



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

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

153RD SITTING - THIRD ASSEMBLY: THIRD MEETING – FIFTH SESSION

Wednesday, 23 November 2016

*The East African Legislative Assembly met at 2:30 p.m. in the Mini Chamber, County Hall,
Parliament OF Kenya, Nairobi.*

PRAYER

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

(The Assembly was called to order)

COMMUNICATION FROM THE CHAIR

The Speaker: Chairperson Council of Ministers –

(iii) (by the Chairperson, Committee on Legal, Rules and Privileges (Mr Peter Mathuki) (Kenya):

PAPERS

The following Paper was laid on the Table:

- (i) (by the Deputy Minister for Foreign Affairs, Cooperation and East African Community, Tanzania (Dr Susan Kolimba) (Ex-Officio)
- (ii) The East African Community Annual Report 2014/2015

The Report of the Committee on Legal, Rules and Privileges on the oversight Activity on the Approximation and Harmonisation of national laws in the EAC context.

*(The Report was referred to the Committee
on General Purpose)*

MOTION

FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE OVERSIGHT ACTIVITY ON THE APPROXIMATION AND HARMONISATION OF NATIONAL LAWS IN THE EAC CONTEXT.

The Chairperson, Committee on Legal, Rules and Privileges (Mr Peter Mathuki) (Kenya): Mr Speaker, I move

THAT the Report of the Committee on Legal Rules and Privileges on the Oversight Activity and Approximation and Harmonisation of National Laws in the EAC Context, be adopted.

The Speaker: Seconders?

(Hon. Yahya, hon. Bhanji, hon. Nyirahabineza, hon. Pareno, hon. Byamukama, hon. Ngenzebuhoro seconded the motion)

The Speaker: Chairperson, please proceed.

Mr Mathuki: Mr Speaker, the Committee on Legal, Rules and Privileges of this Assembly had an activity on the approximation and harmonisation of national laws in the EAC context that took place between 24th to 27th October 2016 and the report is what I will be presenting this afternoon.

We have a copy of the report; we go straight to two.

2.0 Background Information

Mr. Speaker, Sir, in a bid to operationalize the implementation of the provisions Article 126 (2) (b) of the Treaty, the Council of Ministers established the Sub-

Committee to spearhead the process of harmonization of national laws in the EAC context. The Sub-Committee is headed by the Law Reform Commissions of Partner States and it works under the Sectoral Council on Legal and Judicial Affairs. In undertaking its activities, the Committee considers/analyses national laws to ascertain their convergences and divergences from one Partner State to another. In addition, the Committee determines whether national laws are in line with the Treaty for the Establishment of the East African Community and its Protocols. After the analyses, the Committee makes specific recommendations to Partner States to amend their national laws to address the discrepancies identified. The recommendations of the Committee are later discussed by the Council of Ministers, which makes the directives to Partner States to implement the recommendations of the Sub-Committee.

On 21st – 24th February 2016, the Committee on Legal, Rules and Privileges undertook an oversight activity on the Harmonisation of National Laws pertaining to the Community by holding a meeting in Arusha. In that meeting, the Committee reviewed the reports of the Sub-Committee and interfaced with the Office of the Council to the Community. It was noted that the Sub-Committee has reviewed national laws governing Company; Insolvency; Partnership; Business Names Registration; Immigration; Labour and Employment and Sale of Goods. The Sub-Committee also developed two cyber-law frameworks. The Committee further observed that Partner States are slow in amending their laws to comply with the directive of the Council of Ministers pertaining to harmonization of national laws.

3.0 Objectives of the Activity

The objectives of this oversight activity was to assess the progress made by Partner States in amending their national laws as recommended by the Sub-Committee. The specific objectives were:

- i. to interact with National Institutions involved in the approximation of national laws;
- ii. to examine the actions taken by Partner States in amending their national laws as recommended by the Council of Ministers;
- iii. to ascertain the challenges Partner States faces in the amendment of their laws; and
- iv. to find out whether the amended laws by Partner States conform to the Treaty and EAC laws.

4.0 Methodology

The Members of the Committee interacted with experts/officers from the ministries responsible for EAC Affairs; Finance, Labour and Employment, Justice and Immigration. Other experts came from Law Reform Commissions; Judiciary and the Attorneys General Offices. While undertaking this activity, the Committee:

- i. Divided itself into five groups and held meetings in the five Partner States simultaneously;
- ii. Each group received and reviewed briefs on the status of the Harmonisation of laws in each Partner State. The status reports indicated the laws amended/enacted and those yet to be amended; and
- iii. Prepared the final report with matrix showing the progress made by each Partner State in harmonizing their laws in the EAC context.

5.0 Findings and Observations

The Committee observed that Partner States are at different levels of amendment of their national laws appertaining to the Community as recommended by the Sub-Committee.

The following are the statuses of amendments as reported by Partner States during the activity:

(i) The Republic of Burundi reported to have amended the following laws:

- a) The Law no 1/07 of 26 April 2010 of Code of Commerce; and
- b) The Law Governing Public and Private Partnerships.

(ii) The Republic of Kenya reported to have enacted the Insolvency Act, 2015.

(iii) The Republic of Rwanda reported to have enacted/amended the following laws:

- a) Law relating to Immigration and Emigration in Rwanda;
- b) Law Regulating Labour in Rwanda;
- c) Law Contracts;
- d) Sale of Goods;
- e) Companies laws;
- f) Laws relating to Commercial Recovery and Settling of Issues Arising from Insolvency;
- g) Law on the Protection of Intellectual Property;
- h) Private and Public Partnership;
- i) Competition and Consumer Protection; and
- j) Law relating to Investment Promotion and Facilitation.

(iv) The United Republic of Tanzania reported to have made amendment/enacted the following laws:

- a) Amended the Immigration Regulation and the Immigration (Visa) Regulations;
- b) Enacted the law on employment of non-citizens;

- c) Amended the Forex Exchange Act, 2008; and
 - d) Amended the Capital Market and Securities Act.
- (v) The Republic of Uganda reported to have amended/enacted the following laws:
- a) The Accountancy Regulation Act;
 - b) The Trade Licensing Act;
 - c) The Airport Service Charges Act;
 - d) The Civil Aviation (Air Operator Certification and Administration) Regulations No. 26 of 2012;
 - e) The Civil Aviation (Air Craft Regulation and Marking) Regulations;
 - f) The Financial Institutions Act, No. 2 of 2007.

Apart from the amended laws, each Partner State reported the laws, which they are proceeding with the amendment procedures as it is indicated in the attached matrix.

In additional to the above specific findings, the Committee observed the following:

- i. There is still limited awareness among the stakeholders about the EAC integration especially with regard to the application of the principles of the EAC Common Market;
- ii. It was noted that there are budgetary constraints to undertake harmonization and approximation of laws in respective sectors, in addition to Council Decisions that arise and are not budgeted for in particular financial years;
- iii. It was observed that surveys and studies needed to be carried out to understand the implications of certain laws and decisions before they are harmonized. Therefore, this process slows down the pace at which harmonization is done;

- iv. It was also noted that there are coordination challenges among the various Government Ministries, Departments and Agencies (MDAs) responsible for harmonization and approximation of laws;
- v. Information flow at different levels from the Community level to Ministries of EAC and to different Sector Ministries and other relevant stakeholders is sometimes not well streamlined;
- vi. The Sub-Committee on Approximation and Harmonisation of National Laws no longer meets regularly and this has slowed down the process;
- vii. It was noted that the National Institution spearheading the process of Harmonisation of Laws in the Republic of Burundi (the National Service for Legislation) is undergoing reforms and it has been given more mandates to enable it to do Law Reform;
- viii. While the National Parliament may play a critical role in the process of harmonization of laws in the Partner States, their representation at the national task force on harmonization of laws is less visible; and
- ix. It was noted that there is no established framework for regular information sharing with the stakeholders about the harmonized laws.

6.0 Challenges Facing the Harmonisation Process

- i. The approximation task is carried out by Members of the Sub-Committee that have other duties at national level, which makes the work of the Community thereby considered secondary to their national obligations;

- ii. The process requires a lot of research into the identified laws both at national and regional level;
- iii. There is lack of relevant technical expertise while approximating certain specialized fields of law;
- iv. The speed of approximation at regional level is very slow which makes it difficult for Partner States to amend their national laws based on identified principles at EAC level;
- v. Apparently, there is no harmonized methodology for approximation: the use of Model Laws was challenged by Partner States;
- vi. The approximation process is carried out both at regional and national levels which creates duplication, conflicting recommendations and often delays in the process;
- vii. Frequent postponement of the Meeting of the Sectoral Council of Legal and Judicial Affairs (SCLJA), which also delays the consideration of the report of the Sub-Committee. The last was the 17th Sectoral Council of Legal and Judicial Affairs;
- viii. Mainstreaming of the EAC Agenda into the budgets of the relevant Ministries, Departments and Agencies (MDAs) still remains a challenge;
- ix. Discussion of modal laws in the Sectoral Council on Legal and Judicial Affairs is not given priority since its usually the last item on the agenda and therefore not given the attention it requires; and
- x. Each MDA was tasked to approximate laws that fall under its mandate. However, some MDAs lack the capacity to amend the laws and this has affected the pace at

which the Republic of Uganda has harmonized her National Laws.

7.0 Recommendations

- 1. Robust sensitization programs should be continuous to enhance awareness among the people at all levels.
- 2. There is need for Partner States to prioritize and increase the budget allocations on the harmonization and approximation of laws.
- 3. There is need to adopt streamlined mechanisms to improve on the coordination and information flow between different stakeholders at different levels.
- 4. There is need for the Sectoral Council on Legal and Judicial Affairs to prioritize and consider the Reports on Harmonisation of Laws in the Partner States.
- 5. All national stakeholders must be informed about all laws amended for implementing the Community.

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

Mr Martin Ngoga (Rwanda): Mr Speaker, is my honourable friend, the chairperson of the Legal, Rules and Privileges Committee, the main custodian of our Rules in this House, in order, after the ruling of the Speaker directing him to stick to reading the report, to ignore the ruling completely and continue in the same manner that he was doing before?

The Speaker: Honourable Chairperson, you know the report was generated, discussed, approved and signed by members of the committees and the *Hansard* would like to capture it as such.

Therefore, as you present your report, I would like you to stick to the context of the report such that you will have a time to

debate this report after you have read it. Thank you very much.

Mr Mathuki: Thank you, Mr Speaker.

The Speaker: Thank you very much, hon. Peter Mathuki, Chairperson Committee, Legal, Rules and Privileges.

Honourable Members, the motion before this Assembly is

THAT the report of the Committee on Legal, Rules and Privileges on the oversight activity on the approximation and harmonisation of national laws in the EAC context be adopted.

Debate is open.

Ms Maryam Ussi Yahya (Tanzania): Thank you very much Mr Speaker for giving me this opportunity. First of all, I must declare, I am a member of the committee and I support the report of the committee and thank chair for ably representing us and actually giving us opportunity to chair in our Partner State.

Mr Speaker, as I say, I am a member of the committee. Many of the comments we have agreed through the meeting with our committee with our chair, so, I will not talk much. However, I have just two comments, which I would like to make.

We have agreed to cooperate in a regional level. We make this law, it follows a thorough procedure of making this law, we take stakeholders, we get their opinion, but when it comes to approximation, there is a delay; it seems there is a hick up mismatching and all that is happening.

This is very disappointing because even though there are many laws that have been amended and we commend Partner States

for doing so. If you look at the annexure that are provided in this report, some laws are from 2001, some are 2006, so we do not expect the law we passed in our Kenya to properly be approximated and harmonised in our Partner States.

This is slow pace, holding us back.

Mr Speaker, the central Council for legal and judicial affairs is the technical arm of Council of ministers. Therefore, I would like to take this opportunity to urge the Chair Council and the Council of Ministers in general to put a weight on harmonisation and approximation of laws in our national laws because this is their technical committee. They can call them anytime but it is very unfortunate Attorney Generals from Partner States are rarely meeting and we keep saying this day in day out. These are the key figures and stakeholders in harmonisation and approximation.

There is need of seriousness in our Partner States in order to realise this cooperation; because if the laws are harmonised differently from each Partner States, it does not show the cooperation, it will not benefit us in a full picture because one law is harmonised in one Partner State but it cannot be used in another Partner State.

Then the concept of cooperation will not be there. So, let me urge the chair of Council to please, first of all also it was given as a challenge here, the lack of budget because this approximation is not just done as looking and ticking the law, okay we agree to it or not. It needs some of the laws need research, and research needs money. However, that money cannot be found if it is not asked through the Ministry of EAC in the Partner States.

Therefore, I would like to urge chair Council and Council of ministers that when it comes to asking for their budget,

they should put into consideration the money for research for approximation and harmonisation of our laws in our Partner States.

Otherwise, this law will remain in the shelves of our offices and will be continuing passing laws while the 2001 law has not been approximated.

Mr Speaker, let me also urge Council of Ministers to include a Member of Parliament in our Partner States because they are the major stakeholder. They are not aware of the law, and we are expecting the people in their constituency to be using these laws. Therefore, it is their lack of sensitisation showing that on how MPs from Partner States are not aware of this law.

I thank you, Mr Speaker. I support the motion.

The Speaker: Thank you very much, hon. Ussi. I give hon. Martin, and I will come back this side later.

Dr Martin Nduwimana (Burundi): Thank you, Mr Speaker. I am a member of the committee, but I was absent with apology - (*Laughter*). I subscribe to the decisions taken by my colleagues in the committee.

I commend the leadership of my chair. Mr Speaker, first of all, I want to commend the house for the initiative to diagnose into this exercise. When you look at the Treaty, Article 126 where this process originates, it is one of the vehicles that will drive our process of integration and it is wiser that just harmonisation of laws.

Therefore, we do not pay as much attention to this undertaking to this Treaty requirement as we should do, we are not giving it as much weight, as we should.

We have noted some progress in different Partner States, but we do not know how much of what we have agreed and how much of what we have set out to do that is held back by lack of this harmonisation process.

As the saying goes, the devil is in detail. So, most of these legislations are becoming serious setbacks to what we should be doing. Mr Speaker I believe that there is not in any Partner State a serious policy position to maintain these laws the way they are but we are poorly organised internally.

This is what I firmly believe. We need to look back into what are the arrangements in our Partner States, for example on how the Bills are initiated, who should take the initiative, who should take the compliance, because examples have been given about the progress by Rwanda but let me tell you what had happened in Rwanda, even if we have not covered everything.

But there is a standing instruction that there is not a single ministry that can present a Bill for consideration at Cabinet level before they do a checklist of compliance, not only to the commitments we have with the EAC, but to the commitments we have with any other international Treaty that we are party to so that we do not continue to pass laws that are not compliant with the international obligations we have as a standing instruction.

So, before the Bill is programmed for consideration that has to be checked. I think the EAC ministries have a role to play here. Where are they? Because they have several roles to play. One is to make sure that there is not a single Bill that sails through the process without meeting the compliance test.

But also to make sure those that must be initiated that have not been initiated gets initiated by the relevant organs, if it is the immigration department, if it is any particular ministry, this is the whole idea behind the decision by the founders of this Community to direct that we should have ministries responsible for EAC affairs.

I do not see what other most important coordination roles they can have than helping ministries in the Partner States and departments to comply with what we have agreed to initiate the processes to make sure the process is good.

Even where there is no policy agreement to maintain certain positions, the processes are not happening to make sure that laws are updated because nobody gives priority to that.

Therefore, I think the Council owes us a serious commitment that they are going to put in place a uniform arrangement that shall be a point of reference by our respective EAC ministries in terms of how they are going to coordinate this process in the Partner States.

Mr Speaker, there is one observation that is in the report. Those who are compliant are being disadvantaged by the fact that others are not compliant. These are in the areas where we have not taken a legitimate legal position to strike a caveat to hold back on certain commitments because it is okay. It is about the areas where we have agreed that we should proceed together but when we go back home, we do not create a legal framework to help implementation of what we have agreed. I am not talking about where Partner States deliberately decide not to move at a certain stage, but I am talking about where we have agreed but those who are supposed to create a legal framework for compliance do not do it. Therefore, we got these complaints. I

found these complaints in Rwanda, and I believe it is the same in some other Partner States. However, when you have tried to harmonise and to bring your legal framework to a certain standard while the others have not done so, fair competition in the area of trade, for example, cannot exist under two different legal frameworks.

Therefore, it must be treated as a matter of urgency. We know areas where we have exercised our rights under the Treaty, not to move and we know areas where we are still considering our position but we know areas where we have agreed so, we have to move fast and create a compliant legal framework in the areas where we have agreed.

I still believe that Council has to provide leadership in this matter.

Finally, Mr Speaker, I suggest that we also take another step and look at other areas of Article 126. We have just looked at one component of harmonisation of Rules. How about the harmonisation of curriculums? Because there was a big idea behind this provision, far beyond harmonisation of laws, there was a big idea to create a critical mass of East Africans that will help carry forward the process of integration and that big idea is in 126.

So, I believe this House will avail time for another activity to be undertaken to see how far we have gone in trying to comply with other areas of 126. Thank you Mr Speaker.

The Speaker: Thank you. Hon. Martin Nduwimana.

Mr Abdullah Mwinyi (Tanzania): Thank you very much, Mr Speaker. I would like to take this opportunity to thank the people

and the government and parliament of Kenya for the hospitable welcome most especially our members from the Kenyan chapter.

We thank you for your welcome; it is always a pleasant occasion being back in this part of East Africa.

Mr Speaker, this matter is timely because it is inextricably made with the implementation of the Common Market Protocol, the implementation of which is done through Partner States. It is a bone of contention that I have spoken about before in this august Assembly. Matters of implementation of the Common Market Protocol rest with the Partner States, and they are predicated upon for the harmonisation of the laws of the Partner States.

Therefore, it is extremely important that the task is carried out diligently in order for us to have any gain in the Common Market Protocol. Since we signed the Protocol in the Partner States, not much has taken place, and that is a reality.

We have much gain in the Customs Union but minimal gain in the Common Market Protocol, and I think the reason for it is that the implementation rests with the Partner States. That is where the challenge is.

Now, if you look at the harmonisation of laws, if you look at the report and the best performing members, there is Rwanda and Uganda. All practitioners in the legal practice in East Africa will see, will note that the old members of the Community, that is Uganda, Kenya and Tanzania had common colonial masters, and that most of our legislations that are related to matters that link with the integration process were almost identical from independence in different years 1961, 1962 1964.

If you look at our legislation, they all emanated from the United Kingdom - Company Law- matters related to trade and enterprise are the same.

Furthermore, in 1967 in ten years up to 1977, all these Partner States were under the first Community, all the laws were identical with minor differences. In reality, the divergences have taken place between 1977 and 1999. In fact, we had no common legislation in all walks of life for longer than the time where there may have been some divergences.

That leads to the question, what is the problem? Because in reality, the divergences are not major and I do not see any problem with – most of them, as we speak, any one has grown up and gone through the, I think most of them are alike. Where is the problem?

I believe the problem is the – and it is not by accident that the republic of Rwanda has done well. Why am I saying this? Our challenge in the integration process – we have vested the ministry of EAC. They can remind them you have this obligation, taking an example of the ministry of finance, ministry of tourism, but there is this obligation but not all of them have mainstream – have a quality for integration. So, have mainstream policy across the body.

I know that Rwanda has done well. What do I mean by mainstream? Given sectoral ministries specific obligations under their performance – (*Interruption*) -

Minister in the Office of the President for East African Community Affairs, Burundi (Ms. Leontine Nzeyimana) (Ex-Officio): Thank you, Mr Speaker, for giving the floor and thank you hon. Mwinyi for allowing me to give

information. I would like to inform information that in Burundi we have – with a strategy for integration that we have elaborated in the ministry and to ratify in the cabinet. Thank you.

The Speaker: Thank you, honourable minister.

Mr Mwinyi: Thank you for the very good news. I have been in my own ministry of EAC since the day I came into this Assembly on this particular matter. We must have a policy and that policy has to be mainstream. The obligation under the EAC must be taken seriously in the sectoral ministries and it should not be just a coordination ministry to push them because they will not be given this. The sectoral ministry has the priorities and unfortunately, EAC compliance, and I am saying this very frankly. EAC compliance is not a very a major priority of most of those sectoral ministries and I would like to say what takes place.

We are not going to get very far in this implementation and harmonisation.

So, I will join my sister hon. Maryam Ussi by urging the chair Council of ministers to urge all the Partner States who do not have an integration policy to promulgate it and to launch it forthwith. We have been in this Community for 70 years now, so each Partner State must have a strong policy of integration.

Two, to main stream so that all matters that need to be dealt with by sectoral ministries are dealt with and they have a clear performance contract, if you like to deliver and clear timelines for them to deliver. The coordinating ministry cannot compel the ministry of trade to harmonise but if the policy is mainstream, if that is part of the minister's duty, he will be questioned before a parliamentary

committee as to why this particular aspect has not been done.

It is not until we do so, the development and progress of this area, which is very – not contentious at all, I do not see anything in terms of what we had almost identical legislation for longer, and those are relevant integration than the other legislation.

Mr Speaker, I beg to move and I beg to support.

The Speaker: Thank you, hon. Mwinyi.

Mr Abubakar Zein Abubakar (Kenya): Mr Speaker, thank you very much for giving me this opportunity. Allow me to start by thanking the chair of the Committee on Legal, Rules and Privileges, together with the Committee on Legal, for spending time to do serious work concerning this matter that they have brought before the House.

This is very commendable, however, allow me to start by saying that maybe we will need to expand our idea of non-tariff barriers so that when the laws that are supposed to be harmonised, particularly taking into account what is provided for in the Treaty, and specifically in Article 8 (4) of the Treaty which says, "*Community organs institutions and laws shall take precedence over similar national ones on matters pertaining to the implementation of the Treaty*"...

If the EAC, through two of its most important organs, that is the Summit and this Assembly, jointly enact a law - meaning coming from here and the Summit consents to it - that law needs to be obeyed; that law needs to be implemented. Any person or any institution or government agency that does not obey is violating this Treaty. This has

to be said in clear terms so that people understand that is what is committed through the institutions and the organs of the Community in order for us to make progress has to be obeyed. Each time it is not obeyed, it is violated, and every time it is violated, we are harming the integration process. This has to be said on this floor in clear terms.

Secondly, Mr Speaker, the honourable chair who eloquently presented this report of this good committee should have included that in Kenya we have done even more than just mainstreaming. We have put it in our constitution.

If you read Article 2 of our Constitution, subsection (6) says, “*Any Treaty or convention ratified by Kenya shall form part of the laws of Kenya under this constitution.*” Kenya has ratified the Treaty for the Establishment of the East African Community, so by enacting that provision in our constitution, we have gone further and mainstreamed anything that is done under this Treaty. So, for us in Kenya we have no excuse; it is not only a matter of law. Community or municipal, it is a matter of the constitution.

Thirdly, you know when I talked about the non-tariff barriers and hon. Ngoga talked about implications on trade. Let me give an illustration. I heard the good chair reading and talking about immigration laws, which have been given change and so on. I travel like most members here who travel to various parts of our beloved Community and I still see signs saying for only those citizens of that Partner State. It is unconstitutional, it is against the Treaty, you cannot draw different treatment of a citizen of a Partner State and say, in this one, only let me be happy to admit one of those countries that was doing this was Kenya.

However, let me also be the first one to admit that the Kenya Chapter paid a courtesy call to the minister and the relevant authorities and said quietly you are doing something illegal. I am happy to report that that has been ratified quickly. If you go to some places, you will now see Kenya and EAC citizens. (*Applause*) It is important for our chapters to do that. Please, when you fly back home, look at the airport and see if other Partner States are being treated differently and draw it to their attention that they are doing something illegal against the Treaty; that they are violating.

You know, I sit next to a very important member of this House one, hon. Dr Ndahiro and I am not trying to pre-empt what he will say, but I want to add a little fire to what he may say. (*Laughter*) there is a sectoral Council called The Legal and Judicial Sectoral Council. The most notorious of all sectoral Councils and I say this with a lot of respect.

If you read this report, you will cry. The sections that deal with this particular sectoral Council are good enough to make a whole man or a whole woman go to the bathroom and cry themselves very loudly and then come as if there was nothing going on.

It is sad that officers of the Community will be wasting money in the fashion that this sectoral Council does. I am standing to speak like this so that somebody can challenge me to substantiate. I will bring the accounts reports, which have been tabled and approved by this House, and I will bring the reports of the General Purpose Committee when they were dealing with the budget. In each one of them, you will see a demonstration that members were flown into a country but the meeting did not take place because some of them did not appear.

I have never seen such wasteful misuse of resources and it is time to send a message from this Assembly that this cannot be allowed to go on. I know my brothers and sisters will agree with me that you cannot misuse Community resources in that fashion.

Mr Speaker and my honourable colleagues let me finish with the following. This good committee called the Committee for Legal, Rules and Privileges, their work is not done on this matter. I would like to request them to find in their good hearts to consider a new activity, and this should be directed at enforcement.

You know what has just been said now is that they have complied by making laws. You know there is a difference between making a law and going ahead now to put in place the necessary mechanism for its implementation, including an evaluation and monitoring process to ensure that these laws are being implemented.

I was unhappy and unlucky to witness a situation in one of our borders that I shall not name unless I am compelled to, where an officer of government was arguing with a citizen who was aware of their own rights, and the citizen said, but the law says this. The person was saying I do not know such a law and the citizen quoted – (*interruption*) - I am willing to accept information from the good member.

Mr Ngoga: Thank you hon. Zein for giving way. Mr Speaker, I also had an experience in a Partner State that I will also not name unless I am compelled, where I wanted to have a six months stay and the officer there told me “I am giving you two weeks”. I said, “But you should give me six months”. He said, “But I have discretion sir”. I said, “yes, but you also have a duty to explain to me why this

cannot happen.” Therefore, we argued and settled for three months.

Mr Zein Abubakar: Now, this is information that is good enough to make any good member weep. You can cry because discretion must be done in good faith, according to the law and judiciously. When an officer chooses to interpret a law without a lawful interpretation, or not to interpret judiciously or in good faith, then you will see the problem. I am saying some of the officers who are implementing these laws do not even know these laws exist or who are supposed to implement.

Therefore, my good chairperson, this is not too much to ask that you should consider an extra activity of this committee to examine and to evaluate the levels of implementation of East African laws in our Community.

Mr Speaker, thank you for this opportunity. I submit.

Mr Mike Sebalu (Uganda): Thank you very much, Mr Speaker. I also join in thanking the Committee and the Chairperson who is very enthusiastic about his work even as I contribute. (*Laughter*) I thank him for this wonderful report.

I want to state that the issue of integration is important, and I want to commend those countries that have lived up to the expectations of the founding fathers of this Community by making sure that they do what they are supposed to do, when they are supposed to do it, how they are supposed to do it, and to ensure that it meets the purpose and the vision of the East African Community.

Allow me to state that the country I come from takes the issue of integration very seriously. Actually, it is provided for in the provisions for national interests and state

policy, there is a provision for those big wishes that we need to undertake as a country and it is a provision in the direct principles of state policy, which gives the preamble to the constitution of Uganda.

It is also something that is part of the Party that I belong to, which is the ruling party. It is one of my strategic imperatives of integrating the region and integrating the continent. The whole issue of belonging is critical and it drives our politics. The Ugandans seem to be quite in consonance with that thought process. No wonder they keep giving us votes now and then. *(Laughter)*

Mr Speaker, again, when you go to the ministries for East African Community affairs, these ministries are disappearing. I am very proud that Uganda still maintains a ministry in charge of East African Community affairs - and Burundi - the minister is informing me. This is something that was agreed upon here that we create ministries specifically to address issues of the East African Community., and now you are here mixed up with quite a number of interesting other sectors. However, there was a good reason.

When you look at the Uganda case, it is even more interesting because to assume that ministry, you must be at a certain level not anything less than premiership. That is what it is. Therefore, anyone who is aspiring to be a minister in that level, you must look around there, if you are to be. On top of that, even the holder of the ministry must be a senior ideolop and the evidence is available, senior ideolop within the body politic of the country – *(Interruption)* -

Minister in the Office of the President for East African Community Affairs, Burundi (Ms Leontine Nzeyimana) (Ex-Officio): Thank you, Mr Speaker. If you

look at my age and at the age of other ministers, I am the youngest. Do you mean that I am not competent to hold that ministry? Thank you. *(Laughter)*

The speaker: Hon. Sebalu, that is for you.

Mr Sebalu: Thank you very much. Now according to the appointing authority of Burundi, you are the most senior ideolop. *(Laughter)* so, you are very competent and you are there very rightfully. *(Interruption)*

Mr Martin Ngoga: I confirm that she is a very good ideolop.

Mr Sebalu: Thank you very much and actually I confirm that because there was a time we were in Burundi and you came and gave a serious presentation critiquing how things were being done. Definitely, the challenge was given to you, and you have lived up to the challenge. Your office is in the Office of the President. So you see the placement? You are there; do not worry.

Mr Speaker, that has a message and it displays the level of commitment on the issue of integration, which is not a simple matter. It is a strategic matter. Some people take it as an operational matter. It is not. It is strategic; it is about our existence today, tomorrow and the other day.

It is about our positioning within the global order. It is about our global, trying to balance the power relations because when we are 160 we try to engage and no one can ignore that level of integration. Therefore, that is the beginning of the matter.

In Uganda, again, we have an integration policy. It was launched, it was shared, and it was given serious attention. We have a committee of Parliament specifically - it is

not dealing with any other thing but East African Community affairs. It is overseeing the performance of the sector in specific terms. That committee itself enjoys the right to coordinate other committees to ensure that issues of the EAC are mainstreamed. Even the sectors that are being supervised by other committees do mainstream East African Community affairs agreed positions within their sectors and they use that as a basis to do oversight over the sectors on matters that are EAC, especially at the level of implementation. Now that is the kind of synergy that we need to build across the region so that the outcomes become very impactful. Therefore, I really wish to thank the House and the Committee for undertaking this exercise.

One thing that is very important is to follow up on implementation, because when laws are passed but they are not approximated or harmonised, then it is clear that whatever is agreed upon has not been implemented. When the implementation is not co-ordinated or focussed, it does not bring the desired results.

That is clear evidence that in terms of implementation, we are not seen on the ground, given that laws have not been harmonised. Therefore, it is a clear case of evidence that has been – (*Interruption*) -

Ms Nyirahabineza: Thank you very much, Mr Speaker for the opportunity, and I thank my friend hon. Sebalu. The clarification I am seeking from him is regarding the task that is given to the committee in charge of EAC affairs within the parliament of Uganda. I just want to know whether the same committee is also involved in this aspect of harmonisation of laws. You ably said that it has been mainstreaming the integration within other

ministries. Is it also involved in this very activity? Thank you.

Mr Sebalu: This Committee takes the lead and actually, one of their main areas of focus is to follow up on decisions and instrument and that are passed at EALA. They are able to liaise with the specific sector oversight committees that are overseeing the sector and they bring it to their attention even where certain aspects are not done, they have always used the opportunity of question time to ask the ministers concerned whether they have done it.

The chair of this committee actually in our recent sensitisation – the recently concluded one, we advised that he creates an arrangement where he interacts with different chairpersons of the committees and he brings them up to speed and up-to-date of what comes out of the Community.

Therefore, this committee takes lead and it co-ordinates other committees. For instance, when a law is passed or when an undertaking is made and the relevant ministries, departments, and agencies of government are not complying, then this committee interacts through their network of committees with the committee that is supposed to oversee the sector.

Therefore, it is playing a role it may not be at the best-case scenario but the working modalities and mechanisms are already in place giving this committee a coordination role at some level of their work and they are making good progress in this regard.

Mr Speaker, if we are to get the people to appreciate – because we know that the integration is people centred, and one way of getting the people to benefit is by creating laws. Laws create outputs that lead to outcomes that then get the people to benefit. That is why many people are

wondering what we are doing, because they do not get to know that we pass laws. This one may need to come in, Mr Speaker, the factor of ensuring that when we pass a law as EALA, we do not stop at passing the law.

We should go ahead and popularise it within our budget so that the process of making a law goes to the level of popularising it. That will even make it difficult for the implementers to ignore it because then the population will cause government to be accountable. They will say there is this law, which was passed by EALA, we are aware of it; the benefits are a, b, c, d. Why is nothing being done to implement it?

Therefore, even at the EALA level, we need to bring that other component of the forced implementation. What is it that we do? We have to go and get the implementers, the ministries, the departments, agencies, and the different stakeholders to know that such a law has been passed, and that the national government has an obligation to work out implementation modalities, including approximation and other procedures.

The Speaker: Hon. Sebalu, the point you are driving is very important. You know that before this Assembly controls its tour of duty on the 5th of June, we have one sensitisation exercise left. Will this House agree that we dedicate that to the sensitisation of the population about the laws passed by this House?

I think that is the subject of your discussion - *(Applause)*.

Mr Abubakar Zein Abubakar: Further, Mr Speaker sir, my understanding of what hon. Sebalu is saying over and above what you are saying, which I agree with totally, is that in our procedures of enactment of

laws, we should not only stop at the end of passing a law. He is saying that once a law has been enacted and it has found consent from the Summit, we should also go back to the Partner States to have sessions where we say this law has been passed and has effect of law. Thank you.

Mr Sebalu: Thank you, Mr Speaker. Regarding your directive - because yours are directives; they are not proposals at that level - I am most obliged because it is a vote of confidence in me and in my ideas - *(Laughter)*. That was on the lighter note.

What hon. Zein said is exactly what I mean, but now we can use it as an omnibus because we have passed many laws, and that process has not been undertaken. So, it could be a good way of winding up our tour of duty and putting on the table what we have been able to produce as an Assembly.

As I conclude, Mr Speaker, this also goes to the amendment of the Treaty. You know that there have been efforts to amend the Treaty. It is another issue that we need to take seriously. There have been proposals made, but the same committee that hon. Zein referred to appears not to be enthusiastic about that subject. Some of the limitations that we are getting also come out of the Treaty.

The Treaty was conceived with some kind of picture. We were just three countries, we are now six countries, and what is happening in the Partner States now is very disturbing. Everyone is struggling to come to EALA. So, even the issue of numbers at EALA- keeping the Assembly at 45 members with the volume of work, with the scope of work, with the depth of work, with the number of countries that we have, is no longer tenable.

Like today, I suffered a situation. I had to be in the Committee on Agriculture where I am serving as acting chair, so I had to be there, and yet my very own Committee on Regional Affairs was undertaking an equally important activity. Therefore, that kind of stress that is put upon members to hop from one committee to another has a bearing on our output. These matters need to be addressed. They are not going to be addressed by approximation. (*Interjection*)

Ms Nusura Tiperu (Uganda): Mr Speaker, I would like to give information to my senior comrade, hon. Sebalu, that what he is raising is actually very true, and that it is even in contravention of the spirit of the Treaty. The Treaty says that the members of the Assembly should be representative of the constitution of our national parliaments.

If you look at the Partner States, most of them have people with disabilities, they have the youth, the women, and in the case of Uganda, we even have the workers and the army. Now, here we have Rwanda, which was able to be compliant in some of the categories, and Uganda could not fulfil some of the areas. Therefore, the number 9 is too small to ensure that the composition of our Partner States parliaments is properly represented, including our political parties. It is such a big challenge that something to be done in the future. I thank you.

Mr Sebalu: Yes, that is a very important point. One time I had a discussion regarding the law that brings us here, and the argument in Uganda was that all parties in the parliament must be represented. had to argue that if you to get all parties represented, and you don't consider the numerical strength of the leading party – because, if you are to show the character of a parliament, you must also show the dominance of that party that

is leading in that aspect. Therefore, I said that if you are going to consider that and you bring each and every party represented in the Parliament, you could get a situation where in country X you have 20 parties represented. So how are you going to squeeze them in nine slots to come to EALA?

So, it creates a lot of difficulties, and it is also one of the very many – I am not saying that it is the only issue, but my point is that as we work around approximation and ensuring that the legal regime operates well, the issue of the Treaty – (*Interruption*) -

Mr Mwinyi: Thank you hon. Sebalu for giving way. Just to inform and to remind my hon. colleague that we had proposed Treaty amendment as an activity in the second year. One of the proposed amendments was to increase the number of representatives from nine to 15. I duly inform you sir.

Mr Sebalu: Actually, I am aware of that, and that is the very reason why I am saying that debate needs to re-engage. We did that – (*Interjections*) - some one is saying to remove the terms, but I did not hear well. Someone was saying something to the effect of removing terms, but my conclusion, Mr Speaker, is that the debate on the amendment of the Treaty to make it more compatible with the speed of the integration that we are having, with the depth, with the scope and with the increased membership, is part of a wider agenda that conforms to the spirit of having the laws approximated and harmonised.

When you do that and the parent law that manages the Community is not brought into conformity as well, then you will have done a good job, I think you need to do better. (*Interjection*)

Mr Adam Kimbisa (Tanzania): On a point of Information, Mr Speaker, I just want to add on what hon. Sebalu has said. In Tanzania, much as we are also supposed to be compelled by the issue of the youths and gender, we have a unique situation. We have the issue of Zanzibar, which no other country has, whereby we only give a small slot of two people, which is not good enough. Therefore, I think the point you are trying to drive home is timely.

(Interjection) - Someone is asking how many, but it depends on the set of – and the population in Tanzania is big.
(Laughter) Thank you, Mr Speaker.

The Speaker: Thank you, hon. Kimbisa.

Mr Abubakar Ogle (Kenya): Mr Speaker, thank you. While it is very pleasant to be talking about increased numbers in this House, I think you ought to bear in mind that there is a lot of critical element we ought to consider. That is, who pays for that? In fact, we should be thinking about reducing the number from nine to six. *(Laughter)*

The Speaker: Hon. Sebalu, please, proceed.

Mr Sebalu: As I conclude, Mr Speaker, when we do get that amendment done, definitely the funding modalities will be part of the wider subject that needs to be considered within an amended Treaty. Therefore, an alternative funding mechanism should also find its way within an amended Treaty to cater for the needs, the demands, the scope, and the depth of integration.

Therefore, all those matters should be given due consideration, and the Committee on Legal, Rules and Privileges should see itself with an opportunity to revisit that subject as you look at the

bigger picture of looking at the legal framework that would enable the Community to perform and operate more efficiently.

Thank you very much, Mr Speaker.

Dr James Ndahiro (Rwanda): Thank you, Mr Speaker. Since it is my first time to speak on the floor of this House, I want to join others to thank the Government of Kenya, the people of Kenya and the Kenya Chapter for the hospitality accorded to members since our arrival on Sunday.
(Applause)

Mr Speaker, I have listened to the debate and I have read the report. I feel that before I extend my debate, it would be necessary to request you to allow me, using the privileges granted to me in this House, to ask hon. Zein Abubakar to read only two rules in our Rules of Procedure before I continue with my debate.

The Speaker: Proceed hon. Zein Abubakar as an addendum to hon. Ndahiro's submission.

Mr Abubakar Zein Abubakar (Kenya): Thank you, Mr Speaker. Thank you, hon. Ndahiro.

The first Rule is based on the Rules of Procedure governing the procedure of the committees of the House.

Rule 12 (1) reads:

A committee shall make a report on any matter referred to it or initiated by itself.

Rule 14(1) reads:

In the exercise of its functions, a committee –

- a) may call the Council of Ministers or any person holding public office, or a private individual to submit memoranda or appear before it to give evidence.

And then it goes further and says that in exercising this right, a Committee –

- d) shall have the power of the High Court for -
 - i) enforcing the attendance of witnesses and examining them on oath, affirmation or otherwise;
 - ii) compelling the production of documents;
 - iii) issuing of a commission or request to examine witnesses abroad; and
 - iv) citing any person for contempt.

Dr Ndahiro: Thank you, Mr Speaker. The reason I wanted these Rules to be read out is that we have, on several occasions, talked about the failure or failures of sectoral councils, and particularly the Legal and Judicial. This is an important Sectoral Council yet it is the only sectoral Council that has not sat for the last three years.

Using Rule 14 - actually and even Rule 15 - can't the Committee summon these people so that before we pass this burden to the incoming group or to the next Assembly, we get to understand the challenges, and if necessary, we recommend to the Council to get rid of that Sectoral Council? *(Applause)* We only have less than six months to do that work.

Number two, I would like to request this House to join me to congratulate the Council of Ministers on one thing. The financial sector in this Community is among the best performing sectors in the world, and the reason is that we found a

way of going behind the Legal and Judicial Sectoral Council. *(Laughter)*

Let me inform this House that we have more than 50 regulations passed by the Council of Ministers to facilitate financial sector development in the region. Those rules or regulations required no approval from the Legal and Judicial Sectoral Council. Today, any East African can operate and trade within the framework of the financial instrument anywhere like a citizen of any corner of this Community. That is guided and supported by the Council regulations.

Hon. Martin talked about the devil being in the detail. Can't we lift the veil and look at the devil - *(Laughter)* - and then probably ask to the Council of Ministers to look for alternative ways to address those challenges?

Another reason, Mr Speaker that I wanted those specific Rules to be read is that we are compelled by forces to do in our interest and sometimes in their interests, but we are not compelled by our commitment. I will cite some examples. Whenever the World Bank talked about reforms, the following day every Partner State would put in place a law reform commission. When the Treaty requires approximation of laws, nothing is done. Shame!

Mr Speaker, we invest a lot in this Community - every Partner State. We invest many resources to be able to move up the ladder of the World Bank, being business focused. If it is important and if it is beneficial for us to climb the ladder, why is it not beneficial for us to approximate and align all our laws so that the integration process gets to where it is supposed to be? I think there is a contradiction somewhere, so we must find our through the committee where the

contradiction lies because, to me, they are all equally important.

In the next activity, Mr Speaker, they should consider meeting with these law reform commissions. In their mandate, we must understand or be told why the Treaty is not as important as prescriptions from the IMF and the World Bank. Yes, they have the resources, but do they love our continent more than we love it ourselves? The answer is no!

We are doing this for the betterment of our people. We should not only do things to please foreign interests. We have seen that actually the global arena is changing. People have begun to think nationally and to think radically. We have seen Africans dying due to lack of oxygen, we have seen people being elected because they hate us, and you have seen people coming into politics because they want to move their countries to the far ends, yet Africans are indifferent. We are sitting and folding our hands, and we are incapable of coming together to address the most fundamental questions, one of which is the economic development of this continent. East African Community being one of them.

Mr Speaker, it is always important to reflect on the integration part or process. We did not initiate the integration of this Community. It was initiated to ease the organisational challenges left over by the colonial masters, but based on that, our leaders saw an opportunity to change what was a kind of civil society approach to a more political and dynamic mechanism to improve the welfare of this region.

Now that we are facing many global challenges, this is the time that we should hold ourselves together, and this is the time we should be serious that we need our region together. We need our region to be able to compete with the rest of the world

because in the near future those envelopes are going to disappear.

We should not be excited by donations from left and right. Those donations have other strings attached. However, the most fortunate thing is that even the people contributing to those envelopes have started questioning and asking themselves why they have to support Africa permanently. Why do we have to support these countries permanently? We should be able to answer those questions; we should be able to answer those people. We should be able to demonstrate that we are prepared, thank you very much, you have supported us but let us carry our own cross, let us carry our own burden.

We have been talking about non-tariff barriers. It is shameful. Hon. Patricia Hajabakiga was telling me here that when she travelled to Marrakech, she had to go through Madrid in order to connect. Imagine a Kenyan exporter who wants to export something to Yaoundé next door, where will he go?

Those are the kinds of things that should open our minds, simple things like putting together our roads so that they link us together, so that they facilitate trade, such that they facilitate movement of citizens, so that they ease doing business. To me, those are simple issues that should be captured, and I do not see why we even waste resources and time to debate all those things. Those should be automatic, however, the reason that they are not should be reported to us.

Finally, my request to the Committee is to consider activities before the Third EALA so that we can pass on to the Fourth EALA clear challenges and clear reasons leading to where we are so that when they start on 5th June, they can spend less time finding what to do.

So, whether they use summons, invoke whatever Rule there is, they should invoke it so that we get explanations and we help the Council. I told you that the Council had done very well in the financial sector; they would like to do very well in the other sectors, too but I think that animal, the Sectoral Council on Legal and Judicial affairs is a problem. We should help the Council to bring it down.

Thank you very much Mr Speaker.

The Speaker: Thank you very much Dr Ndahiro.

Ms Shy-Rose Bhanji (Tanzania): Thank you very much, Mr Speaker. I wish to begin by congratulating the Committee of Legal, Rules and Privileges for undertaking this very important initiative to make a follow up on the harmonisation of national laws in the East African Community context.

This is a healthy exercise because it is good to take stock of where we have come from, where we are and what challenges we are facing and the progress we are making.

Mr Speaker, this report shows some elements of progress and challenges. I wish to congratulate the Republics of Rwanda and Uganda for good progress on compliance and harmonisation.

I also wish to congratulate the United Republic of Tanzania because they have made progress, considering that the report, which was tabled in Dar-es-Salam, Tanzania, was on the list of those countries that did fairly well. Therefore, I extend my congratulations to Tanzania.

Mr Speaker, I call upon the Republics of Kenya and Burundi to do the needful because without this, it will be a deep

shortcoming in the integration process of the EAC.

It is obvious that we are not going to move smoothly in this integration if the remaining three countries, Tanzania, Kenya and Burundi are going to lag behind in harmonising their laws. In my view, where there is a challenge the Council of Ministers should play a key role in meeting and interacting with the departments concerned in our Partner States because they are the bridge between our institutions and our Partner States.

Mr Speaker, we are not taking their role for granted because we know they are equally busy and committed to national issues in equal measure with East African Community issues, but we are making a special call and a humble appeal that they should make it a point to speak to the relevant department in our Partner States.

When we go to page No.6 of this report, under the sub heading “General Findings and Observations”. They are from (i) to (x). If you just allow me to read, it says -

- i) There is still limited awareness among the stakeholders about the EAC integration, especially with regard to the application of the principles of the EAC Common Market;
- ii) It was noted that there are budgetary constraints to undertake harmonisation and approximation of laws in respective sectors. It goes on.

However, what is worrying is No. (v), which says,

- (iv) It was also noted that there are coordination challenges among the various Government ministries, departments and agencies

responsible for harmonisation and approximation of laws;

- (v) Information flow at different levels of the Community level to ministries of EAC to the different sectors. Ministries and other relevant stakeholders is sometimes not well streamlined.

This is a serious problem, Mr Speaker, and I think this is a serious challenge and if nothing is going to be done about it, then the future of EAC integration looks very bleak.

Finally, we need a regulatory body in legislation that will best harmonise in the context of EAC. I beg to submit, Mr Speaker.

The Speaker: Thank you very much, hon. Shy-Rose.

Ms Susan Nakawuki (Uganda): Thank you, Mr Speaker. Allow me also to add my voice to my colleagues in appreciating the government of the Republic of Kenya for the warm welcome, and for giving us this chamber for our use as EALA. I also appreciate the team, our colleagues from the Kenya Chapter, for all the care and warm welcome.

Mr Speaker, first of all, I would like to say that I am a member of the Committee on Legal, Rules and Privileges, but I just have a few issues that I would want to re-emphasise and a new issue that I would like to draw to the attention of this August House.

It would have done me well if the Minister in charge of EAC affairs from the Republic of Kenya were here. In fact, I have even forgotten her name because she is too scarce in this Assembly. I do not

even remember what she looks like because I have not seen her in a while.

Mr Speaker, I am getting so concerned and at the same time frustrated by the way integration issues are handled. Sometimes I do not blame the population when they get agitated. I am reliably informed that the Kenya School of Law, which is responsible for Post Graduate Legal Practice for the Bar Course has resolved not to admit any non-Kenyan into the Kenyan Law School and now – *(Interruption)* -

The Speaker: Hon. Susan Nakawuki, maybe that is a statement of fact, but the matter is before the High Court of Kenya, and dealing with it in this sitting can be *sub judice*. So, just mention it in passing. It is a statement of fact. Proceed.

Ms Nakawuki: Mr Speaker, I thank you for the guidance, but allow me to say that this is really against the spirit of integration, and it is discouraging. In fact, it is de-campaigning, in a way, the integration process.

When we met the different stakeholders in Uganda, people were concerned. They were saying, “We are trying to do approximation but we are not moving at the same pace. One country opens up another one closes in.”

Now, as we are discussing the report, we are talking about harmonisation and approximation in all sectors, and here we are today, if you are a non-Kenyan, you cannot go to the Kenya School of Law. In fact, I would like to call upon Council, because maybe Council can relay the information to the Minister - whose name I have forgotten who is in charge of EAC in the Republic of Kenya - to handle this matter expeditiously. In fact, this should

not have been an issue of court. Why do we waste court's time? (*Interruption*)

Mr Kiangoi: Mr Speaker, on a point of order, is the honourable Member in order to state as a fact that she has forgotten the name of the Minister for EAC affairs who is known, whose records are known, whose work has been going on, who was Chair of the Council of ministers? Is she in order, or she is taking the joke too far?

The Speaker: Hon. Kiangoi, you speak in a very precarious position because the question of memory is a function of the individual brain. (*Laughter*) Hon. Nakawuki, proceed.

Ms Nakawuki: Thank you very much Mr Speaker. You know, when I take so long without seeing people, my brain loses track, and so, my friend should excuse me.

Before I was interrupted, Mr Speaker, I was saying, this issue – (*Interruption*) -

Mr Mulengani: Thank you, Mr Speaker. The clarification I am asking from my colleague hon. Nakawuki is to substantiate the time that she takes to lose her memory. She might have lost memory of the name of her neighbour, hon. Kiangoi. Please, clarify and substantiate – (*Laughter*).

Ms Nakawuki: Mr Speaker, every plenary sitting at least I get to meet with hon. Kiangoi, so there is no way I can forget his name, but I do not know when I last met the Minister in charge of EAC affairs from Kenya.

Ms Tiperu: Mr Speaker, I would like to give information. I do not know whether it is just a matter of memory loss of my sister, but I think that cuts across all of us. We are all concerned about the fact that we are now in Kenya, we expected our host Minister to be present but she is not

around. The Minister from Tanzania flew all the way from Tanzania, and she is here. The front bench is constantly being occupied by Rwanda, Burundi, Uganda and Tanzania.

We have a concern over Rwanda and Kenya. This is not a matter of dilly-dallying, it is a serious matter, and I think we are not going to beat around the bush about it. Something ought to be done on the minister or to explain to us why she is not giving significance to this august House.

The Speaker: Hon. Nakawuki, before you take back the floor, I want to inform you, honourable Members, that this matter of the non-attendance of the ministers in charge of EAC affairs, who are ex-officio members of this Assembly, has been received in my office. I have conferred with the Chair, Council of Ministers and he confidently gave me the position that they have come up with a mechanism to make sure that at any given sitting of the Assembly, there will be at least three.

I would like, in a special way, to extend the appreciation of this House to the Chair of Council of Ministers because at any given time there are three Ministers. However, our concern is that the three should not be the same faces. As you know, honourable members, our Rules are very clear. When a Member misses plenary sittings for seven consecutive days, any of you Members can rise to question the absence of the Member according to these Rules. So, we will take this matter up and discuss further with the concerned Members, and particularly the Chair of Council.

However, on a lighter note, I would like to inform the House that the commission met with the Chair Council and Members of the Council and the honourable Minister

representing the Republic of Kenya attended that meeting.

Hon. Nakawuki, proceed.

Ms Nakawuki: Thank you, Mr Speaker, for that wise guidance, and I want to thank my colleague who actually helped me to call a spade a spade without mincing words because we are all equally concerned.

Before my colleague interrupted me, I was trying to say that this should not even have been an issue for court to determine, or to spend court's very important time to handle this matter. I know there is good political will in Kenya when it comes to government - (*interruption*) -

A Hon. Member: Thank you very much Mr Speaker. I am rising according to Rule 42 of our Rules of Procedure. You properly guided that a matter whose decision is pending – that reference should not be made to a matter, which is judicial in such a way, that it will prejudice the interest of any party. You guided properly.

You also said that we should not labour so much on this because it is before court. Therefore, it is important that the honourable Member focus on the report more than this particular case.

Mr Fred Mukasa Mbidde (Uganda): Mr Speaker, when one raises a matter of *sub judice*, then, obviously, we have a duty to put the record straight. The hon. Nakawuki is not making a substantive submission on matters that are before Court for determination. She is making a statement and requiring a statement of fact for purposes of beefing up her own different argument. Therefore, in my opinion, the question of procedure does not arise.

The Speaker: Thank you. Combining the two procedural issues, the judgement of whether a matter is *sub judice* or otherwise lies in the hands of the Speaker as our Rules of Procedure say.

The Speaker drew the attention of the honourable Member holding the floor that this matter is before court. Therefore, in reference to this matter she should build it in passing without going into the depth of the subject matter to avoid us getting on the wrong side of the law.

So, hon. Nakawuki, can you proceed without going into the depth of this matter – and I think she has made her point. Please, proceed.

Ms Nakawuki: Thank you, Mr Speaker for the wise guidance. I wish my colleague had also clarified to me the issues, which are being determined by court because I am right now talking about a different issue. I was not even in doubt because the issue before court is whether they should continue without closing out other nationalities or not, and I am not dwelling in that.

Mr Speaker, as I was trying to say, you know, I am surprised that two colleagues of mine from Kenya are forgetting that they are representing all East Africans. When an issue is not proper, it is not a matter of defending a Partner State but being true to the vows that we took when we came into this Assembly. I am not attacking a Partner State or anything, but I am raising an issue that should be of concern for all of us. So, I would like my colleague from the Republic of Kenya to also join me and put a plea regarding this matter.

The Speaker: Hon. Nakawuki, if you followed the press statement by the Speaker of this Assembly during the press

briefing, this matter was raised. The Office of the Speaker has also taken up the matter with the relevant authorities, conscious of the fact that it is a matter before court.

So, I would like to ask this House that we do not go so deep into the matter but allow the Office of the Speaker to work with the relevant authorities of the Republic of Kenya and for the Court also to dispose of this matter.

Proceed, hon. Nakawuki.

Ms Nakawuki: I thank you for your indulgence Mr Speaker and for your intervention in the matter. At least I can now report positively that something is being done.

Mr Speaker, my issue was on the delay by some Partner States to amend laws. When we had the meeting in Kampala, the traders in Kampala had actually petitioned the Law Reform Commission and the Judicial Service Commission over the Trade Licensing Act. Among the amendments, which were made in that particular Act, was one to open up space...for instance, under that Act, non-Ugandans were not supposed to trade within the urban centres, but the amendment of this Act opened it up for everyone, including all East Africans. However, the people were concerned. They said that there was going to be stiff competition among the traders in Kampala but it is not the same in the other Partner States.

So, in short, the process should be expedited so that we are all at the same level. If we are amending the trade-licensing Act, all Partner States should do so at the same time so that our people do not lose confidence in the integration process. They feel that, that in a way is detrimental to them as far as they are

concerned. Therefore, this is something we should take up when it comes to Council of ministers.

Mr Speaker, people also raised an issue – they gave an example of the EAST Africans using national IDs while travelling instead of passports. They are saying this is something very good but it is only applicable to three Partner States. Why are other Partner States not complying? They are concerned about the coalition of the winning. Therefore, I would like to request chair of Council to take up that issue that east Africans want to be able to move within the region with their national identity cards since many of them do not own passports.

My second last issue Mr Speaker is about inclusion of Partner State members of parliament. The report of the committee has clearly stipulated this. However, even when we were having this meeting of approximation of laws, we did not have a single member of parliament that we interacted with.

In fact the only time that we have had members of parliament presence in a public hearing was when we were dealing with the Anti -Trafficking in Persons Bill – that is the time I saw members of parliament present and yet these are key stakeholders when it comes to issues of legislation.

Mr Speaker, you will find that even the sub-committee on approximation and harmonisation of laws, which was established, does not involve members of parliament. There was also a concern that even when the Law Reform Commission and this subcommittee are dealing with the amendments of these laws, the stakeholders themselves are not involved in the process and yet EAC is a people centred Community.

Therefore, they are wondering where the people centeredness is when they are not part of parcel of this process. So, the people want to be fully involved in this process of harmonisation and approximation of laws.

Finally, Mr Speaker, I want to put it to Council of ministers because it was a general concern about the irregular meetings of this sub-Committee. We found excuses, as they do not have enough finances. That is one reason that they gave. They explained that they are not able to meet when they have no money. However, at the same time, they are too busy because they have these big positions in the Partner States. Now, when you put a scale of preference, they prefer to do their own work the side than concentrating on the issue of approximation of laws and in the process, the process of harmonisation has stalled.

Therefore, I would like to make a plea to Council of Ministers to get involved. Maybe they will have to appoint special people, like a team of lawyers, to get involved in this matter because if you are going to amend laws, you need to do a lot of research. These people are too busy to even do research. We do not want to come up with laws which are not up to the standard or which are lacking.

So, I would like to request Council to get involved and do something about this subcommittee.

I thank you, and I support the motion.

Ms Nancy Abisai (Kenya): Thank you, Mr Speaker, for giving me the opportunity to contribute to this very important motion. I would like to congratulate the committee and chair for the job well done. I think this report is an eye opener to all of us and it is a very – I think it was just very timely.

I would like to start by saying one thing before I make my contribution, just two issues; that maybe I will comment on an issue but in the affirmative on the presence of the Council of ministers and I want to also in a very special way congratulate the chair and the ministers present in the house today. They have always been present and in a very special way mention the minister from Burundi for always being present besides the fact that she has sometimes been in difficult matters and she has been in the House all the time. I think that is a good precedent.

Having said that and I concur with what my colleagues have said about the absence of the other ministers but I said I will comment in the affirmative that let us look at the ministers present, their role and how they have supported the House and just even their presence in listening and contributions. I think that is very important.

I would like to look at our various roles of the institution. We have talked about the report making specific mention of the various and different stages that the Partner States are in, in terms of harmonisation. Maybe one of the things that we have to look at and accept is that it is a fact, Partner States are in the integration process, but they to a large extent they still want to continue focussing on the sovereignty issue. Therefore, the speed at which the laws are harmonised depends on how they may be affecting a different Partner State in a different way.

That is a fact, because there are some laws, which others maybe have signed and it is an Act of the Community, but because they do not have any method of looking at how the laws are implemented, it is like fashionable just to say we have passed this law.

Mr Speaker, we have a Monitoring and Evaluation Department within the EAC. Maybe we should find out if one of their specific mandates is to find out, at this level and at a very technical level when implementing and carrying out programmes and projects of the Assembly, whether these laws do not affect the carrying out of those duties, and to what extent can we say we have a tool and a framework of Monitoring and Evaluation that can ensure that we are tracking the implementation and enactment of these laws. I think that is something that we need to look at very keenly.

Secondly, Mr Speaker, I want to talk about the issue of language. Really, why would we be discussing about language at this stage in time? The report has made specific mention of the challenge of harmonisation of the laws being language. I think we need to think and look at the language issue and embrace the fact that we have already passed it that the official languages of the Community now is English and Swahili. (*Interruption*)

The Speaker: Maybe you need to be guided on this. The official language of the Community is actually English. Did the Assembly pass a resolution to have Kiswahili as the second? This is pending amendment of the Treaty.

Please, proceed.

Ms Abisai: Mr Speaker, I stand guided. However, since we all know that the official language is English, English is international, and I do not know why we cannot even move to assist each other so that we are at the same level, because this is about moving in one direction. I also think it is an issue that needs to be addressed at that level so that it is not a hindrance to the implementation and harmonisation of the laws.

Mr Speaker, another issue that I would like to speak to is the flow of information. Even right now when we are talking about this law here and that law here, I do not know how many of us can actually say that their national parliament can confidently speak of the knowledge they have of the laws that we have passed in the region. And this goes back to what we were saying about sovereignty and individualisation of some of these laws.

Every country - and I am telling you this because I think we are – even when we are trying to pass laws in this House, it is always an issue of Partner States. Now we need to start looking at this issue from a regional perspective. And all of us – all the five Partner States have when there is a critical issue that is touching on a particular Partner State, there will always be a question where members will say we have to rethink the situation, or that we have to rethink the law because of sovereignty issues. Therefore, we need to be serious with what we are saying, and with how we want to handle issues.

Finally, I would like to comment on the issue of the relationship between the national parliaments and the regional parliament. I think if we talked about the next sensitisation exercise looking at these laws, and the harmonisation, it is very critical.

It is embarrassing to say that when we had the last Nanyuki Seminar in the United Republic of Tanzania, an honourable Member of Parliament actually had the audacity to ask, “Where did these members come from?” Who put them there? What do they do? And that was an honourable Member of Parliament.

Now, if a Member of Parliament does not even know the person who they elected to serve them in the regional parliament, then

you want to tell him about some piece of legislation? When will they read? I think we even need to change the way we share the information. If it is always the Clerk taking the laws to give to the Clerk of the national Assembly, how do we even know that that information gets to the Members?

In some assemblies, after we have done all this and passed law, the document is passed to the Clerk and the Clerk will pass it to the relevant committee. The relevant committee will come, and say, “Mr Speaker, I would like to lay on the Table the report on EALA”, and that is all. *(Interruption)*

The Speaker: Hon. Nancy Abisai, maybe you are on the right track, but for the purpose of record, Article 65 of the Treaty is very clear on how this matter is treated. Our records - of all kinds: resolutions, questions, laws or Bills passed – how it is transmitted is provided for in Article 65. The Clerk of the Assembly will transmit copies of the relevant documents to the Clerk of the National Assembly, and it is the Minister responsible for EAC affairs who will lay it before the National Assembly.

Please, proceed.

Ms Abisai: Thank you Mr Speaker, I stand guided.

In the case of Kenya, ministers are not Members of Parliament, so they have no opportunity to lay documents on the floor of the House. However, we have a committee on regional integration, which does it. But, Mr Speaker, the point that I was raising is the seriousness that those documents are given.

So, I am saying that maybe it is about time that this House also looked at the possibility of bringing up an amendment to

have those documents - Even if we are going to give it as an amendment to the Treaty itself, but the flow of information does not give opportunity to members of the National Assemblies to understand and to know what kind of laws we are passing here, and why it is important for them to domesticate them. Why would they think - because they are also legislators, and they feel that they are also representing the communities? So, perhaps sometimes they look at themselves and say, we have also passed a law, when you are passing this law – *(Interruption)* -

The Speaker: Honourable Member, I just heard something in passing, which is very important for our record. Our laws do not require domestication. Proceed.

Ms Abisai: Okay, not domestication, but harmonisation. That is what I meant. We have been doing country sensitisation in our own EALA chapters, and we have been talking about domestication of our own laws in the respective countries. I meant harmonisation. I stand guided.

What I was trying to say, even with harmonisation, if to a large extent the Members still do not understand what EALA is doing - in fact right now is when the interest is coming in, and the only interest that is coming in now is “when is your term ending?” “When are the elections?” That is all. “How much money do you get?” “What is your tax like?” That information is what everybody would want to know. I have waited for anybody to ask me how many laws we have passed and one has asked me that. Those are the things that we are talking about, and that is the truth.

So now, I am just trying to say that it is very good that this committee - and I actually would like to add my voice to what my colleague said in terms of looking

at ways we can look at the Monitoring and Evaluation framework and possibilities of looking at how countries are harmonising some of these legislation, because if we didn't come up with this kind of report, then maybe we would not know where we stand as far as countries are concerned.

Mr Speake, as much as it may sound ridiculous, some issues sound ridiculous but they are the truths. Malariaquin is a bitter tablet but that is what cures your malaria. That is what we must accept as an Assembly. We must gain more acceptability at the regional level and at our national levels so that we know how far we can go.

I beg to support the motion. Thank you.

The Speaker: Thank you very much hon. Abisai. I think we just finish with these two members on this side, and then I will come the other side. However, honourable Members, in order to help the Speaker programme himself, if you intend to speak, alert the Speaker by rising in time and not when the Speaker is concluding.

Mr Adam Omar Kimbisa (Tanzania): Thank you, Mr Speaker, for giving me the Floor. The issue of integration is of utmost importance because it is not an academic exercise; it is a reality. Integration is a reality. A reality with which we have no choice except to live with, and a reality that we shall have to follow. However, seeing what we are doing and what is happening, integration is what I would call "divided we fall, united we stand."

If we are divided, for sure we shall have to fall. If we are united, we shall stand even stronger and high headed. Not only that, in our region we are representing more than 160 million people now, so we are not speaking to ourselves and for ourselves as politicians, but speaking for the people

who are ready to integrate and who are ready and waiting for us to give them leadership.

Mr Speaker, countries all over the world are coming together in one way or the other. Be it in Europe, in Asia, in the Pacific, in South America, name it, they are all coming together and yet they are richer and stronger than we are. Still they want to come together because they know for sure that together they have a very strong voice. They know that that voice is not only strong between and among themselves, but it is a strong voice, sometimes, against us. I can cite the case of the EPAs, where the whole of the European Union is trying to push us to sign the EPAs. They did that because they know they are together, and they are a big group. Psychologically, it weakens us because we know that they are many and that they are in one group.

Mr Speaker, another challenge we have in our region is that we belong to many groups; what I would call a "spaghetti bowl." One country or two countries belong to EAC, the same countries are in SADAC, and the same countries are in COMESA, in the central African groupings, or in the Horn of Africa.

This is a kind of weakness because you miss and you do not concentrate on certain economic groupings. You cannot be in more than three or four groupings and you keep on sending here and there. Sometimes this is a big weakness. So, one, you do not sign, two, you do not pay subscription, three you do not attend, and if you attend you do not participate. All these are weakness in our region.

Seventeen years, with only a few laws, which have been harmonised, is not encouraging. It is not good enough. Let us have a roadmap telling us such and such

laws should be ready, should be harmonised by such and such time. It cannot be left open-ended. No. We have to have some checkpoints, and we need some performance evaluation of each and every step we are trying to cross.

However, it can also be very difficult if we can just put them ahead saying we have a constitution, we have this, something is in place. Having a constitution or a written document is an animal, but making sure that is another animal altogether. The problem is making what we wrote down work. That is where the challenge is.

Therefore, Mr Speaker, I think we need a regional monitoring group, which will track all these. Without that, we shall sing, we shall cry, we shall pray, and nothing will be done. This group, I suggest should be reporting to a power or have a link to report either to the Assembly or to the Council of Ministers.

Thank you, Mr Speaker.

Mr Joseph Kiangoi Ombasa (Kenya): I thank you, Mr Speaker, for the opportunity. I take this opportunity to welcome all the members.

(Interruption in the recording due to a technical hitch)

Mr Speaker as you had indicated, every word in Article 65 is loud and clear, and in most cases they are called mandatory words. You will find that it says the Clerk shall do this, the Clerk shall do that in the most expedient way that can be obtained so that the laws that we pass here are transmitted to the national parliament.

I just want to read what I was saying. Paragraph (b) of Article 65 says”

“The Clerk of the Assembly shall, as soon as practical, transmit to the Clerks of the national assemblies, copies of the Bills introduced into the Assembly and Acts of the Community to be laid before the national assemblies for information.”

If what we have gone around and found out is the fact on the ground, we have to ask ourselves, does our Clerk here transmit what we have decided here in form of law to the Clerks of the national assemblies as expeditiously as required by Article 65 of the Treaty? If yes, then what is the problem? *(Interruption)*

The Speaker: Honourable Member, for clarity, the Office of the Clerk does exactly as per the requirement of the law.

Mr Ombasa: Thank you Mr Speaker. If that is the case, then it means that the problem is at the national assembly level, and in that case, I have a suggestion.

Mr Speaker it has been mentioned here that we might have another sensitisation exercise, so I would like to suggest that we should, as a way of sensitising our people through our national assemblies, make sure that every parliament that we go to we tell the honourable members of the national assembly what we have been doing, and especially to give them the laws that we have passed here. I am saying this because in one of our exercises we went to Dodoma and that time National Assembly was in session.

We could get hold of those members of the committee on East African Community Affairs but we did not get enough time to see them. Now, in the corridors of the National Assembly, this issue that has been mentioned here of those members acting like what are you doing there, we

don't see you, we are not sure whether you are doing things which are advantageous to our country, and things like that, we found them in. So, I suggest that we make sure that every chapter goes up to the National Assembly level and talks with them about the laws that we have passed here, and also find out whether or not they have been done in the way that these laws require.

Lastly, Mr Speaker, I would like to say that there are different ways of looking at this thing in the different states. There is a high-powered officer whom we met - and I would not like to mention the name nor the title. We went to him and he said, "You are people who have been elected by the National Assembly therefore your electorate is the National Assembly. If you go to the National Assembly and say everything that you have from EALA, then you will have done your job and that is all you are required to do".

We asked about the rest of the population and he said, "That is not your job, it is the job of the national Assembly members. They will spread whatever you have taken to them, and you have to end there." Now that stand is a bit dangerous in the sense that it is going to be difficult for the rest of the population to know what you are doing and to appreciate what the East African Community is actually.

Therefore, we have to put in more effort to make sure that all the people who are concerned, all the stakeholders, have to be told that efforts should come from every quarter, and especially from this EALA, which is a political wing of the Community, to disseminate the information, which is necessary to our people throughout East Africa.

I thank you.

The Speaker: Thank you very much.

Ms Sarah Bonaya (Kenya): Thank you very much, Mr Speaker. I would like to start by welcoming members who have assembled in our very beautiful country. Fortunately, the weather is very beautiful to welcome you all. So, feel at home and, of course, Nairobi is home as always.

Mr Speaker, I want to start by congratulating this committee for this very important job they have done. It was a very critical assignment. We know that for anything to prosper and succeed we need laws and regulations to guide us. The EAC has given a lot of hope and promise to the people and the citizens of the region. EAC has also given us opportunity and bearing the challenges. For us to clear those challenges and optimise the benefits of the opportunity that we are offered, we need relevant laws, which are cross border in nature. I think that it is only this parliament which is mandated and always privileged to move that agenda of giving the regional legal instrument.

Mr Speaker, beside Article 126, I would also want to invoke Article 8 (4) of the Treaty, which puts the laws of the Community at a higher level than the national laws on matters relating to regional integration. The same Article 8 (5) mandates the Partner States to put in place necessary legal instruments to be able to move the integration agenda.

Mr Speaker, I think that with all those promises and opportunities and the four pillars of the Community to help us to achieve the integration process - the Common Market, the Customs Union, the Monetary Union and the Political Federation - all these hopes and opportunities that we have laid down, we cannot move from one to the other unless

we have the relevant legal instrument in place.

From our undertaking, it looks like it is we in EALA to facilitate these processes. The Partner States are too comfortable in their comfort zones. Keeping to their cocoons of nationalism and sovereign states, they forget the bigger opportunities that lie behind their borders, and that it is only the regional legal instruments that can help them cross the borders and benefit from what the Treaty promises them.

Mr Speaker, I think we need to rethink our focus and the direction of how we have been doing business. We need to look internally to the structures and to the way we link to Partner States and be able to make necessary amendments and changes. Indeed, when I look at Article 69 where we have the Office of the Counsel to the Community, I think that maybe we need to strengthen this office to be like the Office of our Attorneys General at the Community level.

Article 69(2) says,

The Counsel to Community shall perform such duties as are conferred upon him by this Treaty and by the Council

So, the Council of Ministers can confer upon this office responsibility to be able to assist in the legal matters of the Community. I know that he is the legal mind of the Community, and that he can be assigned by the Council of Ministers to be able to do follow up and maybe assist.

I know that the Clerk will transmit, but it should not end at transmission. Maybe we should give the Office of the Council to the Community to be able to give us legal mind on the best way forward.

Mr Speaker, through this integration process we are moving in the right direction in actually looking at Africa as a continent, building regional blocs to be able actually to build continental blocs. However, if we stick to our small states, thinking that we have whatever we need within there, I think we are not being sincere to ourselves. The time is now or never. Moreover, without laws we cannot move. For those laws that we have already passed, I think before we even pass others, we need to ensure that they have been harmonised across the Partner States. I would also like to challenge the Council of Ministers to bring to this Assembly relevant laws that need to unlock and present opportunities and facilitate issues of the Common Market and other benefits, which the citizens of the Community are waiting for.

So, we actually need to strategize certain aspects. As somebody mentioned, we need to do research and prioritise, we need to emphasise to make sure we pass laws that can be readily accepted in all the Partner States and we need to put our institutions to follow up on the laws so that we open up our borders because we are actually our own biggest enemies. We have locked ourselves into cocoons; we need to open our highways through legislation. We need to have the legal super highway for the people of the region to benefit and to feel acceptable because the laws are there to protect them, whichever country they are in.

Thank you, Mr Speaker.

Ms Valerie Nyirahabineza (Rwanda):

Thank you very much Mr Speaker, for giving me an opportunity to contribute to this motion before us today. I was a member of the Legal, Rules and Privileges Committee - which is still led ably by hon. Peter Mathuki from Kenya - when we undertook this activity.

From the onset, let me thank you, sincerely, for your usual guidance and for always offering leadership, which has allowed us to undertake this activity. I am saying this because I remember that you were the one who advised us to embark on this very exercise of examining how countries were harmonising the laws as per the requirements of the Common Market Protocol. This activity was undertaken concurrently with another one, which was the tracking of the implementation of the Council directives and decision on the Resolutions of the Assembly. We thank you so much for that.

Mr Speaker, as far as the harmonisation of laws is concerned, and this is one aspect that was not touched upon by my colleagues who spoke before me, I remember that we have been making calls. We made a call to the Council of Ministers in this very Assembly to guide the Partner States so that they can undertake the harmonisation of laws for the Common Market Protocol to be implemented smoothly.

I congratulate the Council of Ministers because they heard our cry, and the Council, through the Secretariat, developed a roadmap for the harmonisation of laws to be effective. However, my worry is that I have never seen any report from Council as far as this roadmap is concerned, which report could show us how far the Partner States have gone in terms of harmonising the law. That is why you can see that Rwanda has so far harmonised many laws, Uganda 10 laws and the other Partner States harmonise laws like those that it is ably stated in this report we are considering today. It means that each country is doing things on its own, while we ought to be following the roadmap that was developed and approved by the Council of Ministers.

Mr Speaker, if you could kindly, once again, offer leadership on this, and ask Council to table - first of all, we have to have a look at that roadmap. We heard about it and it was developed because this Assembly has called upon Council to develop it but we do not even know what it is all about. Nonetheless, something is being done, but it is not enough.

My brother hon. Ngoga alluded to the process of initiating Bills in some Partner States whereby those Partner States, in order to comply with the requirements of the Common Market Protocol, have to take into consideration all the other commitments undertaken by those respective Partner States. They have to put into consideration the different treaties that the countries adhere to. However, you will find that sometimes those commitments are not known. So, it means that our ministries in charge of EAC affairs have a big role to play in sensitisation to inform the public and to inform different sectors about what their excellences the heads of state have committed to do in terms of taking this region forward, this integration forward.

Again, we know for a fact that this integration is a cross cutting issue. If you want to harmonise laws regarding forests, water management or land, as enshrined in the Common Market Protocol, it is very important for the coordinating ministry, which is the ministry in charge of EAC to keep those sectoral ministries informed so that they can undertake this serious task of harmonising laws.

Otherwise, if they are not aware, of course they are not going to look at this harmonisation of laws. That is why, as it is also highlighted in this report, there is lack of budget to undertake this critical activity of harmonisation of the laws. As you know, without the harmonisation of the

laws, the Common Market Protocol will not be fully implemented at all. This is one of the requirements for it to be fully implemented.

Therefore, apart from the first years of integration, which is this Common Market, we have signed a protocol for a Monetary Union and yet the Common Market Protocol is not yet fully implemented. We are still experiencing some huddles as far as harmonisation is concerned. Yet, it is offering many opportunities for the other remaining pillars of integration to be fully implemented for people to really – they have been seeking a lot from this integration in EAC.

Mr Speaker, I think we must call upon the Council of Ministers again, and specifically the ministries in charge of EAC affairs, to put more effort in informing the sector ministries. I think that through developing sector working groups, whatever has been identified in the road map due to be established or developed by the Secretariat and approved by Council will come to an end, and things will be done smoothly.

I think my colleagues have mentioned most of the things but my humble plea to the Council of Ministers is to strengthen this task force, which is dealing with the harmonisation of laws. There is that task force, that subcommittee at the level of the EAC, which is not meeting regularly as it used to because sometimes they are not called upon, but also they feel frustrated. Whatever they come up with, the Legal and Judicial Sectoral Council is not meeting to consider. Therefore, this is a very big frustration and like hon. Ndahiro proposed, I think we must find a formula for that sectoral Council to execute its mandate. Otherwise, it is paralysing many things.

Again, we have to provide, or to influence back home so that the national task forces dealing with the harmonisation of laws can be given sufficient budget and human resources who are competent enough to deal with the matter of the harmonisation of laws.

I must say that I support the motion, and I thank you again for allowing us to undertake this activity. I hope that the Committee on Legal, Rules and Privileges will again be given the opportunity to execute its mandate by undertaking another activity similar to this one.

Thank you very much.

The Speaker: Thank you very much.

Mr Leonce Ndarubagiye (Burundi):

Thank you very much Mr Speaker for giving me the floor. Most of the issues have been raised by others, but let me only come back to one very important issue, which is the objective of the East African Community in the first place.

What is our ultimate goal? The political federation. What are the mechanisms put in place to achieve them? What are the timetables that we have agreed upon? What I see in my view is that after some years - I have been here for the last eight years, and I think in the eight years, the integration agenda is losing momentum. Normally, at midterm of a process, we are supposed to make assessment and check if the objectives are being followed. All the laws that were enacted here and that have been assented to by the Summit, have the objective, like it is said in this report, to reach the ultimate goal of the political federation of our countries. Therefore, we may just copy what they have done. We do not have to re-event the wheel, as long as they have done it successfully.

When you look at Germany, it was created by war. When you look at the Soviet Union, it was by – they changed, of course, the country that was under the empire and they decided to make it one separate country.

When you look at France, they also used force to unite France. When you look at the United States, it was the war of congress and force and the genocide of the indigenous population. When you look at Tanzania, it was done in one day. *(Laughter)*

Mr Speaker and honourable Members, if we really believe in doing things the best way, then I think we should borrow a leaf from Tanzania and try to push forward that political federation. Have you ever heard of a refugee from Tanzania? Have you ever heard of problems in Tanzania? So, we have to copy and to make sure that it can be our role model. I say this emotionally because I have been living in Tanzania for some years, and I was comparing it all the time with the place where I came from.

We have seen an example in the European Union. It started in 1954, and it became a political federation. There are many obstacles when you try to make a big political federation. If you put it in the hands of people who cannot implement it up to the end by working hard to push for the federation, they will never get the type of job done by way of being experts. It will never reach there.

Mr Speaker and honourable Members let us try to convince the Summit. It is time to change this Treaty and to make it the Tanzania way. Thank you very much.

The Speaker: Thank you very much hon. Ndarubagiye. Honourable Members, you know that the call made by hon.

Ndarubagiye for political federation is rooted in a number of things, leave alone age. He has experience and he is always clear.

I was going to ask hon. Mbidde, but for fairness, I will give the Floor to hon. Byamukama, then the Chair to Council, and then the Chairperson of the Committee.

Mr Mukasa Mbidde (Uganda): Thank you very much Mr Speaker. Let me make sure I manoeuvre my submission in the shortest period. Of course, a bit differently, respectfully, from hon. Ndarubagiye.

The Integration of East Africa needs to be done in such a way that it resembles East Africa, not just one Partner State out of the five - now getting into six. So, why do not we ask ourselves about the challenges of harmonisation? It is deeply rooted in terms of many things, including those who are the directing minds and will of the integration in East Africa.

Kenya and Tanzania have a very big role to play as the directing minds and will of the integration, and where we are striving to go far is because of these two countries. I do not want anybody telling lies here because nobody has, and I am sure nobody will.

Mr Speaker, the directing mind and will, when you look at the three Partner States of Rwanda, Uganda and Burundi, they have never stopped...with these two big countries. In fact, some of them have been called refugees. We have entertained and been hosting these big Partner States of the EAC, but probably because of that, the big boys have failed to work out a method of working together in such a way that we can have East Africa as a unified whole.

Here I am being extremely plain, Mr Speaker, not because I am accusing anyone, but because I am targeting a request so that any advances made by these two Partner States in terms of looking forward to integration as it should be, will be beneficial to the united East Africa.

Ask yourself, there is belonging to different regional economic communities by substantive Partner States of the EAC. That would not be a problem but the question would be what the EAC regional community is. In Africa, we have close to ten: we have the African Union Protocol. I do not know whether it has been signed, but they have developed a protocol on how African Union will work with the substantive regional economic communities within Africa.

What do we have as the EAC so that when you are a member of SADAC, and they have adopted a standard gauge...how does that affect the implementation of a project or other systems in East Africa where, for example, East Africa has taken a different measure?

We need a substantive policy on how we work with others. It does not mean that we cannot work, but if the policy is uniform, then working does not make any problems between those working together.

Mr Speaker, secondly, is the degree of consciousness of the East Africans in terms of regionalisation and creation of an East African Community. This one also still touches us. We still have members here who insist on country positions when matters arise here. You will find a member vending a substantive position without even questioning whether that country needs to integrate as a unified whole with in the EAC setting.

We have people here who were elected to be members of the East African Community Legislative Assembly but as soon as they get here, they call you and conscript you into what is unofficially called a chapter, so that you can vend a country position.

All these sentiments are geared towards protectionism of a Partner State against the pillars of a unified whole. Now, if it commences with us, where do you think it will end where it refers to the intention of the EAC?

Therefore, when we get to court as lawyers - the Counsel to the Community can also tell you - even our arguments do not go beyond sovereignty. If they want to oppose the substantive case that you have made, they cite sovereignty as the key defence of any decision that has been taken or not taken in respect to provisions of the Treaty. Therefore, for the countries to integrate, they must cede some degree of sovereignty. Now, I realise we are not going to integrate as EAC. Some degree of sovereignty has to be ceded to a united whole.

The Tanzania that is being cited is one strong country because the substantive tribes ceded sovereignty and tribal nationalism for the creation of a common good. *Mwalimu* Julius Nyerere championed that. Now, that was a microcosm that can only be used as a basis for the creation of an East African region, which we can now federate into a substantive regional political bloc. Until we get consciously towards such, we cannot get anywhere.

How did integration begin? The process of integration commences as speeches. Presidents get to conferences, they have brains, they really want things to move, and they have pictures and images in their

heads. The ministers are there, they make speeches for the operators to implement. Those are the sectoral Councils and the others at the implementation level where we no longer have the audiences addressed initially. That is when now matters to do with protectionism begin to arise so that now decisions are not implemented in terms of substantive documents capable of being signed to the extent that even when such documents are signed, implementation becomes a problem. We have examples.

These presidents have gone ahead and done many things. In fact, when they were writing the Treaty, they said no, and for me I will never get tired of speaking about this. I am now creating an analysis of the policies of the substantive EAC Partner States on the integration process of East Africa. I have looked at most of them and most of them have conspicuously skipped writing about human rights in their policies. Then we ask, what is it that will happen?

When decisions are taken, what is the capacity that such decisions are followed? I mean, the Summit sat, issued a directive, gave our court jurisdiction to cover trade related matters, and deadlines were created. They were passed before any country acceded that the same could be implemented. But we were still saying Common Market Protocol, and we are now gearing towards a political federation.

When you do not talk about the practicalities of trade between Partner States, the two big countries – look at the report that we have published, what is the status of implementation, for example, in terms of harmonisation? In terms of the contract Act? Have the two countries harmonised? In terms of the Sale of Goods Act, have the two countries harmonised? Now, if you do not harmonise the sale of

goods Acts and the contract and you want to talk about the Common Market, what are you talking about? What are these people going to do in this Common Market? Are they going to engage in a kind of trade in which they have no contractual obligations?

So, we have to get serious, Mr Speaker. We must be doing only those things that are geared towards a realisation of the East African Community cooperation, and then we will get to a regional integration when we have actually arrived.

Finally, Mr Speaker, the only way we can promote inter trade within the EAC or within Africa and reduce the import burden that we have, we must be in a position to harmonise these roles. These two countries right now are the Alfa and Omega, and until you do so, because even when you say that we were not ransomed, we were arm-twisted for purposes of signing EPAs, if you do not cite any of the two countries, you will not have given the substantive switch.

So, Mr Speaker, these are the two countries that are the stumbling block. Thank you very much.

The Speaker: Thank you very much hon. Mbidde. I will call hon. Dora Byamukama now.

Ms Dora Byamukama (Uganda): Thank you very much, Mr Speaker. I would like to thank you very much for your indulgence. It has been a very long day for some of us who started work at 5.30 a.m. and I am glad we are still awake and talking. It shows our passion.

I thank the Chair of the Committee, hon. Mathuki, for his charisma, which ignites us, encourages us, and inspires us to continue meeting up to this point in time. I

thank you very much, and I thank all the members who have supported us.

I am a strong supporter of this particular subject of the harmonisation of laws, but I want to pick off from what hon. Ndarubagiye said on the issue of a political federation. Mr Speaker, in my next six months I want to commit to just talking about the political federation. When we look back and look at people like His Excellency Kwame Nkrumah, he said, "Seek ye first the political kingdom." Why? When you look at people like President Mwalimu Nyerere, he said let our independence be delayed until everybody comes on board. Somehow, we missed the boat.

Let me just talk about law. What is law? Law is an instrument of state to maintain law and order. You can as well add development. So, in this case, what state are we talking about? Therefore, until we put in place a state, and this is state called the East African Community state, we shall continue to go round and round and round and we shall not get to where we want to get.

So, I want to believe that if you put in place a state, by signing instruments in one day, we shall be able to have the East African Community as a political federation. This is my sincere conviction - (*Applause*). Now, you may ask yourself why. It is because sometimes we need to convince each other over and over again. We need to set common standards.

I want to agree with my brother, hon. Mbidde, on the issue of human rights. We need to set common standards everywhere. If you talk about issues of justice, do we have certainty in delivery of judgment? These are very critical to integration.

I would like to say that for me I am convinced, after listening for so long, that in fact we do not even seem to be very clear and sure about the laws we want to harmonise. So, if we do not even know what we want to achieve, when you have ten, everybody celebrates. But, 10 out of how many? I think we have to go back to the drawing board and talk about pulling power to the centre.

Hon. Valerie talked about strengthening the Office of Counsel to the Community. I do not see why we do not do this. The Office of the Counsel to the Community should be given a department to look at the issue of harmonisation of laws because when you look at the Sectoral Council on Legal and Judicial Affairs, this committee is made up of Attorneys General.

If an Attorney General of an East African Partner State has a case in a court in London, will he be able to give up that case and come to the EAC? His preference will be his country. There was another proposal of having the EAC ministers stationed in Arusha and steering the EAC because right now, if one of the ministers got a phone call from the president, they would leave this Assembly.

Therefore, Mr Speaker, I think we need to go back to the drawing board. I don't think some of these things need Treaty amendment because some of it is very long, but there are some things we can do right here and now.

For example, in the area of the treaties by which we have agreed to cooperate in the area of foreign policy, in the area of infrastructure, in the area of defence, these are already areas of cooperation. I just want to remember one particular proposal made by Dr Sezibera before he left. He said that if only we the East African Partner State had wanted, the East African

citizens would already have amended only three quarters of the law especially in areas we have agreed to cooperate.

I have heard, and I want to regret what the Kenya achieved where by it says “Kenya and the East African citizens”. My question is that maybe it would have been Kenya and other East African citizens because now it is as if Kenya is not part of the East African citizens.

Mr Speaker, some of us have agreed to draft a Bill that will, among other things, interpret Partner State citizens as East African citizens in those areas where we have agreed to cooperate. We shall push this and see who will reject it. Please, treat it as an urgent Bill so that we can put ourselves to test. Are we committed or are we not committed?

Mr Speaker, I could say very many words but in essence, I want to thank the Committee, once again, and to re-iterate what hon. Ngoga said that this area of Chapter 24 has many aspects. It has judicial affairs, legal training, certification, it has judicial judgement, it has a common syllabus, some of which should be taken up by the Inter-University Council, and the judicial studies institute should take some of them up.

All this can be done. The only thing that is lacking is the will. Do we have the will? I would like to challenge the Assembly that we talk and talk, we end the term of our Assembly, and they say, “oh they went; another group will come”. So, we must leave a mark. I hope you will also support me in this. Let us push for political federation. Whoever chairs it, whether it is eminent persons or whoever does, he or she will be able to crack the whip and be able to take us to development faster.

I want to say that this is more critical than at any other time because we as Africans are being isolated. Our prosperity is being challenged. Our security is no longer certain. Our survival is doomed because we are considered by some as being incapable of reasoning at the same level. This is a time for us to look into ourselves for the solutions that we want, and this can only be done by having political leadership at the regional level to move the continent forward. I thank you.

The Speaker: Thank you, hon. Dora Byamukama. Honourable chairperson, do you have anything to say ...or Chair Council of Ministers –

The Deputy Minister for Foreign Affairs and East African Cooperation, Tanzania, and Chairperson, EAC Council Of Ministers (Dr. Susan A. Kolimba) (Ex-Officio): Mr Speaker, thank you for giving me this opportunity. I would like to take this opportunity to thank the chair and the team, all the committee members and those who have contributed in to the report.

The general response I can give is that on behalf of the Council of the Ministers, I welcome all the various recommendations on the harmonisation of national laws, which were discussed and recommended in this Assembly. I would also like to say that we want to assure the Members that we will make sure that we make follow up of the recommendations you have made on the issue of the slow pace of harmonising these laws in the Partner States. I will say that since we as Ministers for EAC meet in the Council, this will be one of the issues of which we will remind each other in the Council.

To add to some of the issues raised by the Members of the Assembly on the issue of the recommendations that Partner States

do not have the political will for integration, this one we are taking note of, and we will also remind each other to make follow up on that because we know that this is a critical issue for the EAC and the Community itself.

On the issue of mainstreaming integration in the national or Partner State budgets, I would say that they are mainstreamed in the national budgets. I want Members to take note of that. On the issue of the subcommittee failing to do its work because of the insufficiency of the budget or the time, this one we are taking note of, but we are also aware that for the Financial Year 2015/2016, which has passed, we had a problem of the budget because we are depending so much on the donors. However, we can say that for this financial year, we are sure that this subcommittee will work because we are seeing the future is somehow bright. We will make sure that this committee sits because we know that when they work, it means that the harmonisation of laws will take place, and that whatever we have, the objectives will be done.

On the issue of the Council reporting to the Assembly on how many laws have been harmonised, I think we normally submit the EAC Annual Report to the Assembly, although in the report we normally just list down the number of the Acts or Regulations passed without giving information on which ones are harmonised and so on. However, we are going to consider this in the coming report so that we can help the members and the Community to know where we are and the status of the Community in respect of the harmonisation of these laws, which is one of our duties.

On the issue of the EAC ministers to sit here so that they inform the sectoral ministers to know what has been passed

and what we have agreed, I can just assure you that I personally know that we are supposed to report to the sectoral ministers. That is why we have also sectoral ministers doing their jobs, which are directed by the Council of Ministers. Therefore, it means that whatever we are doing here is reported to the Council and if it is related to the specific sectoral ministry, they are supposed to be given all the information. In this way, they make sure that they are informed.

On the last issue, I can say that the Council is doing what is necessary to ensure that the Sectoral Committee on Legal and Judicial Affairs clears the entire backlog that we have. I know that this December they are going to sit, and since we know that they have this backlog, they will make sure that they clear this backlog because we need the report from this sectoral committee the Council to report to the sectoral minister that the report will be presented to the Summit. They are going to sit in December. On this one, I assure you.

I also wish to inform this Assembly that the Council is committed to the implementation of Article 126 of the Treaty, and that the East African Judicial Education Committee is championing the standardisation of the judgement of the courts within the Community. In addition, we want to revive the East African Law Report and the East African Law Journal.

I beg to submit.

The Speaker: Thank you, Chairperson Council of Ministers. Can I invite the chairperson of the Committee to wrap up?

Mr Mathuki: Thank you, Mr Speaker and honourable Members. At some point, when my senior brother hon. Sebalu talked about my passion for work, I was tempted

to provide a measure for how passionate we are in doing our work. In fact, Mr Speaker, Members have shown passion for work in debating this report. You can see it, and that shows commitment as an Assembly.

I understand and appreciate why that has taken much of our time. It is because it draws the issue of the commitment of our Partner States to the issues of the EAC integration. There is a problem for sure, and we must appreciate it.

Before I even forget, I want to request my brother, hon. Mbidde that we cannot blame in what we say about the two countries. That is where the problem is. It is the issue of commitment and dedication. It is total commitment on our part, all of us as sister states, to integration as a success. I can assure you that we can even hear this from the Council of Ministers themselves.

Mr Speaker, for the record - and this is important, because I am not very sure whether we shall be discussing this report in Nairobi in this Third EALA. Maybe it will be discussed in the Fourth EALA, when I will kindly invite you to sit in Machakos County to talk and talk about this very important issue. I can assure you that the county government of Machakos will host them very well because that is what the people want - being people centred. That is why I am suggesting it. I think that is why I am saying it for the record.

We said in the report - and this is important in terms of the Partner States commitment in the issues of implementation and harmonisation of laws - that number one in is the Republic of Rwanda in terms of laws that are amended, and number two is the Republic of Uganda. Rwanda was ahead, and the Republic of Uganda has now come on

board. You can see that commitment. The third one is the United Republic of Tanzania, the fourth is Kenya and the fifth is the Republic of Burundi.

This is important for records so that we know who has done what at what level. We need to encourage all the Partner States to catch up because this is important. And what are the reasons why there have been issues? Members have said that one is a weak Sectoral Council on Legal and Judicial Affairs.

In fact, the honourable Minister has said ...Mr Speaker I was tempted to invoke our Rules of Procedure. The Committee on Legal and Rules will be summoning the Sectoral Council on Legal and Judicial Affairs in line with what the honourable Members have recommended. Those powers are conferred to the committee, to the chair of the committee, and to all the officials who are on the committee. Therefore, if they do not meet, we will summon them through the Council of Ministers in our next sitting and we will properly give a report of what we did after summoning that committee because that is one of the weak areas why we are failing.

We are saying, again, as we have been saying that in the absence of Ministers responsible for EAC - some of them are very committed and they should be commended. We commend the level at which the Ministry for EAC Affairs in Uganda is committed. We must appreciate that because it is important.

I wish other Partner States could even do what is required. It is not about anything but it is about the investment each Partner State is putting in some of these issues. Even after all this, some Partner State Ministers, do not attend. Is it because this Assembly is a lesser Assembly than others are?

Mr Speaker sir, I am sure you will be interacting with the members of the Summit soon. You need to put it as clearly as possible that one of the problems is that some of the Ministers for EAC Affairs have not been in the Assembly sittings. If possible, you can ask them the acronym EALA. They might not even know what EALA means. They may not tell you, leave alone the EAC. Those are ministers responsible for the EAC in our Community. Where are we taking this Community in terms of commitment? That is where members are passionately concerned about some of the issues that are yet to be addressed, like awareness and sensitisation.

Mr Speaker, I want to thank you and this Assembly. As you know, we had a resolution on sensitisation. You have taken time to ensure that we do a lot of sensitisation, and that is where we are picking some of these things.

So, the Assembly is ahead of everyone. What our ministers - some of our ministers, not all of them. Please, let us call a spade a spade. We are talking about budgets - every time we are talking about money, and we are saying that we cannot be talking of one thing all the time. You are telling people that you have no money, but citizens are paying taxes. We come and sit here and we tell them because of money? We drive big cars and we are saying no money, budget? They will not take us seriously.

Mr Speaker, I think we must ask the ministers to up the game and each political commitment. These are some of the things, in summary, that seem to be bringing a challenge in terms of commitment.

Mr Speaker at any time that we are talking about this, you cannot talk about the issue of political federation. And you know we

are giving many things to the western countries as if they are more senior than we are. Every time we are here, we keep on saying developed countries have not been giving us money. In fact, we should be thinking of how to do contributions to them because they are protecting the environment. But nobody is talking about it, and we are saying money, money. We need to commend the United States of America on the successful elections of Donald Trump.

- *(Interruption in the recording because of technical hitch)* -

Are they borrowing money from East Africa? So, let us be serious. We are always looking for a decision to work on so that we look for an excuse to borrow money from the donors, and when it comes, it ends up in people's pockets.

Mr Speaker, I have taken note of the issues, I want to appreciate the Members and I think some amendments on Rules - *(interjections)* - hon. Byamukama, please submit your amendments in terms of recommendation to the Clerk. I have taken note of the Members' contributions and this is very important. *(Loud consultations)*

Mr Speaker, our Rules provide that Members should be listening in silence. Mr Speaker, protect me.

Mr Speaker, I wanted to say that in terms of what the members have said, I want to start by appreciating hon. Maryam Ussi, hon. Ngoga, hon. Mwinyi and hon. Zein. I thank him because he said that in Kenya it is in the constitution; that it is a constitutional matter. We are living our own Constitution; we do not even need to make any amendments. I appreciate that. In fact, he said, why can't the Legal Committee have an issue on

recommendations and implementation? Mr Speaker, we are ready - (*Laughter*). I know that possibly, you will be directing, and your directive is law, but as the Legal Committee, we are ready.

Mr Speaker, I want to appreciate hon. Sebalu, he has put in focus the commitment of some countries in the matters of the EAC. Hon. Ndahiro, thank you very much. I said that as the Sectoral Council on Legal and Judicial Affairs will meet as the Minister has promised, we are going to summon them, and we shall do that report.

Hon. Shy-Rose, in her passion and commitment to the matters of this Assembly, nobody can underrate her - (*Laughter*). She has been very eloquent on the issues that touch this Community. In fact, we may go beyond 95, maybe 99. Hon. Shy-Rose, thank you.

Hon. Nakawuki, thank you. I appreciate and I know the issue. We should be moving towards the issue of IDs and not passports because not everybody can afford a passport. I know that the Republic of Rwanda is a bit ahead in terms of digitalising the IDs, but other countries have to follow. Kenya is also trying, and the other countries are trying. So, it is important, if that when we are talking about one Community, we cannot be talking of different things when we are a Community. Thank you very much hon. Nakawuki.

Hon. Abisai, the issue of language, you have said it before. Much as we know the language of the Treaty is one, but language could be one of the barriers. I agree with that, but we have done a lot of sensitisation and they are saying that we should appreciate the issue of language. Now going to our local languages, possibly when you come to our county you will use

our local language and write documents in the local language. That is what we call going down to the people.

I want to thank hon. Kimbisa on the issue of duplication of our memberships to different economic blocs. It is a big challenge, and we do not know where our commitment is. We do not know whether to attend the meeting of SADAC or the meeting of EAC, whether the meeting of COMESA or the meeting of EAC. Because you see, there are many meetings and our own bureaucrats are looking forward to belonging to so many regional blocs for them to attend the meetings because of the per diem. It is very unfortunate.

Hon. Kiangoi, on the commitment of the civil servants, the ministers are the best. These are not bureaucrats but political leaders. We are talking of those in offices.

Hon. Taslima, the issue of being between the national parliament and the EAC is very important.

Hon. Bonaya, the issue of funding is very important.

Hon. Nyirahabineza... in fact, Mr Speaker, it is important to note that the Committee on Legal and Rules was assisted by two members of the committee who are very senior and they are very useful to the Committee. I am sure you reported to this Assembly that we have on board two very useful and experienced members - (*Interruption*) -

The Speaker: The House should have done that and the House already adopted a new Committee on legal. Thank you.

Mr Mathuki: Thank you. I would like to appreciate hon. Mbidde. Thank you very much, hon. Byamukama. You can see that

she is a passionate about integration. My dear sister, do it in the nature of your life. You have the capacity to love this Community. On the issue of standards, we have already talked about that.

Last but not the least I want to thank the hon. Chair of the Council of Ministers. You gave us some time. You are one of the most committed ministers that we have. We are sure of your commitment. I think the spirit is still high in you. We have seen that we can report, because you have been consistent. You are a consistent minister, you are serious about your work and you love your docket - *(Applause)*.

Therefore, I appreciate that you have taken some commitment on behalf of your colleagues, who have been attending like the Minister for EAC Affairs from the Republic of Uganda, and the Minister for EAC Affairs from Burundi. Where are the other two ministers?

We thank also the staff for the commitment. It would not have been possible without your input in this. We thank you, Rt. Hon. Speaker because you are an extra ordinary Speaker in the region. Hon. Members, you can see the kind of work that we have been able to do as a committee because of the able leadership of the Speaker - *(Applause)*. We are on top of the game. Whenever we talk East Africa, we know he is respectable.

Mr Speaker, this East African Community will live to remember you, you will continue being a good ambassador of this Community. You are not just a citizen of Uganda, but you are a citizen of East African Community. Therefore, I thank you very much for your contribution. The committee takes note of all of that and we thank all of you for your contributions. Thank you very much, Mr Speaker - *(Applause)*.

The Speaker: Thank you very much hon. Peter Mathuki, Chairperson Committee on Legal, Rules and Privileges. Honourable Members, you must have realised that I gave special allocation of time to this report. This is the life centre of our integration. We can do no other thing for the next six months but preach this gospel of our integration and political federation as the centre point of our success as a Community.

I thank you Chair and your committee for this very important report you have introduced in this House. I would like to thank the Chair of the Council of Ministers for your input in this report, and for the commitment that you have given to us as a House to follow up on the various recommendations. I thank everybody.

Honourable Members, the motion before the Assembly is -

THAT the report of the Committee on Legal, Rules and Privileges on the oversight activities on the Approximation and Harmonisation of National laws in the EAC context be adopted, as amended.

(Question put and agreed to.)

The Speaker: Thank you, Chairperson.

Just before I adjourn, Rule 11 is very clear. The plenary begins at 2.30 p.m. and ends at 6.30 p.m. For those who are not with us at this point should be reminded of Rule 11. I thank you. The House stands adjourned.

(The Assembly rose at 6:15 p.m. and adjourned until Thursday, 24 November at 2.30 p.m.)