



## EAST AFRICAN COMMUNITY

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### EAST AFRICAN LEGISLATIVE ASSEMBLY

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

#### 44<sup>TH</sup> SITTING – FIRST ASSEMBLY: FOURTH MEETING – THIRD SESSION

Wednesday, 24 November 2004

*The East African Legislative Assembly met at 2.30 p.m. at the Chamber of the Assembly, Ngorongoro Wing, Sixth Floor, AICC Complex, Arusha*

#### PRAYERS

*[The Speaker, Hon. Abdulrahman Kinana in the Chair]*

*The Assembly was called to Order.*

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#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable Members, I have been notified that the Government of the Republic of Kenya has appointed the Hon. John Koech as Minister responsible for East Africa and Regional Co-operation. Pursuant to the provisions of Clause (1) (b) (i) of Article 48 of the Treaty, the Hon. Koech now becomes an ex-officio member of this Assembly. However, before he takes his seat in this Chamber, he has to fulfil one more condition. In accordance with the Provisions of Rule 6 of the Rules of Procedure of this House, no member may sit or vote in the Assembly before taking the Oath or Affirmation of Allegiance to the Treaty. I am reliably informed that the Hon. Koech is within the precincts of the Assembly, may I then request any two Members who

happen to know the Hon. Koech to present him to the Speaker to take the Oath? Thank you.

#### ADMINISTRATION OF OATH

The Oath of allegiance was administered to:

Mr John Kipsang arap Koech

**The Speaker:** Honourable Members, we are supposed to move to the next Order, but I do not see Hon. Butime, the Chairperson Council of Ministers. We may have to suspend the proceedings of the Assembly for ten minutes in order to give time to the Minister to arrive.

*[The House was suspended at 2.35 p.m. and resumed at 3.00 p.m.]*

### QUESTIONS FOR ORAL ANSWERS

<b>QUESTION</b>	<b>NO.</b>
<b>EALA/PQ/OA/021/2003</b>	

**Mr. Daniel Ogalo (Uganda):** *asked the Chairperson of the Council of Ministers of the EAC the following question:-*

“In March 2003 the Assembly led by the Hon. Speaker met H.E. President Yoweri Museveni in Gulu, Uganda who welcomed the intervention by the East African Legislative Assembly in the 17-year conflict in the northern Uganda. In May 2003 the East African Legislative Assembly passed a resolution recommending that the Summit sets up an East African Peace Committee for Uganda and requiring that the Council of Ministers does report to the Assembly on the progress within one month from the date of passing the resolution.

The resolution was forwarded to the Council of Ministers through the Secretary General but the Council has refused, failed and/or neglected to report to the Assembly as required. Could the Hon. Minister inform this House: -

1. Why the Council thinks that the death and suffering of the people of northern Uganda is

not worthy of the attention of the Summit; and,

2. Why the Council has very low regard for Resolutions of the Assembly?”

**The Chairperson, Council of Ministers (Maj. Tom Butime):** Mr. Speaker, sir, I beg to reply.

I do understand that it did take a long time before a response to this question was given. I take responsibility for that, and I am sorry about the delay in answering this particular question. I must make it very clear that the Council of Ministers has very high regard for the Assembly and its Members.

The issue of northern Uganda is a multi-pronged problem, and there have been a lot of initiatives to try and solve the problem in northern Uganda. Even the initiative which the Assembly undertook and which is the subject of the question by hon. Ogalo could be part of that initiative, except that things are moving a little too fast for us to consider every initiative as proposed.

As I talk now, there is a designated area in northern Uganda where the rebels are supposed to assemble, and a ceasefire has been declared. That in the case of the Government of Uganda is a very important initiative, and there is hope that out of that particular development, things could move a little bit faster. It does not mean that the Council of Ministers does not wish to fulfil what the Assembly wanted. This could also be one of the initiatives, and I hope that as we move on, this particular request could also be considered and carried out.

Mr. Speaker, sir, I agree that the war has taken 17 years, and hon. Ogalo

knows that I was one of the first victims of this war in an ambush. We are trying everything possible to ensure that this conflict comes to an end. We welcome all other initiatives and this proposal. I am sure that if the current initiatives, together with others, yield results, we should be able to confront this issue and bring it to an end. Thank you.

**Mr. Yonasani Kanyomozi (Uganda):**

Given that the President of the Republic of Uganda has indicated that the period given to the rebels to implement a ceasefire agreement was only for seven days which ended on Monday, has that period been extended to allow those initiatives to take root?

**Maj. Butime:** Mr. Speaker, sir, the hon. Member knows how many times the amnesty initiative has been extended. It has been extended since the year 2001 for every six months. If there is significant response by the insurgents, and they are taking advantage of this ceasefire by assembling in the designated areas around the district of Kitgum, there is every reason that this ceasefire will be extended. If it is proved that the ceasefire declaration has not taken effect, then there will be no need to give them extra time. What I know is that there is good progress and Mrs. Bigombe is moving very steadily, and that the response is significant but the ceasefire is always extended by the Commander-in-Chief. If he is satisfied, he will extend the ceasefire.

**Ms. Ovonji-Odida (Uganda):** Mr. Speaker, sir, I would like to know whether the Council of Ministers has indeed considered and discussed the resolution by this House on northern Uganda, and whether it has taken action on the specific recommendations made by the

Assembly to follow up on the commitment made by the President of Uganda to seek an East African led resolution of the conflict, and to initiate this process by convening a Summit in the conflict area.

**Maj. Butime:** Mr. Speaker, sir, this afternoon there will be a meeting of the Council of Ministers. I was chairing the delegation from Uganda and I left that work to come here and answer these questions. There is a possibility that the subject matter could be taken on and discussed as one of the items from Uganda. Now that I am not chairing that meeting, I will have to find out what will be submitted to the Council of Ministers. But as far as the Council is concerned, we have actually been carrying out consultations on this matter.

Should we conclude those consultations, there is no doubt that this matter will appear as one of the items to be discussed by the Council of Ministers.

**QUESTION** **NO.**  
**EALA/PQ/OA/022/2004**

**Mr. Calist Mwatela (Kenya):** *asked the Chairperson of the Council of Ministers of the EAC the following question:-*

‘Article 87 of the Treaty provides as follows:-

1. The Partner States undertake to co-operate in financing projects jointly in each other’s territory, especially those that facilitate integration within the Community.
2. The Partner States undertake to co-operate in the mobilization of foreign capital for the

financing of national and joint projects.’

Could the Chairperson, Council of Ministers give a detailed account to this House on what has so far been done by the Partner States to fulfil the spirit of this Article of the Treaty.’

**The Chairperson, Council of Ministers (Mr. Butime):** Mr. Speaker, sir, I beg to reply:

Mr. Speaker, sir, as of now, the three Partner States do not have major projects which are financed across the three countries. It is however envisaged that there will be possible areas where such projects will emerge soon. These are areas such as in the centres of excellence, the Inter-University Council of East Africa, university research, science and technology and civil aviation. I must also add that the financing mechanism of these projects is estimated to cost between USD200-230 million. This is proposed to be long-term debt financing with a duration of 18 years and 2 years moratorium. Commercial blending of financial resources, loans and capital markets’ approach will also be adopted. A number of financing institutions are expected to participate, and these include the World Bank, IFC Group, G7 and G8 countries, NEPAD brokered undertakings and Annual Capacity Utilisation Payment.

The Partner States of the EAC are jointly promoting these projects for funding with their South African counterparts as priority projects under NEPAD. They are also expected to facilitate the resolution of legal and operational issues within East Africa that may stand in the way of the expedited implementation of the projects.

On the question of the proposed regional communication centre project, I would like to say that this project aims at substantial automation of postal services in East Africa and it is estimated to cost US\$ 5 million upon completion. The Partner States, through a joint sourced loan from the East African Development Bank and funds from their respective postal administrations have been financing the EABA project which has been ongoing since the year 2000, and are in the final phases of its implementation.

Mr. Speaker, sir, there are a number of projects under the Lake Victoria Basin which are in various stages. Implementation of some of the projects is co-ordinated by the EAC, while actual work is done by the Partner States. One project is co-ordinated by the Nile Basin Initiative Secretariats in Entebbe and Kigali. The major projects undertaken include the following:

- Lake Victoria Environmental Management Project
- Safety of Navigation on Lake Victoria Project
- Nile Equatorial Lake SAP Project
- Mt. Elgon Regional Ecosystem Conservation Project
- Trans-boundary, EIA Guidelines
- Projects under the Partnership Fund
- Petroleum Conferences

**Mr. Calist Mwatela:** Arising from the minister’s reply, I would like to ask the following supplementary questions: Considering that East Africa is in dire need of electricity, and considering that there are huge resources to develop hydro-electric power, and further considering that there is the Bujagali stalled project in Uganda due to lack of funding, what effort is being

made by the three countries to jointly finance that project? What efforts are being made on the joint development of roads?

**Maj. Butime:** Mr. Speaker, sir, the issue of the Bujagali project is a very contentious subject in the Republic of Uganda. The Minister for Energy and Mineral Development of Uganda, together with the President, has been working very hard to try and find financing for the Bujagali Project. If what the hon. Member is proposing is that there should be co-financing within East Africa, I think that will be a wonderful development. I will take every opportunity to introduce him to the Minister for Energy and Mineral Development so that this matter can be discussed thoroughly. I am sure she will be extremely pleased to hear such nice words of co-financing from East Africa. I will take every opportunity today, to make an appointment for the hon. Member to meet hon. Saida Bumba so that they can discuss this matter.

On the issue of joint development of roads, I submit that I am not technical on this matter, and I would wish that since the ministers for Transport and Works are here, it would be important for the Members to have a chat with them. Thank you.

**Mr. Yonasani Kanyomozi:** Given that telecommunication advancement in East Africa has been left to the private sector, could the minister tell us whether there are any arrangements being made about the fibre optic cable connection to East Africa to reduce the cost of communication in the region?

**Maj. Butime:** Mr. Speaker, sir, I have some information that the East African Business Council under the auspices of the East African Business Summit

have been working on this, but there is a possibility of having a cable between Cape Town and Djibouti. Hon. Kanyomozi being a very good economist will take interest in this matter. But I will take up this matter with the ministers concerned.

**QUESTION** **NO.**  
**EALA/PQ/OA/023/2004**

**Mr. Maxwell Shamala (Kenya):** *asked the Chairperson of the Council of Ministers of the EAC the following question:*

“As opposed to the defunct East African Community, the new East African Community (EAC) is supposed to be people-centred and its economic development private sector driven. Noting the important role the East African Business Council (EABC) is playing in bringing disparate business bodies in East Africa together and exhorting them to have a shared vision for the economic development of the EAC, could the Council of Ministers accede to the EABC becoming a fully fledged sectoral committee in order to use its new status to generate new ideas that would turn into realization their dream for an integrated East African economy?”

**Mr. Butime:** Mr. Speaker, Sir, I beg to reply:

Under Article 7(1) (a), the Treaty provides that one of the principles that shall govern achievement of the Community objectives is that it shall be a people centred and market driven co-operation. It was within this context that the Council of Ministers spearheaded the process of formation of the East African Business Council with a view to:

- i. Enabling the business sector to have mechanisms through which to influence both national and regional policy formulation and implementation with a view to making them business friendly
- ii. Promoting cross-border trade and investment
- iii. Supporting the process of regional integration and economic development
- iv. Promoting an enabling environment for the private sector to take full advantage of the Community.

The Council of Ministers directed the Secretariat to commission the process of formulating a strategy for the development of the private sector. To this end, a draft private sector development strategy has been formulated and considered by the Council, but it was referred to the Partner States for further scrutiny and finalisation.

Members of the EABC participate in regional integration activities in two capacities: as members of country delegations or as members of the EABC. The EABC has been granted observer status in the Community in line with Article 3 of the Treaty, under the procedure for granting observer status. As observers, representatives of the EABC are allowed to participate fully during meeting deliberations. However, observers are excluded from voting since this is a right reserved only for members of the EAC, which for the time being are the United Republic of Tanzania, the Republic of Uganda and the Republic of Kenya. Currently, the EABC participates in the activities of Sectoral Committees responsible for the following:

- i. Trade, Industry and Investment

- ii. Standards, Quality Assurance, Metrology and Testing
- iii. Capital Markets Development
- iv. Tourism.

Sectoral Committees are the specialised technical policy organs of the Community reporting to the Council through the Co-ordination Committee. Being a privately registered organisation, EABC can procedurally only present its proposals to the Council for consideration through the relevant Sectoral Committees. It is within this consideration that the EABC is usually invited to participate at relevant meetings of the Council. In view of the above, the Council is constrained by the Treaty from acceding to the EABC becoming a fully fledged Sectoral Committee. Thank you.

**Mr. Maxwell Shamala:** Mr. Speaker, sir, arising from the minister's reply, the EABC has been holding meetings together with the Summit including in Arusha. I would like to know why the Council of Ministers does not participate in those meetings. Those meetings decide on things that would be of benefit to the people of East Africa.

Secondly, the Private Sector Development Strategy was supposed to be completed by 30 June 2002. Could the Minister tell us why this strategy has not been developed up to now?

**Maj. Butime:** Mr. Speaker, sir, one of the complaints by the EALA is that the Ministers for Foreign Affairs are not available for many meetings, especially those which take place in Arusha. They may not also be easily available for EABC meetings all over the region. Unfortunately they are very busy people, but there is no legal impediment for them to attend the

EABC meetings. I will encourage them to attend to attend these meetings. If they cannot, they can always be represented by their Permanent Secretaries and so on.

I think the second question should be answered by the Secretary General. I think the Member should kindly repeat it for him so that he can be in a position to answer.

**The Speaker:** The Question/Answer session is between the Members and the Council of Ministers. Unfortunately the Secretary General will not have the opportunity to answer any questions.

**QUESTION** **NO.**  
**EALA/PQ/OA/024/2004**

**Mr. Maxwell Shamala (Kenya):** *asked the Chairperson of the Council of Ministers of the EAC the following question:*

“Free movement of the peoples of East Africa within the EAC is long overdue, and noting that the East African Community Customs Union (EACCU) comes into effect on 1<sup>st</sup> January 2005, and being aware that the free movement of people is the inevitable prerequisite for the success of the EACCU, what are the measures the Council contemplates effecting in support thereof?”

**The Chairperson, Council of Ministers, (Maj. Butime):** Mr. Speaker, sir, Article 104 of the Treaty deals with issues related to the movement of persons, labour, services, right of establishment and residence. The Treaty stipulates as follows:

1. “The Partner States agree to adopt measures to achieve the free movement of persons,

labour and services, and to ensure the enjoyment of the right of establishment and residence of their citizens within the Community.

2. For purposes of paragraph 1 of this Article, the Partner States agree to conclude a Protocol on the Free Movement of Persons, Labour, Services and Right of Establishment and Residence at a time to be determined by the Council of Ministers.”

The Article goes further to articulate the measures by which the Partner States are to achieve this objective: by easing border crossing by citizens of the Partner States, by opening and keeping border posts open for 24 hours, by maintaining common standard travel documents for their citizens, harmonising and maintaining common employment labour policies, programmes and legislation.

In actualising the provisions of the Article, the current Development Strategy 2001-2005 states that free movement of persons, labour, services, right of establishment and residence shall be adopted during the development strategy. The Partner States shall prepare, agree and adopt a protocol on the above to facilitate easy border crossing, common standard of travel documents, common employment policies, training facilities to people from Partner States and enhanced employer worker organisations.

After repeated postponements of timeframes within the East African Community indicative programme on whether to commence the negotiations on the Protocol on the Movement of Persons, Labour Services, Right of Establishment and Residence, the

Seventh Meeting of the Council of Ministers meeting in January 2004 directed that the process of negotiating for the Draft Protocol on the Movement of Persons should start soon after the signing of the Customs Union. The Customs Union was signed on 2 March 2004. A timeframe of activities and budget has been prepared to kick-start the process, and March 2007 is designated as the target date to conclude the Protocol on Free Movement of Persons, Labour, Services and Right of Establishment and Residence.

I would also like to highlight that the Customs Union Protocol will initially facilitate faster movement of goods and services within the common Customs area. The free movement of persons will be facilitated after the successful completion of a negotiated Protocol on the Free Movement of Persons, Labour, Services, Right of Establishment and Residence.

In relation to freeing the movement of persons as a prerequisite for the success of the East African Customs Union, I hereby outline the measures initiated by the Council through the recommendations arising out of the meetings of the Committee on the Facilitation of Movement of Persons, Immigration, Labour, Employment and Refugee Management.

The East African Passport with its six-month multi-entry was introduced to facilitate easier movement of persons in the region. Modalities of internationalising the East African Passport have been completed; the colours of sky-blue for ordinary passports, green for service officials and red for diplomatic have respectively been adopted and issuance of inter-state passes on 1 July 2003. This is a document which is expected

to facilitate the faster movement of business people in the region.

Adoption of a single immigration entry/departure card has been designed and adopted by the Partner States. I was on Ethiopian Airlines the other day and when we were going to land at Entebbe, and I was given an entry card for the entire East Africa! I was really excited because I had never met it before. I thought they would give me one for Uganda but they gave me one for East Africa. Uganda has already commenced use of the card and I am a witness to that, while Kenya and Tanzania are finalising the printing process.

Mr. Speaker, sir, the process of waiving the student visa fees have also been finalised, and students from the three Partner States do not have to pay any fee at any entry point – (*Applause*).

Harmonisation of the procedures for work permits and the classification process has been finalised and adopted by the Council. The recommended and harmonised classification consists of three sectors and classes of work permits ranging from class A to M. After the relevant guidelines are developed by the implementing ministries, East African citizens are expected to pay 50 per cent of the total fee charged for any work permit in the Partner State. The process is expected to be completed by December 2005.

There are two studies focussed on the harmonisation of employment policies in East Africa and another one on the harmonisation of labour legislation in East Africa have been commissioned. The labour studies are in their final stages of compilation into a regional report. A stakeholders' workshop will be held in the first half of 2005 to enrich and validate the study findings



and prepare recommendations on the way forward for discussion and adoption by the sectoral committee.

The issue of issuance of identity cards to nationals of Tanzania and Uganda was addressed by a team of experts in March 2004. The two Partner States are currently carrying out the necessary feasibility studies to determine the requirements and costs. An East African proposal on the process will be prepared in March 2005 after consideration of the forwarded requirements for both Tanzania and Uganda. In the meantime, Partner States will continue to adopt the necessary administrative measures which will facilitate and enhance the movement of persons, goods and services to complement the implementation of Council decisions. Thank you.

**Mr. Mwatela:** Arising from the answers given by the Chairperson of the Council of Ministers, I would like to ask the following supplementary questions:

Is the Minister aware that at the Taveta/Holili border crossing there is a US\$ 50 charge levied on persons crossing into Tanzania being citizens of Kenya, who indicate that they are coming for trade purposes? Is the Minister further aware that there have been several cases where citizens of Tanzania crossing the border at Namanga into Kenya to visit family members have been stopped from doing so?

The Minister is very much aware that drawing up protocols takes a long time and yet this House is mandated to legislate for East Africa, and whatever it legislates becomes part of the Treaty. Why is the Minister not putting in motion a situation where a Bill is

brought to this House on the Movement of Persons? (*Interjection*)

**Ms. Rose Waruhiu:** On a point of order, Mr. Speaker, sir, Rule 17 (5) of our Rules of Procedure states that “*Any Member may ask a supplementary question, but the supplementary question shall not introduce a matter not related to the original question.*” Is the hon. Member in order to introduce new issues?

**The Speaker:** The Member is not in order to introduce new issues. The Minister can answer the first two questions and ignore the third one because it is not related to the substantial question.

**Maj. Butime:** Mr. Speaker, sir, I would like to say that I am aware of all the issues that the honourable Member has actually raised. I would like to inform him that this matter was actually raised last time we had a Council meeting with the same intensity and feelings, and the Tanzanian government undertook to handle the matter. I hope this afternoon, I will be able to find an answer in the meeting of the Council of Ministers, and I will communicate the same to the honourable Member

**QUESTION** **NO.**  
**EALA/PQ/OA/025/2004**

**Mr. Maxwell Shamala (Kenya):** *asked the Chairperson of the Council of Ministers of the EAC the following question:*

“The East African Development Strategy for the period 2001-2005 has an elaborate matrix of activities to be undertaken by various sectoral committees in fulfilment of the objectives and goals of the EAC. Many of the activities are lagging

behind to the detriment of the smooth development of the EAC. Could the Council of Ministers inform the Assembly when it will revise the matrix and publish a new one to reflect the current realities?"

**The Chairperson of the Council of Ministers (Maj. Butime):** Mr. Speaker, sir, the overall objective of the East African Community Development Strategy for the period 2001-2005 is the establishment of the Customs Union and the Common Market as the starting point for laying a foundation for attaining a strong and internationally competitive single market and investment area in the region. The objective was to be achieved through implementation of the various activities outlined in the strategy document. While target dates for some of the activities have not been made, the overriding objective of finalisation of the protocol negotiations was achieved on 2 March 2004 with the signing of the Customs Union Protocol, and on the establishment of the East African Customs Union by Heads of State. The implementation of the Customs Union Protocol is due to commence on 1 January 2005. Implementation of the EAC Development Strategy is due to expire by the end of 2005.

The Council has already directed the Secretariat to commence preparations for the next strategy. Such preparations shall include, among others, evaluation of the implementation of the current strategy and therefore the result of the evaluation shall be taken into account during the formulation of the next strategy.

In view of the above, a revision of the policy action matrix of the current development strategy shall be undertaken within the context of

preparation of the next EAC Development Strategy for the period 2006-2010.

**Mr. Shamala:** Mr. Speaker, sir, the Assembly is now well versed in matters of Community integration, and we know that we could assist in the sequencing of these activities in the policy matrix. Could the Minister consider providing to the Speaker of this House a draft policy matrix for the Speaker to hand over to the relevant Committee of the House for consideration, suggestion and before the final matrix is released?

**Maj. Butime:** Mr. Speaker, sir, the relevant Committees of the Assembly will be fully involved in this exercise. The Hon. Member can rest assured of that.

**Dr. Mwakyembe:** Could the Chairman of the Council agree with me that even with the revised implementation matrix, Community matters will continue to lag behind if the Community does not have its own ministers? *(Interjection)*

**Mr. Zubedi:** On a point of information, Mr. Speaker, sir, the hon. Member should also be aware that we just swore in one Member today who is exclusively a Minister for the East African Affairs. The anxiety you notice is because the Minister is not here in the House – *(Laughter)*.

**Mr. Shamala:** On a point of further information, Mr. Speaker, the said minister is designated in Kenya as Minister for East African Community and Regional Affairs. He is not a Minister for EAC alone!

**The Speaker:** In that case, he may be attending to regional affairs! *(Laughter)*

**Maj. Butime:** Mr. Speaker, sir, all ministers in the three countries are EAC Ministers. Hon. Koech is actually a Minister for EAC and Regional Affairs, and there is a regional affair actually going on outside this building. After that he will come back here. But Mr. Speaker, sir, I must really say that Kenya has led the way; there is a substantive Minister for East African Community Affairs. I think that has been a very, very significant stride.

The Speaker of this House has had wide consultations with Heads of State of East Africa, asking them to designate specific ministers for the Community, and I am sure that the Presidents will respond accordingly to what the Speaker and others, including of course the Fast Track Committee Report, which I have not read but which could be presented tomorrow. I am sure everything possible is being done to make sure that there is the Minister-specific, but that is not in my province. I must say that is a prerogative of the respective Heads of State, and I cannot therefore tell you that there shall be a Minister from Uganda for the Community and a Minister from Tanzania. That is the province, and I cannot invade the space of the Heads of State. I thank you Mr. Speaker.

**QUESTION** **NO.**  
**EALA/PQ/OA/026/2004**

**Ms. Kawamara Mishambi (Uganda):**  
*asked the Chairperson of the Council of Ministers the following question:*

“Mr. Minister, the Government of Uganda placed a ban on the importation of beef from several countries including Kenya in 1996 in an effort to reduce the risk of the Mad Cow Disease. Under Uganda’s Statutory Instrument No. 203, No. 15

dated 4<sup>th</sup> of April 2003, the ban was lifted for countries like South Africa, Norway, Sweden, New Zealand, Australia and USA, and yet it remained in effect for Kenya. Uganda has however continued to import beef breeding stock that carry a higher risk than processed beef sausages and other beef products from Kenya on a regular basis. Can you please explain to the August Assembly the reasons behind the beef ban, and for how long it will remain in effect?”

**The Chairperson, Council of Ministers (Maj. Butime):** Mr. Speaker, at the 8<sup>th</sup> Council Meeting held from the 6<sup>th</sup> -9<sup>th</sup> September 2004, Kenya informed the Council that the restriction on imports of Kenya beef and beef products into Uganda is still unresolved and that Uganda had legislated against beef imports since 1996. In response, Uganda reported that according to the Ministry of Agriculture, Animal industry and Fisheries, the international epidemic office used guidelines for controlling BSE and how a country could be declared BSE free. To this effect Uganda issued a statutory instrument banning the importation of beef, beef products and animal feeds that contain animal products from countries not certified by the BSE free. Uganda put her relevant staff on high alert.

But not to let this question really waste a lot of time, this matter has been discussed: There is a technical and official letter written by the Kenya government to the Government of Uganda concerning the certification of the issue of beef export from Kenya to Uganda. That letter has not yet been received by the Government of Uganda, to my knowledge. As soon as that letter is received, there will be a response to that matter, and the matter is going to be discussed today at the

Council of Ministers meeting. I thank you Mr. Speaker.

**Prof. Kamar:** Thank you Mr. Speaker. Arising from the answer from the Minister, there is a part that has not been addressed though, which is very important, that Uganda actually imports breeding stocks from Kenya which have a higher risk than beef sausages. Could he respond to that, Mr. Speaker?

**Maj. Butime:** I am not aware Mr. Speaker. I am not aware of that development and therefore I have nothing to say on that matter.

**QUESTION** **NO.**  
**EALA/PQ/OA/027/2004**

**Ms. Kawamara Mishambi (Uganda):** *asked the Chairperson Council of Ministers the following question:*

“Mr. Minister, I am reliably informed that the Director of Veterinary Services in Kenya has on many occasions, both verbally and in writing, requested an explanation from his counterpart in Uganda and has received no reply, and that the OIE in Paris, France responsible for Terrestrial Animal Health Codes has issued a statement dispelling the fears expressed by Uganda in relation to the beef ban. Mr. Minister, can you explain Uganda’s action, which is viewed as being discriminatory to Kenyan beef and how it relates to the spirit of regional economic integration?”

**The Chairperson, Council of Ministers (Maj. Butime):** Mr. Speaker, as I had mentioned already, the matter has been brought to the attention of the Council of Ministers. The council has given guidance on how the issue should be handled

together with other matters hinging on non tariff barriers to cross border trade. Within this context Uganda’s ban should not be seen as discriminatory and targeting Kenya, but as a technical barrier to trade. In other words, Uganda’s ban should not be seen discriminatory and targeting Kenya since consideration of the matter together with others viewed as non tariff barriers will be considered by the Sectoral Committee on Trade, Industry and Investment at the next meeting scheduled for February-March 2005.

I wish to call upon the honourable member to give the Council some time with the view to considering the recommendations of the Sectoral Committee. I must emphasize that this matter, we have just been discussing it when I was sitting in the Uganda delegation, and it was really very well put by one of the members of the delegation that this matter must be handled quickly and fairly because it can cause a little bit of unease because we are working for East African Community and there should not be any suspicion at all on such a matter. I am sure in February one of the first items on the agenda during this sectoral committee will be this issue of beef export from Kenya to Uganda. I thank you Mr. Speaker.

**Mr. Shamala:** Thank you Mr. Speaker, considering the border between Uganda and Kenya from Busia all the way up to Mt. Elgon, and knowing what trans-boundary animal diseases can do, is there any significant difference between Kenyan and Ugandan beef for Uganda to justify the ban?

**Maj. Butime:** I know of course that once in a while heifers and bulls and steers do cross the border; I know that very well but that is informal and not

official, and it is against the law. I thank you Mr. Speaker.

**Mr. Kanyomozi:** Mr. Speaker, sir, is the minister aware that Kenya has also been taking certain steps regarding produce from Uganda, especially maize, and not allowing it to flow even when there is a deficit?

**Maj. Butime:** I am aware Mr. Speaker and maize does cross when there is drought on the other side. It crosses very, very fast.

**Mr. Mwatela:** Thank you Mr. Speaker, sir. Arising from the answer that has been given by the Hon. Minister, could the minister allay fears that there are business intrigues that are causing this problem between heavy weight politicians in Uganda?

**Maj. Butime:** If you are aware of the heavy weights, I am not aware. I wish that the Hon. Member could substantiate; either he substantiates or withdraws. Once he substantiates I will be able to answer. If he can't, then he should withdraw.

**The Speaker:** The honourable member has just asked the minister whether he is aware. The Minister says he is not, and that brings us to the end the Question Time.

I have two announcements to make. One is that the Members of the Assembly will have a meeting with the Members of the Council tomorrow morning at 9.30am at the same venue here in the Chambers. Secondly, I would like to request the honourable members, as soon as we rise, to hold on and wait for a few minutes because I would want to have a short meeting with them.

## ADJOURNMENT

**The Speaker:** Honourable Members, that brings us to the end of business today. I now adjourn this House *sine die*

*(The House rose at 4.12 p.m. and adjourned sine die)*