



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

93RD SITTING – SECOND ASSEMBLY: FIRST MEETING – FOURTH SESSION

Thursday, 23rd September 2010

The East African Legislative Assembly met at 2.30 p.m. in the Chambers of Deputies,
National Assembly of Burundi, Bujumbura.

PRAYER

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

(The Assembly was called to order)

PAPERS

The following Papers were laid on the
Table: -

(by the Chairperson, Committee on
General Purposes (Ms Nassor Sebtuu,
Tanzania):

The Report of the International
Conference on Benchmarking
and Self-Assessment for
Democratic Parliaments

The Report of the EU Presidency
Seminar

The Report of the Second Science with
Africa Conference on “Science,
Innovation and Entrepreneurship”

(by the Chairperson, Committee on
Communications, Trade and Investments
(Dr James Ndahiro):

The Report of the Joint EAC-EC
Ministerial Meeting on the
Framework for an Economic
Partnership Agreement (FEPA),
and Negotiations for the
Comprehensive EPAs

The Report on the Fifth Regional
Meeting of the African

Caribbean Pacific-European
Union (ACP-EU) Joint
Parliamentary Assembly: East
Africa

3. what the envisaged role(s) of the proposed EAC Kiswahili Council are; and,
4. how far the EAC has gone in operationalizing the EAC Kiswahili Council?

QUESTIONS FOR ORAL ANSWER

Ms Nassor Sebttuu (Tanzania): Asked the Chairperson, Council of Ministers: -

“Recognizing the central attention given to cooperation in matters of culture and sports as provided for in Article 119 of the Treaty; noting that a number of the Eastern African countries, including those in the EAC region, have in the past forged cooperation in various areas of interest relating to culture through noble initiatives such as establishing the East African Centre for Research on Oral Tradition and African National Languages (EACROTANAL), which is a joint initiative of Tanzania, Kenya, Uganda, Malagasy, Ethiopia, Mauritius and Somalia; aware that the provisions of Article 119 (c), (d), (g), and (h) emphasize the promotion of indigenous languages and preservation of historical antiquities; and taking cognizance of EAC’s initiatives in areas such as the eminent establishment of the EAC Kiswahili Council;

Could the Chairperson of the Council of Ministers inform this August House_

1. what the Council considers as the common principles for promoting an East African identity;
2. what effort the EAC is putting in place to build upon the already existing ideals, such as those espoused in the EACROTANAL;

The Minister for East African Cooperation, Tanzania and Chairperson EAC Council of Ministers (Dr Diodorus Kamala): In

line with Article 6(b), (c) and (f), and Article 119(h) of the Treaty for the Establishment of the East African Community, the Council of Ministers considers the following to be the core principles for the promotion of an East African Identity: -

- a) Promotion of unity in diversity, given that there are diverse cultures in East Africa, promotion of harmonious co-existence among the different indigenous cultural communities, encouraging intra and inter cultural exchange among the people of East Africa.
- b) Respect for one another’s culture, respect for culture being a crucial element for mutual interdependence as a prerequisite for social harmony and cohesion.
- c) Promotion of Kiswahili as a lingua franca of the East African Community, considering that language is a powerful tool that unites people for political, economic, social, educational, cultural, and technological development.
- d) Ensuring social inclusion of children, the youth, women, people with disabilities and indigenous minority communities marginalized by some socio-cultural practices;
- e) Strengthening partnerships and providing an environment that is conducive for the creation of

partnerships, and sustaining existing ones among the various stakeholders, including the private sector, either directly or indirectly through their business associations and the East African Business Council.

Mr. Speaker, I wish to inform the august House that in recognition of the fundamental importance of Kiswahili for socio-economic, cultural and technological development, the Council of Ministers established a corporate body known as The East African Kiswahili Commission, which will soon be operational. The objective of the Commission is to promote Kiswahili in all its facets, including its use as the official language of the Community as opposed to its status as merely the lingua franca of the Community. *(Applause)*

Mr. Speaker, the role of the Kiswahili Commission will be to:

- a) Strengthen national, regional and international communication by using Kiswahili in East Africa and beyond;
- b) Develop Kiswahili as a regional language for expressing and conveying African values with respect to issues of gender equity, human rights and democracy;
- c) Initiate, assist, and encourage the development of Kiswahili in East Africa;
- d) Encourage collaboration in regional research, and assist the Partner States to develop centres of advanced study and research in Kiswahili;
- e) Assist Partner States to offer quality education for the production of Kiswahili teachers and communicators in all sectors of society;

- f) Promote curriculum reform to equip citizens with Kiswahili literacy and linguistic skills and knowledge that meet the needs of the East African society and conform to the development plans of East Africa;
- g) Develop quality assurance processes through the harmonization of the Kiswahili language education programmes, curricula and certification, in order to ensure that teaching and research in Kiswahili achieve and maintain acceptable standards;
- h) Assist members of the Council in the Partner States with their respective personnel development and the management of the Kiswahili institutions;
- i) Assist members of the Council in the Partner States identify and implement good practices in the management of the Kiswahili institutions and the use of resources;
- j) Keep abreast of international developments in Kiswahili and inform Members of Council accordingly;
- k) Assist governments and other appropriate bodies and authorities with the development of strategies for adequate investment in the promotion of Kiswahili in East Africa and beyond;
- l) Assist Partner States with special needs in Kiswahili to be able to contribute in the development of Kiswahili in their countries;
- m) Encourage the exchange of staff and students among Kiswahili institutions;
- n) Promote, through relevant activities in the Partner States, the meaning and value of East African unity;
- o) Survey, monitor, harmonise and encourage the development of

Kiswahili for information, communication and technological functions and usage;

- p) Facilitate, coordinate and harmonize translations into and out of Kiswahili for the Partner States and other agencies;
- q) Undertake such other activities meant to further the Council's objectives, as they may from time to time be decided.

Mr. Speaker, I wish to inform the august House that the Council of Ministers approved the East African Kiswahili Commission in 2007, and the hosting of the Commission will be in accordance with the criteria for the seating of the EAC Organs and Institutions. The technical committee responsible to verify facilities for hosting the East African Kiswahili Commission showed that the United Republic of Tanzania was the sole applicant to host the Commission, and thus qualified to host the Commission. However, the final decision on the seating of the Commission awaits the meeting of the Council of Ministers to consider the report of the institutional review of the East African Community.

Mr Speaker, I submit.

The Speaker: Any supplementary questions?

Ms Sebtuu: Mr Speaker, I wish to thank the hon. Minister for providing detailed and elaborate answers. However, I am not sure that he has responded to question number two. My reason for asking this question is in recognition of the fact that the East African Centre for Research on the Traditions and African National Languages (ACROTANA) is

now defunct, together with the lofty ideals that it had. Therefore, I would request the hon. Minister to respond to that question. Thank you.

Dr Kamala: Mr Speaker, I do recognise that hon. Sebtuu Nassor knows more than the Council of Ministers, so the Council of Ministers would like to continue collaborating with her, and to ask for assistance regarding any ideas that can help the Council of Ministers to implement her proposals – (*Laughter*).

The Speaker: Hon. Minister, I think the hon. Sebtuu asked you to answer part two of her question.

Dr Kamala: Mr Speaker, what I am saying here is that the way hon. Sebtuu has put the question shows that she has a lot more information on this issue than the Council of Ministers. That is why I am saying that the Council of Ministers will be ready to receive anything from the honourable Member to make her proposals practical.

The Speaker: Hon. Minister, hon. Sebtuu is asking a question; not proposing anything...I think the Counsel to the Community should help the Minister. If you do not have the answer, just say there is no answer, and you bring an answer the next time. I think you should have discussed this with her earlier, because the question was given to you long time ago.

Dr Kamala: Mr Speaker, I will have to go back to the drawing board and see if we can have something new to come with next time.

The Speaker: Clerk, I think you should record that the Council will come with

an appropriate answer during the next session. I would also like to add that when you are doing that, maybe you could tell this House...I think it was during the first budget speech that was read in this House that hon. Kategaya promised to operationalise the Swahili Commission. That was in 2007, and today in 2010, Dr Kamala is still saying that the Council will soon operationalise the Commission. I really do not know how long it will take, but if we have to wait for another three years, I think it will be a problem.

Dr Said Bilal (Tanzania): Asked the Chairperson, Council of Ministers_

“Cloves are of historic and economic importance in the livelihoods of the people of some the East African coastal towns and islands. However, there are reports of some unscrupulous people smuggling cloves from the Pemba Islands in the United Republic of Tanzania and taking them to Mombasa in the Republic of Kenya. As you may be aware, Mr Speaker, adulteration during packaging and shipping greatly undermines the quality, and therefore, the economic value of this important product.

Aware that Article 5(2) of the Treaty obligates Partner States to establish cooperation aimed at accelerating, harmonizing and balancing development whilst sustaining expansion of economic activities, the benefits of which shall be equitably shared, and further aware that Article 75(1)(e) and (l) further provide for the establishment of a Customs Union regime detailing the rules of origin and mechanisms for re-exportation of goods;

Can the Chairperson of the Council of Ministers inform this August House on the following?

1. How is the EAC dealing with the problem of smuggling, which negates the objectives of the EAC Customs union?
2. What mechanisms are in place to ensure that repackaging of products is in line with the EAC rules of origin as provided in the EAC Customs Management Act?
3. What is the EAC doing to safeguard the quality and economic value of products of strategic interest to the Partner States?”

The Minister for East African Cooperation, Tanzania and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, under Article 9 of the Customs Union Protocol, Partner States agreed to co-operate in prevention and investigations of customs offences within their territories. Smuggling is an offence under the EAC Customs Union Protocol, and attracts penalties such as fines, seizures, forfeiture and imprisonment.

The protocol also provides for prohibited and restricted exports and imports. Prohibition on specified exports and imports also apply to similar goods traded between Partner States. At the time of coming into force of the EAC Customs Management Act, the existing prohibitions and restrictions under the laws of the Partner States were

recognized and preserved under the Customs Union.

To strengthen the enforcement of the customs laws, the EAC Secretariat and Partner State experts are developing EAC enforcement regulations. The regulations will cater for joint enforcement and cross border pursuit of smugglers. Partner States are already undertaking joint enforcement exercises on Lake Victoria. Other mechanisms for collaboration are in place at major border points. Furthermore, Partner States are encouraged to exchange information in order to address smuggling.

Mr. Speaker, products produced in the Partner States are accorded duty free treatment when traded between the Partner States, as long as they meet the rules of origin criteria specified in the EAC Rules of Origin. The criteria for goods to qualify under the Rules of Origin cover:

- a) Goods which are wholly produced in a Partner State e.g. agricultural products, animals, minerals and fish; or,
- b) Goods which have been produced in a Partner State with materials that are either wholly or partially imported from outside the Partner State or of undetermined origin by a process of production which effects a substantial transformation of those materials such that:
 - (i) The CIF value of those materials does not exceed sixty per centum of the total cost of the materials used in the production of the goods; or,
 - (ii) The value added resulting from the process of production

accounts for at least thirty five per centum of the ex-factory cost of the goods as specified in the First Schedule to the Rules; or,

- (iii) The goods are classified or become classifiable under a tariff heading other than the tariff heading of their which they were imported, as specified in the Second Schedule of the Rules.

Mr Speaker, simple processes that do not confer origin include packaging, bottling, simple mixing, simple assembly, and simple operations. The measures in place to ensure that repackaged products do not enjoy the duty free treatment include issuance of EAC Certificates of Origin to confer originating status.

Mr Speaker, in order to safeguard the quality and economic value of products of strategic interest to the Partner States, the following measures are in place:

- a) harmonization of standards, and so far 1200 standards have been harmonized;
- b) protection of goods of strategic importance produced in the Partner States such that the importation of similar items will attract a maximum rate of duty of 25 per cent, or sensitive rates of duty, which are above 25 per cent, such as sugar, dairy products, wheat, rice, textiles etc;
- c) exemption of duty on key inputs used in the production of such goods;
- d) importation of machinery and raw materials duty free;
- e) a regional legal framework and institutional mechanism for the administration of standards, quality assurance, metrology and testing

(SQMT). The SQMT Act exists, and its operationalisation has commenced with the setting up of the institutional structures;

- f) an industrialisation strategy is being developed, which will spell out the strategic products that can be produced in the region.

Mr Speaker, I submit.

Dr Bilal: Mr Speaker, I wish to thank the Chairperson of the Council of Ministers for his response. However, I want to ask a supplementary question as follows: In his response, the Minister said that the EAC intends to strengthen and enforce Customs laws, and that they are preparing regulations to assist the Partner States in that. Zanzibar presents a unique situation in that, as an island, its relationship with the East African Community devolves from the United Republic of Tanzania. Moreover, internal trade within Zanzibar is not a Union matter. Can the Chairperson of the Council of Ministers inform this House, of the mechanisms in place to ensure that Zanzibar also enjoys the enforcement regulations?

Dr Kamala: Mr Speaker, I am not sure if I understood him very well, but let me briefly say that if there is any issue that relates with how Zanzibar participates in the affairs of the East African Community, that issue will be handled at the Partner State level. Secondly, in the United Republic of Tanzania, the interests of Zanzibar are always taken on board. For example, there was a time when there was a serious shortage of rice in Zanzibar, and when Zanzibar raised the issue and the United Republic of Tanzania presented the issue to the EAC, Zanzibar was allowed to import rice duty

free. Therefore, there is no benefit that Zanzibar cannot enjoy. Hon. Bilal knows the arrangement for Zanzibar that we have in Tanzania - (*Laughter*).

The Speaker: Hon. Bilal, are you satisfied with that answer?

Dr Bilal: Mr Speaker, I wish to thank the Chairperson of the Council of Ministers for the answer - (*Laughter*).

The Speaker: So, you should handle your internal matters internally and not bring them to the EAC. (*Laughter*)

Dr George Nangale (Tanzania): Mr Speaker, since we are more or less in a liberal market, and in order to resolve this issue, has the EAC advised Zanzibar to adopt an international market, similar to the one in Moshi for marketing coffee or tea, in Mombasa?

The Speaker: Hon. Minister, we are lucky that you are the Minister for EAC Affairs in Tanzania, because therefore you can help us.

Dr Kamala: Mr Speaker, it is true that in Moshi we do have coffee markets and other markets that operate internationally, but the important thing is the spirit to create better institutions in the East African Community, so that we are able to provide an environment that is conducive for the farmers, and anybody else, to reach the international market. As time goes, we shall even be able to provide market for the other products, which do not have markets currently.

Mr Speaker, I would also like to say that another thing that causes smuggling is providing unfavourable prices to farmers, assuming that they do not know where to get better markets for their

crops when actually they now know where to sell their crops. What is important is to remove all barriers to trade within the EAC, so that there is no talk about smuggling when someone sells a product from one area to the other within the EAC. (*Applause*)

Ms Safina Kwekwe Tsungu (Kenya): Asked the Chairperson, Council of Ministers_

Culture and Sports have been a unifying factor for the people of East Africa since time immemorial. Articles 117 and 119 of the Treaty for the Establishment of the EAC augments this by obligating Partner States to cooperate in health, culture, sports and social welfare activities, while promoting close cooperation amongst the Partner States in culture and sports. However, and notwithstanding successes registered in organizing the annual inter-military games in the region, the development of the EAC Protocol on Culture, Sports and National heritage has taken a while to conclude.

Can the Chairperson of the Council of Ministers inform this august House on the following:

1. How far has the process of developing the Protocol on Culture, Sports and National heritage gone?
2. Are there plans to introduce a legislation relating to this area of cooperation, and if so, when?
3. What plans are in place to operationalise Article 119 of the Treaty in its entirety?

The Minister for East African Cooperation, Tanzania and Chairperson of the EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, I wish to inform this August House that there has been a process to prepare a draft Protocol on the Establishment of the East African Culture and Sports Commission in the Community. So far, the Council of Ministers, at its 20th Meeting in March this year, adopted the Draft Protocol on the Establishment of the East African Culture and Sports Commission, and referred it to the Sectoral Council on Legal and Judicial Affairs for legal input. The Sectoral Council on Legal and Judicial Affairs will, at its 10th Meeting scheduled to take place in October 2010, consider and provide the necessary legal input towards the finalization of the Protocol.

Mr. Speaker, I wish to inform this August House further that the operationalisation of Article 119 of the Treaty is an ongoing process. The Council has already approved the establishment of the Kiswahili Commission, and adopted a protocol to establish a culture and sports commission. The process of developing the EAC anthem is nearing completion. Under the EAC/UNESCO Co-operation Agreement signed in 2008, the Forum for the EAC Ministers Responsible for Social Development was established.

Mr. Speaker, I also wish to inform this August House that more strategic interventions in the area of culture and sports will be reflected in the Fourth EAC Development Strategy (2011-2016), which is currently under preparation.

I beg to submit, sir.

Ms Kwekwe: I thank the Chairperson of the Council of Ministers for that answer, but he did not respond to part two of the question. I specifically asked whether there are any plans to introduce legislation relating to this area of cooperation, and is so when that would be, but the Minister did not respond to it.

My supplementary question is whether the Council has a timeframe for the ratification of the Protocol.

Dr Kamala: Mr Speaker, regarding plans to introduce legislation relating to this area of cooperation, I am afraid to state here that there are no plans, because we have not yet concluded the Protocol - *(Interjection)*. Mr Speaker, I understand the thinking of this House - which I subscribe to- that we can always legislate, even without a Protocol - *(Applause)*

Mr Speaker, I believe we have given October this year as the timeframe for concluding inputs from the Sectoral Council on Legal and Judicial Affairs. We hope the Protocol will be ready by then. After that, with or without the Protocol, the Council of Ministers will consider legislations important to this area. I take this opportunity to invite the members of this august House who have been and are very well versed in this area of legislating relevant legislation for the betterment of the Community.

The Speaker: I guess the Minister is telling you to bring Private Member's bills. *(Applause)*

Dr James Ndahiro: Mr Speaker, I want to ask a supplementary question. Can the

Council assure the House whether the Protocol now under negotiation conforms to the new standards that they told us they have developed to govern protocols?

Dr Kamala: Mr Speaker, I have been rightly advised by the Counsel to the Community that the protocol that is being developed currently conforms to the new standards, but I stand to be corrected should you look at it and find that it is different. *(Laughter)*

The Speaker: We have not seen the standards yet.

Mr Dan Kidega (Uganda): Mr Speaker, I thank hon. Safina for the question. I would like to know whether the Chairperson of the Council of Ministers is aware that one of the member states of the East African Community, Uganda, lost one of its most prominent cultural heritages gazetted by UNESCO a few months ago, and that the people of Uganda, the people of East Africa, and UNESCO as an institution, will miss this cultural heritage and all the indigenous knowledge that was associated with it? If he is aware, what is the Council of Ministers doing to regain this cultural loss?

Dr Kamala: Mr Speaker, we are aware that the East African Community lost one of its important cultural heritages as hon. Kidega has said. What I can promise here is that the Council of Ministers, in collaboration with the relevant institutions and stakeholders, will be pleased to work together to restore what is possible for our history.

Mr Mike Sebalu (Uganda): Mr Speaker, most of the answers from the

Chairperson of the Council of Ministers always go in the format of “plans are under way” – *(Laughter)*. I am wondering why this time plans are not underway. *(Laughter)*

The Speaker: I do not think that was a question.

Ms Safina Kwekwe: Asked the Chairperson Council of Ministers_

“Social protection and welfare are an integral part of the social economic development of any national and regional entity. Article 120 of the Treaty for the Establishment of the East African Community requires Partner States to cooperate closely amongst themselves in the field of social welfare in the areas of employment, poverty alleviation, vocational training, promotion of adult literacy, and the development and adoption of a common approach towards the disadvantaged and marginalized groups. Whereas there are efforts towards initiating dialogue on issues of persons with disability and the youth, there are no concrete steps towards instituting a common social welfare approach to address these issues.

Could the Chairperson of the Council of Ministers inform this House:

- 1. If there is an EAC common social welfare policy in place; and,*
- 2. If yes, highlight the principles guiding this policy, its targets, and goals?*
- 3. If no, how does the EAC envisage operationalizing Article 120 of the Treaty?”*

The Minister for East African Cooperation, Tanzania and Chairperson EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, I wish to inform the House that the EAC currently does not have a social welfare policy in place. However, there are initiatives to implement the principles outlined in Article 120 of the EAC Treaty. The first initiative was the formulation and implementation of the Gender and Community Development Framework, which the Council adopted in November 2006 for the promotion of the social welfare of the people of East Africa.

The guiding principles of the Framework are:-

- a) Community empowerment to enhance people’s capacity to participate in their own development;
- b) Gender equality, rights-based values, accountability and responsibility, equity in resource allocation, decision-making, opportunities, benefits and access to services;
- c) Complementarities, which means recognising the dual roles of communities and governments;
- d) Subsidiarity, with emphasis on multi-level participation and involvement of a wide range of stakeholders in the process of integration. This allows for the effective and efficient implementation of initiatives at the most suitable level (regional, national and community).

Mr. Speaker, the EAC Forum of Ministers Responsible for Social Development, which has already held two annual meetings, has widened this area by combining gender, the youth, children, social protection and

community development as key priority areas of co-operation in social development, alongside other priority areas, namely: health and social services; education, science and technology, culture and sports; environment and natural resources.

Social protection is one of the components of the social development framework, and the Ministers responsible for Social Development agreed to:

- (a) Harmonize regional social protection policies and systems;
- (b) Promote social protection for the poor and vulnerable groups;
- (c) Harmonize and mainstream the youth, disability, elderly, and children issues in development policies, strategies, and plans.
- (d) Encourage synergies among all actors and stakeholders to provide community centered services.
- (e) Harmonize regional policies and strategies for food supply, nutrition, strategic food reserve, to counter disaster and enhancing social protection.

The Ministers' Forum has also recommended the development of a draft EAC framework for social development for consideration during their next meeting planned to take place in November 2010.

The first Draft EAC Social Development Framework was developed during the meeting of the Task Force on Social Development held in Nairobi from 18th to 20 August 2010. The Framework will be presented to the Third Meeting of the Forum for Ministers responsible for Social Development, and thereafter for adoption by Council. Once adopted, the

Framework will be implemented through a multi-sectoral approach, by bringing together all social crosscutting concerns as adopted by Council.

Ms Kwekwe: Mr. Speaker, social welfare is a matter of the Treaty, and Article 120 of the Treaty provides for it. The Treaty also provides for Organs of the Community, one of which is the Council of Ministers. Article 14(3)(h)(i) of the Treaty provides for the functions of the Council. It reads: *“the Council shall establish, from among its members, Sectoral Councils to deal with such matters that arise under this Treaty - like Article 120 – as the Council may delegate or assign to them, and the decisions of such Sectoral Councils shall be deemed to be decisions of the Council.”*

Mr. Speaker, the hon. Minister has informed us of the existence of an entity called “the Forum of Ministers Responsible for Social Development”. My question, therefore, is, has the Council of Ministers established a new category of councils responsible for setting up forums, like this one, which has been given the duty to come up with the framework?

Mr. Speaker I am asking this because the Council of Ministers is the policy Organ of the Community, and now we have a forum of ministers, whose duty is to come up with a social framework! Doesn't the Council of Ministers deem matters of social welfare as important enough to have in place a properly constituted sectoral council in line with Article 14(3)(h)(i) of the Treaty? If this matter is important enough, then when shall the Council put in place a body

known as the Sectoral Council on Social Development?

Mr. Speaker, I am asking this because the forum itself was established through an initiative under an EAC-UNESCO agreement; it was not an EAC initiative to form this Forum. It was the result of a compromise agreement between EAC and UNESCO. So, when will they put in place the Sectoral Council?

Dr Kamala: Mr. Speaker, something is always better than nothing! *(Laughter)* Before, we had nothing at all and now we have a forum. The next stage will be to have the sectoral council. I want to say that the operations of this Forum on Social Development have proved beyond reasonable doubt that there are so many important issues that need to be discussed. I would like to promise that the Council is not only considering, but it is on the way working towards establishing the Sectoral Council - *(Interruption)* –

The Speaker: Hon Minister, there is a point over there.

Dr Ndahiro: Mr. Speaker, is it proper for the minister to refer to a matter of Treaty as “something better than nothing”? *(Laughter)*

The Speaker: Dr Ndahiro, the hon. Minister was referring to the Forum on Social Development and not the Treaty.

Dr Kamala: So, I would like to say that the Council of Ministers...I am afraid to use the words “will consider”, I would rather use the words “will establish”...the Sectoral Council relevant to the social issues.

Mr. Speaker, there is in place a sectoral council that relates to that aspect, namely the Sectoral Council on Health, Education and the Environment, but we shall take the advice of hon. Kwekwe seriously and ensure that we have a sectoral council with a specific focus on social development issues. Thank you.

Ms Valerie Nyirahabineza (Rwanda): Mr. Speaker, I would like to thank the Minister for the elaborate response that he has given. I have supplementary questions.

When the Minister said that the EAC currently does not have a social welfare policy, is there an on-going exercise to have one in place? He also stated that so far, the EAC has formulated the Gender and Community Development framework. I just want to know what has been done so far in terms of implementing the principle of gender equality, which is not only stated in this framework but also in the international convention. I thank you.

Dr Kamala: Mr. Speaker, what are we doing to implement the principle of gender equality? The Partner States have already recognised the principle, and that is why you can see that of the Ministers for EAC here, there are two men and three good women - *(Applause)*. We are working towards that end. However, apart from that, at the level of the EAC Secretariat, we are pursuing gender equality issues. I would like to add that an we are in the process of preparing an EAC protocol on gender equality as well, and we do hope that many things towards gender equality are on the way without jeopardizing the position of the minority.

Ms Patricia Hajabakiga (Rwanda): Mr Speaker, I would like to ask a supplementary question arising from the answer given by the hon. Kamala. The question asked was whether a common policy on social welfare is in place, and in his answer, he talked about gender equality. I was wondering if the gender issue is a social welfare issue according to the Minister.

Dr Kamala: Mr Speaker, I would like to state the fact that I am not an expert in this area, and so not well placed to respond immediately. However, I would like to take that one as a new question that needs a serious response, with serious definitions and elaborations on whether the gender issue is a part of the social welfare or not because I would not like to mislead this House. *(Applause)*

The Speaker: Hon. Minister, I think you have already deceived this House – *(Laughter)*. If you look at your answer, it reads, “*The first initiative has been the formulation and implementation of the gender and community development framework, which was adopted by the Council in November 2006 for the promotion of the social welfare of the people of East Africa.*” It goes on to say, “*The guiding principles of this framework are gender equality*”, among others. So, your whole answer is on that premise, unless you now disown the whole answer. Otherwise, it is not a new question. I think the member’s question arose out of the answer that you gave.

Dr Kamala: Mr Speaker, if I had said it is not part, then you would have concluded that I am misleading the House but, because I did not want to say “no” to hon. Hajabakiga, the only thing I

could say was that the House should let us get the correct explanation.

The Speaker: So you are saying you want to redo the whole question after getting an expert’s opinion. So, I am wondering who prepared your answers. Was this person not an expert in this area?

Dr Kamala: Mr Speaker, I have presented, but with the new development on whether gender equality is part or not part of the social welfare... *(Interruption)* -

The Speaker: You see, that is what your answer says. Maybe you should elaborate on the answer, because that is what your answer says. Read your answer, hon. Minister.

Dr Kamala: My answer is correct the way it is.

The Speaker: Mr. Minister, hon. Hajabakiga asked you to clarify. So you should say yes and agree with it. Why say no? I am sitting here, I can answer that question, and I am not an expert in gender issues! Maybe hon. Safina can ask another question, and then hon. Ndarubagiye in that order.

Ms Kwekwe: The response of the Minister alludes to the gender and community development framework as being part of the development of a social welfare policy. Now I am wondering, are we putting issues of gender and community development as social welfare issues? Is gender not a development issue? Why is gender now becoming a social welfare issue?

Article 120 of the Treaty for the Establishment of the EAC specifically states that “*The Partner States shall undertake to closely co-operate amongst themselves in the field of social welfare with respect to:*

- (a) *Employment, poverty alleviation programs and working conditions;*
- (b) *Vocational training and eradication of adult illiteracy in the community; and,*
- (c) *The development and the adoption of a common approach towards the disadvantaged and marginalised groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of, amongst others, foster homes, health care education and training.”*

I want to understand this because Article 121 and 122 take care of the issues of social welfare. Therefore, Articles 121 and 122 should operationalise the issue of gender and community development but not Article 120. Mr Speaker, with due respect, the hon. Minister is probably misguided.

The Speaker: As I said, it is the same question that hon. Hajabakiga asked, and both of them arise from the answer that you provided, hon. Minister. They are not asking new questions.

Dr Kamala: Mr Speaker, all I can say is that gender is a crosscutting issue in all EAC policies and programmes. Gender is also a social development issue. *(Applause)*

The Speaker: That is all you had to say from the beginning.

Mr Leonce Ndarubagiye (Burundi): Hon. Speaker, I just wanted to ask one complimentary question while on issues of social protection. *(Interruption)*

The Speaker: Hon. Leonce, do you want to ask a complimentary question or a supplementary question? *(Laughter)*

Mr Ndarubagiye: A supplementary question, Mr Speaker; I am sorry. I wish to remind the Chairperson of the Council of Ministers that in our session in Kigali, we adopted a resolution on the street children, and we gave recommendations to the Council of Ministers to give specific instructions to the Secretariat on the matter. May we know what the Council has done so far?

Dr Kamala: Mr Speaker, the Council of Ministers issued a directive to the Secretariat on the issue of street children, and the Secretariat is following up with the Partner States on how to handle the issue.

Ms Kwekwe: Mr Speaker, I beg your indulgence, because I would prefer to get a fitting response to my question. I have asked a question basing on Articles 121 and 122 of the Treaty to which the Minister has given promises. I would like to seek the indulgence of the House for the Minister to commit to come up with a response befitting the question, premised on Article 120. I thank you.

The Speaker: Hon. Kwekwe, when you read the aspect on gender starting on page 22 of the Minister’s brief, he lists many other things that they are doing. Therefore, unless you are trying to say that the first bit on gender is not part of this issue...

Ms Kwekwe: Mr Speaker, I am sorry to belabour this point, but the issue is this. First, the premise of the response itself is an organ that does not exist in the Treaty. Secondly, the basis of most of the response is the output of that forum. I would not like it if one day someone stood on the Floor of this House and said we are getting policy direction from an organ that is not the Treaty. So, I would really like to get a response from the Council of Ministers. A response that is in line with the Treaty and the bodies that are working on the operationalisation of Article 120 should be in line with the Treaty provisions.

The Speaker: Hon. Kwekwe, unless you are saying that you are offended by the word “forum”, I think the Minister has already said that they are putting in place a Sectoral Council to deal with those issues. Am I correct, hon. Minister?

Dr Kamala: You are more than correct, hon. Speaker. *(Laughter)*

The Speaker: Hon Kwekwe, the Minister is confirming what I have said. If you look on the second page of his response, he talks of the youth and persons with disabilities. All the areas covered in Article 120 are already there. I think what is offensive is the first part of his answer, where he talks of gender empowerment.

Ms Safina Kwekwe: Asked the Chairperson Council of Ministers_

“Consequences of Climate change such as floods, landslides, drought and famine continue to wreck havoc in the region. The most affected are the vulnerable groups, which include

women, children and communities living in remote and sometimes inaccessible areas.

Aware that a number of opportunities are at the disposal of the EAC and the Partner States, such as: Chapter 19 of the Treaty, which obligates Partner States to cooperate in matters of the management of the environment and natural resources; the declaration of the year 2010 as the global year of biodiversity; the high profile invitations to the EAC as an intergovernmental body to participate in international environmental events in an observer capacity, thereby receiving special recognition and acknowledgement in the global fraternity;

Can the Chairperson of the Council of Ministers inform this House:

- 1. What plans are in place to register the EAC formally with world bodies such as the UNFCCC?*
- 2. What programmes are in place in the EAC that seek to address the link between climate change and gender in line with disaster reduction, especially in adaptation to and mitigation of climate change and its attendant challenges?*
- 3. What programmes, if any, is the EAC undertaking to address the issues of: Degradation of marine resources both on inland and coastal waters including marine parks, reserves, wetlands and controlled areas; Protection of fish breeding grounds and the sustainable harvesting of aquatic resources, including fish*

species and sea weeds of medicinal value, amongst others, and how the products of such resources are protected as a unique property of the EAC?

4. *Which Partner States, other than the Republic of Uganda, have ratified the EAC Protocol on Environment and Natural resources? What measure is the Council taking to conclude the ratification and subsequent operationalization of this important EAC policy document, which was signed in April 2006?*
5. *What initiative is the EAC taking to update the Regional Environmental Assessment Guidelines for Shared Ecosystems (2004) to incorporate the Republics of Rwanda and Burundi? Are there budgetary allocations earmarked for this exercise, if yes, how much?"*

The Minister for East African Cooperation, Tanzania and Chairperson EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, the Third EAC Development Strategy includes eight strategic interventions in the Environment and Natural Resources Sector. One of them is entitled: *"Promotion of Joint Participation in International Treaties and Conventions"*.

The United Nations Framework Convention to Combat Climate Change (UNFCCC) provides for observer status for intergovernmental organisations (IGO) under Article 7 of the Convention. The EAC, as an intergovernmental governmental

organisation, is in the process of registering as an observer with the UNFCCC Secretariat. All the documents that the UNFCCC Secretariat requires for registration have been prepared, and consultations are ongoing between the Legal Department, and the Department of Environment and Natural Resources of the Secretariat on the process of application for accreditation of the EAC.

Mr. Speaker, the objective of the East African Community as a Regional Economic Community is to have a common negotiating position on Climate Change. The ultimate goal is to ensure that the Climate Change negotiations reflect the key issues relevant to the East African countries, and that the African position taken to UNFCCC COP 15 in Copenhagen in December 2009 adequately reflects them. This has been achieved.

In fact, the EAC facilitated Climate Change Roundtable meetings in all the five Partner States in order to have policy dialogues geared towards developing a common climate change position for the Post Kyoto Climate Change regime during COP 15 talks in Copenhagen. These dialogues helped to shape the Partner States negotiation documents, and a common EAC position on climate change was developed. The Ministers of Environment and Natural Resources approved the position during their meeting held in Arusha on 12 November 2009, and submitted to the African Ministerial Conference on Environment (AMCEN)/African Union for integration into the African Position.

I have the honour to table the statement on climate change.

(The Minister laid the document on the Table)

Mr. Speaker, the EAC developed a climate change policy in response to the growing concerns on the increasing threats of the negative impacts of climate change to the development of set targets and goals in the region. In addition, it is a fulfilment of one of the objectives of the Community to develop policies and programmes aimed at widening and deepening cooperation among Partner States. EAC Partner states recognize the importance of addressing adaptation needs in various sectors that affect the sustainable livelihoods of all citizens in the region.

The policy has noted several issues and challenges to address to enable the region effectively implement concrete adaptation activities. These include financing adaptation activities; responding to extreme weather conditions and related disasters; high poverty levels; high vulnerability of the population; pressure on natural resources; and, manmade and natural disasters.

Mr. Speaker, the policy prescribes statements to guide adaptation and mitigation actions to address climate change in all impacted sectors including gender as a crosscutting area. Under “Adaptation”, the policy aims at strengthening meteorological services and improving early warning systems; increasing preparedness for disaster risk management; scaling up of efficient use of water and energy resources; irrigation; crop and livestock production; protection of wildlife and key vulnerable ecosystems such as wetlands, coastal, marine and forestry ecosystems;

improving land use; soil protection; tourism; infrastructure and human settlement; intensify disease, vector and pests control.

Mitigation measures prioritized in this policy include afforestation; reforestation; promotion of energy efficiency; efficient crop and livestock production systems and efficient transport systems; and, waste management while capturing opportunities in emission reductions in the region. The Council of Ministers adopted the policy at their 21st Extra Ordinary Meeting held in Arusha, on 12 May 2010.

I have the honour to table a copy of the EAC Climate Change Policy.

(The Minister laid the Document on the Table)

Mr. Speaker, the EAC Partner States recognize that continued rise in temperature because of global warming is causing sea level rise, which will lead to destruction, salt-water intrusion, farmland salinity and degradation of coastal resources and infrastructure such as mangroves and houses. This will in turn further impoverish the local communities that depend on these resources.

The EAC Partner States are also aware that wetland habitats are important integral parts of the coastal fisheries industry and provide critical spawning and nursery grounds for many marine and freshwater organisms, and that estuarine and lagoon fisheries are therefore the basis for livelihoods in many communities. The mangroves, in addition to providing physical protection

for the coast against erosion, provide firewood, building poles, boat building, fish smoking, and in making several domestic appliances (beds, drums, carts, etc.).

Mr Speaker, the EAC Partner States are also of the view that due to the importance of the sea and coastline in the welfare of the populations living by the coast and the socio-economic value to the country, there is need to protect the coastline against any effects of Climate Change.

Partner States have therefore agreed to:-

- a) Undertake protective measures for coastal and marine ecosystems that are particularly vulnerable to climate change;
- b) Support measures to control seaside erosion as result of rising seawater;
- c) Mobilize funds to construct walls at vulnerable points to minimize adverse impacts of sea level rise;
- d) conserve coastal and marine habitats to promote development of protected area management systems; and,
- e) Establish coastal ecosystem monitoring and surveillance systems.

Mr. Speaker, with regard to fisheries, the EAC Secretariat is about to implement the ACP FISH II Programme, which is built on previous related programmes, and in particular the ACP FISH I Programme entitled “*Strengthening of Fisheries and Biodiversity Management in ACP Countries*”. The programme focused on training, supply of equipment, activities to support the installation of the fish base software, and the registration and processing of on-going and past data.

The ACP Fish II Programme is a demand-driven programme of collaboration between the European Union and the ACP group of countries to improve fisheries management in participating countries. We signed programme estimates, which contains the work plan, with the EU in March 2010.

Mr. Speaker, the Republic of Uganda has ratified the Protocol on Environment and Natural Resources Management and deposited its instrument of ratification with the EAC Secretariat. *(Applause)* The Republic of Kenya and the United Republic of Tanzania promised to ratify the said Protocol by June of this year but they have not yet done so. We have A reminder has been sent to these two countries to expedite the process.

Mr Speaker, while the Republic of Kenya and the United Republic of Tanzania are in the process of ratifying the said Protocol, the EAC Secretariat, with support from the Partnership Fund, is preparing an operational strategy for the implementation of the protocol.

The EAC developed the Regional Environmental Impact Assessment Guidelines for Shared Ecosystems in 2004 and finalized it in 2005. At that period, the Republic of Burundi and the Republic of Rwanda had not joined the Community. While the Guidelines themselves could be convenient for both countries, there is need to update some data, including the list, nature, and status of trans-boundary ecosystems. The regional Environmental Impact Assessment Guidelines for Shared Ecosystems shall be part of the Protocol on Environment and Natural Resources Management as Annex I. A study on the

operationalisation of the Protocol will also include the revision of the EIG for shared ecosystems.

Mr. Speaker, I submit.

Ms Kwekwe: Mr. Speaker, I thank the Minister for that lengthy answer, which is befitting because this question has five parts.

My supplementary question is in relation to the protocol on environment and natural resources management. I want to congratulate Uganda for ratifying this protocol, but I want to ask what the specific reservations raised by the Republic by the Kenya and the United Republic of Tanzania, which are delaying their ratification processes, were. They were supposed to ratify by June, but to date they have not ratified, so they have been sent a reminder. However, the EAC Secretariat is in the process of operationalising that protocol, which two Partner States, regardless of the reminders, have not yet ratified. There could be a problem. What is the problem? Are there any reservations that these two countries have stated?

Regarding the EIG for shared ecosystems, my supplementary question is this: When do you envisage commencing and concluding the revision of those guidelines? Mr. Speaker, the hon. Minister said that these guidelines will be annexed to the protocol, and yesterday we were informed that annexes are also an integral part of the Treaty. If they are going to form an integral part of the protocol, which is an integral part of the Treaty, when do you envisage commencing and concluding the revision of those guidelines? Will EALA be involved in this in any way?

Mr. Speaker, on the issue of mitigation adaptation, the Minister has told us that the programme is demand driven, based on the collaboration between the EU and the ACP group of states. I want to know which EAC countries participated in the first ACP Fish Programme, and which ones are now going to participate in the second programme that the EAC-Secretariat is working on.

The last question, hon. Speaker, is on the issue of the EAC position. I thank the Minister for the work done in the Partner States in establishing the roundtable discussions, and I am happy that one of the Members of the Council that signed the EAC Ministerial Declaration on Climate Change, hon. Hafsa Mossi, is here. The EAC position on the Climate Change Negotiations is in the fifth bullet on page 5 of the declaration. One of the pillars of the plan of action is capacity building, and, we as EAC are saying we are going to develop skills in mainstreaming climate change policies, in adaptation and mitigation strategies in the socio-economic development framework.

My question is this: is the social development framework the same one that we have been discussing to operationalise Article 120 or it is a new instrument altogether? And, how do we envisage mainstreaming issues of adaptation and mitigation in a socio-economic development framework, and not in the climate change framework that the Minister that has just laid on the Table?

The Speaker: Those are serious supplementary questions, but I allowed them because the question also had

many parts. I think the hon. Kwekwe was asking different types of the questions.

Dr. Kamala: Mr. Speaker, it would be better to respond to the questions at the level of the national parliament rather than here. So I apologize if I do not respond to all of them.

The Speaker: Why are you saying that hon. Minister?

Dr Kamala: It is challenging, and it is regional. At this moment, I cannot say that we have received any complaints from the Partner States indicating why they have not ratified the Protocol. Whenever we remind them, they say they are about to conclude. So, we believe that there is no other problem, unless we receive complaints from the Partner States.

Mr. Speaker, the reason why we have already started to prepare for operationalisation when some Partner States are yet to ratify is because we would like to work in supersonic speed. It would be wrong to wait for all the countries to finish ratifying and then start preparing ourselves. When are we going to conclude the review? As I have said, we would like the review to be concluded as soon as possible. I would not want to give a deadline, but I do appreciate hon. Kwekwe's desire to conclude it very soon, and we will work towards that.

Mr. Speaker, regarding the question which countries implemented the Fist ACP Fish Programme, the information I want to give is that the first ACP was not implemented in any of the Partner States of the EAC. Currently we are

negotiation ACP 2, which we are yet to implement. The meeting to discuss the methods of releasing the funds of the programme was postponed recently, and we hope that it will be reconvened very soon. Then we can be sure of the number of countries that will be able to participate.

On the issue of the framework on social development being one of the four pillars, I would like to add that social development itself is crosscutting in all policies and programs of the Community.

Mr. Speaker, I submit and appreciate the serious questions, which I may not have captured very well.

Ms Patricia Hajabakiga (Rwanda): Mr. Speaker, I want to ask a supplementary question. The Minister has eloquently described the effects of climate change and the impact it has on our economies, our ecosystems, and particularly on the people of East Africa and the world at large. We have witnessed many catastrophes in the world but also in East Africa. Hon. Kidega has just mentioned a catastrophe in Uganda where not only did many people lose their lives, but also an entire ecosystem, together with that of the neighboring villages. What EAC strategies are in place to create an adaptation fund to deal with such calamities that happen when the EAC Partner State countries are not prepared to deal with them? If you have been following the media reports, you will have seen what is happening – *(Interruption)* -

The Speaker: Hon. Hajabakiga, do not debate; just ask your question.

Ms Hajabakiga: Mr. Speaker, I wanted to know whether we have a fund or we are proposing to have a fund to help in situations of emergency like the one that happened in Uganda recently and in the other parts of the region.

Dr Kamala: Mr. Speaker, first, I would like to recognize the good job that the hon. Hajabakiga did in Rwanda when she was the Minister for Environment, of transforming the country into a green country. *(Applause)*

I would like to state that as we speak, experts from the EAC Partner States are meeting here in Burundi to come up with proposals for a sustainable climate fund. Therefore, I would urge that we wait and see their proposals. However, what is important is that we are desirous to have a sustainable source of funding, because all over the world there are very many institutions that promise millions of money and do not deliver. It is now time for EAC to think of developing a fund, which can be sustainable from our own sources.

Ms Kwekwe: Mr. Speaker, I would like the Chairperson of the Council of Ministers, when is the Council hoping to start and conclude the revision of the guidelines for shared ecosystems, because it has very far reaching implications on matters that might come on the floor of this House.

Dr Kamala: Mr. Speaker, I am not in a position to state the exact date but we take note of hon. Kwekwe's emphasis, and we shall do our level best to make it happen as soon as possible. *(Applause)*

The Speaker: Hon. Kwekwe, I can see that you look disappointed, but that is all

the Minister can say. He cannot give an exact date now.

Mr Bernard Mulengani (Uganda): Asked the Chairperson of the Council of Ministers_

“The EAC Development Strategy (2006 – 2010) in one of its objectives envisages an independent and autonomous Assembly with an enhanced mandate and strengthened capacity (see Development Strategy item 4.6.3 Annex 1.23).

Could the Chairperson of the Council of Ministers inform this August House on the following:-

- (i) What plans and activities are in place or is EAC undertaking to achieve this objective?*
- (ii) Whether it is considering introducing a Bill to provide for the independence and autonomy of the EALA, in view of its uniqueness as a legislature and increased mandate.”*

The Minister for East African Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, the division of responsibilities of the three pillars of the East African Community, namely, the executive, the legislature and the court is embedded in, and springs, from the Treaty establishing the East African Community. The Treaty, in its Article 49, provides as follows:

“Functions of the Assembly”

1. *The Assembly shall be the legislative organ of the Community.*
2. *The Assembly:*
 - a) *shall liaise with the National Assemblies of the Partner States on matters relating to the Community;*
 - b) *shall debate and approve the budget of the Community;*
 - c) *shall consider annual reports on the activities of the Community, annual audit reports of the Audit Commission, and any other reports referred to it by the Council;*
 - d) *shall discuss all matters pertaining to the Community and make recommendations to the Council as it may deem necessary for the implementation of the Treaty;*
 - e) *may, for purposes of carrying out its functions, establish any committee or committees for such purposes as it deems necessary;*
 - f) *shall recommend to the Council the appointment of the Clerk and other officers of the Assembly; and*
 - g) *shall make its rules of procedure and those of its committee*
- (3) *The Assembly may perform any other functions as are conferred upon it by this Treaty”.*

Mr. Speaker, Section 4.6.3 of the East African Community Development Strategy (2006- 2010) provides that the development objective of the Legislative Assembly is strengthened capacity and enhanced mandate of the Assembly. The

strategic interventions in this regard are enhanced mandate of the EALA; forging stronger linkages between the Assembly and national parliaments; according the Assembly financial autonomy; and enlarging the Assembly in light of increased mandate.

Mr Speaker, it is important to strengthen the Legislative Assembly by according it the necessary financial and management authority, and by addressing its technical capacity needs. To this end, the realization of an independent and autonomous Legislative Assembly is a component of the ongoing study on the institutional review of the East African Community, following the consolidation of the Custom Union, the establishment of the Common Market and the beginning of negotiations for the establishment of a Monetary Union. We are closely following plans and activities towards transforming the Legislative Assembly into an autonomous organ of the Community.

Regarding financial autonomy, we have granted the Legislative Assembly and the Court of Justice semi-autonomous accounting status. *(Applause)*

Mr. Speaker, the introduction of a Bill for the independence and autonomy of the Legislative Assembly will depend on the consideration of the Report of the study on the institutional review exercise. The tentative recommendations of the Report of the said study project the establishment of a strong and autonomous Assembly with a bigger membership and an extended mandate. However, the Council will consider the need for a Bill to provide for the independence and autonomy of the Legislative Assembly after considering

and adopting the appropriate recommendations of the Report of this study. Therefore, the Council is not in a position to consider introducing a Bill at this time.

Mr Mulengani: Mr Speaker, I want to thank the Chairperson, Council of Ministers for answering part of my question.

From the response of the Minister, it seems that the realisation of an independent and autonomous legislative assembly is a component of the ongoing study on the institutional review of the East African Community. What is the level of involvement of the organs of the Community in the institutional review exercise? Who is making the study? Can the minister give us the proposed institutional reforms for the Assembly?

Dr Kamala: Mr Speaker, as far as I am informed, you may correct me if I am wrong, this Assembly has been involved. What I do not know is whether that involvement is sufficient or not. The Council of Ministers will be ready to accept any proposal to increase the involvement of the Assembly. The consultant is Adam Smith, but we are part of the organisation and we are not going to make decisions basing only on the study. We know what we need, and the other stakeholders will have to be involved as well for us to come up with conclusions for the betterment of the Community.

On the timeframe for concluding the study, it has taken a long time, and the Council of Ministers would like it concluded before December so that we can move forward. I would also like to add that Treaty provides for the

independence and autonomy of this August House and other Organs of the Community. What we are trying to do is to see how we can do it better. The autonomy is important, and it is in line with the principles of good governance. We must all of us work towards that.

The Speaker: Hon. Minister, I hope you have answered the question with guidance of the Counsel to the Community. Are you sure he has given you the correct answer? I think you could go back to him and get the correct answer because it is not proper for you to misguide this House, in particular as you talk of the institutional review. Maybe the Secretary General should have been here, but before we go any further, you should ask, and we will get back to you because you talked of the involvement of everybody, including EALA as one of the Organs. I do not think it is very fair to say some of the things you are saying right now.

Mr Mulengani: Mr Speaker, you have echoed my thoughts exactly, but I want to ask another supplementary question arising from the Minister's response. In paragraph 2 on page 32, the Minister says that "*much as the tentative recommendations of the report of the said study projects the establishment of a strong and autonomous Assembly with a bigger membership...*" I am seeking clarification on what he meant by "bigger membership". Does he mean the 45 members that we are, or he is anticipating something else? Thank you.

Dr Kamala: Mr Speaker, a bigger number means more than 45.

Mr Speaker: Chairperson Council of Ministers, I want to tell you again that

before you answer these questions, make sure you know the correct answers, because when you say the Organs have seen a draft of that report...I am wondering, who writes your answers?

Ms Patricia Hajabakiga (Rwanda): hon. Speaker, I would like to extend further the question on the autonomy of the Assembly. The Chairperson Council of Ministers is talking about an extended mandate, and I would like to know what he envisages in an extended mandate of this Assembly.

The Speaker: Maybe I can guide hon. Members on this issue. I do not think it is fair for this House to talk about the institutional review. The question was on EALA, but I think the Minister brought the institutional review into it. Nevertheless, on how they are doing the review, and who is involved in the process, he talked of Adam Smith, but I do not think Adam Smith is the one doing it. They made a report -although I do not know what happened to it at the end- but it is not part of the institutional review exercise.

Currently a task force formed by the Secretary General is doing the institutional review. Therefore, to say that there is a consultant when they are doing it in-house is misleading this House.

When you talk of the involvement of stakeholders in the process, what kind of involvement do we have in this process? Yes, some members of staff from the EAC are taking part in the exercise, but I think hon. Mulengani is right in the sense that the number 45 that the Minister talked about is not there.

When you talk about autonomy, I do not see it there. We had a big problem with the handling of the report, and so we sent it back. The taskforce will continue with its work and report to the heads of organ for validation before sending the report out. I think the Deputy Secretary General wrote to this Assembly saying that the Task Force was doing its job and that there would be a validation workshop before sending the document to the EAC Partner States. I believe that is the correct position, and so I think the person who wrote this answer for you did not give you the correct answer, and is making you mislead this House.

I would also like to say that having a task force comprising people who are interested parties also brings in another problem to the whole process. In this regard, if I may speak about transparency and accountability, being transparent enough to set up our own systems and create positions, is also another problem that we should look at. Therefore, on this particular question, I would advise you to go back -and hopefully- get a proper answer for this Assembly during our next sitting in December.

Mr Mike Sebalu (Uganda): Mr Speaker, mine is just a comment in view of the way the Council provides answers to the Assembly. Is there good communication...because the way it is done presupposes that despite the fact that we put in our questions in good time, the technical people who are supposed to brief the Minister do not give the questions sufficient attention.

The Speaker: I think there is a problem there, and I was going to come to that after we finish the questions. The

number of questions that we are referring back to the Council is alarming. Considering that the Council was supposed to answer the questions some time ago, the kinds of answers he is bringing to us are not proper. I Agree with you hon. Sebalu.

Mr Dan Kidega (Uganda): Asked the Chairperson Council of Ministers_

“Article 5 (3),(f) and Article 125 of the Treaty establishing the East African Community are very clear and emphatic on matters of defense and the promotion of peace, security, internal stability and good neighborhood. In the last 10 years, the East African Community Partner States have suffered fatal terrorist attacks in their capitals ranging from Nairobi, Dar es Salaam on 7th of August 1998 and the latest attack on Kampala on 11 July 2010.

1. *Could the Chairperson of the Council of Ministers inform this August House in detail, what mechanism is in place to protect the people of EAC and their properties against such cowardly, barbaric and malicious attacks by terrorist groups?*
2. *Could the Chairperson of the Council further inform this August House and at the same time assure the people of the EAC region that the recent attack on Kampala and the various security measures being taken by Partner States will not affect the free movement of people as envisaged in the EAC Common Market protocol?”*

The Minister for East African Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, the EAC is about to conclude a protocol on peace and security, which will guide the development of joint programmes and activities aimed at dealing with such incidents at a regional level. Meanwhile Goal 10 of the Strategy for Regional Peace and Security in East Africa adopted by the 13th Council of Ministers Meeting provides for the formulation of security measures to combat terrorism in the region.

While all EAC Partner States have dedicated counter terrorism units in place within their security services, we have not yet established the same at the regional level. However, the Sectoral Council on Inter State Security, during its Third Meeting held 13th -16th April 2010 in Bujumbura, established a thematic forum for Heads of Counter Terrorism entities to, among others: further the operationalisation of cooperation; exchange intelligence information; strengthen capacity; and, deliberate on current security challenges in order to enhance coherence in combating them.

The first meeting of the thematic group was programmed for the third quarter of 2010, but to respond quickly to any barbaric acts against our region, there is a proposal to bring the meeting forward. It is our intention to conclude on the mechanisms quickly by fast tracking the conclusion of the Protocol on Peace and Security. In addition, the process of upgrading the Memorandum of Understanding on Cooperation in Defence into a Protocol is underway, and it has provisions on, among others,

countering terrorism and other trans-national organized crimes. Once concluded, these will provide a more solid mechanism for collective engagement towards addressing regional security challenges.

In the interim, we have undertaken a number of initiatives at the operational level. The chiefs of government agencies responsible for Intelligence counter terrorism, and disaster management continue to hold meetings to exchange intelligence information, strengthen capacity, and deliberate on the current security challenges in order to enhance coherence. Within the defence sector, the defence forces of all the five Partner States have held a number of exercises, both command post and field training, at the regional level on counter terrorism.

Mr. Speaker, let me assure the people of East Africa that such isolated acts like the attacks in Kampala do not mean that the region is insecure, or that people should not move freely in East Africa. The possession of the requisite documents, such as passports and national identity cards, as provided for in the Common Market Protocol, will supplement and facilitate the free movement of people. The Partner State security agencies will continue to conduct their enhanced routine security measures with due diligence to the provisions of the Common Market Protocol.

The Sectoral Council on Inter State Security at its Third Meeting also underscored the importance of the Customs Union and the Common Market, and directed for prioritization of those recommendations that will enhance security in view of the Common Market,

while facilitating the implementation of the EAC integration stages. In line with the Sectoral Council directive, the EAC Secretariat has convened a meeting of the experts working group to take place next month to work out an elaborate and detailed plan of action for immediate implementation to secure gains made through the Implementation of the Customs Union, and to ensure integrity in the implementation of the Common Market Protocol. The immediate plan of action will incorporate proactive measures within their cross border operations, while facilitating the smooth movement of people, goods and services across borders.

Planned activities for the coming quarter include training targeting border security personnel, and especially at border posts with countries neighbouring the East African Community Partner States. Furthermore, plans are underway to commence the development of a protocol on mutual legal assistance in criminal matters to facilitate expeditious exchange of suspects as part of the wider process of collective efforts towards regional security challenges.

Mr Speaker, I submit.

Mr Kidega: Mr Speaker, I would like to thank the Chairperson, Council of Ministers for his detailed response, although I have noticed from his answer that all the activities in this area not yet concluded. I therefore urge the Council of Ministers to make matters of security a priority.

Mr Speaker, I would like to thank, in a very special way, the security organs and the Government of Kenya for their cooperation in apprehending the suspects that bombed Kampala. *(Applause)* The

same security organs in Kenya also apprehended a suspect in Nairobi who was carrying very many bomb detonators that could have been destined for any part of this region. So, I would like to urge the Council of Ministers, everything aside, to develop a formidable security pact for the Community. I thank you. *(Applause)*

Dr George Nangale (Tanzania): Mr Speaker, considering that where these attacks originated from is an open secret, has the EAC considered military intervention similar to the one taken by Tanzania in 1978 towards Amin's regime, to solve the crisis once and for all?

The Speaker: What is the open secret, hon. Nangale, so that the Minister can answer you?

Dr Nangale: They originate from a country called Somalia.

The Speaker: But I thought that all of them were arrested in Kenya? Hon. Nangale, I think hon. Kidega said that they originated from Kenya and were arrested in Kenya.

Dr Nangale: That was my question.

Mr Dan Kidega (Uganda): Asked the Chairperson Council of Ministers_ *"The various stages of Economic integration come with differing opportunities and challenges for each Partner State of the EAC.*

1. *Could the Chairperson of the Council of Ministers tell the Assembly what challenges are being experienced by the various Partner States in the full*

implementation of the Customs Union, and what, in his view, are some of the critical challenges being experienced in the implementation of the EAC Common Market?

2. *Could the Chairperson further state some of the mitigation measures that are available or are yet to be put in place to deal with these challenges?"*

The Minister for East African Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr.

Speaker, regarding the first part of this question, the implementation of the Customs Union, which commenced in January 2005, was progressive over a five-year transitional period. During this period, we achieved internal tariff elimination with a zero rate on goods originating and traded in EAC with effect from 1 January 2010. The following development and uniform application of major Customs Legal Instruments underpinned the implementation: -

- a) EAC Customs Management Act, 2004, and amendments thereof;
- b) EAC Customs Management Regulations 2008;
- c) EAC Customs Management (Duty Remission) Regulations;
- d) EAC Customs Management (Working Arrangements between Directorate of Customs and the Customs) Regulations;
- e) The EAC Common External Tariff; and
- f) The EAC Rules of Origin.

We are in the process of developing other instruments to enhance the implementation of the Customs Union,

and these include the Customs Regulations on Enforcement, the Anti Counterfeit and Piracy law, the One-Stop Border Law, and the Customs Procedures Manual.

Mr. Speaker, full implementation of the Customs Union was to commence on 1 January 2010. This consolidated stage of the Customs Union is the establishment of a single Customs territory with, among others, the following elements: -

- a) Elimination of internal tariffs on goods originating and traded in the region;
- b) Free circulation of goods facilitated by the removal of Customs control at the internal borders;
- c) Integrated mechanism for management, collection and accounting for Customs revenue;
- d) Elimination of Non-Tariff Barriers; and,
- e) A regional Customs Institutional framework to monitor and ensure compliance of the instruments at the regional level.

Mr. Speaker, the challenges experienced in the full implementation of a Customs Union include: -

- a) Re-occurrence of NTBs which impede trade in the region;
- b) Lack of a regional Customs institutional body empowered to monitor and enforce compliance to the Customs Union instruments;
- c) Limited awareness of the Customs Union in the region;
- d) Non compliance in the application of the Customs instruments in some cases;
- e) Capacity gaps in Customs and other agencies to effectively implement the Customs Instruments;

- f) Limited resources to support regional programmes and projects on Customs;
- g) No harmonized domestic tax laws that impact on international trade and investment; and,
- h) Lengthy decision-making process, including enactment and assenting to the instruments.

Mr. Speaker, we are developing the following measures to deal with the above challenges:

- a) A mechanism for non tariff barriers, including an enforcement instrument to ensure compliance;
- b) Institutional review, which will cater for the establishment of an EAC Customs Authority to monitor and ensure compliance to Customs laws;
- c) Commencement of the process for the harmonization of domestic tax laws;
- d) A communication and awareness programme on the Customs Union.

Mr. Speaker, regarding the second part of the question, the EAC Heads of State adopted and signed the Protocol on the Establishment of the East African Community Common Market at a colourful ceremony held in Arusha, Tanzania on 20 November 2009. Thereafter, the Protocol underwent the necessary ratification processes in the Partner States before entering into force on 20 May 2010, when all the Partner States deposited their respective instruments of ratification with the Secretary General.

Mr. Speaker, in line with a decision made by the 11th Summit of the EAC Heads of State, implementation of the

Protocol commenced on 1 July 2010. Effective from that date, East African citizens were free to enjoy the rights and privileges accorded to them by the Protocol in line with the relevant annexes, which contain the operational details and effective dates for the enjoyment of various rights.

Mr. Speaker, the implementation of the EAC Common Market Protocol has progressed smoothly so far. However, we have identified the following challenges and mitigation measures: -

a) Amendments of Partner State Laws

A number of existing legislations of the Partner States do not conform to the provisions of the Protocol. To address this issue, Partner States are at various stages of undertaking the necessary amendments of their respective legislations. We expect them to finalise this process by December 2010.

b) Institutional Capacity

The current institutional capacity and authority of the organs and institutions of the Community are not adequate for the effective and efficient implementation of the Protocol. The next meeting of the Council of Ministers will consider a study undertaken to this effect.

c) Funding of the Community

Although Article 132(4) of the Treaty specifies equal contributions by the Partner States, this does not provide a reliable, adequate and sustainable source of funding for the Community. Therefore, a study

has been undertaken in this regard, and the next meeting of the Council will consider the report of the study.

d) Sensitization

We acknowledge that a good number of EAC citizens do not know the rights and privileges accorded to them by the Protocol. We have drawn up and we are already implementing a sensitization campaign, which involves both the Partner States and the Community.

e) Establishment of the EAC Fund

We anticipate that the implementation of the Protocol will have varying impacts on the different Partner States. Article 49 of the Protocol provides that *“The Council shall approve measures to address imbalances that may arise from the implementation of this Protocol”*. To this end, one such measure is the establishment of an EAC Development Fund whose protocol is at an advanced stage of formulation.

Mr Speaker, I submit.

Mr Kidega: Mr Speaker, I would like to thank the Chairperson, Council of Ministers for the comprehensive response, however, under the pillar of free movement of persons, I know the practice is to allow the citizens of East Africa to criss-cross the EAC borders using either their national passports or temporary travel documents. I am also aware that national identity cards would be the most convenient travel document that the East Africans could use for

travel. I am further aware that two Partner States of the Community, namely Uganda and Tanzania, do not have national identity cards, and that the vast majority of East Africans cannot travel because they have no passports. What is the Council of Ministers doing to ease the acquisition of these documents to ensure that the goal of the free movement of people is realised?

Dr Kamala: Mr Speaker, during the negotiations for the EAC Common Market Protocol we agreed that we are either going to continue using the national passports, the East African passports, or temporary passes, and for the countries that are ready to use national identity cards, they should do so on bilateral arrangements. It would be wrong to assume that we can prepare identity cards for all the Partner States at the regional level at this point. However, it is important for countries to have machine-readable national identity cards if they are to use them as a travel documents. Some Partner States already have such identity cards but others are in the process of developing the machine-readable cards. We hope that in the near future, we shall have identity cards that can facilitate free movement of people, but for now, the Partner States that have the machine-readable cards can agree and use them.

The Speaker: I would also like to remind the Chairperson Council of Ministers that before he came to the EAC, there was a Summit directive for the Partner States to have machine-readable identity cards and for the Council together with the Secretariat to look for funding for it. Counsel to the Community, all those directives, you do not remember them anymore?

Mr Mike Sebalu (Uganda): Mr Speaker, I do appreciate the answers that the hon. Chairperson Council of Ministers has given to the question that the hon. Kidega asked. The Chairperson of the Council of Ministers is on record on the Floor of this House on a question that has consistently come up regarding the requirement for the Yellow Fever vaccination certificate at Kilimanjaro International Airport. As recently as last month, I was in Kilimanjaro, and many East Africans were complaining about this requirement and yet the Minister has repeatedly promised to handle that matter. I do believe that inhibits the rights of the East Africans to enjoy free movement within the region. I would like to benefit from his answer this time round because we have heard it several times. What is his position on this matter, which is inhibiting the right of movement within the region?

Dr Kamala: Mr Speaker, I know that the requirement for the Yellow Fever certificate is categorised as a non-tariff barrier but we have a technical problem in that the World Health Organisation still classifies the East African region as a yellow fever area. We are pursuing the matter with the Sectoral Council on Health to handle this issue with WHO so that East Africa can be categorised as a non-yellow fever area. That will help us to deal with this problem finally.

The Speaker: Is the hon. Minister trying to say that the other Partner States in East Africa have no business with yellow fever?

Major General Mugisha Muntu (Uganda): Mr Speaker, what beats the understanding of some of us is the fact that they suspect only those who travel

by air and only through Kilimanjaro Airport to carry yellow fever, because when you go through Namanga or any other border point, there is no requirement for the yellow fever certificate. *(Applause)*

We would really like to ask this from the East African Community, and specifically from the Minister representing Tanzania. Why is it that when you go through Namanga or any other border point by road, you are not checked, but when you go through Kilimanjaro, you are harassed, almost? When you are entering Zanzibar, there is no check; when you enter through Dar-es-salaam, most times, there is no check. So are the yellow fever carriers only those who travel by air and only those who enter through Kilimanjaro. *(Applause)*

Dr Kamala: Mr Speaker, I do agree with the hon. Mugisha Muntu that is it not right that only those who travel through Kilimanjaro checked for the yellow fever certificates. We understand that sometimes some people take advantage of the current rules and regulations for their own benefit. I have already communicated these concerns to the relevant Ministries, but that is the problem of being only a coordinator. You coordinate, you inform, you solicit, but you are not the one who decides. We shall continue following up on this matter because we would not like such a thing to continue. It seems that some people at the Kilimanjaro Airport are using this for their own advantage. I would not like to say a lot, and I would not like to criticise people who cannot respond or defend themselves. Once again, I would like to say that this is not a good thing, and as a coordinator, I will

continue to coordinate the issue to make sure that we eliminate problem. *(Applause)*

Ms Nusura Tiperu (Uganda): I thank the hon. Minister for the answer, but we would request that he consider investigating the activities of the officers at the Kilimanjaro Airport because the extent to which they are extorting money from the rest of the East Africans is alarming. We really need something substantive as far as this issue is concerned.

The Speaker: Hon. Tiperu, I do not think you should say that, because if I tell you to substantiate the allegation that they are extorting money, it will be difficult. Moreover, they are not here to have their opinion heard.

Mugisha Muntu: I am standing on the question on identification that the Chairperson Council of Ministers responded to earlier. I would like to understand from the Council, and from the regional authorities, namely; the Summit and the Council of Ministers, in view of the threats that we face now as a region, whether they have considered that identification is one of the key factors for those who manage the security of our people. Does the Council -or the Summit in this case- consider it as a matter of urgency?

We have been talking about the issue of identification for the last 10 years. Tanzania and Kenya were bombed some time back, and more recently, Uganda was bombed, while Burundi is under threat. In view of the free movement of persons that we envisage under the Common Market, do the Summit and the Council realise the grave danger that the

massive movement of persons without proper identification will cause to our people? Do they realise the need to institutionalise identification for all the citizens as a matter of urgency, and that they should not leave it to the Partner States to decide to do it at their own time? I would like to understand that from the Chairperson. *(Applause)*

Dr Kamala: Mr Speaker, I do agree with hon. Muntu that the issue of identification is a matter of urgency, and especially in view of what said that there was an earlier Council decision on identification. We shall see what we can do to urge Partner States and the EAC at large to fast track this process of identification, not only to facilitate the free movement of persons, but as a matter of security as well.

Mr Abdullah Mwinyi (Tanzania): Hon. Speaker, the Chairperson of the Council of Ministers mentioned two documents in his response, the machine-readable national identity card and the passport. Both documents are illusive to the majority of the East Africans. He also said that proper facilitation of the free movement of person would depend upon attainment of both documents. Therefore, are there any plans in place to facilitate the average East African in the rural areas, or at the border points, to attain these documents for purposes of free movement within the Partner States? If so, what action has the Council taken? *(Applause)*

Dr Kamala: Mr Speaker, all I can say is that currently the free movement of persons is not 'free'. It is not free in the sense that it is only free, basing on agreed principles. The key issue and challenge is how we can guarantee free

movement of persons while at the same time taking onboard the security aspect.

Concerning identification documents not being easily obtainable by anyone, anywhere, making it cheaper so that it is available to all East Africans sounds great, but are the East African Partner States able to do that for all their citizens! In Tanzania currently we are working on a third generation identity card that cannot be forged easily, and now the challenge is whether we should take this project at the regional level or not. I cannot promise anything here on that, but as Chairperson of the Council of Ministers, I shall bring this matter before the Council of Ministers and the Summit to make sure that all the Partner States have identity cards, and that they take the security matter on board as well. *(Applause)*

Mr Frederic Ngenzebuhoro: Asked the Chairperson of the Council of Ministers_

“Article 119 of the Treaty requires Partner States to closely cooperate in the cultural sector by promoting cultural activities, including the fine arts, literature, music, the performing arts and other artistic creations, and the conservation, safeguarding and development of the cultural heritage of the Partner States, including historical materials and antiquities.

The same article requires the development and promotion of indigenous languages, and especially Kiswahili as a lingua franca.

Can the Chairperson of the Council of Ministers inform this House on the mechanisms already undertaken to operationalise this provision of the Treaty?”

The Minister for East African Cooperation, Tanzania, and Chairperson of the EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, the answer may appear to be the same with the previous answers because all the questions are similar.

I wish to inform this August House that the operationalisation of Article 119 of the Treaty is an ongoing process. Council has approved the establishment of the Kiswahili Commission, and adopted the Protocol on the Culture and Sports Commission. The process of developing the EAC Anthem is nearing completion, and the EAC-UNESCO Cooperation Agreement signed in 2008 established a Forum for EAC Ministers for Social Development.

Mr. Speaker, I also wish to inform this August House that the Council of Ministers adopted the Draft Protocol on the Establishment of the East African Culture and Sports Commission during its 20th Meeting in March this year and referred it to the Sectoral Council on Legal and Judicial Affairs for legal input. The Sectoral Council on Legal and Judicial Affairs will consider and provide the necessary legal input towards finalization of the protocol at its 10th Meeting.

Mr. Speaker, in order to accelerate the operationalisation of Article 119 of the Treaty, the Council of Ministers, at its 19th Meeting held in November 2009, appointed a Principal Culture and Sports Officer at the EAC Secretariat to facilitate the development and implementation of plans towards the realization of the aspirations under this Article. I wish to inform honourable members that the Fourth EAC

Development Strategy (2011-2016), which is now under development, will reflect strategic interventions that are more concrete in this area of Culture and Sports.

Mr. Speaker, I submit.

Mr Ngenzebuhoro: Mr Speaker, I would like to thank the Chairperson of the Council of Ministers for the response he has given, but I would like to say that the operationalisation of this provision is taking too long. Let me hope that they will take the issues of culture and sports seriously in the forthcoming EAC Development Strategy. Thank you.

Mr Frederic Ngenzebuhoro (Burundi): Asked the Chairperson Council of Ministers_

“Article 120 of the Treaty requires Partner States to closely cooperate in the field of social welfare with respect to the development and adoption of common approach towards the disadvantaged and marginalised persons, and among others, the elderly.

Can the Chairperson of the Council of Ministers inform this House what mechanisms have so far been put in place to facilitate a decent life for the elderly, especially in the provision of health care?”

The Minister for East African Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, I wish to inform the House that issues related to elderly persons are part of the proposed EAC Social Development Agenda. The proposed

EAC Social Development Framework recommends the following:

- (a) Fully implement the key tenets of the 2002 African Union's Policy Framework and Plan of Action on Ageing;
- (b) Implement other international instruments that deal with the issues of ageing and older persons, namely, the 1991 UN Principles for Older Persons, the 1992 UN Proclamation on Ageing, and the 2002 Madrid International Plan of Action on Ageing;
- (c) Promote the rights of older persons and enact national laws to include these rights and adopt innovative policies and programmes to mainstream the issue of older persons in ministries and organisations;
- (d) Support older persons by effectively addressing their needs through specific programmes that are incorporated into national development plans and strategies, including social protection;
- (e) Promote policies to encourage productive ageing and recognize the contributions of older persons as people with skills and expertise, and also as caregivers;
- (f) Develop inter-generational programmes that create mutual benefits to both the youth and older persons.

Mr. Speaker, we propose to present the EAC Social Development Framework to the third Meeting of the Forum for Ministers Responsible for Social Development scheduled to take place in

November 2010, for consideration, and thereafter to the Council for adoption.

Mr Speaker, I submit.

Mr Ngenzebuhoro: Mr Speaker, I have no special comment about this since the Minister has promised that the Council will consider this issue in their next meeting.

Frederic Ngenzebuhoro: Asked the Chairperson, Council of Ministers_

“The proposal for a single tourist visa regime for East Africa has been mooted for quite a long time.

Can the Chairperson of the Council of Ministers inform the Assembly when this good idea will become effective and what are the likely challenges expected to be faced on its implementation?”

The Minister for East African Cooperation, Tanzania, and Chairperson, EAC Council of Ministers (Dr Diodorus Kamala): Mr. Speaker, the proposal to introduce a single visa regime for East Africa has been a matter of great interest to many in the region. I take this opportunity, honourable Speaker, to update the House on the progress made thus far in realizing this great milestone.

The EAC Secretariat convened a joint meeting between the Chiefs of Immigration and Heads of the Tourism Boards of the Partner States in July 2006 to consider the issue and to appraise each other on the rationale and value addition of a single tourist visa. Generally, the meeting agreed that the introduction of a single tourist visa would ensure that the tourism industry

contributes to the sustainable development of the region, creates employment, and compliments efforts from other sectors.

Mr. Speaker, the meeting of the first Sectoral Council on Tourism and Wildlife Management held in November 2008 directed the EAC Secretariat to undertake a study on the harmonization of tourism policies and laws, joint marketing, branding and funding. The study was to recommend the best method of introducing a single tourism visa, as well as assess the viability of introducing concessional park fee permits, in order to make the EAC region more competitive.

Mr. Speaker, the Secretariat prepared the necessary Terms of Reference to conduct the Study on the introduction of a Single Tourist Visa, and these were endorsed at the Second Sectoral Council on Tourism and Wildlife Management, held in Kigali in February, 2009. In addition, the Sectoral Council directed the Secretariat to convene a joint meeting of the Chiefs of Immigration and Heads of Tourist Boards to work out the modalities for implementing the single tourist visa.

Mr. Speaker, I am pleased to inform this August House that the Chiefs of Immigrations met with the Heads of Tourist Boards in July 2009, and recommended the establishment of a task force constituted by experts drawn from the immigration and tourism sectors to undertake a study on the preparedness of each Partner State to implement the single tourist visa.

Mr. Speaker, the Secretariat and the Task Force carried out the study in the Partner States in March, 2010, having

met with officials from the Ministries responsible for Tourism, Wildlife, Immigration, Finance, Home Affairs, Security, Statistics, and stakeholders of the wildlife and tourism private sector. A draft report of the study is awaiting consideration at the next joint meeting of the Chiefs of Immigration and Heads of Tourist Boards Meeting.

Mr. Speaker, there are several challenges that will impede the implementation, of the single tourist visa. Partner States require to harmonize their visa issuing regimes and fee structures, and to develop a mechanism for sharing the financial cost of administering the single tourist visa and the revenue collected.

The biggest challenge is the poorly developed ICT infrastructure at the national level to facilitate connectivity of the entry/exit points. However, we have established an EAC Technical e-Immigration Committee to address the ICT challenges faced by the Immigration Departments.

I wish to conclude by underscoring that the introduction of a single tourist visa is a multi-sectoral issue and not confined to the immigration or tourism sectors. Therefore, Partner States are encouraged to support this endeavour at all levels in order to make a single tourist visa a reality. *(Applause)*

Mr Speaker, I submit.

Mr Ngenzebuhoro: Mr Speaker, I thank the Chairperson of the Council of Ministers for his detailed response. However, I have noted that there are several challenges that will impede the implementation of the single tourist visa. This means that visa is not for

tomorrow; it will take a long time!

Thanks you, Mr Speaker, sir.

Dr Odette Nyiramilimo (Rwanda): Mr Speaker, I wanted to ask the Chairperson Council of Ministers if there is a frame of time for the single visa to be in place.

Dr Kamala: Mr Speaker, the Task Force has concluded the study into the Partner States' state of readiness to adopt a single visa. As soon as we get the report of the findings of the study, we will determine the timeframe and make decisions.

Mr Speaker, the impediment of the underdeveloped ICT at the Partner States level will no longer be a very big challenge because we have been able to lay optic fibre cables in almost all the Partner States of the EAC, which will make communication easier. We do hope that the spirit of East Africa in this case is very important. It is our hope that we will avoid what happened a long time ago when the cost of collecting revenue was more than the revenue collected. One of the challenges we are getting under the Customs Union is that one of the elements is yet to be fully-fledged. We are supposed to come up with a single Customs Union Authority to collect revenues at the point of entry. Nevertheless, the important thing here is the spirit and the commitment towards integration. I think we can easily solve the other problems. Let us hope for the best.

Ms Safina Kwekwe (Kenya): Mr Speaker, the Chairperson of the Council of Ministers has rightly said that the issue of a tourist visa is multi-sectoral

because, except for the Republics of Burundi and Uganda, where Industry, Trade and Tourism fall under one ministry and one minister, in the other countries the case is different. The question I want to ask, therefore, is whether the Council of Ministers envisages having a Sectoral Council for Tourism and Wildlife, because at the EAC we operate through Sectoral Councils. Has the Council perhaps considered the Sectoral Council on Finance and the one on Trade and Industry coming together to discuss this issue, because it is an issue that crosscuts all those sectoral councils, other than leaving each Partner State to do it on their own. Can we bring all these sectoral councils together and we discuss at the EAC level?

The Speaker: Hon. Kwekwe, the Minister may say that it is against the Treaty. Perhaps you want a forum of ministers to come together. I thought you were against it earlier.

Dr Kamala: Mr Speaker, the advice of the hon. Kwekwe is correct, because we did adopt multi-sectoral councils on issues of the Common Market. I will be surprised if it does not happen in this case as she has advised. I thank you.

Mr Kidega: Mr Speaker, I would like to thank hon. Ngenzebuhoro for the question on a single tourist visa for entry into the East African countries. Mr Speaker, it bothers me that the immigration documents for entry into this region are yet to be harmonised. For the republics of Uganda, Kenya and Tanzania, the Immigration forms that you fill for entry or exit are similar, but when you come to Rwanda and Burundi, the kind of Immigration forms remind

me of the exams I failed when I was a student. They ask irrelevant questions like marital status. Of what importance is my marital status to my acquiring an entry visa? Therefore, when will the Council of Ministers work on the harmonisation of the immigration documents?

Secondly, I do not like it when the AU Flag welcomes me when I am entering a country, I do not like it when the AU flag flying everywhere welcomes me and the EAC Flag is nowhere. Can the Council of Ministers tell us how the Council is going to ensure that the Partner States fly the East African flag at all the international airports in the region? *(Applause)*

Dr Kamala: Mr Speaker, it is true that Tanzania, Kenya and Uganda did harmonise their entry and exit forms, but given that Rwanda and Burundi are new members of the EAC, and considering that they have been able to harmonise other things, I am sure they will be able to harmonise this as well.

On flying the East African flag at all the airports, we appreciate the proposal. We shall advise all the Partner States to do so, and not only at the airports but also at other official places for the purpose of promoting East Africa and in line with the law governing the flags of East Africa. *(Applause)*

Dr Nangale: Mr Speaker, one of the unresolved issues in the tourism regime in East Africa is the decision by one Partner State to close its border post at Gorogonja within the great Serengeti ecosystem since in 1977. Can the Minister tell us whether the single tourist

visa regime is going to resolve this outstanding issue?

Dr Kamala: Mr Speaker, I do recognise hon. Nangale, not only as a Member of the Parliament, but also as one East Africa's statesmen who provides a feel in promoting East African tourism. We thank you for that spirit. *(Applause)*

He talked of the closure of Gorogonja since 1977. One of the Partner States might have done it, but the Council of Ministers will communicate to the relevant Partner State so that they can reconsider their position.

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON COMMUNICATIONS, TRADE AND INVESTMENTS ON THE EAC-EC MEEETING ON THE ECONOMIC PARTNERSHIP AGREEMENTS

The Chairperson, Committee on Communication, Trade and Investments (Dr James Ndahiro) (Rwanda): Mr Speaker, I move that the report on Joint EAC-EC meeting on the EPAs be adopted.

Ms Valérie Nyirahabineza (Rwanda) : Seconded

Dr Ndahiro: Mr Speaker, with your indulgence, I would like to call upon hon. Nyirahabineza to read the report on behalf of the Committee.

Ms Nyirahabineza: Mr Speaker, I thank you for allowing me to read the report on behalf of my colleague, hon. Ndahiro.

Mr. Speaker, a Joint EAC-EC-EPA Meeting on the Framework for Economic Partnership Agreement (FEPA) and negotiations for the comprehensive Economic Partnership Agreement (EPA) took place in Dar-es-Salaam, Tanzania from 7th to 9th June 2010. This meeting brought together various stakeholders involved in the negotiations of EPAs between the EAC and the EU. The main objective of this meeting was to enable different stakeholders to build consensus and consider the feasibility of signing the ongoing EPA negotiations.

Participation

Mr. Speaker, the Ministers from the Ministries of Trade in the EAC Partner States and their Permanent Secretaries, the European Union representatives, other stakeholders including the Members of the national parliaments, civil society and the private sector attended the meeting. The East African Legislative Assembly, represented by hon. Dr. James Ndahiro and hon. Catherine Kimura, witnessed the signing ceremony, and presented a paper on EPAs. The basis of the EALA presentation was the motion that the Assembly passed during the Mombasa meeting, which called for the postponement of the FEPA and proceeding to a comprehensive EPAs.

Observations

Mr. Speaker, the meeting recognised the paramount importance of the role of the various stakeholders. This was evident from the various position papers presented by different organizations, such as the civil society organizations, the private sector, national parliaments,

and EALA. The EALA paper stipulated that EPA does not present an opportunity for free and fair trade and therefore urged the Ministers responsible for Trade from the EAC Partner States to restrain from signing the FEPA in its current form until all contentious issues, which do not seem to address the needs of the region, are reviewed and agreed upon.

Participants observed and appreciated the progress made, and especially with regard to sanitary and phyto-sanitary measures, technical barriers to Trade, and Customs and Trade facilitation.

Mr Speaker, regarding the outstanding issues, both parties, namely the EAC and the EU, noted that while they had made some progress, there remained contentious areas on which further discussions were required in order to reach consensus. Both parties identified two broad categories of issues on which they needed further discussions. The first category was of a number of articles on which there was consensus on the wording but divergence on whether they should incorporate the articles into the FEPA or in the Comprehensive EPA. The other category of contention was on articles, on which they had not reached any consensus at all. More specifically, the EAC Partner States had requested for the amendment of some articles, but the new FEPA documents submitted for signing did not consider any of their concerns. The EU maintained that they would not change anything from the FEPA initialled in November 2007. Nevertheless, both parties agreed to accelerate negotiations for the Comprehensive EPA, building on the work already undertaken, with a view to reaching an agreement by the end of

November 2010, and prior to the AU/EU Summit.

It was on the other hand noted that the timeframe set for the completion of the negotiations is quite short in view of the issues that need to be discussed, for instance, the chapters on Development and Agriculture, on which the EAC countries must agree a common position before meeting their EU counterparts as these chapters are fundamental for the East African region to compete fairly and realistically on the international market.

Recommendations

1. It was agreed and recommended that the signing of FEPA should be postponed, and more effort should be put in reviewing the contentious and outstanding issues so as to conclude the negotiations by November 2010, before the convening of the AU/EU meeting.
2. Both Parties agreed and recommended that a roadmap for the conclusion of the Comprehensive EPA should be worked out immediately.
3. There is need for more consultations, research and in-depth discussions between all stakeholders to fast track the conclusion of the negotiations.
4. The Council of Ministers should take up the contentious issues in EPA negotiations with the Partner States in order to harmonize and come up with a common position on the following issues:-
 - (i) Reformulation of the Articles on market access, namely Articles 19(7), 20(4), 21(5) and 34, to take into consideration the interests of the Partner State;
 - (ii) The standstill clause, Article 13, which was agreed upon but whose incorporation in the FEBA the EU refused saying it should be incorporated in the comprehensive EPA;
 - (iii) The need for EAC to introduce the amendment clause in the FEPA.
 - (iv) Article 16(2) on the FEPA on more Favourable Treatment (MFT) resulting from economic integration agreements;
 - (v) The revised development clause whose incorporation into FEPA that the EAC calls for, whereas the EU maintains that it should be incorporated in the comprehensive EPA.
5. There is an urgent need for EALA to meet with the relevant committees of the national parliaments to examine whether Partner States have taken any steps to harmonize their positions before the signing of FEPA, and whether the East African Joint Negotiations Act has fully been operationalised.

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

(Question proposed)

Ms Safina Kwekwe (Kenya): Mr Speaker, I want to congratulate the Communications Trade and Investments Committee for persisting in making this House alive to the issues of the EPAs. I think we shall go down on record as the Assembly within the region that has

really been consistent in pronouncing itself that if we are going to have an Economic Partnership Agreement it has to be one that will work for East Africa.

In May this year, in Mombasa, this House adopted a motion urging the Council of Ministers to postpone the signing of the FEPA and also to include matters that are of contention in the negotiations of the Comprehensive EPAS. This House declared itself on that matter. There are negotiations ongoing, like the ones that took place in the Seychelles and in Dar-es-Salaam towards concluding the FEPA and therefore negotiating the comprehensive EPA.

Mr Speaker, why is the Assembly always engaging in this matter? Is it because we care more than anybody else, or is it that we do not want trade? EAC itself is a regional economic bloc, which means that trade is and will remain a permanent feature within the EAC integration process. This House is not against trade; it is not against opening markets, but it is saying that as we open markets, let us open them responsibly.

The EPA is looking at providing a preferential trade framework between the EU countries and the African, Caribbean, and the Pacific countries. These preferential frameworks are allowed within the global trading regime if those frameworks are between parties within a preferential trade arrangement like the Regional Economic Communities like the EAC. The spirit or the basis of an economic partnership agreement is okay within the global trading regimes, but why does this matter keep coming to the floor of this House? It is because EPAs are about

opening markets. Any trade is about accessing wider and bigger markets, and nobody really gets into an agreement for philanthropic reasons, like in the novels! The people who get into trade agreements do so to create markets for their products!

Mr Speaker, the status and the truth of the matter is that we already have other preferential trade arrangements in place. We have “Everything but Arms”; we have the AGOA with the USA, but we must ask ourselves, how much do we really export, even within those trade agreements that we already have in place? How much do we trade, for example, with the USA, and how much do we trade with the rest of the world? The answer is, very little indeed.

Mr Speaker, if I may take the example of Uganda, one of its major exports is fish and fish products, but what is the market of that export? The market is Switzerland. It is not a member of the EU. If Uganda wants to get an arrangement that will widen its markets, should it be getting an arrangement with Switzerland, which is not a member of the EU, or with the EC?

Mr Speaker, the Committee alluded to Articles 19 (7), 24, 21(5) and 34 of the framework that was initialled, and I presume the Committee is doing this because of the need to reformulate these articles, since the articles actually open the East African markets for EU products and not the reverse.

Mr Speaker, as the EAC Partner States we are an economic bloc, and therefore we are entitled to preferential trade amongst ourselves. That is our right because it is given under the WTO

instruments, but if we get to a framework that says that for example that for Kenya to give preferential treatment to Burundi, we must consult the EU; on what basis? That is why we are saying that we should abort Article 16(2), because we as a REC have the right to trade on preferential terms amongst ourselves as provided for under the general agreements on trade and tariffs. If any other bodies say that we must consult them first before we can access our rights, whose interest is being served here?

Mr Speaker, I want to concur with the Committee on Communications, Trade and Investment that we must look at FEPA as a framework and not as a conclusive text. Perhaps the lawyers know better the difference between when you initial and when you sign. Which one of them indicates a commitment? The FEPA was initialled, and we are looking forward to a document that will be signed; one that will commit EAC Partner States with our counterparts in the EU. If that FEPA has to be signed, it must be signed after looking at articles 19(7), 24, 21(5), 34, 13, 16(2) and any other that does not respect the interests of the East Africans.

Mr Speaker, I beg to support.

Mr Dan Kidega (Uganda): Mr Speaker, two points here; one is general, and for the second one, I will go into specifics. Is this EPAs negotiation still a negation, or it is a dictatorial framework being lumped on these ACP countries? *(Applause)*

If you go into negotiation and the one you are negotiating with tells you that “yes, we are negotiating but you are not allowed to change the following...” it

defeats the logic of negotiation. I think our negotiators, those negotiating on behalf of the EAC, need to redefine what position of negotiation they are in, and what type of negotiators they are. There are various types of negotiators in life; you can be a hard negotiator, like what I strongly believe the EU is deliberately trying to be, which is why they are imposing this kind of condition that you can never change what has been initialled. What are we doing then? I think we should put our feet down and say “if you say no, we also say no”, and we go into a stalemate and then define how to move forward.

Secondly, you see Africa, and specifically East Africa, is not the Africa of three decades ago. *(Applause)* We the leaders in Africa should to let the world know that there has been reformatting of authorities, trading regimes, and economic muscles world over. The world used to be a bi-polar world, today it is a multi-polar world, but there is no unitary centre of command. *(Applause)* Who tells you that we need EU more than EU needs us? *(Interruption)*

Mr Mike Sebalu (Uganda): Mr Speaker, I thank hon. Kidega for giving way. The information that I want to give is from our partners, the ECOWAS. They are engaged in the same process, but they have put certain clear benchmarks upon which the negotiations should be based, and that the negotiations should promote the development of the ECOWAS region. Anything that goes counter to this, they are not ready to go along with. That is the information that I wanted to give.

Mr Kidega: I thank hon. Sebalu for that information.

Mr Speaker, I bothered to browse through about three or four of the EPAs initialled by different blocs, and the East African one - I want to repeat this as I have said it on the Floor of this House before, that the East African one is the weakest. I will go into the specifics of the areas that I think are weak.

Africa today is different -that is the point I was on. It is now a rich trading bloc. I will refer members to a report in the most recent publication of *The Economist*, which came out less than 48 hours ago. In the report, Africa has provided the highest level of profit to all the Western banks in the financial market. (*Applause*)

The Western banks bagged US Dollars 2.9 billion net profit from Africa, which is more than what they got from India, Brazil, and even more than what they got as net profit from China. Therefore, Africa is different. Most Western banks, and particularly those from the EU countries, are rushing now to buy banks on the continent because of the world gap provided in terms of trade in finances, and offering services.

Specifically speaking, Mr Speaker, I am not comfortable with Article 39 as initialled on issues of dispute settlement. I mentioned this before. In the multi-lateral agreements from WTO and several others to which both the EAC and the EU subscribe, the clause on dispute settlement, which is Article 39, provides for arbitration, and chronologically provides how arbitrators shall be appointed. I have mentioned before that I would be more comfortable if when we disagree -as a region or as a Partner State of the EAC- with the EU, EU should not be allowed to take the

settlement of the dispute into other advanced frameworks like the WTO where we may not have economic and technical muscle to deal with this kind of disagreements. I plead that the clause for dispute settlement should be revisited, and a forum for exclusion included such that all disputes that will arise out of this agreement will be sorted out within a framework that we are comfortable with.

Mr Speaker, the second area with which I am very uncomfortable, and which has been alluded to is the area of development. The development clause as initialled is rather weak. I would like to implore our technical people to carry out contrasting studies with other initialled EPAs and see where they can learn and improve on what we have on table now. Emphasis should be given to issues of infrastructure. In this initialled document, it is just mentioned in passing, but I think we need to be categorical on this if we are looking at development and equitable trade with the EU.

Apart from development, the most trying aspect of trade between us -the African or Sub-Saharan African countries- with these civilised economies are issues of non-tariff barriers. It is mentioned here that there is substantial progress made in the area of syto- and phytosanitary requirements. I am not convinced that this is adequate. I think this is where we need to sit down and put emphasis, to make sure that there are regulations that protect the goods of our people from being rejected from the EU markets based on disguised syto- and phytosanitary requirements. Mr Speaker, if we don't do this, I don't think we will move very far to benefit our economies as a region in terms initialling EPAs.

In conclusion, Mr Speaker, I think that as a legislature we are moving in a parallel line to the Executive, or the people acting on behalf of the Community, who are mainly drawn from the Executive anyway. If you went to the parliaments of the Partner States, you would find that they do not have this kind of discussion that we are having, there. National Parliaments are not deeply engaged in these discussions as we are. We make recommendations and nothing that we propose is included. So what are doing here in this Parliament then? Can we really say that we are the voice of the people? What voices are we giving out? I think there is a serious problem here! Therefore, I would like to implore the Chairperson of the Council of Ministers to really amplify our concerns that this thing should not be rushed. The EU needs us more than we need them, in any case. We have so many other blocs to trade with, and we have so many frameworks like the EPAs to deal in. So, let us put our feet down and say time is on our side. Let us discuss and see what comes out. Thank you Mr Speaker. *(Applause)*

The Minister for East African Community Affairs, Kenya (Prof Helen Sambili): Mr Speaker, I beg to take this opportunity to thank you for swearing me in to this August House - *(Applause)* – and the honourable Members of this August House for the warm welcome that they have accorded me. I look forward, and I am committed, to working with the honourable members in supporting and coordinating the development of our Community amidst the dynamic challenges that have been implied in the discussions and deliberations that have taken place in this August House yesterday and today. I

believe that we will be able to support our community together. *(Applause)*-

As for the report that is before the House, I leave that to my Chairman, and I want to congratulate him for the effort to answer all the questions. *(Applause)* I also want to commend all the honourable members of this House because, coming from a national parliament, I think the members of EALA are really working very hard. Thank you, hon. Speaker. *(Applause)*

The Minister for East Africa Cooperation, Tanzania and Chairperson of the EAC Council of Ministers (Dr Diodorus Kamala): Mr Speaker, I do recognise all the Members who have contributed to the current debate, including our new colleague, the member of the East African Council of Ministers, Prof. Helen Sambili. *(Applause)*

I thank this Assembly for the recommendation in this report to the effect that the issue is not signing the FEPA or EPAs, but making sure that what we sign takes on board the interests of East Africans. We thank you very much for that. The genesis of FEPA and EPAs is that during the negotiations, the WTO came up with a proposal that there was discrimination in the trade arrangements between the EU and ACP, because there are other countries whose economies are almost similar to that of the ACP members but could not enjoy such benefits as the EU –ACP arrangement. However, we must understand that the WTO negotiations, which were the basis for negotiating the EPAs are themselves not concluded. Now the question is this, if the WTO

negotiations are yet to be concluded, why the rush to conclude the EPAs?

To negotiate from ACP-EU arrangement towards the new arrangement the EPAS was the Cotonou agreement. If one reads Cotonou agreement it was agreed between ACP and EU that EPA is going to be supported. The aspect of development is going to be part and parcel of the EPA arrangement and that was the agreement. But when we started negotiations the EU forgot what they promised in Cotonou agreement and our role is to remind them and we have been doing that. They might forget but we will not forget. *(Applause)*

Mr Speaker, Sir, another issue which is very important as hon. Kidega said, EU needs us as we need them but they need us more than we need them. I am saying so because if you look global economic arrangement, it either your in partnership with Africa or you perish. The EU used to have a partnership with Africa and China and other countries and now things have changed because China and Japan are now developing faster than EU members and a result EU would like to have new partners so they can continue getting raw materials and they think that is Africa and we are saying it is not. We are going to change the equation as well. *(Applause)*

That is why I would like to emphasize that the issue of development aspect should be part and parcel of EPA. The issue of the most favoured nation because they say if you decide to the business with Brazil we should accord the same to them and we are saying no. They shouldn't choose friends for us, we can decide who to be our friend. The issue of standstill we are saying no. if it comes to the issues of exports we can

decide to impose tax on certain commodities, if you want to promote our local industries.

What we agreed in Dar-es-salaam is that let us now forget about FEPA business let us continue negotiating to a conclusive EPA. You don't need to tell your counterpart that we are not negotiating. You say, let us continue negotiating and the deadline is November subject to the conclusions of the negotiations. As I tell you we are still looking for money so that our ministers and our experts can go back to the negotiating table and continue. You don't have to worry about that. If we conclude by November, if we don't conclude we shall talk about the negotiations. Negotiations are always endless and at the end of the day we will get the answer and what is important the interests of EA must be taken on board. *(Applause)*

I want to promise two things; to continue and increase the participation of EALA in these negotiations. The interests of East Africa must be given priority, short of that they have to comfortably get about EPA and others because there are so many avenues of which we can survive and prevail in this competitive world. I support this document and will stand by it. Thank you. *(Applause)*

The Speaker: Thank you hon. Kamala. I think the Chairperson Council of Ministers is very consistent. I think he said the same thing when we were in Mombasa and I think he says what he feels. Some people might not like it but I think in this particular case he's doing good for EA because we got a lot of problems after we passed the resolution

but imploring this House to keep up the good work so that we continue pushing so that people what we are actually getting from the EPAS.

Hon. Members before I put the question, I would like to say one thing. May be I refer you to this report. I am not supposed to take part in debate so I don't want to request for amendment but I want to show something. If you look at the last paragraph where it says "*there is an urgent need for EALA to meet with the relevant committees of the national parliaments to examine whether Partner States have taken steps towards harmonising their positions before the signing of FEPA*", I want to suggest that we stop there and not bring in the aspect of operationalisation, because we already know that it is not fully operational. And if we pass a resolution on something that we have already passed, we will look like we don't know what we are talking about. Maybe we can leave it this way.

Dr Ndahiro: Hon. Speaker, I concede that position.

The Speaker: Do not concede; you move it. I did not put the position. Perhaps you may want to propose that position.

Dr. Ndahiro: I would like to propose that the advice you have given is taken on board... but, hon. Speaker, can I take this opportunity to mention just two things?

The Speaker: Be very brief.

Dr Ndahiro: Mr Speaker, I want to inform this House that as a region we should also try to be serious when it comes to negotiations. There are two

elements missing in our negotiations strategy, which I witnessed personally. When our ministers were talking about the different articles, like articles 16, 13 and 19, and the reasons why they would not give in, they said that they were doing this to protect our industries; that they were working on our industrialisation policy. Then a question was posed, where is your industrialisation policy, can we look at it? There was nothing! Then they were asked to produce a development plan for the region...Imagine, you are objecting to article 36 because you say you need to emphasise your development agenda, and when you are asked to produce your development plan for the region and you have nothing? (*Shame, Shame*)

Mr Speaker, when we go into such negotiations like this one, we should understand that it is should be a win-win situation, because they are there to do business and we are there to do business but we are not children who should be supported. In that meeting, the EU proposed to give us technical support to write our development plan. I just wanted to highlight that we need always to be prepared if we are going to engage people for negotiation purposes. Thank you very much.

The Speaker: Hon. Members, I would also like to make one point on the issue that the Minister raised about looking for money for negotiations. The funny thing is that we are looking for funding from the same people we are going to negotiate with. Right now, and for the first time, it is being delayed, and I think they are still debating on whether we will get the money or not, and November is just next month. I think we should

have provided for this activity in the EAC budget.

(Question put and agreed to)

Resolution adopted.

COMMUNICATION FROM THE CHAIR

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

First and foremost, I would like to thank the Speaker and Members of the Burundi National Assembly for allowing us to use their chamber and all their facilities. *Nasema tunashukrlu sana! (Applause)*

I would also like to thank the Burundi Chapter for taking such good care of us and being helpful in everything. *(Applause)*

I also want to thank and welcome the new Minister for EAC from Kenya for the kind words, and we hope to work with you in the same way. Usually ministers say very kind words until they sit in the next Council, but I do not think she will change. *(Laughter)*

I also would like to thank the EAC Secretariat, led by Dr Julius Tanguis Rotich, and I think they have been very helpful. We did the report together, and I

think Dr Rotich has been here for three weeks now. *(Applause)*

I would like to thank, in a special way, the Chairperson of the Council of Ministers, Dr Kamala. Hon. Kamala has decided not to run for re-election in his constituency, so we might not see him in December. But if the president so decides to bring him back because of the very good work that he has been doing for us in this Assembly, we hope to see him in December. *(Applause)* By saying that I mean it has been a pleasure working with him since he joined the Community as a deputy minister and then as a full minister. I pray and hope to see him soon in his other capacity. *(Applause)*

I would like to ask the following members to come to my office after the House is adjourned: Dr. Julius Rotich, hon. Kate Kamba, and hon. Gervase Akhaabi

ADJOURNMENT

The Speaker: I now adjourn the House sine die.

(The House adjourned sine die)