



## **EAST AFRICAN COMMUNITY**

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### **EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)**

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

#### **24<sup>TH</sup> SITTING – FIFTH MEETING - FIRST SESSION - FOURTH ASSEMBLY**

**Monday, 11<sup>th</sup> June 2018**

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

#### **PRAYER**

*(The Speaker, Mr. Martin K. Ngoga, in the Chair)*

*(The Assembly was called to order)*

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#### **COMMUNICATION FROM THE CHAIR**

##### **H.E PRESIDENT UHURU KENYATTA TO ATTEND EALA SPECIAL SITTING**

**The Speaker:** Good afternoon honourable Members. I trust that you had a restful weekend. I have a few announcements to make. First, I have been in touch with the Office of the President with regard to the Special Sitting. I have been consulting with the Members of the Kenyan Chapter and the Minister for some days. We have been trying to work together to see if we can find a slot in the very busy schedule of His Excellency the President. However, we eventually agreed

that it would not be possible for the President to come and address this Assembly. Those who have been closely following the media may have noticed that the President has been very busy including having had to travel long distance to attend the G7 meeting. We however have been promised that in the next earliest convenience, His Excellency the President of the Republic of Kenya will find time to interact with EALA. For this particular sitting, the President conveyed his regrets and I believe that we accept that. Thank you very much.

COMMITTEE MEETINGS TO PLAN  
HOUSE BUSINESS  
FOR FY 2018/2019

The other announcement is that today is going to be the final day of the Plenaries here. However, the Committees will continue to work for the remaining days. I will explain the reason as to why the Commission decided that the Committees meet in the last days. This is because we are going to have a planning meeting that brings together the Commission and the Chairpersons of the Committees to plan the activities of the next financial year. Therefore, we want the Chairpersons of the Committee when they come for the planning meeting, on a date that will be announced, to have had the views of the Members of the Committees so that what they will present for the general planning reflects the views of the Members and not their own views.

The planned Committee meetings are meant to achieve that. You need to sit in your respective Committees and identify the priorities that you want to undertake in your Committee activities in the next financial year so that when we invite the Chairpersons for the general planning before we resume, they have a clear idea of what you want at the Committee level. The Committee meetings for the next few days are very critical because that is where you are going to decide on what you shall do in the next financial year. No one wants to decide that for you and neither can the Commission do that. It is up to your Committee to identify the activities that you want to prioritise. Some urgent matters may arise but when we start the financial year, we must have a clear plan of what we intend to do. I implore upon all of you to make sure that you attend those Committee meetings. When we finish the Plenary today, we shall go on recess. I am not in a position to announce when we shall resume. However,

the Commission will meet after consulting with the Clerk and we have seen the financial situation. We will then decide when the resumption of business will be done and we shall communicate to you in good time.

Since this is the last sitting day, I wish to extend gratitude to the leadership of Kenya, Government and Parliament of Kenya, the Speakers, Clerks and all staff for being excellent hosts and providing facilities for use at our disposal. We have said this before but now this being the final day, we need to appreciate the time that we have been here and the way we have been treated. I want to thank all of you and our support staff, the technical people including those who work with the Clerk and the Council of Ministers for the excellent collaboration and working together that we have had for the days that we have been here.

Before we move to the next item, I invite a few contributions on the announcements that I have made. Go ahead hon. Susan.

**Ms Susan Nakawuki Nsambu** (Uganda):  
Thank you, Mr. Speaker. I am not speaking about the comments. – *(Interruption)*

**The Speaker:** This is restricted on the Communication from the Chair. Hon. Makame.

**Dr Abdullah Hasnuu Makame** (Tanzania):  
Thank you, Mr. Speaker. I did not get the opportunity to thank our hosts, the Kenyan Chapter, for hosting this Plenary session. This is just to laud what you have said; that, we have enjoyed hospitality in the Republic of Kenya and we will continue to enjoy until the day we depart. We hope that we will come back and continue to enjoy more.

**The Speaker:** Thank you. Hon. Makame then hon. Simon.

**Mr Simon Nganga Mbugua (Kenya):** Thank you, Mr. Speaker for the opportunity. Mine is to thank the Members of EALA for coming to Kenya. As the leadership of the Kenyan Chapter, I take this opportunity to greatly thank Members. I hope that you have fully enjoyed the hospitality of the Kenyan people. I am also appealing that we hold the next session here because we are welcoming people. We welcome you again and again. I want to take this opportunity to thank the Speaker for the coordination, the staff, Clerk for being very resourceful in terms of mobilisation of people from the hotels to the Assembly. I also want to thank the National Assembly of Kenya, especially the Speaker, hon. Justin Muturi for giving us this facility to use as Members of EALA.

**The Speaker:** Thank you hon. Simon. Hon. Musamali.

**Mr Paul Musamali Mwasa (Uganda):** Thank you, Mr. Speaker. In line with your communication, you have advised that we meet our respective Chairpersons in our respective Committees. However, in our programme, we had agreed that from here, the Chairpersons would communicate through our respective platforms on how we would meet.

Let me also add my voice to thank our hosts, the Kenya Chapter, because I personally went through a very good experience. I am sure that the other Members also got that. I was able to eat crocodiles for the first time and I am sure that we are going to be as tough as crocodiles in terms of doing our work.

**The Speaker:** Thank you. The Office of the Clerk will send communication on how the committees will meet. I know that Members belong to several committees so it cannot be simultaneous because you will not be able to

attend all of them. Therefore, the Office of the Clerk is trying to see how it can make it possible for you to attend all of them and the communication will be sent out.

As a result of that, certain activities that we had lined up may not take place. You will remember that we had agreed to have our informal meeting. It may not happen now but certainly, before we start serious business in the next financial year, we shall have that informal interaction. Hon. Rose.

**Ms Rose Akol Okullu (Uganda):** Thank you, Mr. Speaker. You have communicated that we are now going for recess meaning that we have come to the end of this First Session. I want to thank you for the way you have steered the House. That has inspired all Members here I am sure it is what has resulted into the kind of work that we have done so far. I want to thank you for that.

Secondly, I want to thank the Council of Ministers and the Secretariat for the cooperation they have given the Assembly since we started. We started late, the programme was very tight but we have not failed to receive whatever we wanted from the Secretariat and from the Council of Ministers. Therefore, I want to thank them for the cooperation and to say that this is the way to go if we have to achieve the objectives for which the EAC was set.

Thirdly, I want to thank honourable colleagues, Members of Parliament. We have had a very busy schedule since we started but we have all managed to come through with of course a few challenges here and there. Some of our colleagues are still sick and in hospital but we pray that they make it through. As we go on recess, I want to request the Assembly to continue with this kind of spirit of unity and hard work. I want the Fourth Assembly to make a difference for everybody to see.

**The Speaker:** Thank you hon. Rose. A few days ago, I requested Dr. Oburu to represent me at a function of the delivery of the State of the Nation Address in the Republic of Uganda. I have just been having a conversation with him and he was telling me that the Chairperson of the Summit was saying that EALA is there to stay. Probably we also need a Senate at that level so that we remove some of the legislative institutions at national level and bring them at the level of the region. That means that what we are doing is being seen and appreciated though it is always a challenge when you are appreciated because when you are appreciated, you have a challenge to sustain that credibility or do more.

Unfortunately, most people who are appreciated fall complacent and they gradually start losing their credibility. Therefore, I hope that this Assembly is not going to be in the category of those who get appreciated and then start losing credibility as a result of complacency. We are really challenged to sustain because this House has had a very troubled legacy. We have a task of changing our image out there. The image not long ago was a group of people who are there doing nothing but quarrelling all the time and some people even started questioning whether the region needs this body. In the short time we have been here; of course, we are not underrating the effort of those who came before us, but where we are now, everyone has realised that EALA is a very important organ of this Community. How we push this forward is a ball in our court. I think that what we need is just to be focussed and know what we want. Try to resist temptations of groups and caucuses because this is a regional parliament. We are not coming here with certain ideological partisanship. Let us be focused and resist the temptation to be

identified with this or that. Just be identified with the regional agenda.

It is unfortunate that most of what I am telling you is what you I had planned to speak about in our informal meeting. However, I decided to put this communication this way so that we have a fruitful interaction. I was saddened when certain committees were meeting and I was told that one Member told another one; “you will not achieve what you want.” You have this agenda and whatever you are bringing here, we know has some ill intention.” What agenda is that? I know that we have one agenda. The intention that we have is one and even when you disagree with me, you are not supposed to personalise that. You should not attribute motives against my position. Just try to win against my argument on the substance of what you have to say. However, you should not accuse your colleague as if you have a personal issue, saying words like, you are trying but we know you will not get this one. Whatever you do, you will not get him. No one is looking for someone else. So when you tell me that I will not get him, who are you talking about and why? I believe that you know what I am talking about.

These things if we do not take a step beyond will make us another busy body that people will think about getting rid of. That is what I think and I believe I should share these sentiments with you. There is nothing personal, it is one mission that we have been entrusted with and we should work in a context of rules and regulations. We are not in a fishing expedition. There is a legal framework to deal with everything that comes on our table. The issue either fits or does not fit on it. If it fits, fine, if it does not fit, there is a way to decide on it. Those of you in Committees are doing very important work for us. You know the kind of frictions that you have had at times that should not

really have happened if everybody was focussed on what we are here to do. These are my views and I know that if we meet, one thing that I intend to tell you, the first item on the agenda and I told my colleagues in the Commission is that I am here, tell me what you think I have done wrong for the past six months and how you want me to correct. That is the first item. You will have that opportunity to tell me that without any reservation. This is what you have done wrong and we want you to fix it. I will defend myself or I will apologise depending on what you will tell me. However, we must be ready to look into each other's face and tell each other the truth. If we will not be courageous to do that, then we will not continue to be one team. I should be able to tell you that you are my friend but I doubt your movements and this is the reason as to why I doubt your movements. It is as transparent as that. As far as I am concerned, anyone who wants to tell me something is free to do that and I am ready though you should allow me to tell you where I think you have gone wrong and what you have to fix. Thank you.

We are going to the next item.

Honourable Members, what is your response to my communication? Okay, we will proceed.

### MOTION

#### UNDER RULE 13 ON MATTERS OF URGENT PUBLIC IMPORTANCE

#### ARREST OF 40 UGANDAN GIRLS AT KENYA/UGANDA BUSIA BORDER

**Ms Susan Nakawuki Nsambu** (Uganda): Thank you, Mr. Speaker. I beg to move under

Rule No. 13 of our Rules of Procedure, to introduce a matter of urgent public importance, of course with your permission.

**The Speaker:** Tell us what the matter is so that we appreciate it according to the rule that you have cited.

**Ms Nakawuki:** Thank you Mr. Speaker. I actually have two issues that require urgent attention. The first issue as we talk, 40 girls and women from the Republic of Uganda were arrested at Busia border as they were trying to come into Kenya. They were arrested yesterday and have been in custody since then. Their families have been trying to look out for the immigration officials in Busia to find out why their kinsmen were arrested but they have not been able to get any response.

These people were coming to Kenya to look out for greener pastures. They all had identification documents but the immigration officers rounded them up and jailed them. These are people from Busia.—(*Interruption*)

**The Speaker:** You moved under what rule?

**Ms Nakawuki:** Rule No. 13.

**The Speaker:** Is it a Motion?

**Ms Nakawuki:** Yes, Mr. Speaker. It is one of the Motions that can be moved without Notice under Rule No. 30.

**The Speaker:** Let us allow a bit of explanation for us to know how to assess it according to the Rules of Procedure.

**Ms Nakawuki:** Mr. Speaker as I said, these are people from Busia, which is a border town between Uganda and Kenya. They are the ones who were trying to cross to the Kenyan side through official border points to

come and look for a greener pastures in Kenya. When you go to Uganda, you will find very many Kenyans working there doing different kinds of jobs beginning with hotels, restaurants banks and even within the legal industry. There are people from Kenya in Uganda. These Ugandans were coming hoping that they could also get better paying jobs in Kenya. However, they are now in jail. Their families have been trying to reach out to the County Commissioner in Kenya who has tried to help them since yesterday. However, he has also failed to make headway with this.

This is not the first time that this has happened. Last year around September Members of Parliament from Uganda were arrested in Nakuru. These were Members of the Committee on Education, with one of the Commissioners of Parliament, hon. Peter Ogwang'. The Members had come to benchmark. They had come with their national identity cards because we have always told them that when they come to Kenya, they do not need passports. They had carried their identity cards. However, they were also arrested.

**The Speaker:** Hon. Susan, up to that point, Members know what the matter is. However, because it is a Motion and you are seeking leave for us to debate, that can only happen when the Motion is seconded. I allowed a bit of explanation for Members to make an opinion as to whether it is a Motion that they can second for purposes of debate.

She has moved a Motion. Do we have a seconder? We will hear from hon. Kasamba and Dr. Makame. Hon. Susan, you can now proceed to explain.

**Ms Nakawuki:** Thank you Mr. Speaker. As I was explaining, this was at the level of Members of Parliament and they were treated

like that until the Ugandan ambassador who sits here in Nairobi went to their rescue. Last year, there were a number of girls who were arrested here in Kenya and were kept in detention for 30 days until one of the family members came to camp at my house. That is when I learned about it. I then talked to the Minister who intervened and they were released two weeks later. I do not think that this is in the spirit of integration. In fact, people are beginning to wonder if the whole issue of integration is a reality or is just a mere fallacy.

Last week, when we were debating the Budget, the Committee on General Purpose informed us that we did not have money for sensitisation in the Budget. The vote on sensitisation had been removed. I have realised that in the Republic of Kenya, a lot of sensitisation needs to be done. Sensitisation has not been done on police officers, immigration officials, and Kenya Revenue Authority officials among others. These people need to be told about the whole concept of the Common Market Protocol. Among the achievements of the East African Community, that we are boasting about is free movement of people within the region. We boast of the rights of residency in any of the Partner States, we boast of non-discrimination of East Africans in any of the Partner States, non-harassment of East Africans, we boast of a right to establishment, free movement of workers and labour but it is just on paper. How are you going back to these people and explain to them that actually, this is a reality that we have achieved on one of the pillars of integration which is the Common Market Protocol when people can no longer move across the region without being harassed, arrested among others.

I am saying all these because I would like the Council of Ministers to respond.

Unfortunately, hon. Peter Munya is not here but it would have been more satisfying if the response was coming from him as a Member of Council as much as I am requesting for answers from the Council. I would like to learn from the Council how we are going to convince people especially the people of Busia which is a border community that the free movement is a reality and that it is not a sham because they are actually calling it a sham. We will go outside there and sensitise people about the whole integration process that this is happening. I do not know if the Council is aware and I want to hear tangible solutions from the Council on how we are going to handle such situations.

My second issue is on what is happening at the Busia OSBP. I received a complaint last week from some youth who were coming to Nairobi to attend JAMAFEST. When they got at the border, first, as they entered before the counters, there was a man who met them as they were entering to find out if they were coming in with their passports or national identity cards. They informed him that they have both and he told them that they should not use passports because they were young people, otherwise, the passports would be confiscated and they would be imprisoned. He advised them to use their national identity cards. They proceeded to the counter where they were asked to pay UGX10,000 each, which is around USD3 to get an interstate pass.

We did a tour of the entire Northern Corridor and the Central Corridor using these borders and realised that no one is required to pay for an interstate pass. It is supposed to be free for every single East African and here were people being charged. On top of that, they were told that they have to pay UGX15,000 which is close to USD5 for passport photographs. They took the pictures behind the building and paid UGX15,000 which now

makes it UGX25,000. They then went back to the counter after which they were allowed to cross. Anyone who does not have that money is not allowed to come into Kenya. I do not think that this is how things are supposed to be taking place at our border points. I would like to put it to the Council to look into this matter. I see this as a corrupt tendency by our immigration officials. If you are not aware of this matter, you could send a team there to investigate what is going on. However, that is what the people of East Africa are experiencing.

I beg to move.

**The Speaker:** Thank you. Hon. Kasamba.

**Mr Mathias Kasamba** (Uganda): Mr. Speaker, I take this opportunity to thank my sister, hon. Susan, for moving a Motion on how to deepen and widen the integration. I am informed and you are aware that we travelled through the OSBP under the Northern Corridor tour. We found very magnificent buildings. However, the human beings behind those buildings were a major deterrent to the integration process. They were not facilitating and that is why we crafted the word, “mental-roadblocks.” I second the processes because when we were coming from Namanga, when we crossed as we were entering Kenya, I found a health officer who was supposed to facilitate a citizen of Tanzania. This was when I was walking casually through the border post. The man had thrown out one resident who was abandoned there because he had a yellow fever card which was torn even though it was genuine. I interrogated the officer who said he could not entertain that kind of card. I told him that he was there to facilitate residents to travel. This officer had not attended the meeting that we had with the stakeholders at border post on the Tanzanian side. He then said that were it not for me, he would not

have allowed this person to enter. This caused shame amongst the immigration officers and various stakeholders at the border post owing to the failure to appreciate that the purpose of putting one border post is to facilitate free entry and exit of residents of any Partner State. However, this has become a blockage because they have very good-looking buildings.

The East Africans we are facilitating to travel are local people, small in size and looking for opportunities. However, they have been downgraded as second-class citizens in this region. I want to support the Motion that the Council of Ministers should periodically give us an update. The Common Market Protocol is very clear about the rights of establishment and rights of residency. Could we have on a quarterly basis how many establishments we have in Partner States and how many residents have freely crossed? The records are there to show in Namanga so many Tanzanians have crossed to Kenya and so many Kenyans have crossed to Tanzania. We should have a checking point to know that we are facilitating East Africans to travel within the East Africa Common Market Protocol provisions. Otherwise, it is a dangerous precedence; we are sitting here deliberating. However, the officers, men and women at the cross border points are making serious blockages for our people.

Lastly, last week, you also communicated to me about the Ugandan action on Migingo. This is a contentious island, as we all know, between Uganda and Kenya. As you, all know that 200 Tanzanians were ejected out of the Migingo Island because of some disagreements at the local level. These are some of the realities that we must continuously bring to the attention of the Council of Ministers. We should fast track issues concerning the people who are responsible at the lowest community level

like villages, sub counties, districts and crossing points and where we have common shared resources like the Lake Victoria. That is why the honourable Member from Kenya has brought a petition that we should have a limited amount of nautical miles on some of the shared common resources like Lake Victoria, the way it is done at the Indian Ocean where Kenya holds up to a certain miles, may be 12 nautical miles. The rest remains common resource. This helps us to avoid embarrassing situations where we are limiting people to do activities and to look for opportunities to fish within a common water resource. Even if it is a Kenyan, as long as he meets the required standards, he should be availed that opportunity. I rest my case by saying that we must fast track and put in place periodical reporting by the Council of Ministers at quarterly level to give us an update of how many Ugandans are in Rwanda and how they are being treated. We should know what jobs are there and how many Ugandans are in Kenya establishing investment. That is also a tested grey area where Kenyans have gone to Uganda and opened kiosks where they are selling Safaricom airtime. You will find them in telephone booths and on the streets. However, rarely, across Busia – my Minister from Busia will testify on how many Ugandans are across Kenya accessing free trading commodities on the Kenyan side. This is a reality we must talk about. Thank you.

**The Speaker:** Thank you Dr. Makame, let us be brief because this was not on the Order Paper.

**Dr Makame:** Thank you Mr. Speaker, for giving me the opportunity to add my voice on this important matter. When hon. Susan was submitting this, it reminded me about the Speech of the Chairperson, Council of Ministers when he spoke about Partner States



lagging behind in amending their national laws to conform with the Common Market Protocol. This is a problem that even this morning as we were discussing the work plan at the Committee, we raised. Partner States are not in the speed of amending the laws and that is where the problem is. We may say that this is happening due to lack of sensitisation. However, we know that the people who operate border points; immigration officers, police officers and health officers are civil servants who work on clear orders under laws. Therefore, unless the laws are amended, then we will have to—these are the hiccups of integration, which we have been facing. This is not a very good thing for our integration. Actually, it is more serious when border communities are affected because in border communities, we have what we call *ujirani mwema*, good neighbourliness and the people from either side are given free entry, at least, for some time to go and greet and even have social integration in terms of marriages and so forth.

On the other side, we also looked at the issue of investment. This morning, the Committee on Communication, Trade and Investment had a meeting at the Intercontinental Hotel with the Kenya Association of Manufacturers (KMA). One of the issues raised was that of Export Processing Zones (EPZs) and the threshold of exporting with regard to whether the EAC is a domestic or foreign market. The export processing zones (EPZs) are required to sell 20 per cent of their products locally and export 80 per cent and some of them were in existence even before the customs union, which came into force in 2005.

In common market, we are talking about how citizens are handled. If am a Kenyan trading in Tanzania, I should be accorded similar treatment as a Tanzanian. If I go to Bujumbura and I am a Tanzanian or a Kenyan, I should be accorded similar

treatment as a Burundian. We also observed the issue of investments. If you want to invest, we have these investment promotion agencies, which have specific incentive for citizens and a higher one for noncitizens such that if you have a capital of let us say USD200,000, in a particular Partner State, you enjoy the same incentives as a citizen. However, noncitizens would have to pay USD500,000. The EAC citizens should enjoy the same treatment of investment. The issue of integration is really broad and wide. These are things such as the rights of residence, rights of establishment and freedoms of persons and so on. To that effect, it made us recall that in 2005 when the Customs Union Protocol entered into legal force at the first step of integration, the Council undertook to have a common law in the Community to administer the Customs Union. However, when it came to the common market because it is a bit wider and it involves multiple sectors, then the Council left that to the Partner States. Unfortunately, the Partner States are not making amendments to their national laws accordingly. There are also some pending items in the Common Market Protocol, which have not been concluded in the negotiations.

With that, I would like to support the submission; the Motion moved by hon. Susan, but to also request the Council to come up with a mechanism of ensuring that these laws are amended at the earliest possible time for the convenience of East Africans. Before I leave the Floor, I would like to share my experience in one of the airports. There was this health officer with the white coats having a very long syringe and telling someone who did not have a yellow fever card that they have to inject them. It looked like the syringe used on animals. He told him that either you comply or you give me *kitu kidogo*. It is something that we need to look into and get solutions.

I beg to move.

**The Speaker:** Thank you. We will have Mr. Mbugua make the final intervention. Honourable Members, this was not on the Order Paper, so could we try to be brief?

**Mr Mbugua:** Thank you Mr. Speaker for the opportunity once again. I want to support the Motion by our sister and to let her know that the President of Kenya supports integration. He has said that one can move, come to Kenya to work, marry and do anything that they want, which includes buying land. Therefore, small officers who have assumed many powers bring this about. It is time for us as Members and Council should join us to make sure that our people are fully sensitized. We need a lot of sensitisation for our people so that they know that people are supposed to move freely without those small hiccups of being asked where their yellow fever certificates or passports are. As long as you have your identification despite the security concerns, then you can move from one country to the other without a lot of problems or questions. Those questions are meant to get some money from you. If you do not have a yellow fever, you are asked for something, if you do not have your passport, you are asked for some money. We are one people and we need integration to continue doing business as East Africans. We want people to get jobs on the other side of the border.

I want to support our sister and to say that we have created many laws and it is, indeed, high time that the Council made sure that these laws are adhered to and respected. Thank you, Mr. Speaker.

**The Speaker:** Thank you hon. Simon. Hon. (Dr.) Oburu.

**Dr Oburu Oginga (Kenya):** Thank you Mr. Speaker. I am sorry that I am speaking when you are almost ruling that Mr. Simon be the last speaker. I am going to be very brief. I stand to support the Motion by Ms. Susan. I want to say that this is not a problem just between Uganda and Kenya where Ugandans have been inconvenienced here in Kenya. We also have a very serious problem of Kenyans having problems in Uganda. I would also have brought those issues here on a daily basis, because it is our people, who fish at Lake Victoria and are arrested almost on a daily basis by the Ugandan Revenue Authority. They are taken to some courts in Bugiri and Jinja and fined heavy amounts which a fisherman cannot afford to pay and yet failure to pay means going to jail.

We have had many meetings at the border to try to resolve these issues and I hope that our Council of Ministers will look into all these issues in total sum. Recently our musicians who went to play in Tanzania, Musoma, were arrested and detained for a very long time before being arraigned in court. When they were eventually arraigned in court, they were fined and people had to collect money in some sort of *harambee* to release them back to Kenya. Owing to the skirmishes happening here and there and also a very sensitive issue like the one of Migingo, I do not know why our Council of Ministers or even the Summit are not resolving the issue which appears to be small and yet is creating friction between Uganda and Kenya which are very good friends. Uganda is the biggest trading partner of Kenya and it is unfortunate that we at times have things like those happening. We do not want such things to happen between us and Uganda. We are very careful not to have any problems between our country and Uganda and we want to appeal to our Council of Ministers to take some of these issues seriously and iron them out.

I think that the major problem is the loophole that was left when the Common Market Protocol was left to be implemented by Member States. Member states should not be the ones to implement. Once the Summit has agreed and they have signed a protocol that protocol automatically should be a common law and all the Partner States should domesticate it and the conforming laws drafted to make sure that the implementation of the protocol is done. However, as it is, everybody can be comfortable saying that we are not ready to fully implement yet particularly the right to establishment, the right of free movement of labour, the identification problems at the borders. This needs to be resolved because our countries have already signed. What is the problem of implementing this issue so that our people can enjoy. Talking about the lake, I come from the border there. I have been a Member of Parliament for more than 20 years and I know that these problems appear to be small. However, our people are very friendly with the Ugandan people. They have lived, worked, fished together, and used that common user facility from time immemorial. There have never been any problems. However, when we thought that things are now becoming better, it appears the people at the border are even suffering more as if there is nothing like the Community that exists. We hope that what we are saying here will be heard, our voices will be heard and we shall have an opportunity to realise and concretise the benefits of the integration process.

**Mr. Speaker:** Thank you. Council Chairperson. This is a Motion moved without notice and it is anchored on specific incidents that you may not be having enough information. However, you could at least make a commitment.

**The Minister of State for East African Community Affairs, Uganda (Mr. Julius**

Wandera Maganda) (Ex Officio Member): Mr. Speaker, I want to thank the honourable Member for moving a matter of national importance, which I believe is also of regional importance, concerning the free movement of people and services across the region.

As a Council, we are aware that 40 Ugandan girls were arrested at Busia on Thursday in a place called Bumala at a roadblock after Busia. It is at the place that leads you towards Sio Port. They were arrested in two different buses that they had boarded to Nairobi as they attempted to see how they could improve their lives. This issue came to our attention at the Council. However, we thought that it was not at the level of Council of Ministers to handle it. We referred it back to an already established system that we had put up where border communities and the administrative units develop a mechanism of resolving some issues. This is already an established system where the County Commissioner of Kenya, Busia and the Resident Commissioner of Uganda have periodical meetings to discuss emerging administrative issues that happen on a day-to-day basis as people move and cross borders. We referred this matter back to the County Commissioner of Busia Kenya and the District Resident Commissioner of Busia, Uganda. They are handling it. I took a lot of attention on trying to reach my colleague at the Ministry concerned in Kenya. However, he was upcountry. We do not have a proper brief but I left a message for him to reach me.

I am now sure that he is aware of what is going on.

The girls are still in the cells. They are 40 and most of them are young. We even have a 12-year-old girl and we suspect that they may not entirely have been coming to Kenya to try to survive. It could also have been a case of human trafficking because the people who

got their tickets did not board the same buses because they knew that anything could happen. We have also instituted an investigation. We will not release the girls until we take enough statements from them to help both countries deal with how to reduce human trafficking which is a big vice affecting us as a region. Some of you may have had claims regarding girls who have been exported to the Arab world and who are suffering. We normally get these messages. We believe that Kenya is one exit point, which facilitates these people to move because it is probably near the ocean. Uganda, owing to its level of development, produces more girls who come and pass through Kenya.

As a Council, we take note of the concern from the Member. I know that these girls were arrested and we are working on modalities of how they can be handed back to their families. They are not only from Busia but there are girls who come from as far as Iganga and others from as far as Mbarara. I have all the names and we definitely must ensure that we get to the bottom of this matter as a Council. This is not entirely about the East African Community. There are also criminals who are using the regulations that we have set up on free movement of people by easing the documentation processes of how people move. They try to utilise the weakness to do their trade which is dangerous to our people. I have information and I believe that I have given it to the House. I do not think that I will come back with more information than this. We are taking note of this.

Our Presidents have been talking about free movement of people, free entry and free settlement. President Kenyatta, on his swearing-in Speech, clearly mentioned how he would wish to see people settle in Kenya and marry. On 1<sup>st</sup> February, 2018,

immediately after the Summit, we were with you, Mr. Speaker in Busia where we were commissioning the OSBP point in Busia and the President again mentioned it. We believe that this is goodwill from both presidents though it does not mean that people will now move without using the proper channels. They definitely need to go through the regulated established regulations that will make them registered in Kenya, Uganda or any other East African country. We should know the number of people who have crossed using the fast systems of protocol, which we have established for movement. If one is using an identity card, he or she would definitely require an interstate pass to enter Kenya and that interstate pass expires after six months. However, if one is going to settle in Kenya, then there is another process he would have to undertake with the Ministry concerned to see that he is settled in Kenya as a citizen. However, they should, at least, have records indicating that they are from another Partner State.

We do not want to take the pronouncements from the presidents as a leeway for people to enter because we might have criminals crossing over who might be running away from justice. We want to ensure that we use proper regulations, which are already established under the Common Market and the immigration departments to see that we get the records captured.

About the 40 girls, I know that there is a process going on and we shall have them released. As we speak, I believe that there are efforts being made because the Ugandan team was in Kenya by 8 a.m. There was commitment from the County Commissioner that the girls would be crossed over. There are others who have been involved in some cases before and it is believed that they could have been the masterminds of having these girls cross to Kenya. They were also arrested

and might be held further for investigation purposes. Let us take this as an issue of regional importance. However, let us allow investigations and the due process to take place.

Concerning the JAMAFEST and the National Identity Cards, we are not supposed to pay money for travel documents and the Interstate Pass. One is not even supposed to use the passport size photograph. They are only supposed to produce their National Identity Cards in Uganda, Kenya and Rwanda though Tanzania and Burundi are yet to come on board on the use of the National Identity Cards. This must be clear. If a Ugandan is travelling to Tanzania, he should not assume that once he gets to Tanzania through Kenya, he would be using the same document. He will either require to have a temporary permit if he has no passport or he will be required to produce a passport or get one at the border point. Those are two different dynamics. Therefore, we need to sensitise people on what they require when travelling. When somebody knows that he is moving to Tanzania via Busia, it would be easy for him to use the passport other than the National Identity Card that would inconvenience him when he gets to Namanga or any other border point. However, the fact remains that even if one uses the identity card, he would still cross because the Interstate Pass gives him the security to process a temporary pass on the other side.

The problem that we have right now is how to harmonise the laws. We still run different laws and the Council is making an effort to see that there is faster ratification of the Protocols. I will also request EALA and the different chapters to find out from the Ministry of Foreign Affairs how far they have gone in ensuring that these laws are being ratified. It is a very slow process and what we have been getting are commitments, which

are not implemented. We believe that this is something that the Council and the Members of Parliament should do when they go back home.

Uganda has tried to make an effort on this although there was a yellow fever problem. However, the Government provided the vaccine to a hospital very close to the border. Right now, no one can say that they lack a yellow fever card. The hospital is barely a kilometer away from the border and one can go there and secure free vaccination after which they are given a yellow fever card. That is a request that we had put as a Ministry to the Ministry of Finance to secure money through the Ministry of Health and now we have that facility. We have also put up a staff of the EAC in Busia who is supposed to solve emerging issues on trade, immigration and revenue. This is a very well informed staff and he works there 24 hours alongside the other agencies. These are some of the things that we should all be doing. It would have also been good to have our counterpart on the other side have staff doing the same thing because the infrastructure and offices have been established. These are things that we are working on and the Council has been trying to see to it that we recruit technical staff to be settled within the border points to facilitate faster processes for integration to become a reality.

The issue of fishing has come out very clearly from my elder brother, Dr. Oburu and I want us to appreciate that the lake is a shared resource in the region. The EAC had 27 fishing factories but they all closed down including the ones in Kenya because the fish stock dropped. They closed completely and people lost their jobs and revenue for export. Uganda has put up an enforcement mechanism to revive the fish stock because overfishing was a result of the use of bad gear such as small nets and the new system where

they pull everything that they come across. I do not know how it is called in English but they have a name for it. All they need to do is to drop the net across and have people who will be on the dry land pulling everything that is within that range. The Government decided to put up an enforcement that would see the revival of the fish stock as well as improve the fishing methods. It has been a big fight and we have arrested everybody who has had a bad fishing gear or those who fish immature fish. This process has not been discriminatory and we have been arresting everybody and not just Kenyans.

In the one year that Uganda has put the strict enforcement in the lake, we have been able to recover the fish stock. Out of the 27 industries that had closed, 16 have reopened and I think that we should appreciate this. We should also go out and ask our people to improve on the gear that they use. Everybody is allowed to fish so long as they have the right gear and we do not have a scenario where Ugandans are told that they cannot cross to Kenyan water to fish because fish has no boundaries. Fish can mature in Tanzania yet it will be caught in Uganda so the region should come up with a mechanism of improvement and enforcement. If we have strict regulations, we shall recover all the industries. It is not only the industries in Uganda that have closed, but industries have also been closed in Tanzania and Kisumu, Kenya. As a Ministry, we have data of the industries that have also been revived.

The issue of immature fish came to the attention of our President and the Governor of Busia County even mentioned it when we were opening the OSBP in Busia. President Museveni informed the Governor that Uganda shall continue arresting people for as long as they continue catching immature fish and using bad nets because we need to have fish in the lake. That does not only benefit

Kenyans or Ugandans but also improves trading fish within the region. Therefore, we should all laud this kind of message to our people and leave out the element of creating an impression that one particular country is harassing people from a different country.

On the issue of Migingo – (*Interruption*)

**The Speaker:** Yes, hon. Dr. Oburu. Honourable Members, this is a very important matter. Therefore, the time spent discussing it is worth it.

**Dr Oburu:** Mr. Speaker, I appreciate what the Minister is saying and I do not want to argue with him. However, I just want to give him some information. As it is, it is not only people with wrong gear who are being arrested. There is a requirement by Uganda that fishermen should have a license which costs about Kshs60,000 and yet the small fishermen do not have that kind of money to pay. When these fishermen are found without that license, they are bungled in and fined. Therefore, this is not just a matter of gear.

When it comes to the use of correct gear, I support you because we should not allow people to do illegal fishing and using the wrong gear while in water.

**The Speaker:** Hon. Minister, there is an issue of small fish and small fishermen.

**The Minister of State for East African Community Affairs, Uganda (Mr. Julius Wandera Maganda)** (Ex Officio Member): Mr. Speaker, I want to take note of the concern on the small fishermen. I believe that we shall also revisit the regulation that is being undertaken by the Ministry of Fisheries and see how to address the small fishermen case, more so on whether they can lower the

fee. The fishermen should be able to get into business without inconvenience.

**The Speaker:** Hon. Minister, some of these regulations that are unilateral can serve better if they become regional. The Council could initiate some of these Bills instead of passing a unilateral regulation however good the intentions are. A regional legislation would provide a platform for all of us to engage and I think it would serve better and reduce some of these frictions.

**The Minister of State for East African Community Affairs, Uganda (Mr. Julius Wandera Maganda)** (Ex Officio Member): Mr. Speaker, we have taken note.

Concerning Migingo, the region has already put up a committee of technical officers from the Ministries of land, fisheries, water and environment who are already working out on the modalities on how to do the survey to establish the colonial boundaries, which are going to give us a basis to survey the whole boundary of the East African region. It is no longer Migingo Island alone that is contentious but we also have issues with Mutukula which is on that part of Tanzania and Uganda's Karamoja on the upper part of Turkana, Uganda and South Sudan. At the moment, they are securing funding though they are also working on mechanisms at the technical level to agree on how they are going to survey the boundary of the EAC which will sort out the issue of Migingo.

I want to put it to the House that the Council is aware of what is going on and we know that there is a committee that is already meeting in Arusha. In a short while, they are going to come up with the budget, which will release the details on how we can secure this coordinates. Thereafter, we shall sort out the issue of Migingo and any other issue, which is causing conflict around the region in terms

of boundary. I want to thank you, Mr. Speaker, for giving me the opportunity to answer the questions that have been raised. I also want to thank hon. Susan and I commit that we are going to address areas where we find elements of corruption in cases where people are supposed to have free movement.

**The Speaker:** Thank you, hon. Minister. I think that the answers given are very detailed given the circumstances and the questions.

**Ms Mary Mungenyi** (Uganda): On a point of clarification, Mr. Speaker Sir.

**The Speaker:** Are you asking for further clarification or do you want to compliment the Council's response?

**Ms Mugenyi:** Mr. Speaker, I would like further clarification.

**The Speaker:** Okay.

**Ms Mugenyi:** Thank you, Mr. Speaker. I thank the Minister for the reply though I also wanted to know the status of school fees for East Africans particularly in the institutions of higher learning. If a Kenyan wants to go to Uganda to study medicine or any other course in one of our universities and the other way round, does the student pay international school fees?

**The Speaker:** Hon. Mary, I am sorry but according to the rule, that hon. Susan based her question on, we cannot generate debate beyond the original matter raised by her. That is an entirely different matter and cannot be allowed for now, even if the Minister has a response.

**The Minister of State for East African Community Affairs, Uganda (Mr. Julius Wandera Maganda)** (Ex Officio Member): Mr. Speaker, maybe – (*Interruption*)

**The Speaker:** Excuse me; even if you have a response, we have to follow the rules. That was not in the original issue raised by the Mover. Therefore, it cannot be allowed. The answer about Migingo was optional for you. The debate should have been restricted on the girls though those are very important issues. Hon. Mary should find an appropriate rule to raise the matter another time.

**The Minister of State for East African Community Affairs,** Uganda (Mr. Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, I just want to suggest something that the House could adopt in future now that many Members are trying to inquire a lot of information from the Council. Some parliaments have adopted questions and oral answers session, which we could adopt in future. That may help us. We could have the Council answer questions instantly if such cases arise.

**The Speaker:** That is food for thought for the Committee on Legal, Rules and Privileges or any other Member who may wish to initiate the process of including that particular aspect in our Rules of Procedure. Honourable Members, let us conclude this first. Thank you, hon. Minister, for the responses. The issue here is that there is a challenge for everyone and particularly the Council to make sure that policy pronouncements are implemented on the ground. We have to ensure that there is no mismatch because most of the issues that we have here are due to mismatch between the positions that we have taken as a region and what is happening on the ground. The people that hon. Simon referred to as “small officers” are the people representing the face of the Partner State. Therefore, whatever they do cannot be an excuse of where they are deployed. They must be fully aware of what they have to do

and the commitment that Partner States have taken.

Regarding the particular incident, given the limited details that we have, we appreciate the fact that the Council is already seized of the matter and it will continue to deal with it. This one has now been brought to an end.

**Ms Fatuma Ndingiza** (Rwanda): On a point of information.

**The Speaker:** Not allowed. Could we hear from Dr. Makame?

## MOTION

### OF PUBLIC INTEREST UNDER RULE 30(1)

#### ACTIVITIES THREATENING SERENGETI MAASAI MARA ECOSYSTEM

**Dr Hasnuu Abdullah Makame** (Tanzania): Thank you Mr. Speaker. I stand pursuant to Rule 30(1) with the intention to move a Motion of public interest to the Community. The reason I am doing this is because you earlier alluded to the fact that our work is being appreciated and we should not be complacent. Indeed, we are rigorous and thorough and for that reason, we observed that the Treaty establishing the EAC Chapters 19 and 20 talk about Cooperation in Environment and Natural Resource Management and Cooperation in Tourism and Wildlife Management respectively from Article 111 to 116. We have what we call the Serengeti-Maasai Mara Ecosystem which is an area covering more than 680 hectares of land. This is a known area for it is a world heritage site. It offers a unique attraction to this not only region but also global attraction, which is called the Great Migration. In this great migration, millions of animals cross



from one place to another and with this, the EAC; the Sectoral Council of Ministers responsible for Tourism and Wildlife Management deliberated and agreed that the EAC should be marketed as a single tourism destination. One of the products that tourists are attracted to in this region is the great migration in the Serengeti-Maasai Mara Ecosystem.

Since 1985, the number of animals migrating in the Serengeti-Maasai Mara Ecosystem has been on a steady decrease. We still have a good number now though it is almost 20 per cent of the original number. I am afraid that the migration might no longer be there because we are seeing – *(Interruption)*

**The Speaker:** Could you first give us an idea of what the problem is in order for me to give an opportunity to someone to second your Motion after which you could give more explanation?

**Dr Makame:** Thank you Mr. Speaker. The idea is that we are having a threat on the Serengeti-Maasai Mara Ecosystem because of human activity. As a result of that, I propose to move a Motion for this House to use Rule No. 34 to make a resolution to pursue this matter as a House. I would also want the Partner State – *(Interruption)*

**The Speaker:** Is the human activity that is threatening ecosystem in Serengeti-Maasai Mara Ecosystem the problem hence the Motion?

**Dr Makame:** Yes, Mr. Speaker.

**The Speaker:** Who will second that?

*(Dr Maghembe, Mr Abdikadir Aden and Mr Victor Burikukiye seconded)*

Explain further but do not take too much time for we have other Members who would also want to talk on the same.

**Dr Makame:** Thank you Mr. Speaker. As I had said, the Serengeti-Maasai Mara Ecosystem is currently in danger yet it is one of the few heritage sites left in the world of such nature. We are obliged to take care of that ecosystem and other ecosystems including other shared resources such as lakes. The Serengeti-Maasai Mara Ecosystem is also a shared resource and we have a responsibility to protect it for the sake of future generations. It is better late other than saying sorry. For that, I am submitting to this House to take a position and to follow up this matter. Due to the limited time that we have; considering that there is some House business pending and with the indulgence of the Speaker, let us have limited debate. We should also agree that EALA follows this matter as a House together with the Chairperson of the Committee on Agriculture, Tourism and Natural Resources who will go and get the details because this matter has been in the public. We have had researchers publishing articles on this matter and calling for attention saying that the ecosystem is threatened thus, the Council should take measures to make sure that this ecosystem is preserved and sustained.

As I said earlier, the wild animals that are crossing over are mainly of three types. These are the wildebeest, zebras and gazelles. It is in our interest to ensure that this ecosystem is sustained.

**The Speaker:** Thank you Dr. Makame. I appreciate the fact that you are raising a very serious matter but it is not a very urgent matter in the sense of this Rule. I advise that you table a Motion that can be debated so that resolutions are taken or referred to a Committee or whichever way we decide.

Much as it is a very important matter, it is not such an urgent matter under the rule that you have quoted. I advise that you table a Motion using another rule that can allow debate leading to a resolution or reference to a Committee for substantive action.

**Dr Makame:** Thank you, Mr. Speaker.

**The Speaker:** Dr. Makame, the Council has taken note of what is in the offing so they should start preparing.

### PAPERS LAID

#### THE EAST AFRICAN COMMUNITY ANNUAL REPORT OF ACTIVITIES FOR THE PERIOD 2015/2016

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, in accordance with the provisions of Article 49(2) (c) of the Treaty on the functions of the EALA, I beg to lay the following paper on Table:-

The East African Community Annual Report of Activities for the Period 2015/2016. This Report gives a description of the key achievements and challenges of the EAC organs and institutions.

I beg to lay.

*(The Minister of State for East African Community Affairs, Uganda (Mr Julius Wandera Maganda) (Ex Officio Member) laid the document on the Table)*

**The Speaker:** Thank you hon. Chairperson, Council of Ministers. That means that we have a backlog. We do not have the 2016/2017 report, which is due. Therefore,

we expect it to be tabled as soon as possible for us to be in compliance with the provisions of the Treaty.

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

Report on the 22<sup>nd</sup> Course in International Humanitarian Law (IHL) for Humanitarian Professionals and Policy Makers: 18<sup>th</sup> - 23<sup>rd</sup> March 2018, Nairobi, Kenya

**Mr Gideon Gatpan Thoar** (South Sudan): Thank you Mr. Speaker. In accordance to Rule No. 8(9) of the Rule of Procedure of the Assembly, for the records by the Members representing the Assembly, I would like to lay a Report on the 22<sup>nd</sup> Course in International Humanitarian Law (IHL) for Humanitarian Professionals and Policy Makers that took place on the 18<sup>th</sup> to 23<sup>rd</sup> March 2018, Nairobi, Kenya.

I beg to lay.

*(Mr Gideon Thoar laid the document on the Table)*

**The Speaker:** Thank you, hon. Gideon Thoar.

### QUESTIONS FOR ORAL ANSWERS

EALA/PQ/OA/4/07/2018

#### STATUS OF EAC INSTITUTIONAL REVIEW PROCESS

**The Speaker:** Proceed, Dr Rwigema.

**Dr Piere Celestin Rwigema:** Mr. Speaker, Sir, thank you for giving me this chance.

Permit me to thank the Chairperson, Kenyan Chapter, for the warm welcome and hospitality that we have been accorded up to now. I was given an opportunity to taste crocodile meat. I thought it was a very dangerous animal. However, it tastes very good. Thank you.

Mr Speaker Sir, coming back to my question, I want to ask the Chairperson, Council of Ministers, the question referred to as EALA/PQ/OA/4/07/2018.

In 2009, The East African Community initiated the Institutional Review process.

A validation workshop of the report for the first phase was successfully conducted with representation of all Partner States, EAC Organs and Institutions from 12<sup>th</sup> - 13<sup>th</sup> August, 2013.

On 31<sup>st</sup> August, 2013, the final (Institutional Review) report was submitted to the Council of Ministers. It highlighted proposed structures, functions, opportunities and challenges.

It can be argued that the Institutional Review is a work in progress, but it is now nine years since the initiative was launched and five years since the Partner States received the final report but there seems to be no progress whatsoever in implementing the proposed structures in the consultants' report.

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

- 1) the actual status of the EAC Institutional Review Process;
- 2) the way forward and the time frame for the completion of the Institutional Review Process; and,

- 3) any other challenges that could have undermined the Institutional Review process.

**The Minister of State for East African Community Affairs, Uganda (Mr Julius Wandera Maganda)** (Ex Officio Member): Mr. Speaker, the 33rd Meeting of the Council of Ministers held on 29<sup>th</sup> February 2016 in Arusha, Tanzania approved the report on Institutional Review done by a Consultancy firm called WYG.

The 17th Ordinary Summit of the East African Community Heads of State held at the Ngurdoto Mountain Lodge in Arusha, Tanzania on 2nd March, 2016 took note of the proposed implementation framework for the EAC Institutional Review and directed the Council to proceed with the implementation of the proposed framework and give a progress report at the next Summit of the Heads of State.

Mr. Speaker, as part of the implementation, the Council decided that Institutional review be done in two phases:

- i. An initial phase which will involve among others review of the structure for EAC Organs and Institutions; and
- ii. A consolidation phase, which will require transforming the EAC Secretariat into a Commission.

Mr. Speaker, the Council established an ad hoc EAC service Commission, which has been tasked to implement the recommendations of the institutional review report.

Mr. Speaker, a workload analysis and job evaluation exercise, which will propose a new structure for the EAC organs and institutions, is ongoing and will be presented to the 38th Meeting of the Council of Ministers.

Mr. Speaker, the framework for transition to a Commission taking cognizance of existing studies and other comparative information on other similar Regional Economic Communities had also been planned to be undertaken in the Financial Year 2018/19.

On this, we had already allocated some money, which in the wisdom of this House was reallocated. However, I commit that the Council will be doing some consultation with the Secretariat to establish further on how to undertake and complete this process.

I beg to move.

**The Speaker:** Thank you. Do we have any supplementary questions? Proceed, hon. Nooru.

**Mr Adan Mohamed Nooru** (Kenya): Thank you, Mr. Speaker, Sir. On the issue of the review, the Minister has said that the report was submitted on 2<sup>nd</sup> March, 2016, to the Summit and passed on to the Council for implementation. Does the report that the Council want to be done in two phases the same or a different one? The issue of the review of the structure of this organ is becoming a bit confusing. Could the Minister be very clear and candid enough and tell us that whether we are still to carry out further review of this issue? What happened to the previous reviews that had been carried out and report submitted to the Council? The Council submitted it to the Summit, which approved it and then gave it back for implementation. We are again in a review after three years along the line, from 2016 up to now. What is the status?

**The Speaker:** Proceed, Chairperson, Council.

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, Sir, it is true that the first report was submitted. However, just as I said, this report was implemented in two phases. What happened is that the Ministry of Finance wanted to consolidate how these two reports would be implemented and have the structures of EAC consolidated into a system in the initial phase to reduce the cost of running the whole institution and the organs of EAC.

The directive, which is making the process of the review to continue, is emerging from the issues that came from the initial report. However, it is now a directive that is coming from the Ministry of Finance, which is supposed to implement this report.

I beg to move.

**The Speaker:** Thank you. Proceed, hon. Susan.

**Ms Nakawuki:** Thank you, Mr. Speaker, Sir. I have two supplementary questions to Council. First, I would like to know if the Council is aware that this endless institutional review has crippled the operations of the Community since there is no recruitment that has taken place for close to ten years. Secondly, I would like to know from the Council how many staff positions remain vacant pending conclusion of the institutional review.

**The Speaker:** Thank you. Proceed, Council Chair.

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, Sir, I am not aware that there is an endless institutional review which is

crippling the East African organs and institutions. I am not aware of it. What I know is that the recruitment at short term is ongoing.

**The Speaker:** The auditors question it. It is irregular and the Council is aware of that. – *(Applause)*

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, Sir, what I know is that the recruitment for established positions is ongoing. This is not in any way crippling the operations of the affairs of the EAC.

**The Speaker:** There were two questions I guess. Okay, they are answered. Thank you. The second was on how many vacancies and he said they are being filled. That is the response. You may not appreciate it but that is the answer he has given. There are no more supplementary questions.

EALA/PQ/OA/4/07/2018

#### INSTALLATION OF INTERNET CONNECTIVITY AT HOROHORO -LUNGALUNGA (OSBP)

Proceed, Dr Makame.

**Dr Hasnuu Abdullah Makame** (Tanzania): Thank you, Mr. Speaker, Sir. Mine is question to reference number EALA/PQ/OA/4/07/2018 to be answered by the Chairperson of the Council of Ministers.

Citizens of the region are set to benefit a great deal through facilities offered by the One-Stop Border Posts (OSBPs) in the EAC Partner States. Already in most Borders where the facilities are running bilaterally,

there is facilitation of free movement of the persons and the enhancement of trade between the Partner States. However, in the Horohoro - Lungalunga Border post between Tanzania and Kenya, I witnessed completed facilities on both the Tanzanian and Kenyan side, but which were not operational. The delay to operationalize this OSBP was attributed to lack of internet connectivity.

In light of the above delay, could the Chairperson of the Council of Ministers inform this august House?

What steps have been taken to install internet connectivity at the Horohoro -Lungalunga OSBP?

**The Speaker:** Proceed, Chairperson, Council of Ministers.

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, Sir, I take note of the question from Dr. Makame. The OSBP was constructed by the World Bank. The scope was limited to infrastructure only. I will refer my colleagues, Members of Parliament here to read the Budget Speech.

Mr. Speaker, plans are underway for Trademark East Africa to step in and address soft infrastructure issues at the Lunga/Horohoro OSBP. Launch of the OSBP can not be done until interconnectivity is addressed and operations commenced. This is a short-term measure to kick start OSBP operations but it is the responsibility of the Revenue Authorities to fund the interconnectivity and other maintenance services and activities.

I beg to move.

Proceed, Dr. Makame.

**Dr Makame:** Mr. Speaker, Sir, the Chairperson, Council of Ministers is suggesting that this is a temporary measure. However, the construction of the facilities was concluded in 2014. It is now 2018 and yet Partner States and East Africans are not enjoying the facility of the One Stop Border Post (OSBP). The Community enacted the OSBP Act. Several activities have taken place. These OSBPs have been done to facilitated integration better. However, four years down the line, the World Bank has done what it should have done yet we are still saying that the revenue authorities are the ones who are responsible for interconnectivity.

Does it mean that these revenue authorities do not want to do the interconnectivity? One thing we noted was that people who are working at the border are anxious to operate the OSBP.

**The Speaker:** Thank you. Proceed, Chair Council.

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, Sir, I want to appreciate that the infrastructure has been under construction since 2014. However, one of the agreements that EAC had with the World Bank was that the Partner States' revenue authorities should take up the interconnectivity perspective. There has been a delay on the interconnectivity in terms of harmonising the revenue system to merge their data so that it is readable across the two countries. That delay caused the operations not to take place in time. However, we mentioned this on 4<sup>th</sup> May 2018, in a meeting to remind the respective revenue authorities of the respective budgets so that they put up a fund that is supposed to buy the infrastructure to do the interconnectivity. I believe within this

year, we shall be having the operation of these points come into force.

**The Speaker:** Possibly, within this year, you will be asked to account on that response. Proceed, Mr. Musamali.

**Mr Paul Musamali Mwasa** (Uganda): Thank you, Mr. Speaker, Sir, for this opportunity. Thank you, Dr. Makame for the question. My supplementary question goes to the Chairperson, Council in line with the question and the answer that he has provided. Chairperson, Council of Ministers, are you aware that the OSBP at Ruhwa between Rwanda and Burundi is not working as an OSBP given the fact that it was launched. One of the things that has made that OSBP not to work is probably emanating from connection and installation of CCTVs. You were saying that this software matter was left to Partner States. We had a tour to that station which was facilitated by EALA and the Speaker and we appreciated it. I was on that central corridor trip.

Chairperson, Council of Ministers, we were told that the Burundi side installed CCTV cameras, and it caused problems. At the end, the operations at this OSBP stopped and they are now operating as different countries. I am extremely disappointed that we are talking about an OSBP which is not working compared to others like Rusumo. Could you shed more light? If there is a problem, when is it going to be addressed?

**The Speaker:** Proceed, Chairperson, Council of Ministers.

**The Minister of State for East African Community Affairs, Uganda** (Mr Julius Wandera Maganda) (Ex Officio Member): Mr. Speaker, Sir, I want to appreciate the supplementary question from hon. Musamali. The Council is aware of the problem that is

between the border of Burundi and Rwanda to fully operationalise the OSBP. The CCTV cameras were connected on the Burundi side. However, we need to appreciate that there has not been very good relationship between the two Partner States. That subjected a delay of the implementation of the connection of the CCTV on the Rwanda side because there was suspicion of some information being used through the CCTV. However, this is now being addressed and we believe the team, which is working on the conflict resolution for the two Partner States has this as part of the issues they are discussing. They will ensure that part of the revenue and flow of goods and services will not be affected as we handle the political part. Therefore, we take note, but we know it is part of the ongoing discussions.

**The Speaker:** Is there are other supplementary question? Thank you.

### MOTION

#### RESOLUTION OF THE ASSEMBLY TO URGE EAC PARTNER STATES TO ENSURE ELECTION OF YOUTH TO EALA AND NATIONAL ASSEMBLIES

**The Speaker:** Proceed, hon. Jean Claude Barimuyabo.

**Mr Jean Claude Barimuyabo (Rwanda):** Thank you, Mr. Speaker, Sir. I stand to move a Motion:-

THAT this Assembly do resolve to urge the EAC Partner States to ensure the election of youth in the EALA and in the national assemblies.

I beg to move.

**The Speaker:** Could we get a Seconder? Hon. Claude, proceed with the Motion.

(Ms. Florence Jematiah, Mr. Pierre Rwigema and Ms. Sophie Nsavyimana seconded)

And all the Members who are standing. Hon. Jean Claude, proceed with the Motion.

**Mr Jean Claude Barimuyabo (Rwanda):** Thank you Mr. Speaker. I beg to move:-

***WHEREAS** Article 120 (c) of the Treaty for the Establishment of the Community requires Partner States to closely co-operate amongst themselves in the field of social welfare with respect to the development and adoption of a common approach towards the disadvantaged and marginalised groups, including children, the youth, the elderly and persons with disabilities through rehabilitation and provision of among others, foster homes, health care education and training;*

***WHEREAS** Article 7(1)(a) of the Treaty provides that one of the principles that shall govern the practical achievement of the objectives of the Community shall be people-centered co-operation;*

***AND WHEREAS** chapters 8.1.13, 8.1.14 and 9.1.2 of the East African Community Youth Policy provides for commitments of the Community to empower and support the youth and envisage the critical role of the Assembly in particular as a legislative Organ of the Community to actualise the said commitments;*

**AND WHEREAS** Article 28 (a) of the African Youth Charter that was signed by all EAC Partner States, provides that governments shall collaborate to identify best practices on youth policy formulation and implementation;

**AWARE THAT** the youth constitute 63% of the total population of the East African Community and as such it is important to have the representation of this sizeable percentage of the population at the East African Legislative Assembly and National Assemblies;

**NOTING THAT** Article 50 (1) of the Treaty provides that National Assembly of each Partner State shall elect, not from among its members, nine members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner States, in accordance with such procedure as the National Assembly of each Partner State may determine;

**NOTING FURTHER THAT** elections of Members of National Assemblies of the Partner States are governed by the Constitution and electoral laws of each Partner State;

**CONCERNED THAT** neither the Treaty nor the East African Legislative Assembly Election Act, 2011 provide for special slots for the youth to ensure that they are elected to the East African Legislative Assembly;

**CONCERNED FURTHER THAT** neither the Constitutions nor the electoral laws of some Partner States provide for special slots for the youth to be elected in National Assemblies;

**AWARE THAT** the election processes for Members of the East African Legislative Assembly and for Members of National Assemblies require huge financial and human resources which most of the youth do not have;

**AWARE FURTHER THAT** some Partner States have youth representatives in both the East African Legislative Assembly and National Assemblies; and

**RECALLING THAT** on 15<sup>th</sup> August 2016 the East African Youth Ambassadors petitioned the Assembly, with a request to the Assembly to advocate for key issues concerning the youth, including the need for special slots for representation of the youth at this Assembly and National Assemblies.

**NOW THIS ASSEMBLY DO HEREBY RESOLVE TO:**

1. Urge the EAC Partner States to allocate special slots for the youth in the election of Members of National Assemblies;
2. Urge the National Assemblies to provide special slots for youth representation in their Rules of Procedure to provide for special slots for election of the youth to the East African Legislative Assembly; and



3. *Urge the Council of Ministers to follow up the implementation of this Resolution and report back to this Assembly.*

Mr. Speaker, Sir, I beg to move.

**The Speaker:** Thank you hon. Jean Claude. Do you need to give any further justification?

**Mr Barimuyabo:** Thank you, Mr. Speaker. The current electoral laws in the Partner States, it is only Rwanda and Uganda that provide for youth representation in the National Assemblies. In Rwanda, it goes beyond the National Assemblies; it has representatives in the EALA. With the current electoral systems in Partner States – *(Interruption)*

**Ms Fancy Haji Nkuhi** (Tanzania): On a point of information.

**The Speaker:** Hon. Claude, will you take the information?

**Mr Barimuyabo:** Mr. Speaker, I will take it.

**Ms Nkuhi:** Mr. Speaker, I would like to inform hon. Claude that even Tanzania has special seats for the youth in the National Assembly.

**Mr Barimuyabo:** Thank you hon. Fancy. I did not know that because the information that I have is that it is only in political parties in Tanzania where there are special slots reserved for youths. I know that they do that in CHADEMA but I did not know that there is a special slot for the youth in the National Assembly of Tanzania.

**The Speaker:** We need to have correct information. Hon. Fancy, are there special seats for youths in the National Parliament or

do we just have youthful Members in Parliament?

**Ms Nkuhi:** Mr. Speaker, we have special seats in National Assembly and – *(Interruption)*

**The Speaker:** Are they elected on that particular ticket?

**Ms Nkuhi:** They are elected by political parties.

**The Speaker:** That is the information that was needed and you have given.

**Mr Barimuyabo:** Thank you, Mr. Speaker. I also want to put to the attention of this Assembly that according to the Treaty, it provides one third of the slots to women. The reason for this is that the women were also having problems to get a chance to be elected because of heavy financial means that are required to afford the campaign.

**The Speaker:** For purposes of the correctness of information, is it the Treaty or the Act? I think that it is the Administration of EALA Act. It is the EALA Elections Act and not the Treaty.

**Mr Barimuyabo:** Thank you for the information but I moved this Motion as a way of responding to the petition which I said was written by Youth Ambassadors of East Africa where they were requesting for the establishment of East African Community Youth Council and also have representatives in the National Assemblies and EALA. It is not based on the fact that the youth are not able to be Members of EALA or National Assemblies but because of the heavy financial means that is required to finance the campaigns. The current electoral laws and electoral systems makes it difficult for the

youths to be Members of the National Assemblies and EALA.

I can cite some examples and one of them is that in the current EALA, the South Sudan Chapter does not have a youth Member because I think Mr. Kennedy is above 35 years of age. According to the East African youth policy, the age bracket of the youth starts from 14 to 35 years of age. Mr. Kennedy Mukulya is above 35 years of age. According to the current – (*Loud Consultations*)

**The Speaker:** Honourable Members, let us listen to the Member.

**Mr Barimuyabo:** According to the current electoral laws, the Burundi Chapter does not have a Member who is a youth. – (*Loud Consultations*)

**The Speaker:** Proceed.

**Mr Barimuyabo:** The method used to elect them is not provided for by the electoral law and it is not compulsory to have a youth member as they do for women. I beg to move.

**The Speaker:** I think that what is critical is the diversity of shades of opinion but it remains for Partner States to define the parameters. That is the correct position of the law.

Hon. Members, the Motion before the House is that this Assembly do hereby resolve to urge the EAC Partner States to ensure that there is election of youths to the EALA and the National Assemblies. The debate is open. We will hear from Ms. Susan, Dr. Makame, Dr. Maghembe and Mr. Musamali. – (*Question proposed*)

**Ms Nakawuki:** Thank you Mr. Speaker. I would like to first thank hon. Claude for his

too much love for the young people. I know that he is very passionate about this issue and I rise to support the Motion.

I also want to thank the Council in a special way for having found it fit to come up with a youth policy that actually harmonises all the youth policies in our Partner States. According to the youth policy, a youth is that person between the age of 15 and 35. This is the same definition in Kenya, Tanzania and Burundi yet in Rwanda, it is between 14 and 35 and between 18 and 30 in Uganda. Uganda harmonised this during the approximation process to be in tandem with the EAC definition of youth.

Allow me to also thank our Partner States. Indirectly, they considered the youth when you go by that definition. When you look at the Republic of Kenya, we have Ms. Jematiah, Mr. Kalonzo here, regardless of how they came. When you look at the Republic of Tanzania, we have Ms. Fancy, Ms. Pamela and Ms. Happiness who are also here.

**The Speaker:** Honourable Dr. Maghembe. – (*Laughter*)

**Ms Nakawuki:** Yes, Sir Ssalongo, I am not so sure. He is now a ssalongo and that definitely takes him out of this age bracket. Ssalongo is a father of twins.

When you look at the Republic of Burundi, we have hon. Sophie who falls directly in that category. In the Republic Uganda, we have hon. Namara who is a youth even though he has a big body. I also fall under that bracket. Rwanda has been very consistent on this. It has a seat specifically for young people and that is why we have hon. Claude. When you go to the Republic of South Sudan, we have hon. Kennedy and hon. Kim who has demonstrated that he is very energetic.

Therefore, he is a youth when you consider that.

Mr. Speaker, when I look at Article 50 of the Treaty, if I could just read the given sections under 50(1), it says:-

*‘The National Assembly of each Partner State shall elect, not from among its members, nine members of the Assembly, who shall represent as much as it is feasible, the various political parties represented in the National Assembly, shades of opinion, gender and other special interest groups in that Partner State, in accordance with such procedure as the National Assembly of each Partner State may determine..’*

When I go by the definition of feasible, as far as I am concerned, it means where possible, where practical or where is probable. Where it is not, they are not obligated. I will use an example of the Parliament like Uganda where you have to represent all political parties in Parliament, different shades of opinion, independent members of which I am standing here as an independent member. We also have the issue of gender and the interest groups, which include women, persons with disability and even workers as in the case of Uganda. In Uganda, there is even the Uganda People's Defence Force (UPDF) representative in Parliament. Is it feasible if you are to have all those fitting in these nine slots?

This issue has come before the Council; in fact, it seems as if every National Assembly has brought up this issue. We even discussed this issue in the Third Assembly. However, I want to put it to the Council that this is not feasible and not practical. The question is; what can we do? The ultimate solution is for us to increase the slots for the Assembly because the Community is growing. We are not going to be static on the nine positions per

Partner State. We can improve the number of slots and at least create a permanent slot for youth and persons with disability because they also need this representation so that their voices are heard. We should at least peg positions the way our Partner States do it in their Parliaments but until we do that, the Partner States will tell us that it is not feasible, which I understand. Many of us are here as youths but we did not come on the slot of youths for we had to campaign the same way everybody else did to be here. Council, please look into this. I support.

**The Speaker:** Thank you hon. Susan. Could we hear from Dr. Makame?

**Dr Makame:** Thank you, Mr. Speaker. I want to commend the Mover of the Motion, my young brother Mr. Claude for the passion and being a real representative of the youth by considering the interest of this special group of people. He actually talked about 63 per cent of the people in East Africa being youth. I think that the number might be slightly higher.

I was a bit shaken when hon. Susan was submitting her comments. I thought to myself that she was going to preempt my contribution because when she cited the EALA Elections Act, I was a bit worried though she left my view intact. Mine is coming from the EALA Elections Act of 2011 Clause 4(3) (a) which talks about the political parties in the Assembly and gender. The last one is the special interest group in Sub Clause (d). I would like to request hon. Jean Claude Barimuyabo to come up with a proposal instead of having resolution. A resolution may just be left to pass. However, he needs to come up with a proposal to amend this Act by shifting Sub Clause 3 (d) on special interest groups to Sub Clause 3 (e) and the Sub Clause 3 (d) to have youth representation.

That will take care of the problem. Once we have an Act, which is a law of the Community, the National Assemblies will be obliged to comply with the Act.

I beg to submit.

**The Speaker:** Proceed, Dr Maghembe.

**Dr Jumanne Ngwaru Maghembe** (Tanzania): Thank you, Mr. Speaker, Sir. Before I begin, I would like to take this opportunity to thank the Kenyan Chapter for the wonderful dinner that we had the other day. Unlike some of my colleagues, the crocodile was not the thing, which shocked me the most. In this House, we have three Ssalongos. Hon. Kasamba, hon. Abega and I. Even the Chairperson, Council has twins.

**The Speaker:** Actually, the Chairperson, Council has two sets of twins.

**Dr Maghembe:** Right, Mr. Speaker, Sir. When I saw that were saving—(*Interruption*)

(*Dr. Oburu spoke off record*)

**The Speaker:** Even Dr. Oburu has twins. I have seen them.

**Dr Maghembe:** You see, Mr. Speaker, Sir. When I saw them serving cow testicles, I got very worried. I told myself, people already have twins. Now they want us to have quadruplets.

**The Speaker:** Dr. Maghembe, they are actually called balls.

**Dr Maghembe:** Thank you, Mr. Speaker, Sir. That was worrying for me. However, I said it was okay because the population of East Africa would increase. After that light note, I stand here first to commend hon. Jean

Claude Barimuyabo. I will take a different route.

Throughout my political career, which is short since it started in 2008, I have been in the Youth League. I have always relied on the votes of women and not the youth. Even at the Youth League, you rely on the young women because they are loyal, intelligent, organised, mature in their thinking and hardworking. I always find it quite insulting sometimes when you have Ministries such as the ones for women affairs. They do not need it. In fact, if you left the elections open for women and men, most of the time, women would most likely beat us. I always find no need to give them special treatment. This is because if women are smarter than us, if only they decided to be one and work together, they would beat us in every single election every time.

I would like to put it to hon. Jean Claude Barimuyabo that he must let it come naturally. In the Tanzanian Parliament, for example, out of the 384 Members of Parliament, over 70 per cent are under the age of 40. That is why we have hon. Fancy here who is under 35. When I was elected, I was 35 years old. Hon. Happiness and hon. Maryam Ussi are also under 35. You must let it come naturally. I do not need the help of a policy. Out of 450 people who ran for the seat of men for Tanzania's Chama Cha Mapinduzi (CCM) *bara*, I was the only one elected.

I feel that we need to let this to come naturally, pardon my language. Women are not handicapped. They can do it and even the youth like us are capable. In Kiswahili they call me *Simba wa Mwangi*, the "Lion of Mwangi Region." When I take a form to run for something, everyone else runs away. We are capable. However, I respect the Motion. It comes with good intention. The House can

vote either way, but in my opinion, we do not need it.

**The Speaker:** Thank you very much, Dr. Maghembe. Hon. Musamali, in my previous speaking order, you were next, then hon. Mary Mugenyi will follow. Hon. Pamela Simon Maasay will come next then hon. Gideon Gatpan Thoar.

**Mr Paul Mwasa Musamali** (Uganda): Thank you very much, Mr. Speaker, Sir, once again. I congratulate hon. Jean Claude Barimuyabo for the Motion that he has moved. However, I want to propose amendments. I want to support the Motion. First, I have worked with the youth for a very long time. Dr. Maghembe, Ssalongo, as you call him, talked about being in politics from 2008. I have been in the party politics of National Resistance Movement (NRM) from 1989. I may look small, but I am a mature youth. I am not that young. I have worked around with the youth for long. I know how they behave.

They need help but they do not know that they need help. They are of course transitional. They have a lot of energy and they are difficult to trust. They have the majority together with women, but if you stand- (*Interruption*)

**Ms Nakawuki:** On a point of order, Mr. Speaker, Sir.

**The Speaker:** Proceed, hon. Nakawuki.

**Ms Nakawuki:** Mr. Speaker, Sir, is the hon. Member on the Floor in order to insinuate that the youth are hard to trust. That is to say that some of us here who are in the youth bracket are hard to trust.

**The Speaker:** He gave the context of his submission. He is talking about his personal

experience. He is not referring to a Member in this House. However, generalisation may not be appropriate regardless. Hon. Musamali, you can continue with that advice in mind.

**Mr Musamali:** Thank you, Mr. Speaker, Sir, for the guidance. I did not mean to insinuate that any Member in this House or the youth in the EAC are hard to trust. However, from the experience I have gone through, that is how I have seen them. In fact, I am supporting you that we need to help them. Given the fact that they need help, sometimes they behave in a difficult manner. We need to help them because they may not understand that they are standing with an elder who is 30 years and above who has money and resources. However, for them, they have numbers yet they will go for money instead of using their numbers. Simply put, I did not mean that you are difficult people. I did not know whether you are still a youth hon. Susan Nakawuki, or a mature one as such, but that is my point.

I am suggesting that the Motion is in good faith and it is very important. We need to assist these youths. However, there are two points here. First, we have a Youth Bill, which we saved. I am of the view that we enrich that Bill other than bringing it as a Motion here. If we put it as a law, it would be easier for it to be ratified. Remember that we have passed a number of laws and some of them are difficult to implement. That is why we still have NTBs. If we were to consider this matter, I am of the view that we enrich the Youth Bill. I have not yet read it, but it is before us. So, let us enrich it and probably include this matter in that Bill.

Secondly, is the issue that election of Members to EALA and Members of Parliament of the National Assembly requires huge financial and human resources which

most of the youth do not have. This is a very serious problem, which we should not use as justification for this Motion. That is evil. I came here but I did not use as much money as some Members. In fact, in Uganda, those who used money are the ones who lost and I appreciated that process. People voted for us as Members of Parliament. The issue of using money is another way of abusing and insulting hon. Members of Parliament. Many of those who used money in Uganda lost. I am an advocate and I will soon bring a Private Members' Bill about governance in EAC. Which system should we have that does not promote commercialisation of politics in our Community? I will not support this Motion because of this justification. It is evil.

Lastly, Article 50 (1) of the Treaty, which is already cited in the Motion, talks about how member states should elect people including the different special interest groups. The youth, women, people with disabilities and in Uganda, workers are among those people taken as special interest groups. Ideally, the Treaty provides for it, but it only leaves it at the discretion of the Partner States. We could put it in the law. The challenge we have is that the youth are not the only special interest group. If we put the issue of youth here to be represented in EALA then we are going to have women also coming in as special.

In Uganda, for example, women are allowed to contest in constituencies with men. However, they are also given a special seat. If I am not mistaken, Uganda is the only country in the world where women can occupy all positions from local council, village positions to President. They are the only ones who are allowed to contest for all positions including the position of women. If they decided to take all positions, they would take them. However, because of the challenges associated with history and

evolution, they still find a problem. That is why we have special interest groups provided.

If we pass a resolution here specifically for youth, we are going to invite other special interest groups to come and be represented for we are making a law for posterity. May be, what hon. Susan proposed is for us to make further proposals to Council and Summit that we increase the number of slots for representation. Within those numbers, we could make a law to provide for those special interest groups. Otherwise, as far as the current position is concerned, we are going to face a challenge. We are going to pass this resolution and bring another one, which will also lead to another.

Briefly, let us enrich the Youth Council Bill, which is before us, and then make additional proposals for expanding the number of slots, which are so far provided for in terms of representation from all the respective member states.

**The Speaker:** Thank you very much, hon Musamali. Proceed, hon. Mary Mugenyi.

**Ms Mary Mugenyi (Uganda):** Mr. Speaker, Sir, I have difficulty with this Motion. I am definitely suffering for I am struggling to get to appreciate it to fullness for the following reasons. I have heard people equating being a youth with being a woman. In fact, if it were people with disabilities, it would have been easier for me to appreciate. To be a woman and to be disabled is a permanent position. It is not transitional and it is not like being a youth today and tomorrow for you are not going to be a youth permanently.

When I first contested to go to Parliament of Uganda, I was a youth. Today, it is a very different story. However, that did not stop me.

**The Speaker:** There are those who try to resist aging.

**Ms Mugenyi:** Mr. Speaker, Sir, let me give myself as an example. I am very sorry to personalise this. However, I remember one of the issues that I had during the campaigns was being a woman contesting against men. I did not stand on a women's slot neither did I stand on affirmative action. However, no one ever complained or raised the issue of being a youthful woman. The man I was vying with, particularly the seating Member of Parliament was an old man and it was not a disadvantage. To be youth is a strength and an advantage. Today, the Parliament of Uganda has more young people than older legislatures. In fact, it is a disadvantage to be older now because the youth are taking over and rightly so.

I am not saying that I am against the youth. However, this legislation could be redundant. This Parliament is taken so seriously that we should not start bringing up issues of all sorts without sieving through them and without being emotional about what we are. We need to ask what it means to be a youth. Is it an advantage, strength or weakness? The youth are very vibrant, they have the brains, and they are better educated thus very capable.

What are we legislating about? What disadvantage are we dealing with? Why have we not talked about people with disabilities? If you were disabled you would be permanently disabled. There are all sorts of discrimination in society against people with disabilities. There are perceptions that are negative that could disadvantage them. That is same with women. While we could have abused affirmative action for women, definitely the society continues to put women down and deprive them of the opportunities

that their male colleagues tap and that needs to be checked.

Many women are not educated yet they are from the same families as men. The preference is given to boys. We have fewer women and we have been saying that we should bring them up. However, that also should not be permanent. There has to be a level where we can say affirmative action is no longer relevant and necessary. Women are educated, confident and they can compete.

Honestly, my young brother, Mr. Jean Claude, I am sorry for I will not support this. I might lose it, but I do not see the strength and serious relevance of legislating on this issue.

**The Speaker:** Thank you very much hon. Mary Mugenyi. Proceed, hon. Pamela.

**Ms Pamela Simon Maasay** (Tanzania): Thank you, Mr. Speaker Sir, for giving me the opportunity to add my voice. First, I would like to congratulate my brother, Mr. Jean Claude, for the passion he has towards young people. However, I would like to share my views for us to see how we can move forward towards the youth agenda. It is not that I differ with him. We all know that we have the Youth Council Bill, which is on our Table. We, as representatives, have a task of ensuring that it passes so that what is inside that Bill is enacted.

I would like to make sure that we convince our colleagues that the Youth Council Bill is very important to this Community and it will help us towards the achievement of what we are crying for. We have to also remember that under EAC, we already have the youth policy, which has also given us some guidelines towards the young people. We have many things, which can accommodate young people. We just need to come together

as young parliamentarians to make sure that whatever we deal with has some aspects, which accommodate young people.

For example, we were dealing with the Statistical Bill, which everyone remembers that we had issues about the youth. We were crying for the young people to be involved. We need to support young people from this Community not only in their political careers but also in other careers. We need to support young people to be involved in economic and social aspects so that they also serve in the institutions and organs under EAC. They do not only need to become parliamentarians.

When I was elected in my local Parliament, I am sure that the majority of the people who voted for me were young people. That happened because we have a number of young people representing our Community. I request this House, especially young people, to come up with something else. May be, we could bring the youth forum under the Youth Council Bill. Under this forum, we could empower the young from different countries from this Community and show them how they could get involved in different sectors. We are not here to encourage people to participate in political careers alone. We are here to make sure that we convince and empower young people to participate and become useful in this Community in different perspectives.

We need to see accountants and economists helping our Community grow. We need to see engineers coming on board.

**The Speaker:** Also farmers.

**Ms Maasay:** Yes, farmers too. Mr. Speaker Sir, especially in the food security sector. We need to see them on board. We need to see technocrats from different areas. We know that 70 per cent of this Community is made

up of young people. Most of them are educated and have skills and knowledge. They could come on board to help this Community move forward and not only see them in Parliament. This is just a small portion of what we are crying for. We need to look at the broader picture and bring them on board.

**The Speaker:** Thank you very much, hon. Pamela. Hon. Gideon, I had spotted you then hon. Francine. Hon. Sophia, I will then come back to you.

**Mr Gideon Gatpan Thoar** (South Sudan): Thank you, Mr. Speaker, Sir. I stand to appreciate my colleague and friend hon. Jean Claude. I will present different views from his proposal and I will support him at the end but not today.

First, I would wish to amend this Motion so that it is a Motion to seek leave for hon. Jean Claude to amend the East African Legislative Assembly Election Act to include the slot. He needs something that has more weight. We have seen the struggle of harmonising laws. We pass laws at the regional Parliament, which sometimes take precedence from the other laws in the Partner States. For the Partner States to compromise those laws that they have, they need something bigger than a resolution.

I will not support him. I talked to him in Dodoma and told him that if he wants to move this, he should bring the issue as a Bill and then have it become an Act. It would have more weight because he would pursue these kinds of changes in our national constitutions. I still stand with that.

Secondly, a Private Members' Bill would enable him to make more studies. He needs to understand different policies that provide representation of the youth in Partner States.



We have youth presentation in our party, Sudan People's Liberation Movement (SPLM) where we have a Youth and Women League. The issue of funding of elections is done by the party unless one is an independent candidate. As an independent candidate, one will either win based on their resources or popularity. However, parties fund their own candidates; therefore, there is no issue of youths lacking funds.

In SPLM, when we go for an election and the youths have not been successful, there is a provision called party lease for the women and youth. When the gaps are there, there is a provision of them to be nominated by the party for them to go and represent women and youth and the other parties do so as well.

These are the policies that you need to revisit before you come and generate the whole Bill for us to pass it in the House. You need to have more time to study. You also need to have more time to take up provisions, which can justify this Bill. That is my take on this. Therefore, I stand to support you in the future, but not for today because of the reasons, I have given.

**The Speaker:** Thank you, hon. Gideon. Proceed, hon. Sophie Nsavyimana.

**Ms Sophie Nsavyimana** (Burundi): Thank you, Mr. Speaker, Sir, for giving me the opportunity to add my voice to the Motion raised by hon. Jean Claude. I am not in this category, but I will say something about it. According to the information that I have, the EAC population is around 170 million. Among them, 63 per cent are composed of youth thus the majority of the EAC population is the youth. Therefore, something should be done for these youth. If we really have confidence that the youth are the EAC of tomorrow, then I do not see any problem if

the youth are given a place in different domains.

The most important thing is that the youth need to be well prepared. That is why I proposed that the EAC formation group should be organised for the youth in order to prepare them so that they can represent their nations. They need to have enough information and knowledge in terms of governance.

I also support this Motion because as it has been in each Partner State, men and women have representatives. However, there must also be a lower percentage for the youth. I mean the percentage of the youth has to be under the category for women. The percentage, which is given to women, is not also representative as well.

I will conclude my contribution by saying that we should support our youth. Let us urge our Partner States to give more attention to our youth because the youth are the EAC leaders of tomorrow.

**The Speaker:** Thank you very much, hon. Sophie. I had allowed hon. Fancy to talk then hon. Francoise will speak followed by hon. Gabriel.

**Ms Fancy Nkuhi** (Tanzania): Thank you, Mr. Speaker, Sir, for giving me the chance to add my voice to a very important issue concerning the youth. As you all know, I am one of the very important people in this group. I am very young, energetic and I know why we are the special group in our society. I started by saying, the most important and significant group which plays a decisive role in the society is the youth. As much as my mother, Ms. Mary, said that this is not a permanent status, but we are the backbone of the economies around the world. By that, we qualify to be a very special group.

Concerning the Motion by my colleague, hon. Jean Claude, we have been discussing this. We gave him our suggestion. Some of us were a bit hesitant to bring and debate this Motion at this time. Honestly, I must say that I support the previous speakers who proposed that we should increase the slots to accommodate the other special groups or wait for the Youth Council Bill to be passed for us to have an East African Youth Council. The Council will determine all issues about the youth. The Youth Council will be the institution that will hold accountable everything concerning the youth.

One of the very first businesses that the Youth Council will carry out if we will succeed at all is to have youth representation in all leadership positions; be it in the national or regional arena. I am hesitant to support this Motion because there is a lot of hesitation and things to be corrected. I suggest that we go back and look at it over and over again.

**The Speaker:** Proceed, hon. Francoise.

**Ms Francoise Uwumukiza** (Rwanda): Thank you, Mr. Speaker, Sir. Mine is not long. I just want to congratulate my brother, hon. Jean Claude, for taking this initiative and for not being afraid to bring a Motion as a young Member of Parliament like some of us. I congratulate him for that. I also congratulate him for the courage of having asked us for advice before putting this Motion in front of this august Assembly.

The idea behind bringing this Motion is the practice in our country. In Rwanda, those slots are separate and that is why I passed through the women voice slot.

**The Speaker:** I think the hon. Member brought the idea because of his personal

conviction. It was not because a particular Partner State does it.

**Ms Uwumukiza:** Thank you, Mr. Speaker Sir, for the guidance. In order to support this Motion, I had to ask for some clarification from the senior Members of this Assembly. For instance, will the Motion contradict the Youth Council Bill if supported? The response I got from the Members was that it would be a kind of contradiction with the Youth Council Bill. I understand that if the Motion were oriented towards this Bill by putting these good practices into it, then it would work. I will support it knowing that it is good to involve the youth initiatives and energy into our everyday lives and practices as Members of Parliament, both from EALA and the EAC Partner States for it will improve our performance to achieve our targets and goals. We should urge that the Youth Council Bill be brought here before others as a matter of emergency. However, we could start studying it or adding our inputs. We are willing to support the Motion to have the youth involved in helping us to do things as EALA Members.

**The Speaker:** Thank you, hon. Francoise. Proceed, hon. Kasamba.

**Mr. Mathias Kasamba** (Uganda): Thank you, Mr. Speaker Sir. I thank my brother, hon. Jean Claude, for this Motion although I will support it with amendments. First, I thank him for coming out to talk to the Assembly about the 65 or 70 per cent East Africans who are out there struggling and looking for opportunities in all spheres as one of my colleagues mentioned. I thank EALA for having put in place a Youth Policy.

During these six months, we should have been privy to all the documents that will help and guide us to know the mechanisms to use in as far as putting in place youth friendly

programmes and regulations is concerned. This will also make sure that the youth are given due attention given the fact that they form majority population. They are also coming out now as the majority in all our Parliaments.

In Uganda, we already have a youth slot in Parliament. There are five slots for the youth and we have gazetted slots for women and persons with disabilities, which is good. We must give this attention. That is why it is even embedded within the provisions of the Treaty and the Act to make sure that the special interest groups are given due attention.

Your youthfulness makes you useful for yourself, family, community, country and the region. We cannot sit at the regional Parliament and not deliberate. As my brother urges this Parliament to resolve this, we could also improve it by urging the Partner States to harmonise their youth policies to be in tandem with the regional policy. That could be taken as a major improvement in the resolution but the first thing that needs to be done is to urge the national parliaments.

All my colleagues have mentioned that we already have the Youth Council Bill in place but they need to ask the Assembly to fast track the enactment of the Youth Council Bill. That should help us not to throw away this issue but to own it as a mechanism to reawaken the spirit of the youth within the Assembly. It would also make sure that as we deliberate in the next session, the Youth Council Bill comes into force.

The last thing is that he should urge the Council of Ministers to follow up its implementation. They also need to follow up on the national policies for the youth where they are not yet in place to make sure that they are in tandem with the regional policy. I support the Motion with those few

amendments. I am happy that a colleague has taken up this effort to bring the youth factor to the attention of this House and not to keep it out of our agenda. However, we need to reinforce it and make it a Motion, which will guide us. That will make sure that the youth dreams in the army, business, farming, politics, leadership, and electioneering become a reality, as we make sure that this is a people-centered integration. We need to make sure that we front for the youth agenda in our deliberation.

I beg to support.

**The Speaker:** Thank you, hon. Kasamba. Proceed, hon. Gabriel Alaak.

**Mr Gabriel Alaak Garang** (South Sudan): Thank you, Mr. Speaker, Sir. Let me thank my younger brother. He could even be my son. I thank him for coming up with this Motion. Hon. Jean Claude, who is a young man, has a lot of ideas and energy. When we were in the Committee on Accounts meetings and were tired of asking questions, he would always find a question to ask. He has many ideas and he will be useful in future.

The rationale point he has made here is that the youth make 63 per cent of the total population of East Africa. However, the question is; what prevents the youth from voting for themselves into the National Assemblies? What prevents them from voting for themselves into the EALA? I think that happens because they know the division of labour. The youth, middle age, and elders have a role to play. As they graduate from schools and universities, they have to get some experience of work in offices as CEOs, police officers and army officers. After gaining some experience, they can then go to the next stage.

You will also note that in the House of Commons in Britain, there are very many old people who even sleep when debates are going on. The society wants to make use of the wisdom that is fading away with them. I think that the youth consider this and that is why they vote for elderly people instead of their age mates. I see no reason at this moment as to why we should highly politicise the society whereby we mobilize all the youth to be politicians. When you begin to give them slots, they will leave their professions and careers and jump into politics, which will now be jamming politics, and we have seen it in some areas. Let me take an example of South Sudan.

The first war broke out in 1955 in Sudan and it lasted for 17 years. The second war broke out in 1983, which means that South Sudan has produced a lot of politicians and military people. We have been advising, for the society to move forward, it has to be demilitarised and depoliticised. This is because the society does not depend on two sectors, which are the military and politics. There are many other sectors.

I thought that the youth in the Partner States consider this hence the reason as to why they vote for their elder brothers and sisters. I do not see the reason as to why we should move ahead with this Motion at this moment. We are unnecessarily politicising our youth. However, they have a role to play. They have the energy to do a lot of work. Why are we 54 of us here? This work can be done by 30 legislators, but then we want to represent our Partner States.

I am begging hon. Members that we should not be carried away by emotions. Let our youth continue doing their work. After all, they will be brought in later. In South Sudan, we have some youths and Dr. Garang is here. Mr. Kennedy Mukulia Ayason and Mr. Ruot

Gai Kim Duop are also youths. Some of them could be my sons for I was born in 1950 which makes me 68 years. If I had married at the age of 20 in 1970, my child would have been how many years?

I would advise my younger brother, Mr. Jean Claude, that this is a good idea. He has ideas and energy though we should wait for a while for we will get a time for it. He will get little knowledge and wisdom that is going away with us. Hon. Members, hon. Jean Claude has brought up a good idea. We are not really shutting away ideas from him but let us encourage him. When we were attending the meetings of the Committee on Accounts and it came a time when I wanted to go out for a short call, I would ask him to ask my questions. When I went back, I would be contented with what he had asked because he would have asked everything.

This idea is good but the timing may not be right. We could get time later. However, let us encourage them to do their work wherever they are. Like himself, he is going to graduate from being a youth very soon before the Fifth EALA. He will be an elder. Hon. Members, let us go slowly. However, we recognise that they have a right. In our parties, even in the SPLM, we have about 25 per cent youth and 35 per cent women. It is recognised, but then it is a question of division of labour. Let the youth do a lot of the other work in the society. Let me rest my case.

**The Speaker:** Thank you very much. Hon. Claude, you will appreciate that these Members appreciate your efforts and they have given you very useful ideas. I now ask you to reply, but also consider Rule 34 in your response. You could take a minute, look at it and see if it can enrich your thought further. Some of the suggestions that have been made in form of amendments substantially change the whole Motion.

Maybe Rule 34 could be the best option under the circumstances.

**Mr Barimuyabo:** Thank you, Mr. Speaker, Sir. I thank all the Members who have contributed to this Motion by giving their views. From the bottom of my heart, I appreciate them because they enriched my knowledge and have given ideas that can feed my Motion for further amendments. I would like to recognise honourable Members who contributed to this Motion. They are hon. Susan, Dr. Makame, Dr. Maghembe, hon. Musamali, hon. Mary, hon. Pamela, hon. Gideon, hon. Sophie, hon. Fancy, hon. Francoise, hon. Kasamba, and hon. Gabriel Alaak.

I would like to say here that we are representatives of East Africans. As we represent East Africans, 63 per cent of them are youth and we should have that representation in EALA. Hon. Susan said that it is not feasible to accommodate all those special groups in the nine slots of EALA Members from each country. It is true that is hard though we should also consider that 63 per cent cannot be compared with one or two per cent of elders. The 63 per cent speaks a louder voice than those other special groups.

Dr. Makame said that we could pass through the amendment of the Act governing the elections of EALA Members. I moved this Motion to search and ask for views and different ideas before I go to the amendment of this Act. By amending the Act, we will be making a law that should be applied to the whole EAC. I did not want to go that way. I wanted to move a Motion for resolution urging the Council of Ministers to do something on this matter. However, the views I have here are very important.

Hon. Maghembe said that the youth are capable and can compete. Of course, the

youth are capable. However, I was referring to reaching out to the voters. If you want to contest as a private candidate, for example, to the National Assemblies, you will need huge financial means to campaign and reach out to voters. Even in the political parties as said by hon. Gideon, you would need to also reach out to those who will vote for you, which also needs financial capacity.

Hon. Musamali said that referring to the huge financial requirement in campaigns is something which is not right. What I meant here was that it is not just giving money for one to vote for you. What I meant is that you need money to reach out to those who will vote for you. If you were to campaign in a whole county, you would need to reach out to those voters. It is not about giving them money to vote for you because that would be considered as corruption.

Hon. Musamali also said that we could enrich the Youth Council Bill and this was echoed by many honourable Members who contributed to this Motion. However, that is very different. I tried to read the Youth Council Bill and it does not relate to what I was claiming here. The Youth Council Bill will be a law that will help to establish a regional Youth Council. It only talks about the governing or the functions of that Council. It does not go to the representation of the youth in different institutions like EALA and the National Assemblies.

I will refer to Article 7 (a) and Article 49 of the Treaty which provides that this Community will be people-centred. You cannot say it is people centred when 63 per cent of East Africans are not well represented. Article 49 also talks about the roles, functions and mandate of EALA. These are the oversight, representation and legislative functions. I said that we need to do something if we are true representatives of

East Africans yet the portion of youth Members in EALA is still low.

Hon. Mary said that the youth are not disadvantaged compared to women. It is true, but they also need to be catered for and supported to reach other levels. I could also say that to sustain the development of our Community we need to invest in the youth. We need to engage more youth in all of our EAC institutions and organs.

Hon. Pamela said that there is also the Youth Council Bill but just as I have said, it does not respond to the Motion. Hon. Gideon talked about the parties supporting their candidates which is true, but I am sure that we all know that it is not easy to campaign within the parties.

Hon. Sophie supported the Motion, which I appreciate. Hon. Fancy said that she could only support the Motion if there was an increase in the number of slots per Chapter. The same was said by hon. Susan. I call her “Right Honourable” because she is a Commissioner. She said that an increased number of slots per Chapter could accommodate all those special groups of interest.

Hon. Francoise said that this Motion contradicts the Youth Council Bill though I do not think that it does for I have a copy of it. I also advise Members to read that Youth Council Bill and may be look for ways on how it can be enriched. However, it does not contradict this Motion.

Hon. Kasamba said that we need to harmonise the youth policies in our Partner States and also fast-track the Youth Council Bill. I thank you, hon. Kasamba and you know that you are my role model. I do appreciate everything that you do. I will consider the good ideas. The other problem is

that Tanzania does not have a National Youth Council and in as much as Kenya has one, it is not legally acceptable and it needs to be strengthened to another level.

Hon. Gabriel Alaak asked the reason as to why the youth do not vote for themselves. The thing is that if one is a youth candidate, they do not have the capacity to reach out to those youth voters, then how would they vote for them.

**The Speaker:** He was not asking. He used it as an argument to support the idea he had.

**Mr Barimuyabo:** Thank you, Mr. Speaker Sir. If you are a youth candidate and you do not have enough financial capacity to reach out to those youth voters, how would they vote for you? They would not know you and they would not vote for you. You, the elders, have the financial capacity for you are financially fit to reach out to them and convince them on what you can do as their representative. Therefore, they would vote for you and not for the youth whom they do not know.

Hon. Members, I conclude by saying that I appreciate your contributions. It looks like I need further consultations. Referring to Rule 34 (3), I beg to withdraw this Motion for further consultation. I thank you. – *(Applause)*

*(Motion withdrawn Under Rule 34(1))*

**The Speaker:** Thank you, hon. Claude. What Members have done is to enrich your thoughts. It has not been a challenge to your ideas. It is for you to have a better methodical approach to realise it through this House. You will integrate these ideas and they will continue to help you. The rule you have used gives you room to come back again and the

Motion could be considered in a different way.

If a Member advises you to take the route of the law, you should know it is because the law is more binding than a resolution of the House. Therefore, every idea that has been given is helping to enrich your thoughts.

#### ADJOURNMENT

Thank you, honourable Members. Thank you, hon. Claude for your efforts and all those who helped advise him on how best he can work on this. Honourable Members, we are coming to an end of the business today. However, I want to remind you about what I said earlier. The Committee work that is ahead of us is very important. You will note that the absenteeism today is a little bit alarming. If Committees will not agree on what activities should be in the coming financial year, then we will demand to know what the Members who will come for the planning meeting will have brought from the Committees.

We run the risk of approaching the new financial year without activities if Members do not avail themselves for work in the remaining two days. That would be a serious challenge in terms of how we have to move forward. I hope it will not happen. Otherwise, I wish you a very joyful recess and journey mercies as you travel back home. Best regards to your families.

The House stands adjourned *sine die*.

*(The House rose at 5.50 p.m. and was adjourned sine die)*