



## **EAST AFRICAN COMMUNITY**

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

#### **Official Report of the Proceedings of the East African Legislative Assembly 50<sup>TH</sup> SITTING - SECOND ASSEMBLY: FOURTH MEETING – SECOND SESSION**

**Wednesday, 25 February 2009**

*The Assembly met at 2.30 p.m. in the Chamber of the Assembly, Sixth Floor,  
Ngorongoro Wing, AICC Building, in Arusha.*

#### **PRAYER**

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

*The Assembly was called to order.*

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#### **QUESTIONS FOR ORAL ANSWER**

##### **Question EALA/PQ/OA/23/2008**

**Ms Dora Kanabahita Byamukama (Uganda):** Asked the Chairperson Council of Ministers:

*“In order to promote the achievement of the objectives of the Community, the partner states of the EAC are determined to strengthen their economic, social, cultural, political and theological ties for a fast balanced and expeditious realisation of the Customs Union, Common Market, Monetary Union and Political Federation. In tandem with the above, the partner states are required to adopt measures to ease movement of persons across the EAC borders as an interim measure before the commencement of the EAC Common Market.*

*Aware of the above, the people of the Republic of Burundi, during the EALA Common Market hearings (17<sup>th</sup>–23<sup>rd</sup> December 2008), raised questions as to why the United Republic of Tanzania still charges them visa fees before gaining access to the United Republic of Tanzania.*

*Bearing in mind the provisions of Article 104(3)(a), (b) and (c), can the Chairperson of the Council of Ministers explain why this practice has persisted even after the Republic of Burundi joined the East African Community?”*

**The Minister for East African Community Affairs, Rwanda and Chairperson, Council of Ministers (Ms Monique Mukaruliza):** Mr Speaker, I beg to reply.

The Council of Ministers, in past directives, has urged the Partner States to adopt measures to ease and facilitate the free movement of persons in line with the provisions of Article 104 of the Treaty for the Establishment of the East African Community. The question raised as to why the United Republic of Tanzania still charges visa fees to citizens of the Republic of Burundi on entry into Tanzania is a pertinent issue to the integration process. Reliable information gathered in response to this question is that the charging of visa fees by the two countries has to be understood from a bilateral and a historical context.

The visa regime was put into effect long before the Republic of Burundi joined the East African Community, and it has been a reciprocal process between the two countries. The Republic of Burundi no longer charges visa fees. The matter is therefore a bilateral issue to be addressed by the two countries. The matter, however, is also being addressed within the context of the negotiations of the Common Market Protocol.

**Ms Byamukama:** Mr Speaker, when we were in Burundi undertaking hearings on the Common Market, this question was raised and we got information that the Minister for Internal Affairs of Tanzania had given a directive. Therefore, I had hoped that the Chairperson, Council of Ministers would be in a position to lay this directive on the Table. So, we have contradicting information.

Secondly, I specifically asked that I receive a written answer, and this was pursuant to Rule 19(1). I do not have a written answer up to this time and, therefore, I crave the indulgence of the Chairperson of the Council of Ministers to avail a written answer to this question to all Members so that we can follow up the process.

We have two conflicting opinions on the issue and I do not know whether the Council of Ministers did verify this information.

**The Speaker:** Hon. Mukaruliza, I think the honourable member did request for a written as well as oral answer; I do not see a written answer here.

**Ms Mukaruliza:** Mr Speaker, I am sorry I did not bring the written answer but I will avail it as soon as possible. The Council will also cross-check the information availed by hon. Byamukama. The written response will take into consideration the information she has provided to us.

**The Speaker:** I think it was clear from the beginning that the answer was supposed to be both oral and written. You were supposed to have provided a written answer today. So, it is not a future question; that would be something else. But for this particular one, I hope you have a written answer, which you can table now for the Member to peruse.

**Ms Byamukama:** Mr Speaker, the response that was given on an internal directive was actually given by one of our colleagues, hon. Abdullah Mwinyi. So, maybe the Chairperson, Council of Ministers should link up with him so that she can verify this

information. It seems to me that the Minister did not do enough homework on this issue.

**Dr Aman Kabourou (Tanzania):** Mr Speaker, I would just want to know from the Chairperson, Council of Ministers if, in her opinion, the prevailing situation is acceptable; that Burundians have to pay visa fees to go to another Partner State. Is it acceptable to her? How much longer does she want this to continue?

**The Speaker:** I would also like to add that one of our own Members was refused entry until the honourable Member paid visa fees before being allowed to come for an activity of this Assembly.

**Ms Mukaruliza:** Mr Speaker, it is not acceptable. This is not the first time the Council has been seized of this problem. We have engaged Tanzania. Maybe the information that came from the hon. Member from Tanzania has not reached the Council, and that is why I commit to check this information.

As to the time factor, as I told you, this is a bilateral problem between the two countries, which could be solved tomorrow or it could take longer. But what I can promise is that when we implement the Common Market Protocol, nobody will be refused to enter into another Partner State on the basis of the visa fees issue. But before the Common Market Protocol is signed, the two countries can solve this problem.

**Mr Bernard Mulengani (Uganda):** Thank you, Mr Speaker. I have a small preamble before I raise my question. *(Interruption)*

**The Speaker:** No, just raise your question.

**Mr Mulengani:** Mr Speaker, the Chairperson of the Council of Ministers has said that this is a bilateral issue, and bilateral in this sense means a two-state affair. We are in the East African Community. I want to ask, what is the role of the Council in resolving this particular bilateral problem? What communication have they made to Tanzania in writing or have they held a meeting on this matter? If there is any formal meeting they have had with the authorities in both countries, could she table the minutes here so that we can see the discussion or the resolutions? If there is nothing that has been done, I would want to urge the Council to take on their responsibilities. These are no longer bilateral issues.

**The Speaker:** I do not think there was a question there; perhaps a short speech. *(Laughter)*

**Mr Christopher Nakuleu (Kenya):** Mr Speaker, is the Minister aware that when you enter and exit the Zanzibar Airport, you have to pay some taxes? Furthermore, is she aware that the Member who apparently seems to have some information about the question the Minister was asked comes from that particular island? *(Laughter)*

**The Speaker:** I think that is a different matter, hon. Nakuleu. Maybe you can ask another question.

**Dr Said Bilal (Tanzania):** Mr Speaker, in response to the question asked - *(Laughter and Interruption)* -

**The Speaker:** It is the Minister who was asked the question, Dr Bilal. Will you please take your seat?

**Dr Bilal:** Mr Speaker, as a follow-up to the supplementary question raised by Dr Kabourou, the Chairperson of the Council of Ministers alleged that the problem will be sorted out once the Common Market Protocol is signed. Is she saying that the Council will make no effort to solve the problem until the Common Market negotiations are completed?

**Ms Janet Mmari (Tanzania):** Mr Speaker, I think it is important that we look at this issue very seriously. In fact, it has a number of ramifications. We have been talking about people in East Africa not knowing what the EAC is all about. There are people who do not even know whether Burundi and Rwanda are part of East Africa. For that matter, it is important that we make a resolution to the effect that apart from the Minister just following up to sort out some of these issues, it is time we called on the relevant organ, the Council of Ministers, to ensure that all the people of East Africa are informed of the issues that relate to the East African Community. *(Applause)* As we were going around -not only in Tanzania, but also in a number of places; I was also in Uganda- there are a lot of people – *(Interruption)* -

**The Speaker:** Hon. Mmari, you are making a speech. Could you kindly ask your question?

**Ms Mmari:** I am coming to that, Mr Speaker. There are a number of people who were not aware of the East African Community, leave alone the Common Market. What I am trying to say is that we need to ensure that we set the budget that will ensure that people are given awareness about all the issues pertaining to the Common Market and their rights as East Africans.

**The Speaker:** I was waiting for the question, I did not get it, but I think the Chairperson, Council got the advice.

**Ms Byamukama:** Mr Speaker, I just want to register my disappointment. When you look at Rule 17(2), “*Questions shall be referred to the Council at least three weeks before the Sitting on whose order paper they appear.*” This was done and I would have expected a more substantive answer. However, let me go to the issue.

The people of Burundi told us that they would truly feel East African once this visa requirement is scrapped. Those were their very own words. Even when we went to the Ngorongoro Crater as local tourists recently, we were embarrassed when our colleagues from Rwanda and Burundi were charged a very different fee from us who were from Kenya, Uganda and Tanzania. So, when we talk about these issues, it is not because we do not appreciate what is happening. We would like to register our concerns, and I would like to ask kindly that the Council of Ministers furnishes this House, through the Speaker’s office, with an appropriate response, at least within another one month.

**The Speaker:** Well, I have protected the Council long enough. Maybe the Chairperson could say something.

**Ms Mukaruliza:** Mr Speaker, the Council of Ministers has taken note of all these problems and we promise to look into this matter and submit a written response to this august House.

**The Speaker:** Very well. Next Question!

**Question EALA/PQ/OA/2008:**

**Ms Dora Kanabahita Byamukama (Uganda):** Asked the Chairperson, Council of Ministers\_

*“Article 150 lays down the process of amending the Treaty for the Establishment of the East African Community. As a key stakeholder, the Assembly, in December 2007, adopted the report of the Committee on Legal, Rules and Privileges and collectively resolved to urge the Council of Ministers through the Secretary-General to take into account their views during the Treaty amendment process. Can the Chairperson of the Council of Ministers appraise this august House on the actions so far taken in respect of the Assembly decision?”*

**The Chairperson, Council of Ministers (Ms Monique Mukaruliza):** Mr Speaker, The process of amending the Treaty for the Establishment of the East African Community, as provided for under Article 150 of the Treaty, is a key aspect of both institutional development and strengthening of the foundation for integration. The process of amending the Treaty needs to be as comprehensive as possible for purposes of better articulation of programmes and projects, the systematic and timely development of key milestones in integration and institutional development, among others.

In this regard, it is important that all the organs and institutions of the Community should always be enabled to contribute to any such proposals for amendment of the Treaty as may be proposed by any Partner State or the Council of Ministers. It is on the basis of this understanding that during the years 2006 and 2007, the Council, through the Secretariat, briefed this august House on its proposals for amendment of the Treaty. On this basis, this august House adopted a report of the Committee on Legal, Rules and Privileges on the House’s comprehensive views on the proposed amendments of the Treaty. The Secretary-General submitted this report to the High Level Task Force established by the Council at its 12<sup>th</sup> Meeting to handle proposals for the amendment of the Treaty.

This high level task force, which is spearheaded by the Partner State Attorneys-General, has considered this august House’s input together with other proposed amendments submitted by the Council and the Partner States. The report of the High Level Task Force will be submitted to the Council at its 17<sup>th</sup> Ordinary Meeting scheduled for 27<sup>th</sup> February, 2009 for consideration.

**Mr Gervase Akhaabi (Kenya):** Mr Speaker, could the hon. Minister say when the proposals made by this House and submitted to the Council were actually considered by the Council? Is she aware that Members of the Legal, Rules and Privileges Committee of this House who were invited to the Sectoral Committee on Legal Affairs meeting in Mombasa were not allowed to present the recommendations of this House to the Attorneys-General at that meeting?

**The Speaker:** I would also like to ask: who gave the Secretary-General authority to take a document passed by this House to the High Level Task Force? His was to transmit it to the Council for it to decide what to do with it. I think there is a fundamental issue here. How did the Secretary-General take a document from this

House, which was not meant for him? It was only for transmission to the Council of Ministers and not the High Level Task Force?

**Ms Mukaruliza:** Mr Speaker, I think I need time to consult with the Secretariat on this matter. Otherwise, you may allow the representative of the Secretary-General to respond to that question.

**The Speaker:** Hon. Minister, the Secretary-General does not have a representative here; but maybe to help you out, I can allow the Counsel to the Community to say something.

**The Counsel to the Community (Mr Wilbert Kaahwa):** Mr Speaker, first of all I would like to thank you for the guidance. I sit in this House in my own capacity on the basis of Article 48 of the Treaty. The process of amending the Treaty is as has been explained by the hon. Chairperson of the Council of Ministers. The Council established, as a mechanism, a high level task force spearheaded by Attorneys-General of the Partner States, for handling all proposals made on the amendment of the Treaty. Now, the report of the House, having adopted the report of the Committee on Legal, Rules and Privileges on the proposed amendments to the Treaty, was sent to the Secretary-General for communication to the Council of Ministers.

The Secretary-General is aware that the Council of Ministers received all those proposals through the High Level Task Force, and that is the reason why he submitted these proposals through the Attorneys-General. That is the mechanism established by the Council of Ministers. It may be challengeable, but that is the mechanism which has been employed.

**The Speaker:** Mr Kaahwa, you are the Counsel to the Community; what does the Treaty say regarding what comes from this House going to Council?

**Mr Kaahwa:** It goes to the Council, but this is a specific matter and the Council required some legal input.

**The Speaker:** But it is the Council to decide when it needs legal input, not for the Secretary-General to decide which process it goes. That is why I am asking you to look at the Treaty and then you inform us, because you are the Counsel to the Community. Take your seat and look at the Treaty.

**Ms Byamukama:** Mr Speaker, as the Counsel to the Community is consulting the Treaty, I want to ask a supplementary question, still on the issue of written responses. I was very explicit when I asked for an answer, and I asked for both an oral and a written answer. Right now I do not have the written answer. I would like to ask, kindly, that the Chairperson, Council of Ministers avails me with this answer.

Secondly, in relation to the High Level Task Force, I do not see that particular body written anywhere in the Treaty. We know very well that some of our proposed amendments were handled in a very untidy manner. They were rejected; they did not consider the justifications and there were even issues of conflict of interest by those people who were handling some of our recommendations. Did the Council of Ministers take this into account before answering the Question?

**Mr Kaahwa:** Mr Speaker, the mechanism is as I have explained.

Regarding the supplementary question, I am not in a position to divulge how the Council will handle the report of the High Level Task Force. There is a way in which the High Level Task Force looked at all the proposed amendments, including those by this House. It is the Council which will determine the final position regarding those amendments. Let me also add that the Council is aware of the need for a comprehensive amendment of the Treaty, taking into account all other surrounding circumstances. So, the process is not yet finalised.

**Dr Lwanyantika F. Masha (Tanzania):** Mr Speaker, since Members of the Council are also Members of this Assembly, including the Counsel to the Community, does the Council feel they also own the amendments which were proposed by a committee of this Assembly and adopted by the Assembly in their presence? If they do feel part of this Assembly, as indeed the Treaty specifies that they are part of this Assembly, and having adopted these proposed amendments, do they feel it was in order for the amendments whose adoption they had been party to, to be submitted to a lower body under them for further advice to them?

Secondly, would the Council assure the House that since they are a party to the adoption of those proposed amendments, that when they reconsider these amendments in the process of going to the Summit, they will own up to all the amendments which we passed together here?

**Ms Mukaruliza:** Mr Speaker, the proposed amendments came from this august House, the Council and from the Partner States. We have not yet received the report, and so we cannot know what has been taken into consideration or what has been rejected. I would like to beg that this august House waits for the Council to receive the full report of the amendments.

**The Speaker:** Hon Mukaruliza, I think it would have been better to have said that you have not yet received the report, and it is still coming from the Secretary-General to you. What concerns this House is that its proposed amendments are being subjected to scrutiny by another group of people, who are not allowed to do so by the Treaty. Much as the Council has the mechanism, it is for the Council to decide on what to do with that mechanism, not for someone else to send the document to another unknown body. The recommendations were to the Council. So, it should have been for the Council to decide whether to send the document down to another body. But now, for someone to decide to send the document from this Assembly to be decided on by other people and then later bring to Council what they feel should be taken on, I do not think it is the proper mechanism to do things. But anyway, I think you have heard what happened.

**Mr Mulengani:** Mr Speaker, there is a very pertinent question from hon. Masha that has not been correctly or properly answered. When does the Council of Ministers feel it is part of this Assembly? When are they party to a report that comes out of this Assembly? They sit in this House and the report was passed by this Assembly.

**The Speaker:** Hon. Members, I think you should also be fair to the Council of Ministers. They are ex-officio Members of this House, which means they cannot vote and cannot say they like this or that. When we make recommendations, it is to the Council, but the fundamental question is: when do reports from this House get to the Council? Do they go through another process, which is circumvented on the way? The Secretary-General is only supposed to transmit what we send from here to the Council. It is not for the Secretary-General to decide where he takes it first. We have had situations whereby the Council gets a report and then takes it down to whichever level it wants; either to the coordination committees, high level task force...It is up to the Council and not for someone else to subject a recommendation from this House to a lower body. I think that is where we are coming from, and the Council should take note of that and see how we can move forward.

**Question EALA/PQ/OA/25/2008**

**Ms Lydia Wanyoto (Uganda):** Asked the Chairperson, Council of Ministers\_

*“The Second EAC Development Strategy 2006–2010 lists a number of important interventions in keeping in line with the EAC integration process. Among the important avenues aimed at deepening and widening of the EAC integration agenda is to establish an autonomous, independent and a strong Assembly.*

*What has the Council of Ministers done over the years to fulfil the mission espoused by the Development Strategy and the EAC Treaty?”*

**The Chairperson, Council Of Ministers (Ms Monique Mukaruliza):** Mr Speaker, I beg to reply.

The Treaty for the Establishment of the East African Community succinctly provides for the role and functions of each organ of the Community. The Legislative Assembly is the Community’s legislative organ. It is also charged with supervisory and oversight roles on matters pertaining to the budget and implementation of programmes. On the other hand, according to the Treaty, the Council is the policy organ of the Community charged with monitoring and keeping under constant review the implementation of programmes of the Community. The two organs have complemented each other in the discharge of their respective Treaty obligations.

In accordance with the development strategy, the Council pursues, as a development objective, the strengthening and enhancement of the capacity of the Legislative Assembly. Strategic interventions in this regard include strengthening the mandate of the Assembly and the links between this Assembly and national parliaments; according the Assembly financial autonomy, and, enlarging the Assembly in view of its increased mandate.

For financial autonomy, the Legislative Assembly prepares its own budget proposals and manages its own budget into which remittances are directly made by the Partner States. The Office of the Clerk has been made a sub-accounting office of the Community. Therefore, the Legislative Assembly maintains its own books of accounts.

Regarding forging links with national assemblies, the Council is considering the amendment of Article 65 of the Treaty. It is also considering proposals for the



establishment of a Bureau of Speakers as an organ of the Community, a Committee of Clerks, and a parliamentary institute as a centre of excellence.

The expansion of the Assembly in view of its increasing mandate is a feature of the ongoing Common Market negotiations. The finalisation of the negotiations will give rise to institutional reforms that will transform the Assembly into a bigger and more representative organ.

**Ms Wanyoto:** Mr Speaker, in my question, I did quote the strategic plan, which mentions that by now EALA would have financial autonomy for an obvious mandate of oversight, because it is not possible for an organ of this nature to have oversight without financial autonomy in reality. This Assembly is still subjected to the same budgetary process like any other organ of the Community. The Assembly is still subjected to ceilings like any other organ of the Community, and our funding is still subjected to scrutiny. So, it becomes very difficult to say that the proposals in the strategic plan regarding the Assembly have been implemented, like the Chairperson of Council has said, when the practice of the process of budgetary allocation still remains the same as it were 10 years ago. I do not know what the Chairperson of the Council has to say about that. The process of budgetary approval of the Assembly's financial status remains the same as it was eight years ago. Where is the financial autonomy?

**Ms Mukaruliza:** Mr Speaker, the Council would appreciate if hon. Wanyoto-Mutende could provide advice or a proposal on how this august House can be financially autonomous. As I have explained, we were thinking that the Assembly has financial autonomy, but if hon. Wanyoto-Mutende could make a proposal to be considered by the Council, we would welcome it.

**Ms Wanyoto:** Mr Speaker, again, I would like to quote the EAC Strategic Plan, which is very clear about what we mean by financial autonomy of the Assembly in terms of its oversight role and other functions as the legislative organ of the Community. In all the recommendations of every financial year when we are passing the budget of the Community ever since the inauguration of this Assembly, we have been consistent and made the same recommendations on how this Assembly can be able to execute its mandate in terms of being given space and budgetary consideration, which is not the case. I do not want to write a new proposal or give new advice. I will pledge with my colleagues to only retrieve those many recommendations of the last eight or so years and submit them to Council through the Speaker. They are clear and specific. It is the practice in the region.

**The Speaker:** What is your question?

**Ms Wanyoto:** Mr Speaker, the hon. Minister was asking for advice.

**The Speaker:** You can do that in writing, but not to debate it here. If you have a supplementary question, ask it!

#### **Question EALA/PQ/OA/26/2008**

**Ms Lydia Wanyoto (Uganda):** Asked the Chairperson, Council of Ministers:

*“Reliance on credible statistics is one of the areas through which the EAC can harness its resources and boast of a favourable market base. The EAC has*

*continuously relied on a figure of about 120 million people residing in the region, of which about 30 million live along the shores of Lake Victoria. Aware that some of the Partner States have not updated their statistics through a census; is it necessary to continue quoting obsolete figures? If not, can the Chairperson of the Council:*

- i. Inform this House the basis of the information quoted;*
- ii. Inform this House if there is a regional agenda to conduct a survey or census to establish the population in the EAC partner states;*
- iii. Whether there are efforts to establish a regional statistics databank and if so, what is the progress of implementation?"*

**The Chairperson, Council of Ministers (Ms Monique Mukaruliza):** Mr Speaker, I beg to reply.

As you are aware, different legislations in the Partner States provide the mandate of publishing official statistics to the national statistics offices. In accordance with the internationally accepted best practices, most EAC Partner States, except the Republic of Burundi (due to the internal problems in the country related to internal conflicts), have been undertaking censuses decennially. During the decennial inter-census period, statisticians and demographers have developed robust techniques of carrying out population projections. Therefore, for the periods between census, population projections are usually estimated by the national statistics offices and are reliable and, therefore, the figures on population being used by EAC are largely accurate.

It is the mandate of the Partner State governments to carry out primary data compilation through censuses or surveys. The Secretariat relies on the data from the national statistics offices. The population and housing censuses in the Partner States is programmed for 2008 and 2009 for the republics of Burundi and Kenya respectively, and 2012 for the Republics of Uganda, Rwanda and Tanzania.

The EAC Secretariat is running a regional programme on demographic statistics to harmonise the compilation process of demographic statistics. The programme will build capacity of the compilers. The programme, among others, also aims at having a common census year in the 2020 round of population and housing censuses.

The Secretariat, through technical assistance from the United Nations Fund for Population Agency (UNFPA), is in the initial stages of implementing this regional programme. The Secretariat, together with the national statistics offices, has developed a strategy document to have the foregoing programme implemented. The programme which is expected to take two years is estimated to cost approximately US \$900,000, and additional funding is currently being sourced. The programme targets the involvement of all stakeholders, including legislators at regional and national levels to help in advocacy campaigns.

Efforts towards establishing the EAC statistics database are in progress. The web-based database is aimed at facilitating information/data exchange and covers the

major economic, social and production indicators. The database will be housed at the EAC Secretariat. In the initial three Partner States, the project is being done through a consultancy that will be completed by the end of 2009. Currently, three acceptable progress reports have been received and the descriptive data for 60 percent of the indicators is in place.

The process of rolling out the establishment of the EAC statistics database to Rwanda and Burundi is in progress. Consultations on the descriptive data at national levels are complete, and the process of integrating this data into that of the three former Partner States is about to begin. Overall, the process of establishing the statistics database at the EAC is on course.

**Ms Wanyoto:** Mr Speaker, I am satisfied with the response, and I would like to thank the Chairperson, Council of Ministers for it.

**Question: EALA/PQ/OA/27/2008**

**Ms Lydia Wanyoto (Uganda):** Asked the Chairperson, Council of Ministers:

*“In September 2007, at a meeting of the EAC Sectoral Council on Health, the Partner States adopted the EAC Regional Health Strategic Plan. However, at subsequent meetings, the United Republic of Tanzania withdrew its approval of the strategic plan on the premise that there was a need to re-define the meaning of sexual rights. This has frustrated very critical health interventions in areas of Female Genital Mutilation, Maternal Health, HIV/AIDS, cross-border emergencies, communicable diseases, and Malaria, among others. What has the Council of Ministers done about resolving the impasse?”*

**The Chairperson, Council Of Ministers (Ms Monique Mukaruliza):** Mr Speaker, I beg to reply.

At its 15<sup>th</sup> Meeting held from 17<sup>th</sup> to 18<sup>th</sup> March 2008, the Council referred the “Regional Strategic Plan on Sexual and Reproductive Health and Rights in East Africa 2008–2013” to the Sectoral Council on Health for review in order to “obviate the promotion of homosexuality and other undesirable sexual practices”.

The Sectoral Council of Ministers on Health has already amended the EAC Sexual and Reproductive Health and Rights Strategic Plan in order to take into account the decisions of the Council. The Sectoral Council of Ministers on Health has interpreted the following provisions into the guiding principles section of the plan:

- (i) That sexual and reproductive health rights will be in conformity with the existing laws of each EAC Partner State;
- (ii) That sexual and reproductive health rights should respect the positive social-cultural and religious practices and norms of individual countries and local communities; and
- (iii) That harmful cultural beliefs, practices, retrogressive habits and behaviours that endanger the overall health and wellbeing of the population should be outlawed.

Consequently, the revised EAC sexual and reproductive health and rights strategic plan will be presented to the Council at the 17<sup>th</sup> Meeting of the Council for

consideration, approval and for implementation. The EAC Secretariat has now obtained some technical and financial assistance from the United Nations Population Fund, the International Planned Parenthood Federation and the African Union, to, among others, hire one population/reproductive health specialist to coordinate the implementation of the said EAC Regional Strategic Plan on Sexual and Reproductive Health and Rights in East Africa from 2008–2013, and also to facilitate the activities of the EAC Regional Inter-parliamentary Forum on Health, Population and Development with effect from March 2009.

**Ms Wanyoto:** Mr Speaker, I do not have a supplementary question, but I wait for the Minister's commitment that effective March, the activities of this strategic plan will be in effect. I look forward to that.

**The Speaker:** Honourable Members, before we go to the next item, an honourable member has come to me to seek leave to make a personal statement under Rule 41. I have granted that request, and I will now request hon. Mwinyi to make his statement.

### PERSONAL STATEMENT

**Mr Abdullah Mwinyi (Tanzania):** Thank you very much, Mr Speaker. In accordance to Rule 41 of our Rules of Procedure, I beg your indulgence and that of this House to explain matters of personal nature related to my integrity, the integrity of this House and the integrity of the electoral process of the Members of the Assembly of the National Parliament of Tanzania.

I am standing before the House to clarify on a statement made by hon. Dr Kamala, Minister for East African Cooperation, Tanzania on the 23<sup>rd</sup> of February 2009 before this august House. In the course of Dr Kamala's response to the Report of the Agriculture, Tourism and Natural Resources Committee, Dr Kamala made a statement to the effect that I am a Member of this august House by virtue of the fact that my father is a former President of the Republic of Tanzania.

Qualifications for becoming a Member of EALA are the same as those required of Members of the national assemblies of our respective Partner States. The requirement in Tanzania is literacy; one must be able to read and write before one can become a Member of Parliament. Mr Speaker, I beg your indulgence, if I may, to provide you with my brief resume.

I was born in Zanzibar and undertook my primary education in Dar-es-Salaam. I completed my secondary education (both 'O' and 'A' Level) in London, in the United Kingdom. Upon successfully completing my 'A' Level, I was enrolled at the University of Wales in Cardiff. I am pleased to inform honourable members that this is a well-established university in the United Kingdom, whose Chancellor is the Prince of Wales. I was awarded my law degree with honours in 1996. I decided to return to Dar-es-Salaam, where I worked in the Ministry of Justice as a trainee State Attorney. After a few years, I decided to embark on further studies by enrolling for a Masters Degree programme at the same university. I am pleased to inform honourable members that I was awarded a Masters Degree in Commercial Law with honours in November, 2000. I have over ten years of experience in senior management positions as well as in the practice of law. I believe that I have met the requirements of literacy.

In 2006, I decided to contest for the membership of this august House. If I may, the process of election in Tanzania has three phases. The first phase took place in Zanzibar before Members of the National Executive Committee and Central Committee. These are the two highest organs of our political party. We were given time to satisfy members as to our qualifications and suitability to become members of this august House. I am pleased to inform Members that I was awarded an “A” grade at that stage, and was allowed to proceed to the next stage.

The second phase was in Dodoma, where we were presented before Members of Parliament from *Chama Cha Mapinduzi (CCM)*. We were given five minutes to present our credentials and suitability to come to EALA. Again, I would like to inform this august House that I got 200 votes out of the 230 votes that were available.

Finally, we went before the National Assembly where honourable Members of the National Assembly voted for the Members to become Members of EALA. Fortunately, this process was live on TV. I am pleased to inform honourable members of this august House that I received 164 votes, the highest number of votes of any CCM Member here.

I would like to put it on record that I am a Member of this House on merit. I have all the qualifications and, furthermore, a resounding mandate from Members of my National Assembly. I am seeking a formal apology from Dr Kamala. Furthermore, I am seeking for his statement to be expunged from the record of the Assembly. I thank you.

#### MOTION

#### FOR A RESOLUTION OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY ON THE CONFLICT IN THE MIGINGO ISLAND

**Mr. Abdul Karim Harelimana (Rwanda):** Mr. Speaker, sir, I beg to move:

THAT, this Assembly do resolve to urge the Partner States of Uganda and Kenya to peacefully resolve the conflict on Migingo Island.

**Ms. Kate Kamba (Tanzania):** Seconded.

**Mr. Harelimana:** Mr. Speaker, sir, I thought no one wanted to second this Motion, and that is why I wanted to take my seat. But I thank hon. Kamba for seconding.

Mr. Speaker, sir\_

*WHEREAS under Article 5(3)(f) of the Treaty for the Establishment of the East African Community the Partner States have agreed to cooperate in the promotion of peace, security and stability and good neighbourliness;*

*AND WHEREAS under Article 6(b) and (c) of the Treaty, the Partner States agreed to peaceful co-existence, good neighbourliness and peaceful settlement of disputes;*

**AND WHEREAS** in view of Article 124(1) of the Treaty, the Partner States have agreed that peace and security are pre-requisites to social and economic development within the Community and vital to the achievement of the objectives of the Community;

**AND WHEREAS** in this regard, the Partner States agreed to foster and maintain an atmosphere that is conducive to peace and security through cooperation and consultations with a view to prevention, better management and resolution of disputes and conflicts between them;

**RECOGNISING** that the island of Mbingo in the middle of Lake Victoria has sparked a row between the Partner States of Kenya and Uganda, which has direct or indirect impact on the economic and socio-development of the entire community with serious peace, security and stability implications within and beyond the Community;

**CONSIDERING** that both countries are said to have deployed security personnel to the said island, an action which may spark off a violent conflict raising fears of another humanitarian disaster and the grave consequence it may have for the economic development, peace, security and social stability of the region;

**HAVING** discussed this matter in the Committee on Regional Affairs and Conflict Resolution meeting and the Committee having shown its concern about the issue;

**NOW, THEREFORE, THIS ASSEMBLY** do resolve to urge the governments of the Republics of Uganda and Kenya to resolve the problem amicably.

Mr. Speaker, sir, I beg to move.

- (Applause) -

(Question proposed)

**Ms. Kate Kamba (Tanzania):** Mr. Speaker, sir, I rise to support this Motion, and to declare my interest that I am a Member of the Committee on Regional Affairs and Conflict Resolution where we discussed this problem at length and resolved we should have this Motion. This is a problem between two countries, but it involves the whole region.

Mr. Speaker, Uganda claims that the island is in Bugiri District and Kenya claims it is under Nyatike District. These are not mere claims. As the Mover of the Motion has said, there was deployment of security personnel in that small island. A very small island - we read in the media that it is hardly an acre. I do not know whether that is true, but it is just an island in the middle of a big lake.

Mr. Speaker, sir, when such things happen, they can trigger bigger things, and that is our scare. We do not want to have a problem which can be amicably solved between Partner States to be stretched any further.

The island has been there for all these years. It was uninhabited - that is what we hear – and now that Nile Perch fish has been found within that area, there is a scramble for that resource. There are many ways of solving such problems. We urge the two big countries to resolve this problem amicably.

Mr. Speaker, sir, people have been asking, if this island has been there for all these years why this big rush at this particular moment, with everybody claiming it?

The problem within the lake has been there for many years. People have been asking that we should just fish in the lake freely; after all, we are in a Community! But, we have to respect the colonial borders until they are obsolete. There are many ways of looking at where this island is: We can even have a very independent institution demarcate where these borders are and sort out this problem until when we are one country; when we attain our political federation.

It is very unfortunate that this dispute is happening when we are in the final stages of negotiations on the Common Market Protocol, which will provide for anybody within the Community to go and do legal businesses where they deem fit. Now, if we are fighting over a small island, yet we are going for the Common Market where we are talking of big things, what will happen? This does not augur well for the Community.

Mr. Speaker, sir, I do not want to labour more on this, but I urge all those concerned to settle this matter once and for all so that we can go for the bigger thing, the Common Market, under which should all be respected, because this is East Africa. After all, we all belong to this big mass known as East Africa.

I beg to support the Motion – (*Applause*).

**Mr. Clarkson Otieno Karan (Kenya):** Thank you, Mr. Speaker, sir, for giving me this opportunity to support this Motion, which is calling for coexistence between two Partner States of the East African Community.

Mr. Speaker, sir, the integrity of the Members of this House who hail from Kenya and Uganda is being put to test today. Either they will speak as Members of their individual countries or as East Africans.

Mr. Speaker, sir, it is important that we resolve this matter as soon as possible. We, as Members of the East African Legislative Assembly have a role to inform the people of East Africa that our coming together within the East African Community is important for them. What looks ridiculous is that the Summit has allowed this matter to take this long.

Of all the three Heads of State who signed the Treaty, the only one who is still in service is His Excellency President Yoweri Museveni, President of the Republic of Uganda. President Museveni is always on record that he does not respect the geographical boundaries that were put by the colonial masters. To him, he would have seen one country, because we speak more or less the same language, we have the

same culture and there is no need of these boundaries. But I also recognise the fact that until formalities of removing these regional boundaries are concluded, we have to recognise the boundaries between us.

Mr. Speaker, sir, I was born in a small village called Migingo, and I went to school in Migingo Primary School. Our forefathers who started fishing in this island are the ones who named it Migingo. I am not justifying that it belongs to Kenya, but I am enlightening Members that normally names originate from particular issues. So, that is where the name of Migingo Island originated from.

However, if it is true that the Partner States of Kenya and Uganda have all taken their armed forces there, then we do not know what will happen tomorrow. But if the reports we are getting that Kenya has withdrawn her police officers from the island are true, then I would want to congratulate the President of the Republic of Kenya for looking for a peaceful solution.

I would also want to urge the government of Uganda, and the President of Uganda who is the only member of the Summit among those who signed the Treaty that it is quite embarrassing for the armed forces of Uganda to be in the island, if they are there.

Mr. Speaker, sir, I do not want to justify where this island belongs, but I remember there was a time when similar claims were made on some territorial parts of Kenya by the then President of the Republic of Uganda whom we all fought to remove in order for Uganda to have peace. The claims were to the extent that Naivasha was part of Uganda, and this is when the issue of this island came up.

However, I want to tell the members of the Summit that the way they are keeping quiet is disappointing. The row that has started between Kenya and Uganda is a violation of the Treaty. If the members of the highest organ of the Community are violating the Treaty, what do you expect of the Secretariat or the Council of Ministers? That is why the Assembly has come up to urge the Summit to resolve this matter urgently because it is causing an embarrassment.

Mr. Speaker, sir, when hon. Kategaya was Chairman of the Council of Ministers, he informed us that if we want to be faithful to the East African Community, the Treaty should be our bible. Mr. Speaker, sir, do not get tired no matter how many times a Member is quoting a section of the Treaty.

Mr. Speaker, sir, Article 6 of the Treaty says:

*“The fundamental principles that shall govern the achievement of the objectives of the Community by the Partner States shall include:*

- i. Mutual trust, political will and sovereign equality;*
- ii. Peaceful coexistence and good neighbourliness;*



iii. *Peaceful settlement of disputes.*

Mr. Speaker, sir, there is no need to do new surveys to establish new boundaries. This island did not spring up yesterday; it has been there from time immemorial. Records from the former East African Community as to where this island belongs are still there. Why do our Heads of State find it very difficult to go to the archives and bring out those old records and sort out this problem as a matter of urgency? We are being exposed to the world; we are a laughing stock! We are talking of cooperation, of being one nation, and we are quarrelling over an issue that could be settled overnight. If they are not able to do it, I call upon the Chairperson of the Summit to put them together and resolve this issue because it is making our work difficult as Members of this Assembly.

Mr. Speaker, sir, one may refer to this island as a tiny island, but when wars spark off there, and then you will know it is not a small island. So, before we go to that extent, let us all rise up and call upon our leaders to solve this matter. If we are fighting over fish, what happens when oil is found in our boundaries, and how many lives will be lost?

Mr. Speaker, I beg to support the Motion.

**The First Deputy Prime Minister and Minister for East African Community, Uganda) (Mr. Eriya Kategaya):** Thank you, Mr. Speaker, sir. I have just seen the Motion now. There are two points I want to make, first on the wording of the Motion. I think it is just alarmist. To say what is happening there would have a “direct impact on the economic and social development of the entire Community with serious peace....” This is not correct.

Mr. Speaker, sir, may I advise the honourable Members that getting facts and research is an important habit for those who run public affairs? If anybody had come to see me – either the mover or seconder of the Motion - and asked me about this incident, I would have explained what is happening there because I am fully in charge of what is happening; I am aware of the problem. But when you have a Motion like this, which just causes sensationalism and alarmism, I do not find it helpful to the Community.

Mr. Speaker, sir, steps are being taken to handle the problem, and this is not the first one we have handled. I am now speaking as a Minister from Uganda, but also as an East African. First of all, I think there are some things which are not correct. This island has not been uninhabited; people have been living there. When I was the National Political Commissar, I visited this island. It is composed of all the nationals of the region. They actually speak Kiswahili; that is the only language in which you can communicate with them. So, the question of the island being uninhabited is not true.

Secondly, an island in Lake Victoria could not have just been discovered now and found to have fish. Fish is not on the island, it is in the water, and it could not have been discovered yesterday. So, to think that whatever problem we have is a conflict over discovered fisheries, surely cannot be a serious statement. It is an island. There is another bigger Mizingo island.

Mr. Speaker, sir, this problem did not just start yesterday. This has been a local dispute, not really a State dispute. In the first round, the residents there were electing local councils. One faction lost, another won. The one which lost wanted to overthrow the one that won by enlisting the services of one of our Partner States. That one was solved.

Now, on the recent issue, I got information from my President on Friday morning. He said there is this problem and I have taken the following steps. I have talked to my colleague, the President of Kenya. You go and talk to your colleague – I am not yet there, but I am about to be – the Prime Minister of Kenya – (*Laughter*). You know, I am the First Deputy Prime Minister. So, I rang the Prime Minister of Kenya on Friday.

So, to say that we are now deploying troops for a showdown over an island of one acre...don't you think we have better things to fight over than just an island of one acre? Why should we fight over that? What is there is a mere police force; not even an army force. Our police force has been there, the Kenya police was also deployed, and people said, what is happening? That is when we got to know about the problem.

Mr. Speaker, sir, the Kenyan Commissioner of Police, even before the Heads of State came into contact, was in touch with the Inspector General of Police of Uganda. So, there is nothing alarming that is going to happen; absolutely nothing!

I want to assure the House that this alarmism is not warranted, in my view. We are very aware that if there is any dispute, we know how to solve it. We have had a dispute with Tanzania on the border of Kagera and Mbarara. We did not say there was a shoot-out! What we did was to appoint a joint committee of experts from Tanzania and Uganda, and the matter ended there. So, similarly, our position is that if there is any dispute about the border, we shall have experts to come and verify through the treaties and from the maps until we have an agreement between President Museveni and President Kibaki, Prime Minister Raila Odinga and I.

So, if the honourable Member who moved this Motion had the courtesy and humility to contact us and find out what is happening rather than bring this Motion, I would have divulged this information. Now, the media is going to pick it up and say there is a problem between Uganda and Kenya; the Community is breaking up! Is this how we are going to conduct public affairs? I have been here; I have not escaped! Why don't the honourable Members have the courtesy and humility to come and say, what is happening, give us your version, and then we can have this Motion in the House if they feel my explanation is not satisfactory?

Now, the urging of the House is really not going to add any value to what we are doing. We are dealing with this matter at the Heads of State level, Prime Ministers level, Inspectors General of Police level and there is no flare up. I can assure you there is not going to be a flare up on that small island. Uganda is sensible and committed enough to the integration of East Africa and we do not fight over small things. That is our practice; we fight over big things, not small ones like an island!

I beg to submit.

**Mr. Mike Kennedy Sebalu (Uganda):** Thank you, Mr. Speaker, sir. I think the concerns of the Members of the Assembly are well founded, given that, that exercise was going on and the media was capturing it in a manner that was becoming a bit disturbing. I appreciate that the Rt. Hon. Deputy Prime Minister was in contact and that something was being done, but it does not do any harm for a Prime Minister who is in touch and is seeing things going in that way also to volunteer useful information for the purposes of enriching and informing a House like this where he is a Member. My contribution will simply be restricted to that.

It is good to share information to help people appreciate and understand what is going on. With that kind of information, I definitely do not think the Members would have taken it the way they did, but in the absence of information, definitely you create a vacuum, which can be filled with speculation. So, in future, for purposes of coexistence within the Assembly and good neighbourliness as Members of the Community, when you have useful information, I think it is important to share it. Mr. Speaker, sir, if such explanation is shared in good time, definitely it would be in the best interest of the Community. Today is Wednesday, and efforts began on Friday. Courtesy would also demand that if the information is available, it is given to Members. So, we are all in it together. We must work together and sharing information is one way that would help us appear to be focused.

Mr. Speaker, sir, this Motion is not ill-intentioned. When you read into the “urging”, the whole idea is to see this matter solved in the best way possible. I do not find it ill-intentioned in any way because the aim is to ensure that we remain peaceful, we co-exist and solve whatever problems we have in a peaceful way. If we got information in good time, maybe this Motion would have been rendered irrelevant. But in the absence of that information, it was the responsibility of the Members of this Assembly, as peoples’ representatives, to voice out their concerns to ensure that we remain focused in this whole aspect of moving together as a region.

Mr. Speaker, sir, I beg to support the Motion.

**Maj-Gen. Mugisha Muntu (Uganda):** Thank you, Mr. Speaker, sir. I would like to support this Motion. I have heard one of my colleagues say that he is disappointed that the Summit has not come in to take a position in this matter. My hope and prayer is that the Summit does not take any position in this matter at all. I would really feel

disappointed if the Summit were to reach a point of having to solve a problem regarding a rock in Lake Victoria...or a one square kilometre island!

If the Summit was to reach a point of having to come in to resolve this issue, what it would mean is that we do not have mechanisms to handle a problem as small as this. What would it say about the Community? That the whole of Summit has got to make its position known over a one-square kilometre island in Lake Victoria would really be the most disappointing thing to me, as an individual. There is the Community, the Secretariat, the Council of Ministers; my belief is that a matter like this would be resolved at that level and we would not have to go through all this media attention.

There is a saying about storms being brewed in tea cups; this is a storm being brewed in a tea cup, as far as I am concerned. Unfortunately, it indicates the weaknesses that there are in some of the institutional set ups we have in the Community.

Mr. Speaker, sir, I think there is a problem in our countries in how to manage information. I think this is a problem of mismanagement of information. I would have loved to see, the moment this issue arose, the members of Parliament from both sides of the border of Kenya and Uganda, even before they went to the press, liaising and giving a common position, rather than each country making its own position, and in some cases even junior officials on both sides of the border simply saying things without caring about the implications of what they say.

In the modern world, information management is very important. We need to know how to manage information. We are in a Community. Fortunately for us, we can access information like we have just heard from the First Deputy Prime Minister from Uganda, but how many people know that information? Unless the press writes about this, most people outside this room will not know! Anyone walking on the streets of Nairobi or Kampala and reads the newspapers would ask themselves what is going on here! How can two countries fight over an island? They are anxious, but they have got a legitimate right to know because they belong to this Community. So, managing information is very important.

I really hope that in future if anything that small - or even if it is big - happens, my request is to let the concerned officials liaise before they go out and start speaking at cross purposes. We are looking towards becoming a federation, much as that issue is not yet resolved. So, the earlier we understand that we are together in this thing, whatever misunderstandings there might be, whenever we are handling a situation like this, we should do so from a common position rather than building antagonism. It is not necessary, and I think we should desist from that.

The other issue, of course, is whether this issue is going to be immediately resolved. I do not know, because we have also seen some issues that we have been handling. The first Assembly had two joint committees; the one on Regional Affairs and Conflict Resolution and the one on Agriculture, Tourism and Natural Resources which went to Lake Victoria. At that time, there was a resource-based conflict, but fortunately it was

resolved. And then there was the issue of cattle rustling on both sides. The Pokot-Turkana-Karimojong issue, which has been endless, and there have been proposals after proposals, and all of them have not been followed up in as far as I am concerned.

So, the assurance that some of these issues can be handled, to me...I am at times sceptical: There are more people who are suffering because of the cross border cattle raids on the two sides of the border than this problem of Migingo, but we have not seen action being taken on both sides of the border. We have always asked for coordinated action between Uganda and Kenya with the involvement of the Secretariat, but nobody has made any move to resolve that. I even wonder why there is more heat over Migingo, a rock in Lake Victoria, than over what is happening on the whole border from the north near Lake Turkana down to Mt. Elgon! (*Applause*)

So, my prayer to the Council is that there are two reports on this matter. Fortunately, Migingo has brought up another issue, which is inter-linked; resource-based conflicts. I would really like to ask the Council of Ministers to pay attention to the issue of cattle rustling on the Ugandan-Kenyan border - (*Applause*) – but on Lake Victoria, we have Lake Victoria Management Authority. For some of us, our desire is that all the activities on that lake should really be put under Lake Victoria Management Authority - (*Applause*).

If we are focusing on the future, we must look at what we want and then work backwards. If we even want to carry experimentation to know what would work best, Lake Victoria gives the best opportunity for us in this region to test ourselves to see if we have the capability to manage things jointly under an authority like the Lake Victoria Management Authority.

My view is that this is not a territorial issue. My suspicion is that this is a resource-based conflict. I really hope that the Council of Ministers will investigate this issue properly so that when you go to resolve it, you do it from a point of knowledge. Most of these small islands are staging islands. We would like to see Tanzanians, Kenyans and Ugandans fish in the whole width and breadth of that lake without any fear of being interfered with. My own estimation is that once that is done and the fishermen feel free to go wherever they want to fish, I do not think we will face some of these problems that we are facing now; fighting over a rock! I do not think they are fighting for plots on this lake; I doubt it.

The other issue that I have heard, which also needs to be investigated is that there is corruption by some of the local leaders in those areas on both sides. Maybe they got some underhand methods that they use in extracting monies from these fishermen, and so you need to investigate. If that is the case, crack down on them so that the common people who live off the lake, be they Kenyans, Ugandans or Tanzanians, feel free to roam on those waters, more so if all the recommendations that were given under the Lake Victoria Management Authority are put in place like common security, and if transport and navigation issues are handled jointly.

Mr. Speaker, sir, I would like to urge the Council to please use the Lake Victoria Management Authority as the best project that can be implemented, because the whole of East Africa realises that these are people who want to move towards a federation. What kind of people are we, anyway? (*Laughter*)

**Mr. Christopher Nakuleu (Kenya):** Mr. Speaker, sir, I was overwhelmed by the explanation of Gen. Muntu, and I totally concur with his observations. Article 124 of the Treaty for the Establishment of the East African Community provides for peaceful resolution of disputes. Now that Migingo Island is being contested for by the two Partner States, there is need for the two countries to come together to resolve this issue amicably as a show of adherence to the provisions of the Treaty.

Mr. Speaker, sir, I wish to urge the two States not to subject this dispute into a boundary review, because subjecting the issue of this island into a fresh boundary review would set precedence for other contestable commons in the region. That would mean that we would go back to the original boundaries during the scramble for and partition of Africa in 1885. During that time, even Naivasha - as alluded to by the hon. Karan - and the whole of Turkana District where I come from, were part of Uganda. In 1971, the former President of Uganda, whom the entire region declared as a dictator, wanted to capture it and take it back to Uganda. But it is good that it was resisted at that time.

Mr. Speaker, sir, I also wish to let this be known that in 1971, Migingo Island was one of the islands that the former President of Uganda, Idi Amin, had decided to annex alongside with Lolwe, Guyema, Pemba and Sigulu islands, and to date, the two States have not resolved the ownership of these islands.

Mr. Speaker, sir, the East African region has moved far away from the practices of the 20<sup>th</sup> Century where there were no institutions for solving regional conflicts. But now that we have the East African Community at hand, it is imperative that the leadership of the two countries should sit down and resolve this issue amicably.

I wish to concur with the hon. Gen. Muntu. I do not see any tangible reason why a lot of attention has been attached to the issue of Migingo Island while there have been more serious disputes in the entire Uganda and Kenya border right from Turkana where I come from to Lake Victoria. There have been incidents of cattle rustling where people have lost lives! At one time, there was a clash between the Karimojong and the Turkana near Moroto in which about 42 people lost their lives, but there was no attention from the region on that incident. In this case now, we have not had any incident where a person has lost life, and yet we are attaching a lot of significance to a very small rock whose value has not been determined! Unless there are some people who are privy to the value of this rock which the rest of us do not know...

Mr. Speaker, sir, in the event that the two States are not able to solve this matter amicably, then there is the concept of geo-mapping. This island must belong to a certain grid and, therefore, if the ownership cannot be ascertained, then they should

consult the experts in mapping. I tend to believe that this island is within a certain grid of latitude and longitude. Therefore, there should be some consultation so that the people who are residing there – I am told they speak purely Swahili, which is an indicator that they are East Africans. Therefore, there is no reason why their settlement should be disrupted.

Mr. Speaker, sir, the East African Community has structures for handling such a dispute. Just like the hon. Muntu said, we must know how to govern and manage information. I thought this was a very small issue that should not have reached the Heads of State, but it has reached them because the Lake Victoria Basin Commission Bill has stagnated for a long time. Had that Bill been operationalised, this issue would have been solved once and for all and the matter would not have reached that far. So, I urge the Council of Ministers not to take too long in effecting the Bills that the Assembly forwards to them because by doing so they will be sitting on time bombs over some issues.

Mr. Speaker, sir, since this issue has gone this far, I wish to urge the two Partner States to harmoniously and cordially resolve this issue so that we can reflect ourselves in the global community as people who are well focused and having good intentions.

With those remarks, I beg to support the Motion – (*Applause*).

**Mr. Dan Kidega (Uganda):** Thank you, Mr. Speaker, sir. From this new position of mine, I have been uncomfortable with the issues happening now; the debate and other things. I come from a society which has been dogged by a lot of conflict and I grew through my lifetime seeing how conflicts rage on and how people live and survive within it. One of the things that promote conflict is the way leaders within the conflict conduct themselves. If you do not exercise proper leadership, a very small conflict situation can get out of hand and give birth to an uncontrollable situation.

Mr. Speaker, sir, between 1884 and 1885 a group of global citizens sat somewhere in Berlin and decided to dissect Africa into geographical boundaries. The leadership that came over to govern Africa played into the seed of confusion that was planted in Berlin and started glorifying those demarcations and, to date, we are still here wasting taxpayers' money glorifying those seeds of confusion planted.

Mr. Speaker, sir, I belong to that group that tend to think that the problem of Africa is actually leadership. I would like to tell the leadership of Africa and this region that they should excuse us and the citizens by being at least modest and by placing their value systems right. Not even a rat has died on that island, yet hundreds and thousands of people have died within East African borders, and not this volume of concern has been raised. What a shame!

I think we need to redefine what leadership is. I think there is too much greed in the leadership class of today. Why do we fight over a rock, as hon. Muntu put it? Where I

come from, if you fight with your wife and you have a swollen face and you walk out to the public the next day, you do not divulge that your wife beat you. You simply say, “I had one too many last night and I got tired and knocked my head on the wall!” (*Laughter*) That is an internal mechanism of dealing with such conflict. Mr. Speaker, sir, I beg the leaders of this region, right from this House – if the leaders start behaving and doing things like the led, or dancing to the position of the led, then there will be confusion.

Some of these issues are becoming glaring because of the press reports. I have confidence that the two governments have elaborate structures and systems for sorting out this conflict, but if we do not play it right, we are the ones going to cause confusion and create more conflict. We should desist from running to public media when there are mechanisms for solving issues. We should be able to rebuke citizens who are mishandling sensitive things.

Mr. Speaker, sir, this conflict has offered us a litmus test for our intention to integrate. If we solve this problem as soon as we can, I will say yes, we are ready to integrate. But if we allow it to rage on, then we are not capable and willing to integrate as a region. This is the silver lining; it is an indication that East Africans want to have a region without boundaries; one army, one police policing the entire Community. That is what I think the people want.

Mr. Speaker, sir, my prayer and plea to the people of all categories in the public out there is that, reckless writings in the press, using unbecoming descriptions; those are seeds of confusion and conflict. Let us desist from disobeying what is happening.

I beg to support the Motion – (*Applause*).

**Ms. Safina Kwekwe (Kenya):** Mr. Speaker, sir, I thank you for this opportunity. Let me start by saying that, first of all, I support the Motion as moved. I do so for the following reasons:

Mr. Speaker, sir, early last year, this region faced a crisis whereby lives were lost, property destroyed and people made vulnerable to date. It was something that could have been avoided. Therefore, Migingo Island, whether it is a small rock or half a square kilometre, it is within Lake Victoria which supports the livelihoods of over 30 million people, and therefore a significant issue demanding attention.

It has been said on the Floor of this House that the people of Migingo Island speak Swahili, which means that they came from some place; that they have roots within the East African region. So, whatever happens to somebody on Migingo Island, the repercussions shall be felt beyond Migingo Island. We cannot, therefore, simplify this matter and say it is just a small island or a small rock. We have seen how small things can become unmanageable.

Mr. Speaker, sir, it is true that the Lake Victoria Basin Commission should be charged with this issue; this is one of the mechanisms that should have been explored to



resolve this matter but it has not been used because, one, the Lake Victoria Basin Commission has no legal mandate to operate. Of course this House knows why this is the case. And two, the Lake Victoria Basin Commission as it is today has no internal conflict resolution mechanisms.

Mr. Speaker, sir, when Kenya was experiencing trouble last year, one of the Heads of State who moved to empathise with the people of Kenya was His Excellency Yoweri Museveni. That means that there is care, sympathy and responsibility within the leaders of the Summit towards each other. Why not on this Migingo Island thing? Why is it now becoming a place where every journalist wants a story? When you have a vacuum - as the hon. Sebalu stated - you create room for chaos. One time you are told a policeman has been killed. If you hear a policeman has been killed, what do you feel? Of course you feel rage; why? Because it is just human to do so! So, if we create opportunity for people to be enraged, for people to feel cheated, for people to feel that there is nobody who cares for them, people will take matters into their own hands.

Mr. Speaker, sir, I support this Motion because 30 million people are directly affected by the issue of Migingo Island. That is a quarter of the entire Community! The rest of us will definitely be affected indirectly by what happens there if it is not well managed.

I beg to support the Motion – (*Applause*).

**Mr. Dan Ogalo (Uganda):** Thank you, Mr. Speaker, sir, for the opportunity to contribute to this charge sheet - (*Laughter*).

**The Speaker:** Hon. Ogalo, we do not have a charge sheet here.

**Mr. Ogalo:** I am sorry, sir, I take that back.

Mr. Speaker, sir, the Motion, which I inappropriately termed a charge sheet, is really well intentioned, and we are not at variance with the Council. I would appeal to Hon. Kategaya that we are not at variance. You may be doing something which we do not know; it does not stop us from doing another thing in the same area. As you will recall, at the time of the elections in Kenya, it was said from the Floor of this House that the Community was working behind the scenes. Now, as the leadership of the Community was working behind the scenes, the people of Kenya did not know the efforts which were being taken by the leadership. So, at the end of the day, there was chaos; looting, killing and destruction of property. So, in my view, the Executive can be working but as an Assembly, when there are concerns about people in East Africa, we have that mandate to raise these issues – (*Applause*).

Mr. Speaker, sir, when I termed this Motion a charge sheet, it was in respect of what the hon. Kategaya had said. This island has been there all along, and both countries - Kenya and Uganda - are approaching fifty years of independence. So if this island has been there for fifty years, and the governments of Kenya and Uganda have been there successively, how come people are asking where it belongs? In other words, what

have the successive governments in all these fifty years done to put a presence on this island? What have they done in terms of social services or health, so that the East Africans on that island can benefit? That is why I called it a charge sheet. Now, all of a sudden, in both capitals, people are running up and down; “bring the map, which is this island called Migingo? Where does it belong?”

From independence, we said we were going to bring social services to our people. It was in that respect that I called it a charge sheet, because it shows the neglect by the two countries to this rock. It shows a lack of commitment to the welfare of the people of East Africa by their governments. If there was a health centre that was put there by the Ugandan government in 1969 or a primary school that was put there by the Kenyan government in 1975...but there is nothing! So, for me, this Motion gives an opportunity to the people of East Africa to call upon governments to have commitment to the people they say they represent.

Mr. Speaker, sir, the truth of the matter is that since the governments of both Kenya and Uganda have done nothing about this island - or this rock - people did not take it upon themselves initially to inhabit it until recently - *(Interruption by a ringing cell phone in the Chamber)*.

**The Speaker:** Honourable Members, please switch off your phones!

**Mr. Ogalo:** Mr Speaker, it was only recently when fish become a resource-based conflict that the island become important. Mr. Speaker, sir, I want to correct an impression created by the hon. Nakuleu about the former President of Uganda Idi Amin having taken some islands. That is not backed by fact. The fact of the matter is that if you look at the back pages of the independence constitutions of Uganda, Kenya and Tanzania, you will find a schedule of the degrees of where these boundaries are. So, it is a matter which should not be causing any problem, but I want to speak on this issue because sometimes when we neglect our own duties then we turn around and find ourselves in such a situation.

I have passed this island very many times either in a canoe or a motor boat. I know it very well. I have campaigned on the islands in the neighbourhood of Migingo. Twice I have been elected to represent those neighbouring islands in both the Constituent Assembly and Parliament of Uganda. So, in my quest for votes, I had to go around these islands and I know what was there and what was not there.

The fact of the matter is that this rock was not inhabited at all. There are several types of rocks of that nature in Lake Victoria, like Sumba Island. So, obviously, neither I nor Raphael Wanjala from Budalangi would go to Migingo to seek votes because there was nobody there, but because fish was becoming less and less, fishermen started going further and further into the lake, and at first they used Migingo as a launch pad to get fish from deeper waters. These were fishermen from both Uganda and Kenya - and even from Tanzania, and they had lived okay without a problem as East Africans from when people started going there from 1999/2000. So, I am

surprised now that all of a sudden we have attracted some attention! Normally nobody cares about us islanders, but at least now, over this rock, we seem to have attracted some attention.

Indeed, there is no conflict among the people who are fishing on that island. I do not understand where the problem is coming from now. What I know for certain is that at one time there was a kind of piracy in that area: Some people started attacking the fishermen, grabbing their engines and taking them to sale elsewhere. So, some of the fishermen went and pleaded for protection from both Kenya and Uganda. It is also a fact that the District Commissioner of Suba District in Kenya and the Resident District Commissioner of Bugiri District in Uganda had meetings during the year 2000 to try to see how to protect the fishermen there from the pirates, and they actually did provide some kind of security for those fishermen. So, for us we are wondering, why is all this excitement coming and why?

The local leadership on both sides met and they have been having meetings and they have been resolving some disputes among these people and even helping to protect them by providing security. Therefore, the excitement in Nairobi and Kampala is not taking into account the local circumstances of us the islanders. I think before people start making statements in Kampala or Nairobi, the best thing to do is to get on to a canoe and come to see us. You will find there is no problem at all.

Mr. Speaker, sir, when this House at one time – and this has been commented on by several Members – did make recommendations about the Lake Victoria Basin Commission, our belief was that with such a body which has authority to manage this lake as a regional body, we would not have any of these problems. Unfortunately, people would like the law to reflect the Partner States and they remove the regional institution. Now, if you do that, then obviously Kampala will have its own view and so will Nairobi, and then you get these kinds of conflicts but if you have one body, which is East African, it will look at such an issue with East African binoculars. However, when, with time, the Bill comes and we are told to make it the way they want it, I think this is also a silver lining to show us how, if we continue writing Partner States in our laws, we risk continuing to bring about conflict in the region.

Mr. Speaker, sir, this matter has been in the press and I appreciate what the Council of Ministers is doing to resolve it, but you see, when people read...for example, yesterday I was reading in the papers – the hon. Kategaya has just told us that the Inspector General of Police of Uganda and the Police Commissioner of Kenya are in contact. But if you look at one of the papers from Uganda for yesterday, they were quoting the Inspector General of Police saying “we are ready to defend our sovereignty”! So, if we do not come out to say exactly what is what, then somebody will take it to mean that Uganda is ready for war! These are public affairs, so I think that if you are doing something as the Council of Ministers, let it come out. Let it be known that the Inspector General of Police – (*Interruption*) -

**The Speaker:** Hon. Ogalo, we do not use stories in newspapers to make reference to matters in this House.

**Mr. Ogalo:** I will withdraw that, Mr. Speaker, sir. We, as an Assembly, are duty bound - and I think we have an obligation - to debate any matter which is touching on any aspect of East Africa. We express ourselves and the authorities, be it the Council of Ministers or the Summit, if they think what we have said has some sense, it will help to push the integration process forward. If what we urge is irrelevant because some things are already happening, so be it. But at least we have had a contribution to what the people of East Africa are debating on.

Mr. Speaker, sir, I would wish to appeal to the Council of Ministers to change their *modus operandi*. Maybe we must find methods through which we can touch on emerging issues very fast before they are captured by other individuals and blown out of proportion. I am sure if you went to Migingo now, people would be surprised that you are saying there is a problem there.

It is in that regard that I support this Motion and urge hon. Members to support it. I thank you.

**The Speaker:** Honourable Members, I will now call on the hon. Harelimana to reply.

**Mr. Harelimana:** Thank you, Mr. Speaker, sir. I wish to thank the honourable Members who have supported this Motion by contributing to it and those who supported it by applauding.

I am sure that honourable Members here have heard me very well, and I think they have been following the issue of Migingo Island. That is why I appreciate the contributions from the hon. Kate Kamba, the seconder of the Motion, and the hon. Karan for his long contribution which ended with him supporting the Motion.

Mr. Speaker, sir, before I go further, I am of the opinion that this Motion is not alarmist; we are just relying on an assessment of the situation. I am glad to say that I have been in the land of East Africa for almost sixty years, and I have been living sometimes in problems and at times in peace.

In 1959, for example, the problems which occurred in Rwanda started as a very small thing, but they continued until 1994 and culminated into genocide. It started from one man only who claimed that he was beaten by someone and then his group stood up to fight the other group, and people were chased away from the country until when they came back in 1990 and the other problems occurred. So, it starts as a small problem but ends up very big. I know what happened also in other countries, though not all of them in East Africa.

The problem of Migingo Island has been there now for more than six months. People have been talking about it but for most of that time the Partner States were just quiet; they did not take any decision. But for us as parliamentarians we know that if it

escalates beyond this, it will cause a lot of problems, which we do not know yet how big they can be.

Mr. Speaker, sir, it is common sense that the people of Migingo Island are already psychologically tortured: They see police officers moving around there, they hear different statements from different sides, and they are not sure of what is going to happen in the future. This alone can be a good reason for us to urge the two governments to stand up and at least solve this matter peacefully and give the people of Migingo peace of mind.

Mr. Speaker, sir, all the contributors to the Motion supported it and I thank them for that, and I still request the House to resolve that we urge the two governments of Uganda and Kenya to solve this problem peacefully.

I beg to move – (*Applause*).

*(Question on the Motion put and agreed to)*

Resolution adopted.

#### MOTION

**FOR A RESOLUTION OF THE EAST AFRICAN LEGISLATIVE ASSEMBLY TO CONGRATULATE HIS EXCELLENCY, PRESIDENT BARACK HUSSEIN OBAMA ON HIS ELECTION AS THE 44<sup>TH</sup> PRESIDENT OF THE UNITED STATES OF AMERICA**

**Mr. Gervase Akhaabi (Kenya):** Mr. Speaker, sir, I beg to move\_

THAT, this Assembly do resolve to congratulate His Excellency President Barack Hussein Obama on his election as the 44<sup>th</sup> President of the United States of America.”

**Dr. Lwanyantika F. Masha (Tanzania):** Seconded.

**Mr. Akhaabi:** Mr. Speaker, sir:

*“WHEREAS Article 59 of the Treaty for the Establishment of the East African Community empowers Members of the Assembly to propose any motion or to introduce any Bill in the Assembly;*

*AND WHEREAS the provisions of Article 59 of the Treaty are embodied in the Rules of Procedure of the Assembly, and particularly in Rule 26;*

*AWARE that the 44<sup>th</sup> President of the United States of America has his paternal heritage within the geographical territory of East Africa and the people of East Africa are justifiably proud of and excited by his election and installation as the President of the United States of America;*

*CONSIDERING that the people and Partner States of the East African Community yearn for a closer economic relationship with the United States of America to help spur economic growth and development in the Community;*

**ACKNOWLEDGING** that President Obama has established as his platform of leadership the need for change in the manner and way of conducting public affairs and international relationships;

**NOW THEREFORE**, this Assembly resolves to:

*Congratulate His Excellency, President Barack Hussein Obama on his election and installation as the 44<sup>th</sup> President of the United States of America, and that this resolution is passed on to the President by the Speaker of this Assembly.”*

Mr Speaker, sir, I beg to move.

*(Question proposed)*

**Dr. Lwanyantika F. Masha (Tanzania):** Mr. Speaker, sir, I stand to support the Motion to congratulate President Obama for his election and installation as President of the United States of America. I was asked - and I accepted very joyfully - by Mr. Akhaabi to support this Motion. Perhaps he had made his calculations right. I am probably the only one in this House who has lived in the United States of America the longest. It is most likely that I happened to have been in the United States when Obama was born. I did not know about his father, but I heard about him, or at least I went to college and then later worked with people who had been very close to Barack Obama Senior. So, it is with special pride, with that kind of background, that I support this Motion.

Mr. Speaker, sir, I have lived in the United States on and off for a total of thirty two years, many of them in New York, but ten of them in the State of Illinois, and I spent many Christmases in the city of Chicago where President Obama was Senator and also lived. How close an attachment I can feel to know that somebody from the State I stayed in for ten years and from the city I visited so many times, is now President of the United States!

Mr. Speaker, sir, I gave that background, not out of wanting merely to be attached to President Obama and his history, but because of the events and what was the picture of anybody of African descent during that period in the United States of America. I went to the United States first in 1962, and I remember a little joint in Chicago where I was thrown out just because I was black. In that State of Illinois, I remember very well that on 1 January 1965, I was nearly lynched by a mob not because I had committed any crime, but because I was black.

I remember going to a place called Kero in Illinois during that period where we were molested by white hooligans, and when we called the police, we were the ones who were apprehended for being in that place and for daring to call the police to complain against whites. So, for those of us who lived in the United States during that period when people were killed because they were black in the State of Mississippi, the mere suggestion that a person of black descent could become the President of the United States of America was unthinkable. But Barack Obama did it - *(Applause)*.

Mr. Speaker, sir, Barack Obama has removed the burden of the black man - both outside of Africa and in Africa as well - of being made to feel a lesser human, only because of his colour. Yes, people who have wonderful credits and merits like the Late Martin Luther King Junior were pleading with their fellow Americans that people should be judged by the content of their character and not by the colour of their skin. Yes, it took so many years, but Obama did it. That is why I feel so proud to have to say anything. I do not know Obama personally but he has done us proud, and all black people, not only East Africans, should feel proud because of that achievement.

The removal of that stigma, which some of us had seemed to accept that maybe we were less human than the people of other colours, those of us who tried to fight this belief were made to feel as if we were fighting a dead cause. But today...even when I walked with you, Mr Speaker, in the streets of New York last November after Obama had been elected, I was feeling very proud - and without any fear or hesitation - that there was a global recognition of the black man as equal to anybody, if not superior. Obama has done it! (*Applause*)

Mr. Speaker, sir, I do not want what I have said to appear as if it is a charge against all white people. There have been a lot of very good white people but that is the kind of world we lived in; that is the kind of world his father lived in. Yes, Obama Junior has done it; we should all feel very proud and we should support this Motion fully. If I were to add anything to this – here it is stated that this resolution should be passed to the President by the Speaker of the Assembly, I would interpret this to mean that the Speaker of the Assembly will physically go to Washington and deliver this message with pride - (*Applause*).

Mr. Speaker, sir, I beg to support.

**Dr. George Francis Nangale (Tanzania):** Thank you, Mr. Speaker, sir. On the onset, I want to support the Motion to congratulate the former Senator, Barack Hussein Obama for being elected the 44<sup>th</sup> President of the United States.

Mr Speaker, it is a fact that the United States of America is currently the most powerful country in the world, and the fact that Mr. Obama's family roots can be traced to East Africa - some say in Western Kenya, some say in Zanzibar, some say in Northern Tanzania, some say in Eastern Uganda - makes us all feel good!

Mr. Speaker, sir, what does this mean to us? Already, East Africa to Americans has become a historical destination; a place where they can relate their leader's origins. As we expect many tourists to come to this region, including President Obama himself when he comes for a holiday in his homeland, I want to appeal to stakeholders in the tourism industry to position themselves in marketing, in hospitality and infrastructure development. The election of Obama might be a blessing to East Africans if we get our policies right and our laws in order. Here I am talking about the East African Community Tourism and Wildlife Management Bill, which is currently

in the legislative process. And we should avoid parallel processes, which may delay the implementation of the law for up to four years when Mr. Obama's term ends.

Mr. Speaker, sir, having said that, I beg to support the Motion – (*Applause*).

**Ms. Dora Kanabahita-Byamukama (Uganda):** Mr. Speaker, sir, from the onset, I would like to say that I support the Motion and I congratulate the people of Kenya for having been associated with very great achievements, including this one. I just want to say that on the issue, for example, of athletics and winning gold medals, our brothers and sisters from Kenya have made us proud - (*Applause*). Even when it comes to history, there is a scientific finding that Early Man first walked in Kenya. This was a discovery by Dr. Leakey. So, we are very proud to be not only neighbours but also partners in the East African Community with such a prestigious country.

Maybe, I should also declare my interest, just like Dr. Masha did. Although he lived in America in the 1960s, I had the opportunity to live in America in the 1990s, courtesy of the American taxpayer. I studied at Georgetown University where I got my Masters Degree in Law. When I was there, I was always asked why I did not go to Harvard University, simply because Harvard University is where the blacks studied and Georgetown University was a middle class institution, where I was not supposed to be. So, basically, I would like to say that discrimination does still exist to some extent in very subtle ways, but in more prominent ways when you look at the kind of education that the blacks access when it comes to university or other levels.

I would like to congratulate His Excellency, President Obama for breaking the record in more than one way. Dr. Masha talked about the issue of being black; I would like to talk about the issue of religion. At a time when the Islamic religion has been fought from all corners of the world, I think this is a very great achievement – (*Interjection*). Although President Barack Hussein Obama is not a Muslim, but by the fact that he still carries that name, it is very clear that there were some hurdles that he overcame.

I would also like to congratulate him for appointing Hillary Clinton as Secretary of State. I would like to kindly ask our East African brothers and sisters to take a leaf from him and get a female into the Summit.

Mr. Speaker, sir, I would like to conclude on the issue of discrimination and stigmatisation. America is known as the land of opportunity. His Excellency Barack Obama clearly has revived the hope of all Americans not to be discriminated against by virtue of colour or sex, and that it is possible for any of us to reach the highest echelons of what we aspire to. Therefore, it is also my hope that we are not judged by our sex, which is from God, and that there will be more effort to recognise us for what we are.

I beg to support the motion – (*Applause*).



**The First Deputy Prime Minister and Minister for East African Community Affairs, Uganda (Mr. Eriya Kategaya):** Thank you, Mr. Speaker, sir. I would also like to support this Motion, belatedly as it is, but the House could not have passed it earlier than this. I have two reasons for supporting this Motion. One is the example President Obama has shown that if one is focused and knows what they want for their people, they are likely to succeed. Secondly, as he said in his own words, industry pays. In fact, he said we should not sit down and mourn but we should move and work and prove that we have the quality, like anybody else, which I think is a very good mindset. Do not give up; don't think you cannot perform just because of your colour or sex!

The second point is that I think we should also credit the American democratic system. Despite the problems our brothers and sisters have gone through, America has come round to say, yes, we now have to look for quality, regardless of colour. They tried Bush and they found he could not perform, despite his colour. He messed up the economy, messed up the image of America in the international community by springing up unwarranted wars, trying to change the world in his own image without understanding how the world operates. But the Americans have said, no, this time we have somebody, regardless of his colour, who has shown the qualities to restore the dignity of America, and they elected him.

During the campaigns, I met some white man and I asked him, "are you sure Barack Obama will make it?" and he said: 'No way!' He said it is not possible for the Americans to see a black person with his black family in the White House. That is what he told me. But now, I have been looking for him – (*Laughter*) - to show him that Americans are ahead of him; they are looking for quality and merit. And, I think we should emulate that – (*Applause*). Quality and merit in leadership is how we shall move. So, this is a tribute to American democracy; at long last they are now looking for quality and merit, regardless of colour. They voted for Barack Obama as President of the United States of America!

With those few words, I beg to support the Motion – (*Applause*).

**Mr. Bernard Mulengani (Uganda):** Thank you very much, Mr. Speaker, sir, for giving me this opportunity to contribute to this Motion. I want to join my colleagues to congratulate the President of the United States of America, Mr. Barack Hussein Obama, and in doing so I want to remind us that it took an American to answer the cries of the black Americans.

Mr. Speaker, sir, as we congratulate Mr. Obama, we who are trying to integrate as the East African Community, what do we learn out of this? The United States today

comprises fifty two States, but each State is most likely more powerful than the East African Community as a whole. I am saying that as we feel proud of the success of President Obama, a son of the soil, we need to move out of what is dragging us backwards to be able to attain our integration.

Mr. Speaker, sir, what the people of the United States of America have done in search of quality and capability is something we should emulate as a Community. As we forge ahead with our integration process, it is my prayer that the Partner States of the East African Community will come out of their nationalistic tendencies. A good example is the issue of Migingo Island where we are seen tearing each other apart and we are now here congratulating a son of this very area, who has been able to come out from the various diversities of the people in the United States to lead that country!

Mr. Speaker, sir, let me reiterate my point, which is: what have we learnt from the success of Obama? (*Applause*)

With those remarks, I beg to support the Motion.

**Ms. Catherine Ngima Kimura (Kenya):** Thank you, Mr. Speaker, sir, for giving me this opportunity to contribute to this very important Motion, which I think in a way is not acrimonious; we are thinking in the same direction, given the previous Motion.

Mr. Speaker, sir, I rise to support this Motion for one simple reason that the election of Barack Hussein Obama has given hope to many on various fronts. The hon. Byamukama has just mentioned that President Obama came from a background of a religion that is not acceptable in the United States, and he is a minority, being a person of colour in the United States. But for me, two very important areas have touched my core.

One is the fact that he brings in a youthful element to the governance of the United States. This is something we should all aspire to, particularly in this region of ours. I am challenging the youthful Members of this Assembly who are very fond of telling me and the hon. Masha that maybe our time has gone that indeed this should give them hope that they are not too young to lead this region. I challenge them to stake their position and take the challenge to be the youthful leaders of this region.

Secondly, President Obama has demonstrated that you do not have to be rich in order to win an election. There were many who had a lot more money, and as we know elections in this region, especially in Kenya and even in the United States in the years past, it was dictated by those people who could command very large sums of money to help in the campaigns. Here we have somebody who was supported, not by those who had the money but by ordinary Americans with their US\$5 and US\$10. So, we have hope that people who can exhibit leadership qualities on merit do not have to have those kinds of resources that we have seen poured into our campaigns to enter our State Houses. So for me, there is hope that ordinary East Africans from very humble backgrounds can also make it - (*Applause*).

Finally, I share hon. Masha's delight in seeing a person of colour in the White House. It is barely thirty years ago that I lived in the United States. At least I had the privilege of a diplomatic status and so the police would see my car and not question me. But people living with me who did not have that privilege were stopped constantly and told to produce their identity cards because they were living in the "wrong place". They should have been in the ghettos and not what was considered to be a middle class neighbourhood. So, it is, to me, a dream come true.

I witnessed the worst discrimination and riots in Los Angeles. Even when my daughter started her nursery school, I had to force an issue for her to go to the school of my choice because where we lived, unfortunately or otherwise, was a place of the so-called movie stars. So, to see this in my lifetime is, indeed, very heart warming. Therefore, I want to join my colleagues in congratulating the 44<sup>th</sup> President of the United States for assuming that very high office, and for, as hon. Masha said, removing the stigma out of the Blackman and giving us hope that we do not have to be people with money, or fear that we are young, or that we should have several terms in the Senate or House of Representatives to lead such a great country.

I beg to support the Motion – (*Applause*).

**Ms. Sarah Talaso Bonaya (Kenya):** Thank you, Mr. Speaker, sir. I would also want to add my voice to this beautiful Motion. First, I would want to start by congratulating the new Lady Minister from Burundi for having joined our team. Madam, you are welcome and we are happy to have more compassion and sensitivity in the House and at the Council of Ministers level – (*Laughter*).

I would also want to congratulate the mover of this Motion, Mr. Akhaabi. It is unfortunate that this Assembly could not meet at the right time, but I think we are not too late to discuss this Motion.

Mr. Speaker, sir, I would like to congratulate the people of America for electing Mr. Obama to be their President. I would also like to commend them for the beautiful campaigns. When I look back to my own set-up in Kenya where we had very chaotic campaigns, I can not help but be impressed with what I saw in America. I also had to go through the by-elections, and from what I saw, our people do not behave as if they are human: they do not behave as if politics is a planned process that is expected to have a clear and positive outlook. It is like a war where they have to fight regardless of the circumstances. So, we have been taught a very big lesson that the incumbents do not disrupt the process; they leave it to the people to make their choice. And because of that, I am very proud of the American people – (*Applause*).

I think that for once they have gained my confidence. The campaigns were live on television, and it was shown throughout Africa. I am very proud of that, and also because the outcome is somebody of Obama's calibre; a person who comes from minority groups in terms of his colour and so many other aspects. I want to use that to urge African leaders to respect merit and disregard issues of – (*Applause*) – I am

saying this because we have so many unsung heroes: We have had leaders in these countries who would have had better placing if only merit was respected, but because of our greed, our selfishness and the power of money that we have used to destroy each other, I think we have not given merit the right place or even the right people to lead when it was right for them.

Mr. Speaker, sir, I also appreciate the way President Obama brought his family into the limelight and to be the centre of his leadership – *(Applause)*. I think as leaders we are cheating ourselves if we start appearing in the ivory towers, leaving our families behind and not showing them as models, because that family unit is what we can translate to the bigger picture of a nation – *(Applause)*. So, I think the fact that he brought his family to the forefront and to be co-players, although indirectly, is very positive.

The other thing is that President Obama also became an inspiration to many. He used the slogan “Yes, we can” and he managed. He did not have money and some other resources but he had the ability, intellect, and I think God was also with him, so he said “Yes we can!” I think in this part of the world we should also try to encourage potential leaders to take their rightful places because what we are suffering from in Africa today is poor leadership. Why? Because we have the corrupt who can buy their way through and we do not give a chance to merit.

Mr Speaker, I thank you so much and I support the Motion – *(Applause)*.

**Mr. Clarkson Otieno Karan (Kenya):** I thank you, Mr. Speaker, sir, for giving me this opportunity to support this worthy Motion. First, I would like to start by congratulating the people of Kogelo for having given birth to Obama Senior, who went to America and made the right choice of a woman and gave birth to Obama the President of the United States of America – *(Laughter)*.

Mr. Speaker, I happen to be very close to Kogelo: Mr Speaker, my mother comes from Kogelo – *(Laughter and shouts of “Uncle”)* - and when Sarah Hussein Obama went to America to witness the inauguration; we were busy doing it at Kogelo – *(Interruption)* -

**The Speaker:** Honourable Karan, you earlier told us that you were from Migingo! *(Laughter)* So which is it?

**Mr. Karan:** Mr. Speaker, those records are right. I am from Migingo; my mother is from Kogelo; that is what I am explaining - *(Laughter)*.

Mr. Speaker, I want to support this Motion on two fronts: First, for the fact that if you would do a DNA test today, there would be some blood relationship between me and President Obama - *(Laughter)*. On the second front, the only thing we can do as a people of East Africa or as Partner States within the East African Community is first to ensure that we develop good governance for the people of East Africa, Mr Speaker – *(Applause)* - because that is what the President of America stands for. We must

tirelessly fight corruption. We are not going to celebrate Obama being the President of America without emulating what he stands for. So I call upon our leaders, especially from the Partner States of the East African Community to fight corruption tirelessly – *(Applause)*.

Mr. Speaker, the lesson that the people of East Africa must learn from the election of Obama is that if we mean to bring change to our countries, we will bring that change, and we can do it, because Obama did it in America. And for the young generation who are desirous to take over leadership, this is the best example they can cite and they do not have any limitation.

For us in the East African Community, no European or American will come to East Africa without visiting Kenya, Uganda, Tanzania, Rwanda and Burundi. So we must position ourselves to be able to tap the resources these visitors will bring. It therefore calls upon us to pass the East African Community Tourism Management Bill as a matter of urgency so that we can put everything in place - *(Applause)*

We in leadership must put in place mechanisms through which we can tap the resources that the tourists will bring into this region. If we keep on just celebrating that Obama is the President, all those years will pass without any benefit that we can show. I think that is not the best thing that we would want to do as the leaders of this region. I want to say that at Kogelo level, things are already working, and because of the tourists who are coming there, the people have already started seeing the benefits of their grandson being the President.

Mr. Speaker, this Motion is very important. I supported it wholeheartedly and anybody who has any problem can come to me so that - *(Laughter)* -

**Dr. Said Gharib Bilal (Tanzania):** Thank you, Mr. Speaker, for giving me this opportunity to support this very important Motion. It is a tradition in our societies that when something big or historic happens, it needs to be commented upon. Therefore, I think it is proper that this Motion has been brought to the House so that we can be part of that history.

I also lived in the United States, although not for as long as the honourable Dr. Masha, but I lived there long enough to understand and learn the ways and the politics of the people of the United States. I think I was at one time made to comment - not believing that this could ever happen - that Obama would not be elected the President of the United States of America. This was because of the same reason that when I lived in America in the early 1980s, the conditions in the United States at that time in terms of politics were not really supportive of a black person being elected as president.

I remember we were made to believe that if you were a candidate and you picked a running mate who happened to be black or who was married to a black, you would reduce your chances of being elected. Therefore, that made me doubt that Obama could be elected the President of the United States of America. But, I am happy to be

part of this history because the election of Barack Obama represents a new crescendo in the way people and societies evolve in terms of their politics and their perception of the abilities; their perception of under-privileged people, and even of people of African origin being elected as president of the most powerful nation in the world, as the case has been with the 44<sup>th</sup> President of the United States of America, who is of African descent. Therefore, we are seeing that the world is truly evolving in respect to politics by the fact that there is now hope that we can have a desirable outcome of elections, as the election of President Obama has shown.

Mr. Speaker, sir, some of us here making these comments are not close to President Obama in genealogy as the case may be with the hon. Karan, but I think it is more important to be united in aspiration and in our intention; in bigger and lofty ambitions – (*Applause*). That is what makes us stand here and want to be counted as part of this history. Therefore, I stand here proud that this Assembly has also pronounced itself to be part of this important passage in the evolution of the world. Therefore I support the Motion.

**Ms. Nusura Tiperu Omar (Uganda):** Thank you very much, *Mheshimiwa Spika*, for giving me the opportunity. I would like to also be counted among those who stood up on this Floor and passionately supported the hon. Akhaabi's Motion.

*Mheshimiwa Spika*, I am in support of the motion and I am very proud to support this Motion because as an East African, I think it is only right for me to do so. I am also proud to support this Motion because Obama's election is an indication of the advancement of American democracy. The Americans have shown the world how far they have come with their democracy, and they have also shown that at the end of the tunnel, there is hope. This brings me back to our African democracy.

In my country, Uganda, for you to stand for Presidency, the moment it is discovered that you do not originate from Uganda, there is no way you will become the President of Uganda. Sometimes, even to contest for a constituency, if it is discovered that you are not born of that village, even if you are a Ugandan, it becomes a problem. I could give an example of Mbale: You must be a Mugisu to contest as a Member of Parliament in Mbale, regardless of the fact that the Constitution allows you to run for office anywhere in the country. Sometimes, they would even ask whether you are circumcised – (*Laughter*). They would go into such details before you are given a platform.

In Kenya, I think it would be very difficult to find a Luo contesting in Othaya; in Burundi, I am not aware of the scenario, but, *Mheshimiwa Spika*, it is even worse when it comes to women. They would want to know whether you are married, and even if you are married, they would tell you to go and contest where your husband comes from instead of where you were born. So, basically, democracy in Africa has a long way to go. It is sad, because some of these issues are supported by the leaders themselves. So, Barack Obama's election, a gentleman who is known to have come

from Kogelo, but was elected as President of America is an indication that African leaders must work towards removing all sorts of discrimination against people who are seeking political office – (*Applause*).

Mr. Speaker, I stand here in support of this Motion because I feel that President Obama understands Africa very well. He promised to strengthen the American relations with African governments and institutions that are committed to democracy, accountability and reducing poverty. And as East African Community, I think this Motion is befitting.

I am also in support of this Motion because East Africa is now viewed as a single tourist destination, and through such a Motion, those who were not aware about East Africa will, I think, get to know more about it. During President Obama's inauguration, Ugandans were all glued to television, watching. He mentioned Kenya during his speech and everybody was like, "oh, isn't he aware that Uganda is very close to Kenya?" (*Laughter*) *Mheshimiwa Spika*, the people wished that he had mentioned East Africa and then said Kenya in particular. So, I hope that when you deliver our congratulations, you will take time to update our son about the Community, the five Partner States – (*Applause*) - and I think it will be very good, especially as a way of marketing this region as a single tourist destination with all its beauties as you know them. I will not go into details to describe East Africa, Mr Speaker – (*Interruptions*).

*Mheshimiwa Spika*, I am also proud to support this Motion because President Obama's history is rich, and as East Africans, we are proud. There is a lot that our generation and the one after us can learn from his humble background: A student of political science, the first black President of the *Harvard Law Review*, a writer – he wrote the "*Dreams from my Father*"; the fifth black American Senator; a President who bounced with two daughters in the White House. Many African leaders would not feel proud to have only daughters – (*Interruptions*) - but the way President Obama bounced with his two girls into the White House has given a lesson to African men to know that they can become anything even if they only have girls. We have seen many suffering when they do not have girls, thinking they cannot achieve anything – (*Interjection*).

Mr. Speaker, I am proud as an East African to support the hon. Akhaabi's Motion because President Obama has put us in the world map, and we are happy that a son of East Africa who cares about his people, who is humble, who is a good father, who is passionate has risen today to the position of President. So, it is only fair that the East African Legislative Assembly comes up with a Motion of this nature.

I support the Motion – (*Applause*).

**The Speaker:** My last speaker is *Mheshimiwa Muntu*

**Maj-Gen. Mugisha Muntu (Uganda):** I thank you, Mr. Speaker. I would like to support the hon. Akhaabi's Motion. A lot has already been said about President Barack Obama. There is no doubt that he is well gifted by God; there is no doubt about that. My contribution, however, is going to be focused on the American society, because much as President Barack Obama is gifted and intelligent, I do not think that he would have become the President if he had not been voted in by the American people, and more so the white Americans – (*Applause*) – because I think they had the largest vote numerically.

What does that say, in view of the history of America where there has been segregation and a lot of discrimination against African Americans and other non-white races? That the American society could overcome that within – maybe if we follow what the hon. Masha was saying that he was in America in the 1960s; I think that was at the height of the civil rights movement. Between 1960 and now, that is about half a century - that a society has been able to overcome the impediments or the evil in man that existed then, and within such a period they were able to overcome all that and vote in an African American, intelligent or suitable as he is, I think says a lot about America as a nation. And I think we need to start studying what makes America great, because it is not only in that area.

When you look at the visas that they normally give to people from all over the world - I think they call them "Green Cards" - most times they target intelligent people from all over the world because they know they are going to benefit from that as a nation. I think that is what makes America remain at the cutting edge of technology and knowledge: they are open-minded; they have got a focus on what they want to be as a country; they have got a focus on where they want to go as a people; they have got a focus on how they will benefit. That enables them to overcome certain impediments that still tie us down as a people.

If they look at an African – I think that is even how the father of Barack Obama went to America, because there used to be a programme then of getting Africans from many African countries to go and study in America. Most of them, of course, would remain in America, because those who were intelligent, in most cases, would be picked and be put at the service of the American society. They do that from all over the world; it is an open society. I think that is what makes America great. Much as they were impeded by fear because of the African Americans in the past, I think they have managed to overcome that, and you can also see how they manage change. They do not wait until there is a crisis within America for them to tackle it. They think ahead.

Mr. Speaker, a few months back, may be in November or December, there was a CIA report which projected and looked 25 years ahead at where America is going to be positioned vis-à-vis the other economic and political emerging powers like India, China, Brazil and others. Of course Africa is not on their radar screen. They project and say, what do we want to be? Where are we going to be in these so many years?



Do we do that here in Africa or even in this regional body that we are building? We do not!

So, as much as we learn about the opportunity for the first African American to become the President of America, I think we need to study the American society. What makes it be what it is? What makes it able to respond to its challenges and remain on the top? We need to study that. How do we apply that to our own environment? I think Obama's ascendancy to the presidency has really shown that America is truly a land of opportunity, as it were, because, were that not the case, I do not see how Obama would have been voted through a democratic system to become the President of the United States of America. We need to look at that. We need to study those lessons and see how we can apply them to our own region; to see how we can advance our own intentions as a people and as a region. Things do not happen by accident; they are planned for. You have to plan for them; you have to look ahead. For example, now, we should be saying, where do we want to be in the next thirty years as a people, as a region? We should study and then see how we can move ourselves to that point. We do not do that! We keep on bumping into things and then we react; we bump into challenges and then we react. We cannot get out of the situation in which we are unless we are able to project! And then, of course, the last thing is to overcome the self-imposed impediments that stunt us as individuals and as a people. Most times it is self-imposed fear. We say this is not possible; we do not want to advance to integrate because of this fear or that fear, most of them self-imposed, most of it is fear of the unknown!

A person like President Obama; if he had been impeded by fear, there is no way he would have made it; absolutely not because people who are impeded by self-imposed fear cannot be confident of themselves; they cannot aim as high as he did, and they cannot reach there if they are paralysed by their own fears. Fear in this region is what is causing the slow progress in the integration process – (*Applause*) - at the leadership level...at the leadership level – (*Interjection*) - at many levels. I do not want to comment about the Summit; I do not know much about the Summit but certainly – (*Interjection*) -

**Mr. Mulengani:** On a point of clarification, Mr. Speaker, is the hon. Muntu trying to say that had President Obama opted to stand in Kenya as President he would not be given the opportunity?

**Maj-Gen. Muntu:** By his nature; by the attempt he made in America, it gives me the impression that he could have run anywhere and could have won, whether in China, Russia or wherever - (*Applause*) – because I think at the core of his personality is a belief in himself; that is the most critical thing. I mean, he had so many odds against him! If he had told himself, you know, my father came from Kogelo and this or that, he would not even have attempted to run for the presidency, but he did! That basically

shows that he is a person who believes in himself. And as to whether he would go through in Kenya is a totally different question, because, you see, an individual may be confident in himself but run into other complications.

In conclusion, we need to make our own countries and our region places of opportunity. If we want the East African Community to advance, we need to ask ourselves, how do we make East Africa a land of opportunity, first and foremost for all the people who exist within this region, so that we do not end up with the Migingo's who are fishermen from one village who are terrorised by others from another village from just across the border!

Honestly, there is no way we are going to advance unless we start by changing the way we think and act, because I think the biggest resource that America has, what makes America great, what makes it meet its challenges and be able to overcome them is not so much the natural resources they have, but the human resource. I think it is the way they have focused on the human resource in terms of the education that they enable them to have, in terms of the freedoms that they enjoy – the Americans knowing that they are protected by their constitution, that they have got certain rights that they can enjoy as a people. That in itself liberates people! A people who are liberated are capable of doing anything. We need to do that in our countries. We need to do that in our region. People who feel terrorised or people who live a life of frustration until they go to their graves are incapable of moving themselves out of the problems that they are in – *(Applause)*.

**The Speaker:** Honourable Members, I think this Motion has been supported overwhelmingly. I do not see what hon. Akhaabi is going to reply. So, I will proceed to put the Question.

*(Question on the Motion put and agreed to)*

Resolution adopted.

## ADJOURNMENT

**The Speaker:** Honourable Members, we have come to the end of our business today. I now adjourn the House until tomorrow at 2.30 p.m.

*(The Assembly rose at 6.00 p.m. and adjourned until Thursday, 26 February 2009 at 2.30 p.m.)*