopted.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members we have come to the end of business today and before I adjourn, I would like to say a few things.

First, on your behalf and my own behalf, I would like to thank the government and the people of Rwanda for having hosted us for the last two weeks. *(Applause)* Special thanks also go to the President of the Senate and the Speaker of the Chamber of Deputies for having accorded us these facilities for the last two weeks. *(Applause)* Finally, the ones I think we usually forget, the staff of the Parliament of Rwanda, who have really helped us for the last two weeks. *(Applause)* Hon. Members, I would also like to thank the EALA Rwanda Chapter for taking good care of us in this beautiful city. *Asanteni sana. (Applause)*

ADJOURNMENT

The Speaker: Honourable Members, I would now like to adjourn the House to the 24 May 2010, in Nairobi, unless otherwise notified.

(The House rose and adjourned until 24 May 2010)