



## **EAST AFRICAN COMMUNITY**

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

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

#### **51<sup>ST</sup> SITTING - SECOND ASSEMBLY: FOURTH MEETING – SECOND SESSION**

**Thursday, 26 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 H. Abdi, in the Chair.)*

*The Assembly was called to order.*

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

**The Speaker:** Honourable Members, you will recall that on Wednesday, 18 February 2009, the House, pursuant to the provisions of Rule 80(1) of the Rules of Procedure, appointed a Select Committee to investigate the causes of the suspension of the 4<sup>th</sup> Meeting of the Assembly and the delayed remittances from the East African Community Partner States. By virtue of the same rule cited above, I wish to notify you that the House Business Committee has nominated the following Members to constitute the Select Committee:

1. Hon. Clarkson Otieno Karan
2. Hon. Dan Wandera Ogalo
3. Hon. Jacqueline Muhongayire
4. Hon. Dr Aman Kabourou
5. Hon. Sabine Ntakarutimana

Copies of the list of the select committee members will be distributed to you.

#### **PAPERS**

The following Paper was laid on the Table:-

(by the Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Mike Sebalu) (Uganda):

The Report of the Fourth Inter-Parliamentary Relations Seminar (Nanyuki IV)

**MOTION****FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE FOURTH INTER-PARLIAMENTARY RELATIONS SEMINAR (NANYUKI IV)**

**The Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Mike Sebalu):** Mr Speaker, I beg to move that the Report of the Inter-Parliamentary Relations Seminar (Nanyuki IV) on the theme: “*The East African Community: from Customs Union to the Common Market, Prospects and Challenges*”, be adopted.

**Mr Abdullah Mwinyi:** Seconded.

**Mr Sebalu:** Mr Speaker, copies of the report was circulated, and I do believe that all the Members have copies. It is quite a big document, and I am just going to give highlights of the Report. We will get the details in the report and I do hope that Members have familiarised themselves with the report.

On 23<sup>rd</sup> and 24<sup>th</sup> February, the Committee on Regional Affairs and Conflict Resolution was made to consider the Report of the 4<sup>th</sup> Nanyuki Seminar held in Kigali Rwanda from 1<sup>st</sup> to 3<sup>rd</sup> October 2008 on the theme: “The East African Community: From Customs Union to the Common Market, Prospects and Challenges”, and the report that I am presenting today went through the Committee, and I wish to present it to the entire House of the East African Legislative Assembly.

The overall objectives of the Nanyuki IV seminar were as follows:

1. To provide an opportunity for the EALA to brief new members of the national assemblies of the EAC Partner States on the progress made in the integration process of the EAC, and the role of the EALA in that process;
2. To chart a way forward and/or action plan on the perceived priority areas of action and agree on how the EALA and the national assemblies can best improve their functional relationships.
3. To provide an opportunity for Members of Parliament to be briefed on, and to discuss the implications of the EPAs for the region;
4. To enable the EALA to bring about relevant positive changes within the operations of the Assembly.

Mr Speaker, after the three-day seminar, the following outcomes was registered:

1. The Members of the national assemblies were provided with an opportunity to appreciate the progress made so far in the integration process of the EAC.
2. There was an increased knowledge about the EAC, its organs and institutions, including the EALA.
3. An action plan was developed on the critical areas that require action and/or joint action by EALA and the national assemblies.
4. The MPs appreciated the need for EPAs, but questioned the lack of participation of key stakeholders and registered concerns about some of its unfavourable conditionality.
5. Members called on all stakeholders to work together with the EALA for the common good of the EALA, the EAC and the citizens of East Africa.

The seminar was officially opened by the President of the Republic of Rwanda, His Excellency Paul Kagame – (*Interruption*) – Mr Speaker I beg to update my notes.

**The Speaker:** Hon. Akhaabi can help you.

**Mr Sebalu:** Thank you very much, Mr Speaker. The opening ceremony was presided over by the Speaker of the East African Legislative Assembly, the hon. Abdi, who welcomed the guest of honour, His Excellency President Paul Kagame. The Speaker of EALA introduced President Kagame and he expressed great gratitude to his Excellency for officially opening the Nanyuki seminar. He went to give a short history of the Nanyuki seminar series and its critical importance in promoting inter-parliamentary relations. He noted that the issues for the seminar discussions were largely informed by the developments in the EAC.

Views, opinions and ideas were to be sought from MPS of EAC partner states and East African Legislative Assembly. The Rt. Hon. Speaker decried the practice whereby regional integration negotiations were undertaken by the Executive branch without adequate consultations with their respective Parliaments. He urged EALA to openly challenge this mistaken strategy and suggested that there was an urgent need to fully involve the members of EALA and those of national Parliaments from the start to end this kind of process.

He further urged the seminar participants to propose ways in which Parliaments could be involved in all major decision making processes of the EAC. He concluded by observing that the EALA had invited a delegation from ECOWAS as a sign of bi-lateral networking with sister regional Parliaments. He expressed hope that the gesture would signal a formalisation of such relationships in future. He noted that the issues for the seminar discussions were largely informed by the developments in the EAC.

Mr Speaker, the fourth Nanyuki Seminar was officially opened by his Excellency Paul Kagame. He started by welcoming all seminar participants to Rwanda. He further noted that the theme of the discussion, “The East African Community: From Customs Union to the Common Market, Prospects and Challenges”, was not only timely but it was also quite an important subject matter for our parliamentarians to deliberate. He also observed that this particular seminar was very important as it introduced the Rwandan and Burundi Members of Parliament to one of the EAC’s major activities.

He also acknowledged the idea of inviting the ECOWAS delegation as a mature gesture of Pan-Africanism. President Kagame further observed that the regional integration process deserved a critical reflection and pointed out that integration efforts globally were at different phases in different regions. However, he noted that each region faces different challenges. These differences stemmed from the fact that even though the benefits of regional integration were generally known, very often the execution of regional projects tended to stall due to different levels of political commitment.

He further observed that regional integration cannot be taken for granted even when it had shown remarkable signs of success in East Africa. The process, he counselled, called for constant nurturing and it is also needed. It also needs champions. And most of all, it requires to be owned by the citizens of the partner states who constitute the ultimate beneficiaries of the regional integration.

Mr Speaker, the President appealed to the five national assemblies of East Africa together with the East African Legislative Assembly to play the vital role in determining the type of

Community to be built. The Community's interests must necessarily raise those of individual national interests.

He concluded by noting that national Parliaments and EALA were duty bound to inform, educate, and persuade their constituencies on the common good of the East African Community.

I would now like to go into the substantive presentations, which were on the following subject areas:

1. Developments in the East African Community: an overview.
2. Functional relations: East African Legislative Assembled and national assemblies.
3. Common market negotiations: status and challenges.
4. One laptop per child: high quality education as a basic human right.
5. The role of the national assemblies in the successful conclusion of the Common Market Protocol.
6. Reconstruction of the Justice sector after the genocide: challenges and opportunities.
7. Economic Partnership Agreements (EPAs): implications for the East African Community.

These presentations are detailed from pages 16 to 43, but I am just going to go through the highlights of these presentations.

The first presentation was on "Developments in the EAC: An Overview". The presentation was made by Ambassador Julius Onen, the Deputy Secretary-General, Projects and Programmes, at the EAC. The presentation sought to highlight EAC progress, challenges and the future prospects. Specifically, his presentation is on pages 16 to 18 of the report. The presentations challenged seminar participants to discuss and make recommendations on the way forward by highlighting the following issue areas:

1. Recommendations on how best to realign East African Community organs and institutions to facilitate speedy decision making.
2. Recommendations on the amendments of the Treaty for the establishment of the EAC, and suggest their implications on relevant organs. So, the details of the presentation are clearly indicated in the index of the arguments that were presented by the presenter therein.

The second presentation was on "Functional Relations: East African Legislative Assembly and National Assemblies". The presentation was delivered by hon. Lydia Wanyoto. It provided a background to the Nanyuki seminar series and further highlighted important recommendations that were made at the three previous seminars and the details of her presentation can be seen on page 18 to 22 of this report.

In addition, the presentation discussed the progress made in implementing the resolutions adopted by the three previous seminars and concluded by posing a number of questions, which may be helpful in strategising on the way forward.

After the two presentations, the plenary discussions made the following observations:

1. The need for ministers of the EAC to keep an eye on the implementation of projects with a regional dimension and ensure oversight and report to the EALA and other relevant organs accordingly.
2. The need to clarify the mission and vision of the EAC to include highly visible institutions that directly promote regional integration.
3. The need for the East African Community Secretariat to submit to the EALA a comprehensive report highlighting progress, challenges and the way forward on EAC developments.
4. The need to institutionalize the East African Cultural Events Day as one of the mechanisms for promoting regional integration and public awareness.
5. The need for a reporting mechanism to be established and institutionalised between the EALA and the national assemblies.
6. The need for Members to be informed of the performance of the EAC Customs Union before embarking on the next stage of integration.
7. The need for information exchange between EALA and national assemblies on matters like Bills, timetables, studies done, laws passed et cetera.
8. The need for the EALA Clerk to circulate EALA programmes to national Parliaments.

The third presentation, entitled “Common Market Negotiations: Status and Challenges” was chaired by hon. Patricia Hjabakiga and delivered by Mr Dan Amayo. The presenter noted that having achieved the level of the Customs Union, the next step in the integration process envisaged in the EAC is the implementation of the Common Market whose primary objective is the freedom of movement of goods, persons, services and capital; rights of residence with the accompanying horizontal provisions on competition policy, commercial policy, environment policy, transport policy, research and development, consumer protection, monetary and economic corporation and statistics.

The presenter delivered his presentation on the draft Common Market Protocol, which resolved around all the aspects and highlighted possible challenges, which can be seen on pages 22 to 30 of this report. The presentation further dealt with the proposed institutional reforms for the East African Common Market. It examined and reviewed the required institutional set up based on:

1. The size and composition EAC institutions.
2. The decision making process by the institutions.
3. The mandate and jurisdiction of the Secretariat, the Court and the EALA.

These details are clearly spelt out from page 30 to page 34 of the report.

Mr Speaker, the fourth presentation entitled “One Laptop per Child: High Quality Education as the Basic Human Right” was made by Dr David Cavallo, Vice-President of the One Laptop per Child organization. This is a non-governmental organization based at the Massachusetts Institute of Technology in the US. The details are on pages 35 to 36. The project seeks to introduce the use of computers for education from an early age in poor and developing countries.

It was also pointed out that there is various, on-going research and development activities targeted at driving down the price of such computers to about US \$100 a piece, producing

relevant software in participating countries, ensuring the use of alternative sources of power, and facilitating the introduction of maintenance and repair activities in participating countries.

The project was being implemented in several African countries including Ghana, Ethiopia, Senegal and South Africa. On 01 October 2008, the project was officially launched in Rwanda. It was being backstopped by the Kigali Institute of Technology.

Mr Speaker, most participants were very impressed by the objectives of the project and recommended that the project be adopted at the regional level with immediate effect and the Chairperson of the Council of Ministers requested to take up the matter with the Summit at its next meeting.

The fifth presentation was on the role of the national assemblies in the successful conclusion of the Common Market Protocol. It was chaired by hon. Janet Mmari and delivered by Hon. Yonasani Kanyomozi, a former EALA Member and the details of this presentation can be found from pages 36 to 40 of the report.

The presenter emphasized the critical role that the EALA and national assemblies have to play in the regional integration process. The EALA was to be the eyes and ears of the general public. However, in order for EALA to effectively play that role, it was imperative that Members acquaint themselves with intricate issues relating to regional integration in general, and the intricate issues relating to the specific phases of the regional integration process, in particular. The presentation also brought to the attention of the participants salient features that were likely to be a source of contention in the integration process.

During the plenary discussion that ensued, Members came up with more suggestions:

1. That under the Common Market arrangements, there was a need to reconfigure the institutional structures of the Secretariat.
2. That there was need for the committees of the EALA to be in a position to know the key issues from the Secretariat. It was argued that the EALA is permanently in the dark - until the last minute - of some of these processes.
3. That national Parliaments and the EALA have to fight for more space in the decision making process on matters relating to the EAC integration process.
4. That there is need for enhancing the EALA's decision making role in EAC matters: EALA's input has often been ignored and this is a fact that doesn't need to be over emphasized.

The sixth presentation was on "Reconstruction of the justice Sector after Genocide: Challenges and Opportunities". That presentation was chaired by hon. Janet Mmari as well, and delivered by hon. Karugarama Tharsice, Minister of Justice and the Attorney-General of Rwanda. The presenter started by giving a brief political history of Rwanda prior to the 1994 genocide. He noted that Rwanda had no independent Ministry of Justice, and that most of the judges and magistrates who administered justice had not studied law. He further highlighted the progress made by the Rwandan Government from 2001 to the present in terms of re-aligning and bringing up-to-date the judicial system. The details of this presentation are on pages 41 to 42 of this report.

The last and seventh presentation was on EPA's implications for the EAC. This was chaired by hon. Catherine Kimura. The presentation was delivered by Dr Francis Mangeni who described EPA's as an agreement between the European Union and the seven regional groups

of ACP. He noted that the EU considers itself to be in a position to once again mould the developing world in its own image, and to negotiate itself into a permanent preferential place that assures its continued influence in order to secure an edge over other competitors for resources, services, goods, and markets within geographical reach.

He noted that governments in Africa in general and those in East Africa in particular are not united despite the African Union efforts, and that they continue to lack a global negotiations strategy to inform Africa's relations with the rest of the world, with Europe, and indeed with the emerging powers such as China and India that seek Africa's natural resources.

Mr Speaker, the presenter urged that urgent measures needed to be taken to ensure wider stakeholder participation in the elaboration of negotiating positions, and in reaching final decisions on the agreements. In particular, negotiators should be accountable. This would require measures to be taken, which could include a requirement that parliaments approve the negotiating positions, and the establishment of a regional consultative forum made up of the national trade committees and think tanks in the region. He urged the EAC Heads of State to speed up the assent and implementation of the East African Trade Negotiations Act in order to establish a legal mechanism for jointly undertaking negotiations for comprehensive EPAs. He urged for the need to involve trained negotiators who are determined to deploy every effort to passionately defend the people and the long-term priorities of Africa.

Mr Speaker, I now move on to run through the seminar recommendations.

Participants, having received and discussed various presentations, made the following recommendations. These recommendations can be found on pages 47 to 50 of the report and they include the following:

1. The EALA and national Parliaments in the EAC Partner States have not been adequately consulted in the ongoing negotiations relating to the establishment of the EAC Common Market. It is, therefore, recommended that wider consultations be made involving all national Parliaments and EALA with respect to current negotiations on the Common Market Draft Protocol.
2. The timeframe indicated for this activity is that consultations should have been made by 15 December 2008 and I think there are some developments in that line and reports will be made in the next meeting of the Nanyuki series.
3. 2. Studies on the performance of the EAC Customs Union have not been widely made available to EALA or to the national Parliaments of the partner states. It is recommended that both completed and ongoing studies be urgently availed more widely before the conclusion of the negotiations of the EAC Common Market. These studies ought to be availed to all concerned by 15 December 2008.
4. Participants of the Nanyuki IV expected to receive and discuss the status report on EAC from the Secretariat. They wanted to be appraised on the progress, prospects, challenges and the way forward. Unfortunately, this was not done comprehensively. It was, therefore, recommended that the Secretary-General's office prepares and transmits the same to EALA, which would then be transmitted to the respective national Parliaments for information. The activity ought to be completed by 30 November 2008.
5. There is lukewarm political support of EALA by the EAC Secretariat reflected in the regular absenteeism of its top leadership at the Nanyuki series of the inter-

parliamentary seminars. The lukewarm political support is also reflected in the less than satisfactory presentations by some of the representatives of the Secretariat at these Nanyuki series of seminars, with specific reference to presentations addressing some substantive issues. It is recommended that Ministers of the East African Community Affairs be resident in Arusha to specifically give political supervision to ensure that the Secretariat doesn't lose direction.

6. Reports from the national Parliaments of the partner states have not addressed the implementation of Nanyuki recommendations, making it difficult to assess the impact of the recommendations. It is, therefore, recommended that a proper reporting mechanism of Nanyuki recommendations be institutionalized in the national Parliaments by establishing a liaison office responsible for EALA issues. This should be implemented before the next Nanyuki seminar in Bujumbura.
7. The EAC Treaty has been in operation for almost eight years now. During this period, two more partner states have joined, the scope and mandate of the Community has expanded, and new integration issues have come on board. It is recommended that EALA and national Parliaments review the Treaty and submit their amendments to the Secretariat. Definitely some action has been done in that direction but seminar participants had that recommendation to take into account that concern.
8. While it is clearly stated in the Treaty that the integration process in East Africa should be people-centred, there is an apparent lack of awareness of the EAC and its activities among the citizens of East Africa. Lack of awareness poses a serious hindrance to popular support of the integration process. It is, therefore, recommended that the Members of EALA and national Parliaments be empowered to engage in awareness creation activities. Support for this activity should be secured through a supplementary budget for the Financial Year 2008/9.
9. Throughout the seminar period, some Ministers of EAC were conspicuously absent, and so was the top leadership of the Secretariat. Their attendance of such meetings serves as one of the mechanisms for ensuring effective inter-organ relations. The full attendance of the Chair of the Council of Ministers is applauded. (*Applause*)
10. It is, therefore, recommended that the Chair of the Council of Ministers ensures that the Council of Ministers and the top leadership of the EAC Secretariat use such opportunities to enhance inter-organ functional relations.
11. The organization of the Nanyuki Seminar Series is too dependent on donor support and generosity. This practice is both unsustainable and highly unpredictable. It is, therefore, recommended that these seminar series be incorporated into the annual EALA budget to ensure consistency and sustainability.
12. There are few visible EAC projects to serve as practical evidence of the deepening and widening regional integration. In order to mobilize the public for the on-going regional integration process, there is a need to promote "quick-win" regional projects. It is recommended that funds be urgently mobilized in order to implement such projects.
13. The EPA framework agreement initiated between EAC and EU is perceived to be a raw deal. It was poorly negotiated. It is recommended that respective national Parliaments, EALA and other stakeholders engage EPA negotiators – ministers and



technocrats – in order to register their respective concerns, before the final signatures. These concerns include matters relating to a Development Chapter, flexibility and exceptions in market access provisions, periodic reviews, specific reviews, dispute settlements, proper approach to the Singapore issues, and other relevant institutions. This activity should be undertaken before June 2009.

14. Rapid development in East Africa calls for more South to South economic cooperation. South to South economic cooperation frameworks tend to be more advantageous than those with the West. It is recommended that the EAC evolves a strategic development cooperation strategy with other African, regional, economic communities as well as with emerging economies of China, India, and Brazil.
15. The East African Joint Trade Negotiation Bill will enhance the EAC negotiating capacity with the rest of the world. It is recommended that all EAC partner states assent to this Bill and effect its immediate implementation.
16. An issue was raised regarding EALA elections. The current mode of elections for EALA Members conforms to the Treaty. Nevertheless, EALA has sanctioned the Legal Committee to make wider consultations on this issue with a view to arriving at harmonized guidelines but that is not to challenge the legitimacy of the Members of Parliament because they are elected in total conformity with the provisions of the Treaty and enjoy their full rights as Members of Parliament - representing their people, I am informed. Mr Speaker, that seems to have generated quite some serious interest.
17. There is a huge technological gap in the teaching and learning environments between our schools and those in the rest of the world. This situation marginalizes our future generations. It is recommended that the programme of “*One Laptop per Child*” currently under implementation in Rwandan schools be adopted as a regional project with immediate effect. (*Applause*) The Chairperson of the Council of Ministers is therefore requested to take up the matter with the Summit at its next meeting.
18. EALA acknowledges and appreciates the vibrant participation of our sisters and brothers from the ECOWAS region and it was recommended that this interaction be enhanced and institutionalized in the Nanyuki Seminar.
19. Finally, it is proposed that the next Nanyuki Seminar should be convened in Bujumbura, Burundi and invitations should be extended to any other regional economic activities and legislative organisations such as PAP and/or SADC-Parliamentary Forum so that we enhance the practice of sharing experiences, comparing notes and also building in-roads as a way of eventual integration of the African continent.

Mr Speaker, sir, I want to conclude by saying that the Fourth Nanyuki Seminar, which was held in Kigali, Rwanda from the 3<sup>rd</sup> of October 2008 on the theme, “East African Community: From Customs Union to the Common Market; Prospects and Challenges” proved very useful and did show that there are some notable achievements in the integration process agenda. (*Applause*) However, certain impediments and challenges do hamper the process. It is my humble submission that all stakeholders have a vital role to play towards resolving these challenges that are stated in the report, and in ensuring that the fully-fledged Common Market is realised as we move towards the monetary union and political federation of the East African Community.

I would like to extend a word of thanks to your office, Mr Speaker - (*Applause*) – whose leadership, coordination and collaborative effort made this very seminar to be organised in a very successful way, and for these outcomes we are realising out of this meeting.

I would like to thank Members of EALA for their full participation in this seminar. We had a full House throughout the sessions and the debates were lively, very informative and they added a lot of value in the process of generating ideas and knowledge to enhance the East African integration agenda. I would like to thank Members of the Regional Affairs Committee who considered this report and panel beat it to be what it is for presentation. I would like to thank them for their time and commitment. (*Applause*)

I would like to thank MPs from the national parliaments. They were very vibrant and they came up with very good ideas that enriched the debate, considering the synergies that we are developing in this parliamentary seminar.

I would like to thank members of staff, led by the Clerk, who facilitated this seminar in all aspects and made it possible to logically and smoothly run it throughout without any organisational hiccups. They did a good job and they deserve a part on the back. (*Applause*)

Special thanks go to the Government of Rwanda - (*Applause*) - which offered us an enabling environment to have all these meetings. In a special way, allow me to thank His Excellency Paul Kagame - (*Applause*) - who blessed the opening ceremony with his physical presence and delivered an address, which was very inspiring and supportive of these initiatives. We would like to register our thanks to His Excellency, the President.

I would like to thank the Senate and the Chamber of Deputies, who have hosted us for that period, including the time when we had the Nanyuki Seminar. The hospitality and courtesy levels extended to your office, Mr Speaker, and your delegation, which included all of us were quite commendable, and in the spirit of reciprocity, when it is your turn, your office will not hesitate to extend the same level of courtesy and hospitality. (*Applause*)

Last but not least, I would like to thank AWEPA and ACBF whose financial support made it possible for this seminar to be organised. I would also like to thank the Secretariat and the members of staff of the Secretariat who attended the seminar and who made presentations, for providing that opportunity to interact with us and we request that this kind of interaction be enhanced and encouraged as a way of building a synergy that will be able to take this Community forward.

With those highlights - it was indeed a big report but I believe that the details are covered in the report. I just ran through highlights and with those highlights, I would like once again to thank you for having found time out of the busy schedule of this House to allow the committee in this session to present the report. I thank Members for your indulgence and for following, with keen interest, the presentation of this report.

Mr Speaker, I beg that the report be adopted.

**The Speaker:** The debate is open.

**Mr Dan Wandera Ogalo (Uganda):** Thank you, Mr Speaker, for this opportunity to debate this report.

I wish to go to page 49 of this report, and the thrust of my submission is going to be the recommendation that the Ministers responsible for the East African Community Affairs should be resident in Arusha, be given specific sectors to supervise, and be required to provide effective political supervision at the Secretariat.

Mr Speaker, I fully support this statement, and I do believe that the idea of ministers being resident here to provide political supervision is quite critical for the integration process. I believe that there is a vacuum, and without political supervision in Arusha, we might not be able to push the integration process in the manner in which we ought to push it.

The second statement I am going to rely on is to be found at page 50, where it reads: "*The EPAs framework agreement initiated between East African Community and the EU is perceived to be a raw deal, which was poorly negotiated. It is recommended that respective national parliaments, EALA, and other stakeholders engage EPA negotiators...up to the end of 2009*". The conference in Kigali felt it important to bring out these two issues.

The question of political supervision by the Council and EPA goes to the basis of the trade agreements that we have, and, therefore, the welfare of the people of East Africa. Without having the political supervision, it will be impossible to achieve what we think we should achieve for the people of East Africa in terms of trade. In linking the two, I want to link them to a report, which was also laid on the Table in Kigali by the House Business Committee on the study tour to the German Bundestag and the European Union on 22<sup>nd</sup> to 27<sup>th</sup> June 2008.

In that report on page 5, the House Business Committee did state that one of the matters that the House Business Committee dealt with when it went to Germany was very pertinent information on the Economic Partnership Agreements (EPAs), and how the East African Community was interacting with the EU. It was observed that most activities of the East African Community didn't include EALA Members and that the Assembly didn't have information on key meetings.

Mr Speaker, your committee went to the EU, the people we are negotiating with in EPAs, and found that this Assembly had no role whatsoever in this important activity, which affects our people everyday because it is all about trade. In the same report of the House Business Committee, which was tabled in Kigali, on page 4, the Committee made a recommendation and said there was a need - after interacting with the EU - to reconsider the East African Community budget in order to ensure that it serves the interests of the people, especially in the areas of agriculture and infrastructure. These areas have the potential to attract more countries in the region to aspire to join the Community.

This is one of the areas, which you dealt with when you were in Germany; the question of how the budget is handled in the EU, and how we could share experiences here in order to deal with problems of our budget here.

Lastly, on page 4, you did state that the European Members of Parliament provided insight on how EU operates and the delegation noted the need for East African Community Partner States to rally around common interests such as issues on climate, environment, shared resources and economic interests. These are issues, which you addressed when you were in the European Parliament. You shared experiences with those Members of Parliament; they shared experiences with you. They did indicate that there are very many things, which are common between the two Parliaments, and many areas where we would cooperate in order to also integrate our process further.

Today I have been looking at the East African Community Newsletter for 24 February 2009, and on page 4 of the newsletter, there is a caption: “*Germany Parliamentarians visit East African Community*”. It is a short one, I will just read it. It says:

*“Members of the German Commission of the German Bundestag - where you went, Mr Speaker, with your committee - paid a working visit to the East African Community headquarters on Monday, 23 February 2009. Accompanying the Members of Parliament were high ranking officials from the Ministries of Defence and Foreign Affairs and diplomats from the Federal Republic of Germany. The delegation, which was led by Mr Mark Rosa, MP from the Social Democratic Party, met and held discussions with the Deputy Secretary-General, Mrs Beatrice Kiraso and other senior officials of the East African Community Secretariat. The Deputy Secretary-General briefed the delegation on the stages of the East African Community integration, achievements and challenges. The head of the Germany Delegation, Mr Rosa Mark, hailed the East African Community Secretariat for spearheading the integration agenda and pledged his country’s support to the process.”*

On Monday, 23 February, this Assembly was in session. You were in the office of the Speaker. There is a picture of about 20 people. I believe those are the MPs who were meeting the Deputy Secretary-General and about three officials. This delegation of so many people from a Parliament, which you visited, which you established linkages with, which you even shared experiences on EPAs with, which is in our Nanyuki report that is being highlighted, comes here, we are just next to them and we don’t know? Nobody even said that these are parliamentarians, and there is a Parliament here. It is such a serious matter that somebody could even have thought that your delegation was non-existent; that you just fixed it, because if they come here, they already know very well that they had met MPs from East Africa and they are hidden somewhere and they meet three or four officials! This really is a very serious matter. I don’t understand how the Secretariat views this Assembly. The 23<sup>rd</sup> is just after the “Kigali Spirit” - (*Laughter*); where is this spirit? (*Applause*)

The very first thing that I expected the Secretariat to have done was to come to you with the group of parliamentarians whom you had visited sometime before, and asked you whether they could arrange a meeting with you and your Members of the Assembly! They are MPs, we are MPs; they are politicians, we are politicians. The Secretariat officials are not politicians. So, this is how we lose out as Africa. (*Applause*)

You went to the EU Parliament; the issue of EPAs was raised, you discussed with them, and it became an issue in Nanyuki IV in Kigali, that EPA’s must be addressed. This is a relevant body, which would push the EPAs forward and these people, when they come, they don’t even meet us for us to push the integration process when there are gaps? The MPs must have gone back wondering what kind of Community we have, saying to themselves, “we are MPs and we never met MPs”, and yet they were told there is a Parliament here? It would be a very big shame for them to understand that actually we were here debating while they sat there! They might even think that we were not courteous enough. Maybe they were even told that we have no time for them.

Mr Speaker, I have great respect for the Office of the Secretary-General and the deputies, but surely, how would any public official, a public officer transacting matters of a public nature get parliamentarians from Europe, and with whom this Assembly has linkages, fail to involve this Assembly? (*Interjection*) I will take the information.

**Mr Mulengani:** Thank you very much, Mr Speaker, and I want to thank hon. Ogalo for giving way. Some people don't know that information is the only resource, which when shared, multiplies but does not divide. This is why people who are selfish in behaviour tend to deprive others of correct information, and that is the more reason why some of these things are arising from the office of the DSG in charge of international affairs, early warning, and security. Really, it beats my understanding.

**Mr Ogalo:** Thank you very much, Mr Mulengani for the information.

Hon. Speaker, your committee did indicate in Kigali the lessons you learnt from the EU, and one of the lessons is in Recommendation IV: the need to reconsider the East African Community Budget.

We have had problems with the Budget process since the year 2000, and the people who are coming here are the most relevant people to help us. It quotes them as Members of the Budget Commission. That is the Committee on Budget there. They are the most relevant people to help us improve our budget, which we have problems with, culminating last year even in refusal to pass the Budget.

These are the people who we would share experiences with, and they advise us that, "Maybe you have to go this way, you have to move this way", and they come and our committee, which deals with the budget, cannot even share any views with the Members? Kigali Spirit! Kigali Spirit! (*Interjection*)

**Mr Clarkson Karan:** Mr Speaker, I have information.

**The Speaker:** Yes hon. Karan.

**Mr Karan:** Mr Speaker, hon. Ogalo was a bit engaged and he didn't attend the Kigali retreat, but I want to inform him that the same Deputy Secretary-General questioned the authority of this Parliament at the Kigali retreat, and she even said that we don't have the moral legitimacy to do oversight. Perhaps she is still pursuing that line, and that is why this is happening. (*Laughter*)

**Mr Wandera Ogalo:** Thank you very much for the information. I now begin to understand. (*Laughter*)

**Ms Byamukama:** Mr Speaker, I wouldn't want that statement to remain on record. The Kigali recommendations were very clear. Actually, we have gotten some of them by default. When you look at the paper that hon. Ogalo is talking about, but in particular, there was a recommendation that this Assembly, this august House vets and confirms the political appointments, and the appointment of judges. That was one of the recommendations.

There was also another recommendation, which clearly affirmed that the Treaty is clear on how we are elected, and our mandate is also clear under Article 49, therefore, whatever was raised was quashed by the recommendations. I thank you very much.

**Mr Wandera Ogalo:** Thank you very much, hon. Dora Byamukama and hon. Karan, for the information. Actually, I didn't know the details of Kigali, but now I can understand why somebody felt that we were not relevant to the European Union Parliamentarians - (*laughter*)

- because if we do not have legitimacy, if we have no moral authority for oversight, why should anybody introduce the MPs here? It begins to make sense.

In conclusion, and I take Dora's point very seriously, whenever public officials do not have supervision, either directly or through appointments, this is what happens, and I hope that the Council of Ministers will seriously consider having to ensure that all political appointees in the office of the Secretary-General are vetted by the politicians here because that is politics. *(Applause)*

It is on that note that I wish to state that in the incoming budget, in order to have political supervision, in order to have a minister here who will ensure that the people who don't recognise us are made to do so to ensure that in the Budget we have a vote for the office of the Chairperson of the Council of Ministers. I intend to insist that there must be a fully-fledged office for the Chairperson with staff, like an administrative officer, a personal assistant, a secretary; the chair's imprest and everything so that even if a chairperson is not permanently here, that chairperson is in charge of the politics of Arusha. I am going to make this a condition for my support to the Budget that if I do not see a fully-fledged office of the chairperson...in advance, I am saying that I am going to oppose the Budget.

**Mr Damian Habumuremyi (Rwanda):** Thank you, Mr Speaker, for giving me the opportunity to contribute to this report. I will be brief after the brilliant presentation from my colleague, hon. Ogalo.

First of all, allow me to express my sympathy to the Government of Kenya and the people of Kenya, and more especially to the families that lost their members during the Nakumatt fire accident and the oil track fire tragedy. *(Applause)* Mr Speaker, we as EALA legislators should contribute to help the families. Allow me, also, to pass on my sympathies to the Government and people of Burundi, for losing 12 soldiers killed by the Somalia militia during the peace keeping mission in Somalia last week. *(Applause)*

Sir, I appreciate the consistency and clarity of the report, and thank my chairperson for his brilliant presentation. However, I would like to raise one issue, which doesn't appear in this report. This issue concerns the implementation of the Nanyuki Seminar recommendations.

In the four Nanyuki Seminars so far, many recommendations have made, but the rate of implementation is still very low, and it is because no organ is mandated to play a central role to centralise the implementation. The roles are scattered in several organs like the EAC Secretariat, the EALA and the national assemblies. I propose that EALA takes the lead to centralise the implementation of the Nanyuki Series recommendations, and other organs will report to it. With this one comment, I thank you and fully support this report. Thank you. *(Applause)*

**The Counsel to the Community (Mr Wilbert Kaahwa) (Ex-Officio):** I thank you, Mr Speaker, for giving me this opportunity to contribute to the motion on the Floor. First of all, let me thank you for having, through the Committee on Regional Affairs and Conflict Resolution, successfully and very effectively arranged for the holding of the Nanyuki IV seminar. Let me also thank hon. Mike Kennedy Sebalu, the Chairperson of the Committee on the Regional Affairs and Conflict Resolution and the entire committee for the efforts they put into successfully realising the intended objectives of this seminar, and in availing this august House with a very detailed, very constructive and a very well-written report. *(Applause)*

Mr Speaker, I have had an opportunity to attend at least three seminars in the Nanyuki Series that this Assembly has been involved in. I have also attended relevant retreats popularly known as “Sopa” retreats, and of late I had the opportunity to attend the Kigali Strategic Retreat. The theme you will find in all these retreats and seminars, and what emerges from the recommendations contained in this report is one theme of the establishment of cordial and effective working relationships among the organs and institutions of the Community.

I am not blowing my own trumpet; in fact I always try to be as humble as Socrates - (*Laughter*). We learn in jurisprudence that Socrates may have been the humblest of the legal minds we have had around. However, I am prompted to say what I am going to say, using words that have always been said to me by hon. Leonce Ndarubagiye. Every time he has an opportunity to come to my office or to meet me he says, “Kaahwa, why is it that there is inter-organ animosity and misunderstanding? Why don’t we find a solution?” In my language we say that the words of an old man are like roast meat because, as you don’t have time to cook on a journey, you just get a bit of it and chew to sustain you. So, those words of hon. Ndarubagiye lead me to something, which I wrote some few years back, regarding the need for cordial, effective and purposeful working relationships among the organs and the institutions of the Community. And with your permission, Mr Speaker, let me read it. It is in English.

I wrote that:

*“The achievement of the objectives of the Community will depend on how cohesive and coordinated its institutions and organs are in the discharge of their effective obligations. Although the Treaty spells out the different functions of the organs with particular reference to the establishment and laws of those organs, a primary and literal interpretation of the Treaty suggests that the intention of the contracting parties, the Partner States, is that these organs and institutions should play their roles with one ultimate objective of developing the Community for the benefit of the peoples of East Africa. Therefore, the introduction and sustenance of mechanisms for cordial and collaborative interfacing and inter-relationships between the organs and institutions remain unassailable.”*

Without being off tangent, let me say that I work for all these institutions and organs. I am the Counsel to the Community; I am an officer of the Court; and I am a member of this House. I am in the Secretariat, and I will be frank - I am not saying it because I am before you, my honourable friends, but what I am going to say is something I have also said to the Secretary-General and to the Deputy Secretaries General, and I will be saying it to the Council of Ministers and the executive heads of the institutions of the Community. We as the Secretariat are charged with bringing to life Article 71 sub-paragraph (o) of the Treaty. That provision obliges the Secretariat to establish practical working relations with the Assembly and the Court.

Mr Speaker, we are talking about relationships regarding the EPAs, and regarding the Common Market. The engine, which is supposed to bring together the institutions and organs of the Community in addressing these issues, is the Secretariat. It is the fulcrum of the Community. The Secretariat in all institutions is the service body, the service organ of all institutions, and that’s where I need to make a slight overview to indicate to this House where I perceive there is something lacking.

There is a lacuna -as the lawyers will say. In my overview I find three areas where there is a lacuna: The first one is with regard to the enhancement of timely exchange of information. This lack of timely exchange of information has given rise to lack of cross appreciation.

Sometimes it also brings about unnecessary mutual suspicion. Why don't we have a regular mechanism of exchange of information at different levels, for example at the level of the heads of the organ, at the level of the professional staff, at the level of the heads of the institutions, in order to enhance this exchange of information so that we know what is going on and we know what is happening and we appreciate each other's mistakes and weaknesses as a way forward?

My other point in regard to overview is inter-organ responsiveness. Much as the process of integration is spearheaded at the policy level, the Council's involvement of this august House will assist in propagating awareness of the integration process to the population, while according it the necessary legislative cover. There is need for that inter-organ responsiveness; to be able to ask ourselves what does this organ need? How can I support this organ?

The other point, still by way of an overview, is an aspect of sensitising members of staff of the different organs on the different activities and programmes. Some of us are lucky that we serve all these organs, but some of our members of staff who serve different offices and directorates and departments, I am sorry to say, do not look beyond those departments and divisions that they serve. They are disabled in noting, appreciating and promoting complementarities expected over us at the Secretariat. Let me give you an example, Mr Speaker.

Save for the Directorate of Customs and Trade, and some EAC institutions and some institutions of the Council to the Community, relevant members of staff have not been forthcoming in supporting the Council's efforts at initiating legislation. Very few members of staff are interested in attending EALA plenary sessions or the proceedings of the East African Court of Justice, but later on they read the *Hansard* to know the decision of the Court of Justice. If the Court were sitting today on a matter touching the Community - because I go to court on matters touching the Community - you may only find there maybe Kaahwa and the few legal officers. It is a lacuna caused by those who propagate lack of sensitisation of the members of staff in the different activities and programmes of the organs. I am saying this because it would be part of our duty, as we implement 71(1) (o), to enhance this sensitisation. It is a challenge to us as the EAC Secretariat.

Looking at this report and its challenges, it is not different from the reports of all the Nanyuki Seminars. We know what we are lacking, and we know what to address. So, in my very humble view, I have proposed for this House to note -and I want it to be in the *Hansard*- that in the context of the Nanyuki IV Seminar, and in the context of the spirit of the Kigali Strategic Retreat, we need, first of all, to have formal and quarterly inter-organ and consultative meetings, which are all planned on our calendar of activities. We need regular retreats to address matters like the EPA's, implementation of the Lome Strategy, progression of negotiations on the Common Market, extension of jurisdiction of the East African Court of Justice, enhancement of coordination et cetera.

Secondly, it is important that we hold joint meetings. We should establish a series of joint meetings between the sectoral councils, ministers responsible for EAC Affairs and the House Business Committee. These meetings would be discussing issues over which the Legislative Assembly and the Council need to exchange views on matters of common interest in implementing the Treaty and driving forward the integration process, for example, on proposed Bills and budgetary proposals, so that there is an opportunity to appreciate each other's problems and each other's requirements.



Thirdly, I am also advocating that there should be an established reporting system between the Assembly and the Court on one hand, and the Summit of the Heads of State, much as this may need an amendment of the Treaty.

The other area –as a way forward– is that we need to establish a mechanism for following up decisions of the different organs. The planning, monitoring and evaluation process, which is being established in the Secretariat, should be in addition to addressing the decisions and directives of the Council, and also encompass decisions of the East African Court of Justice. The Court makes laws, though not in the same way you make laws, but in a way it contributes to the common jurisprudence of the region. So, there is need to follow up on those decisions. The planning, monitoring and evaluation directorate needs to find a system for following up on the resolutions and recommendations of this august House.

Mr Speaker, there is need to enhance the exchange of information at an inter-organ level, by correspondence or even by way of phone calls, so that we are always aware of what is going on, and we make appropriate suggestions, constructive criticism and so on. But on this matter, let me say one thing, which is from the bottom of my heart. Most of my colleagues from the Secretariat have developed fear of the parliamentarians. The reasons for this are very clear – (*Interjection*). Not that they hide, but maybe we as parliamentarians - me inclusive this time - should find a way of getting these people attracted to us when we meet them in committees and so on. They always ask me, “Kaahwa, you are just a servant like us here, how do you manage to interact with those parliamentarians? There are so many things; they are so intimidating; how do you manage?” And I always tell them a joke that it requires patience, it requires understanding.

On patience, I refer them to Genesis Chapter 29, where we are told that one Jacob went for a very attractive, shapely and romantic and loving girl of Laban called Rachael and worked for her seven years. At the end of seven years, Laban short-changed him, and in the night gave him Leah, who wasn't as attractive, who had weaker eyes. But Jacob had the patience to work another seven years to get Rachael. And that's the kind of “Rachael patience” that I always tell them to exercise. (*Laughter*) However, intimidated I am, not only by the Assembly, but also by the bench in the Court and elsewhere, I exercise patience. We need to ensure that we are patient and give information. (*Interjection*)

**The Speaker:** Yes, hon. Mulengani.

**Mr Mulengani:** Mr Speaker, I have listened very well to hon. Kaahwa. The issues that he has raised are issues that sound to me more administrative than being of the Treaty. The time he has been around, this House has time and again echoed the very sentiments he's reading or continuously referring to in his document. He has also further quoted chapters of the Bible, Genesis 29, and he has ably echoed that intimidation is available in this House. The clarification I want to seek from him as the Counsel to the Community is this: This House has really raised a lot of the issues that he is raising, like the issue of timely exchange of information. Do we really need to put this in the Treaty? Inter-organ responsiveness, do we need to put these things in the Treaty? I think he should clarify to us what we should do for people to be positive thinkers.

I think is it the attitude, the mindset of people in the Secretariat, if they can fear fellow people, why is this happening? Tell us because you are the Counsel to the Community; you say you are in all the organs. You are the Auditor-General in other words. (*Interjection*)

**The Speaker:** Another clarification, if you will take it.

**Mr Kaahwa:** Mr Speaker, I think I have taken much of our time.

**The Speaker:** It is okay, we are here for a session and amendments.

**Mr Kaahwa:** Mr Speaker, with due respect I am sufficiently informed by hon. Mulengani's able information. (*Interruption*)

**Ms Byamukama:** Mr Speaker, I really do not want to interrupt my learned brother but I am rising on a procedural point. I listened to him very carefully, and I heard him enumerate proposals, which sounded much like the Kigali recommendations. I would like to ask, as a procedural matter, when the Chairperson of the Council of Ministers will table these Kigali recommendations in the House so that all of us can get into this spirit, and we get an impetus of other versions. It's on a point of procedure; I would like to have some clarification on this because we are getting bits and pieces of it. As a procedural matter, I think there is a gap. He's talking about lacuna, we are talking about these spirits, but some people do not know all these spirits. So, I would like these procedures to be clarified.

**Mr Kaahwa:** Mr Speaker, I would like to thank my two honourable friends for their interventions. Regarding hon. Mulengani's intervention, let me say one thing, and I said this from the beginning. I am not advocating for the amendment of the Treaty. The Treaty is sufficient in this regard. I started by saying that it is imperative upon the Secretariat to implement Article 71(1)(o), and what I am saying is within that context.

Regarding the intervention by – (*Interruption*) -

**The Speaker:** Hon. Kaahwa, I would like also to tell you that this House adopted two resolutions on that issue and the question was passed, so, don't we already know what should have happened and why it hasn't happened? You should tell us why it wasn't done, and not that it should be done.

**Mr Kaahwa:** Sir, I thank you very much for that intervention, and I would like to say that following this report - and this is how I started - and following the outcome of the strategic retreat, the Secretariat should now be implementing this provision of the Treaty.

Regarding hon. Dora Byamukama's intervention, I have no doubt that at an appropriate time the Chairperson of the Council will be tabling this report once it is ready.

**The Speaker:** I think hon. Dora Byamukama was also saying that most of the recommendations that you were giving to us are of the Kigali retreat, so I think her point was: if you are giving those recommendations, what is the Chairperson Council of Ministers going to do here?

**Mr Kaahwa:** I referred to what I perceived to be my sincere apologies, Mr Speaker. I was saying that within that context, even when the strategic retreat is out, there is a challenge on the Secretariat, and I was outlining what I perceived to be a way forward.

The last point I want to make is with regard to the need for cross consultations and programmes. The organs and institutions need to create an exchange of ideas and synergy among related, sectoral, standing and functional committees. This will serve to harmonise efforts, and of course as an effective mechanism for the implementation of the EAC programmes and projects. I am saying all these to point out that following the receipt of this

report, following the successful holding of the strategic retreat, the Secretariat now needs to implement, looking back at even the resolutions of this House, and Article 71(1)(o) of the Treaty. I thank you, Mr Speaker and I support the motion.

**Mr Leonce Ndarubagiye (Rwanda):** Mr Speaker, the Counsel to the Community mentioned my name, and I wish to give some clarification. He said that he is much younger than me, but I think I have a very good memory, even at my age. *(Laughter)* When he says “Mzee Leonce Ndarubagiye comes to my office”, I want this to be very clear. *(Laughter)*

First of all, I have not been to his office to tell him about those things – *(Laughter)* - but we have meet several times, especially while getting out in or out of this Chamber, and I have always told him, “Why don’t you do something so that there is an understanding between the two organs when there are some difficulties”. It is true; I told him so, and I really mean it. If there is anyone who can help the Community organs to be in good relations, it is the Counsel to the Community. *(Applause)* I think it was correct to address that request to him. He would have been very wise to say what he has done, since I have told him this several times.

Having said that, I would like to support the motion presented by hon. Sebalu, and I fully support what he said here but I would also like, if you give me the authorisation, to quote what His Excellency, the then President Mandela told a delegation of Burundians -of which I was a member. He told us that one day when he was giving a reception to a foreign dignitary, his protocol officers took his predecessor, Mr. De Klerk very far away from the high table. Then when President Mandela saw him, he summoned the protocol officer and said, “Is this the way you will treat me when I retire; will you put me so far away?” So, in my anticipation of what may be said in the Nanyuki seminar in Burundi, I wish also to advise hon. Sebalu to thank the Rwandan Chapter for what they did when we were there. *(Applause)*

**Dr Aman Kabourou (Tanzania):** Thank you, hon. Speaker. Let me also say from the outset that I support the motion. I am a member of the Committee, and I also participated in the deliberations. I don’t have much really to say, except to argue one point, and that is the issue of resident ministers here in Arusha.

I think that in our discussions we had come to the point where we really didn’t see much effectiveness in having resident ministers, who represent their nation states, here in Arusha. In other words, it would probably be more effective if we would have ministers from the East African Legislative Assembly itself. *(Applause)* I think that would be much more appropriate for what we are looking for. We are talking about the integration of East Africa, and we have ministers who come from their national states with their national agendas, and start defending sovereignty et cetera.

Also, I just want to say that from what I have heard the Counsel to the Community say, it seems an acknowledgement that the Treaty has been violated, and he has pointed out exactly which Article has been violated by the Secretariat in this case. I don’t see why I should doubt the Counsel to the Community. He is the advisor to the Community, and he knows that certain things that should have been done have not been done, but certainly he did not tell us when he made any recommendations to offset those insubordinations, and to whom he talked. He just says, “Well, this is what I think”! And so, perhaps we should advise the Counsel to the Community, hon. Speaker, to talk to the Chairperson of the Council of Ministers so that from now onwards, they can take the necessary steps to reprimand those who have been doing this. In this case they know who it is, because, those who have been given the responsibilities have failed to carry them out, and what do we get? We end up with acrimony: nobody likes another; some people are afraid of some people...I wonder why anybody would

be afraid of me! (*Laughter*) I don't know what I could do to one of these members of the Secretariat. I don't fight on the streets; we don't come here drunk; we have not insulted anybody! What we have just said here is the truth that the Assembly needs respect. So, you begin to wonder, for somebody sitting in the Secretariat to say that he or she is afraid of Members of the Assembly! This is what the Counsel to the Community told us! (*Interjection*)

**Ms Margaret Zziwa:** Mr Speaker, I want to thank the honourable member for the opportunity to give him information. The information I am going to give may not be researched, but it may be backed by social and psychological knowledge: The appearance and the size of some people scare others - (*Laughter*) - and I have been advised that also the features of some people scare others. And with that in mind, it's only when we are able to tone down some of our features with our actions that some members will now start coming to terms with their fears, and they will be able to approach us. But it's not a crime by any one of us. Mr Speaker Sir, that's the information I wanted to give.

**Dr Kabourou:** Thank you hon. Zziwa. As a male, or a guy, I don't intend to scare anybody. (*Laughter*) I am just surprised that this really could be a reason for someone not carrying out their responsibilities. I mean, it doesn't make any sense! And I am glad she said the whole thing is not researched - (*Laughter*) - so, it may not have all that weight in this respect.

Mr Speaker, basically what I just want to insist on is that we have been informed by the Counsel to the Community that the Treaty has been violated, and there are people who are responsible for this violation and insubordination. It is time now for the Council of Ministers to take those necessary steps to reprimand those who have done this, because, as a result of this violation, we now know that the East African Community integration process is in jeopardy. (*Applause*)

**Mr Frederic Ngenzebuhoro (Burundi):** Thank you very much, Mr Speaker. As a member of this committee, I would like to express my support for this report. I have only one concern; it's about the follow up framework - (*Interruption*) -

**The Speaker:** Hon. Fredric Ngenzebuhoro, can you please get closer to your microphone, we can't hear you very well.

**Mr Ngenzebuhoro:** I thought I was very short. Anyway, I have one concern about the follow-up framework of the recommendations, especially how they can be implemented. Already, having ministers in charge of the East African Community living here in Arusha is an issue, and so it means that we must have further discussions. Apart from that, I fully support the report. (*Applause*)

Secondly, I would like to express my thanks to my friend, hon. Damian Habumuremyi for remembering the peace keepers we lost in Somalia. It is very hard for us, especially now that the African Union has failed to send more peace keepers in Somalia. I think that for as long as we are the only ones facing the Somali militias, it will be very difficult to stay there for a long time. I think that probably this House - I don't know if it would be possible - should call upon other African countries to appeal to the African Union to be more involved in this issue in Somalia. Mr Speaker, I would like to thank this House for the sympathy you have expressed to us. (*Applause*) Last week the Burundian Government got a lot of congratulations from you because it had nominated a lady to this important position of Minister for the East African Community. We are very grateful for this, and I can assure you that Burundi has sent here one of the most important and wise women we have in Burundi. I am sure of what I am saying because I know Minister Hafsa Mossi as she has been a collaborator - I think twenty

years ago she was a journalist, and she worked at the national radio broadcasting company. At that time I was the Minister for Information, and I know how she works. She is very good, you can congratulate yourself. *(Applause)*

I would like also to call upon the Partner States to follow that example. I can assure you that the President of Burundi, President Nkurunziza, will get a good report about these congratulations, and I can assure you that he will continue to take into account this general issue in all nominations. He will also urge the other Partner States to take that into account - I mean instead of having only her, we can have four of them. *(Laughter)*

**Ms Dora Kanabahita Byamukama (Uganda):** Thank you, Mr Speaker. I am honoured to speak after my colleague, the former Vice-President of the Republic of Burundi. I have a few points, and I just want to follow up on what he has said.

The main concern is the issue of implementation, but before I get to the issue of implementation, let me register my congratulations to the Chairperson, Council of Ministers. In this report we noted the conspicuous absence of the Secretariat and the Council of Ministers and we praised her for being consistent. I am glad to say that even today, she has maintained this consistency. *(Applause)*

I would also like to congratulate the Summit of East African Heads of State, because, if you look, for example, at recommendation 13 on page 50, it states that we had recommended for all the East African Partner States to immediately assent to the East African Joint Trade Negotiations Bill, a Bill expected to enhance the East African negotiating capacity with the rest of the world. In congratulating the heads of state, I would like to congratulate our Speaker, who made sure that this Bill was assented to. *(Applause)*

I cannot forget the origin of this very important Bill, *the East African Trade Negotiations Bill*, which was given to us afresh by hon. Ogalo this morning. He said that for those who are not in that particular committee, the prestigious Committee on Legal, Rules and Privileges, that this was a Private Members' Bill and that when it was moved in the First Assembly, the Chairperson of the Council of Ministers then refused to back the Bill. But here we are, in the Second Assembly, where it was taken up by hon. Akhaabi, and we have the Summit assenting to the Bill. What does this say?

I think this speaks volumes about the progression towards integration, and in particular, political integration, because if you can agree to negotiate jointly, then it means that you are ready to do a lot more together and cede some degree of power. Therefore, I am glad to note this progress, and I hope that the Chairperson, Council of Ministers will assist us to ensure that this Act now is adhered to and we track its interpretation to ensure that what we would like to see in the East African region is done, even at the international level.

Having said that, I would like to move on quickly to another recommendation, which is on page 50. It talks about the fact that we have not been adequately consulted in the ongoing negotiations relating to the establishment of the East African Common Market. As we all know, we were able to spearhead the hearings, and the reports from the different Partner States on this particular activity speak for themselves on the need for EALA to be given more funding and more facilitation to ensure that it does its work, because the information that we got was exemplary. I would like to thank the Secretariat for facilitating this exercise. *(Applause)*

I will not belabour any points, but I would like to say, very quickly in response to an issue that has been raised on the issue of inter-organ working relations. I did ask a question as to when Article 71 would be operationalised. To date it hasn't been operationalised, but I am glad to note that after the Kigali Retreat, some action has been taken. But I would like to say, very quickly, that much as we may put in place quarterly meetings, even if they were weekly or daily, the fact is that for as long as there is no will, even these mechanisms will not work. Where there is a will, there is a way. So, at the end of the day, I would like to say very clearly that even when we talk about projects of the East African Community which work, one of the projects of the Community is here at EALA and, therefore, if we are not seen to be working together, we will continue to be asked to justify why we are part of the East African Community. So, I would like to say very clearly that where there is a will, there is a way. We must all be willing. And, most importantly, I think there is need for us to be very candid, because, here we are, barely a week from what we had agreed upon, and then you find some other activities taking place. I would like to urge EALA and the Secretariat to be willing to work together because at the end of the day, we are in the same car heading in the same direction.

I support the motion, and I want to thank the Committee for bringing up a very qualitative report. Thank you very much. (*Applause*)

**Ms Sarah Talaso Bonaya (Kenya):** Thank you, Mr Speaker. As a member of the committee that has come up with this report, I would like to congratulate my fellow Committee members and my chairperson for the excellent report that he has presented.

I just have to be brief, and my issue is on the working relations between the different organs of the Community. I think this Assembly clearly knows its history; where it has come from and where it wants to head, and there is nobody who will come from anywhere else to guide us or to take us to where we want to go. It is our duty and responsibility to chart our way and push in the right direction.

On the issue of the intimidation of this House, this is not the first time; you know the different instances when we have been put down, and the name honourable made to look horrible. (*Laughter*) It is very unfortunate, and according to my own observation, one area of conflict is the area where we have two offices dealing with the political issues of the Community. We have the Assembly and the Secretariat, and then we also have the Political Affairs office, which I feel have parallel roles. They are all dealing with political issues. So, I think there is a need to harmonise that area and bring order into it. That is why we look embarrassingly disorganised as the political organ of this Community, so we need to look back and see.

**The Speaker:** I would like to tell you that the organ of the Community called the East African Legislative Assembly is provided for in the Treaty, and I don't know of any other article or any other office in this Community, which is mandated to perform the functions provided in Article 49 of this Treaty. So, if you are saying that we have to share power or harmonise with some other office, I think you are going down the wrong path. You better say that the office which is doing the same functions should desist from doing what it is doing.

**Ms Bonaya:** Mr Speaker, the point I am trying to make is that some clear line of who is supposed to act on the political affairs of the East African Community should be given.

**Dr Lwanyantika F. Masha (Tanzania):** Mr Speaker, just a couple of points I want to raise. I am a student of history. One of the things in history that gave parliaments authority was when they pushed for the control of the budget, as well as when there was an organic link between

the Executive and the Parliament through ministerial appointments. The way we are set up here, with the Secretariat as an organ, of being considered under the Treaty the same way we consider parliament as an organ, and then above us all, the Council, which is non-resident and, therefore, not - as was suggested by hon. Ogalo - in control, there is a problem as to who imposes the political will, which will is expressed through the Parliament on the Secretariat in its performance.

That is why I consider this recommendation on residence of ministers to be very important if we are going to see the Secretariat respect the decisions of those who are politically responsible. I would like to think - even though I don't have proof - that this problem might even be arising with the Council of Ministers versus the Secretariat; that in the absence of resident ministers, the Secretariat is carried away with its deficiency, including the last one that we had where the Secretariat was going to stop Parliament from meeting without the Council of Ministers knowing about it. So, to me, this question of the resident ministers is extremely important if we are going to have that control. And I do support that recommendation very strongly. I go along with hon. Ogalo that when we come to the Budget in June or whatever the period is, if that element is missing in the Budget, I will not support the Budget. *(Applause)*

Secondly, this question of lack of popular support: In recommendation number 4(7) it is stated that we are having a problem. If I may read what it says: *"There is an apparent lack of awareness of the EAC and its activities among the citizens of East Africa ..."* and then it goes on to explain that lack of awareness poses a serious hindrance to popular support of the integration process. That is very correct. We meet this situation every time we go around. Part of the problem is that our information department -and I am sorry to be so specific, but I think I mentioned this at our session in Kampala some time back- our information department is doing a very limited job. It is not projecting the Community to the people of East Africa. It is doing more internal public relations. Even the kind of document, which hon. Ogalo was referring to, from which we had an excerpt, that kind of thing is not for popular consumption. It goes to only a few selected people and probably goes to the converted. *(Interjection)*

**Ms Kwekwe:** I thank Dr Masha for giving me the opportunity to give information that other than there being a glaring lack of awareness of the EAC integration process within the populace of East Africa, there is an equally glaring lack of interest and awareness in national Parliaments about what goes on in the EAC. This is demonstrated by having national Parliaments...I know of a national Parliament where for the last two years no question has been raised on the Floor of that House regarding any matter, even just seeking information, on the EAC integration. That is how bad it is.

**Dr Masha:** Mr Speaker, I fully share the correctness of the information given. We have a problem.

When EALA meets...for example, we are meeting today, discussing these matters, I don't know how much our information department of the EAC has mobilised the press and prepared the press to cover this meeting. I have never seen a single press release on any of the Bills, which we have passed. There is no attempt to even have our meetings publicized live for the media. How will the people of East Africa know we are doing this? We pretend to think because we go to Zanzibar, Nairobi, Kigali and we think that is enough on going to the public! Fortunately, this is an area in which I can claim to be an expert, and I know it is insufficient. Unless there is an active information arm of the EAC, with sufficient budget - I don't know what kind of budget will be given to you this time, but we need a sufficient

budget to be able to promote and publicise the activities of EAC to the people of East Africa. You should put out a publication like this - limited in use as it is in English; as I said, a lot of the people of Tanzania will not read this thing – (*Interjection*). A lot of people...Mr Speaker, I do not know how much time you will give me -

**Ms Hajabakiga:** Thank you hon. Masha for accepting this information. For your information, there is some good funding in the EAC for re-branding of the EAC but the problem is probably how we can use that funding to actually do what you are talking about.

**Ms Byamukama:** Thank you for your indulgence. I just want to say that having not recognised the fact that we are in the dark; we are never covered by the EAC. There are plans for us to have our own coverage, and that is why we are pushing for our financial and administrative autonomy because we have realised that as much as the Counsel to the Community says that the Secretariat serves all of us, in some instances we really have a blackout.

(*Ms Tiperu Nusura rose-*)

**Dr Masha:** Mr Speaker, may I plead with the members that this be the last information I receive?

Unless we have an active information arm for the East African Community, dealing with both the media and projecting material to the people of East Africa, we will have a problem. I realise that in the Treaty we talk about English as the language and Kiswahili is something, maybe I don't know, but if you are doing public information work and you want people to know what you are doing to the people of Burundi or to the people of Rwanda, if you don't send out material, or at least a press release in French, you can't say you are reaching the public there, because here it is a question of whom you are reaching or who you want to reach. (*Applause*) Our information arm has to be restructured to be able to be effective in its delivery of public information and material. It is not doing that at the moment.

Hon. Dora Byamukama in her information says there is an intention to have an information office of EALA. Mr Speaker, as I said, this is an area where I can claim to be a professional, both as a student as well as a practitioner. If what people get to know of the EAC will be EALA alone, there would be a perception in the image of the people as to what takes place here because the integration process is not just within EALA; it is with the entire EAC. There ought to be a way to deliver materials not segmented by the organs but projecting the entire EAC integration process. If we don't do that, we will have a problem.

Lastly, I know that there are so many things going on today in the Secretariat, and I see Ambassador Julius Onen with us; maybe he will certify the comment I am going to make. The absence of the Secretary-General in this kind of discussion, and the presence of such a few people, and the members of Council who are not resident, who will be leaving this place tomorrow or maybe when we are finished, leaves me with a question. Who is going to translate the recommendations that we draft here into the programmes, which will come here? Who is going to push for this?

I expected us to have somebody who is in charge of the Budget making sure that the recommendations in here will be translated into programmes. The gaps that are identified here should be translated into the actual work programme so that the Budget that is presented to us in a few months will reflect what we are recommending, or what we are adopting in this report. (*Applause*) I don't know - this to me would be among the instruments to be used,



among others, to prepare the Budget. I hope somebody is listening, because I would hate, come budgeting time, for us to start the kind of quarrels that we had when we had to postpone the adoption of the Budget the last time.

Mr Speaker, with those comments, I support the motion for the adoption of this report. I thank you. (*Applause*)

**The Speaker:** My last speaker will be the Chairperson, Council.

**The Chairperson, Council of Ministers (Ms Monique Mukaruliza):** Thank you, Mr Speaker, and I stand to thank you and the Committee on Regional Affairs and Conflict Resolution for holding the Nanyuki IV Seminar. The Council appreciates the discussions held on several topical issues, including the Common Market Negotiations, EPAs negotiations and functional relations. I appreciate the resolutions of the Nanyuki IV Seminar; the Council will consider the resolutions made with a view to channelling a way forward. (*Applause*) The Kigali Retreat report will be circulated, and the recommendations made during that retreat will go through the normal process of decision making in the Community.

Mr Speaker, the next Budget cannot reflect the sitting of the Chairperson of the Council of Ministers in Arusha before a decision is taken by the Summit on this matter. And I wish to appeal to honourable members not to subject the approval of the next budget to the implementation of these recommendations. I thank you very much.

**The Speaker:** I would like to call hon. Sebalu to react to the few issues raised.

**The Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr Mike Sebalu) (Uganda):** Thank you very much, Mr Speaker. I just want to thank all the members who have made comments and observations. I sincerely appreciate the well thought out ideas and the recommendations that you have made about the report, and indeed to a large extent, it helped in adding value to my report. These are very useful comments, which we need to look at using appropriate structures of the Community to ensure that at the end of the day, they move us to another level in terms of the operational issues and strategic objectives of the Community.

I just want to make a few comments. Some of them, like the ones hon. Ogalo raised, are very important issues regarding the residence of the ministers. The Chairperson of the Council has made her own views known to us, and I think we need a convergence over the matter and see how best we can move forward. I think the appropriate authorities of EALA in the names of the House Business Committee and the Office of the Speaker, liaising with other relevant authorities, can see how best to move in that direction.

Something regarding EPA's: I think it went on to reinforce the observations that made in the Report, but something quite disturbing is this German delegation of MPs coming around. The timing is particularly more disturbing. You find that you have got a delegation like that, it's in town, the Parliament is in session and there is no meeting between the two? I think that is very disturbing in view of the fact that it is not long since the Kigali spirit was worked on. That is very disturbing, and I think one comment that I would want to make is that Parliament definitely takes precedence in matters of political affairs because we are supervisors, and these are political activities.

When the German delegation comes here, their core competence is politics; and if you don't provide a forum of interaction between the two parties and yet the Treaty is very clear that cooperation will be enhanced in areas of core competencies and in the area of politics and

legislation, when the German delegation of parliamentarians is here, their home, in terms of the relevant organ to interact with -not excluding others but definitely to be included in the itinerary- is Parliament. Parliament must be accorded...courtesy demands that Parliament must be accorded - (*Applause*) - this right.

I really find it disturbing that such a delegation could have left without even linking up with the Rt. Hon. Speaker, who is the fountain of honour of the Legislative Assembly. Now, what report are they going to give in Germany since they did not have anything to do with Parliament? It is going to render their visit defective in their accountability to the German taxpayers. They will say, "You were on tourism; you didn't visit the right institution or organ that we relate to because functional linkage organically is with Parliament. It is not anything artificial." So, I think these are issues that Ambassador Onen really needs to take note of. It is not demanding to say that when there is a parliamentary delegation, even if they didn't address Parliament in the Chambers, they should have - (*Interruption*) -

**The Speaker:** Mr Sebalu, you address the Speaker not Onen.

**Mr Mike Sebalu:** You see, in him I see the Secretariat - (*Laughter*) - I apologise. Since he is the only one here, he's in my range of fire regarding this issue. I am not intimidating him but I am just raising this.

On a serious note, this is something that sends signals that are not good about inter-organ relations. If, for instance, a delegation of the SADC or even ECOWAS; if the Secretary General of ECOWAS came and he didn't pay homage to the Secretary-General, would these people sit back and take it lightly? Because he's in line with their work! There are experiences that we need to share; to compare notes and create those linkages. So, it is only fair that when you get those guests, you advise them -because you are the technical people, and you have the responsibility of advising them- that there is no way you can leave the EAC headquarters when Parliament is in session and you don't pay homage. I think that is something that needs to come from the Secretariat. (*Applause*)

Mr Speaker, on the issue of the legitimacy of EALA, I just want to make a quick comment on this. The way the Community is structured comes directly out of the Treaty, and that is dictated by the level of cooperation that we started with. We have to keep upgrading depending on the level of integration that we achieve over time.

We have the Summit, and we appreciate it as an organ. We never challenge its legitimacy because it is executing its mandate given to it by the Treaty. We have the Secretariat, which is using delegated mandate from the Executive. What is interesting is that none of the Presidents in this Executive from whom the Secretariat derives its mandate was ever elected as a President of East Africa. They were elected as Presidents of their countries, but they come together in a cooperation arrangement, and from that they have authority as an organ, which is the Summit. But I never hear anyone from the Secretariat challenging the Summit, yet none of the Members of the Summit was elected as the President of East Africa. They come here by virtue of the fact that they were elected by the members of their countries to be presidents in their countries, but they have a responsibility as East Africans to work together.

We are elected by the Members of Parliament who are elected by their constituents, so we are also using that mandate of the constituents who elect Members of Parliament. These members of Parliament elect us just like the Presidents use the mandate of the people who elect them to come here and do their work. So, all of us are situated in that legal framework and legitimacy.

You can't question the legitimacy of the Member of Parliament without questioning the others. It doesn't work out, and it doesn't add up. Let us just appreciate that we are all here to do one thing and that is to serve East Africa. Questioning the legitimacy of the Secretariat, which is appointed by the presidents, which presidents are elected by their own people, is the same as questioning our legitimacy. Let us take the argument as it is in full, then it will be able to add up. So, the issue of legitimacy is divisionary, and should not be encouraged. Let us just build synergies and common objectives for working for the people of East Africa - *(Applause)*.

Hon. Ogalo's provision for the budget for the Chairperson, Council of Ministers is an issue on the table, given the ministers' explanation. But it is something worth trying because at the end of the day political supervision is critical, if we must have a very clear hierarchy and line of duty in terms of proper direction. I think we must elevate the Office of the Chairperson to take serious responsibility in terms of serious supervision and in terms of following up on Summit directives, recommendations of the Assembly and any other decisions that need to be implemented.

Hon. Damian raised the issue of implementation, and I think it is critical, but my view is that quite a number of good ideas have come up from the debate and I hope that the Secretariat has taken note. These are issues that need follow up in good practice. And goodwill would demand that before the next Nanyuki Seminar, we should have a kind of breakdown of what has been achieved.

Definitely, I salute the Secretariat for some of the activities, like what hon. Dora Byamukama mentioned regarding the Common Market. I think that is the best you have done in terms of going to the people. I was in Kigali, the turn-up was overwhelming, and for one reason or the other -you may choose not to like it or not, but people tend to listen to their leaders when a meeting is called by the Parliament or and politicians. There is a high propensity for them to get attracted to us. I don't know why, but we must acknowledge it and take advantage of it.

The public hearings were very successful in all the capitals, and this is a very easy way for you to do your work because, at the end of the day, you will take the credit. For us we will be running around doing the work, but people will say the Secretariat has concluded successfully the Common Market negotiations; you take the credit! I don't know why you don't take advantage of the goodwill that we enjoy in the population.

From these discussions, I think we should be able to get a convergence determining how we will get this moving. The House Business Committee, the leadership of this Assembly, will take the lead role in advising on how best we can see this implemented. But definitely we need to do something about it.

Hon. Kaahwa raised a number of issues, but at the end of the day, the biggest question is what has happened to the implementation of the practical modalities. That is the question that needs to be answered. The Treaty is clear, but the practice is at variance with the spirit and letter of the Treaty, and the question we are asking is why, because we think it is not insurmountable; it is something that can really be achieved. So, your good office may be useful in helping to find out why, since you are the custodian of the Treaty in terms of interpretation and legal guidance. I think we can work together and establish why it isn't being translated into concrete actions and programmes. Why isn't the mindset changing; the attitude! At the end of the day, are we working for a common cause? That is the same thing that I pushed to you.

Hon. Leonce made a good observation regarding the Rwanda Chapter and, hon. Members, I just wanted to put it on record that we do appreciate and acknowledge the role and efforts that were put in by our colleagues of the Rwanda Chapter in terms of facilitating all the activities that we undertook in Kigali, including this very seminar, the Nanyuki Seminar. They were quite helpful, and their co-operation made our coordination very easy. *(Applause)*

Hon. Kabourou mentioned the issue of co-operation ministers. I think that is an issue on the table; we will further follow it up.

I think the same answer that I gave to hon. Habumuremyi also goes to Hon. Ngenzebuhoro too. It is something that can be worked out by the Assembly and the Secretariat, as well as the other stakeholders.

I think hon. Byamukama raised very important issues about my presentation. I had to stick to the recommendations of the seminar, but definitely there are activities that have come on board, which tend to overtake the recommendations. In the discussions they came in handy, and we must thank those that were proactive because I can look at that as being proactive. Recommendations were made and activities came on board, and I think that is the spirit. We pledge that all the other activities will get the same reaction, and we move on.

I think hon. Masha's is squarely in terms of managing information in a manner that is supposed to popularise, inform, educate and communicate to the masses. It is an area that we need to think about seriously if we are to engage the people and for them to be able to appreciate the activities that are undertaken at the Community.

Mr Speaker, once again, I would like to thank you for your leadership. The issue of taking the Parliament to the people is something we must appreciate and enhance, and the arrangements you have always made when we are in the capitals to interact with the media should just be enhanced because that is the best we have been able to do in the circumstances, and the available resource envelope. But with the spirit of Kigali and the ideas that have come on the Floor, I think we should be able to take it to another level.

Mr Speaker, I beg to move that the report be adopted. I thank you. *(Applause)*

*(Question put and agreed to.)*

*(Report adopted.)*

## MOTION

### FOR A RESOLUTION OF THE ASSEMBLY TO URGE THE EAST AFRICAN COMMUNITY COUNCIL OF MINISTERS TO REVIEW THE PROCESS OF THE ECONOMIC PARTNERSHIP AGREEMENTS (EPAs) NEGOTIATIONS

**Ms Valerie Nyirahabineza (Rwanda):** I thank you, Rt. Hon. Speaker. I would like to move that this Assembly do resolve to urge the East African Community Council of Ministers to review the process of the Economic Partnership Agreements negotiations. I beg to move.

**Ms Margaret Zziwa (Uganda):** Seconded.

**Ms Valerie Nyirahabineza:** Hon. Speaker:

*“WHEREAS on November 23, 2007 the Partner States of the East African Community entered into and initialled a Framework for Economic Partnership Agreement (hereinafter*

called “the Framework Agreement”) with the European Commission under which the parties agreed to open up their markets to agricultural and manufactured goods from each other’s territory;

AND FURTHER agreed to negotiate the conclusion of a Comprehensive Economic Partnership Agreement (hereinafter called “the Comprehensive Agreement”), by 31<sup>st</sup> July 2009;

NOTING THAT the European Commission and the partner states of the East African Community (hereinafter called “the Partner States”) are currently negotiating the comprehensive agreement;

CONCERNED THAT the Framework Agreement and the comprehensive agreement now under negotiation between the parties delves into the unresolved so-called “Singapore Issues” under the WTO Doha Round of Negotiations, which issues include: competition rules, investment and private sector development rules, intellectual property rights, transparency in public procurement and trade facilitation;

FURTHER CONCERNED that any agreement under an Economic Partnership Agreement on the unresolved Singapore Issues may gravely impact on the outcome of the Doha Round Negotiations on these issues;

RECOGNISING THAT no impact assessment study has been carried out on the effect and impact of any Economic Partnership Agreement between the European Commission and the partner states on the:

- (a) Socio-economic development in the partner states in the East African Community.
- (b) Integration process of the East African Community.

AWARE THAT at the time of commencing the negotiations on the initialled Framework Agreement and the current negotiations on the Comprehensive Agreement, the prevailing world economic recession and global financial crisis had not been contemplated and therefore taken into account in the negotiations;

CONSIDERING THAT the current world economic recession and financial crisis is likely to impact on and affect the way international trade is carried on in the changed circumstances;

CONSIDERING FURTHER THAT neither the Framework Agreement nor any report on the current status of negotiations on the Comprehensive Agreement has been tabled before any Parliament in any partner state or this Assembly for the people’s representatives to consider;

FURTHER CONSIDERING THAT the partner states are at an advanced stage of negotiations to conclude a protocol to usher in the Common Market for the East African Community as the next and deeper stage of regional integration;

CONVINCED THAT the negotiations on the comprehensive Agreement are being carried on in breach and in spite of the provisions of the East African Community Joint Trade Negotiations Act, 2007 and are likely to adversely impact on and affect the nature and significance of the Common Market for East African Community and regional integration;

*FURTHER CONVINCED THAT the conclusion of a Comprehensive Agreement between the European Union and the partner states may have grave consequences on the development agenda of the East African Community and the partner states unless the development issues under the Doha Round regarding challenges relating to supply side and infrastructure constraints are adequately addressed;*

*NOW, THEREFORE, this Assembly do resolve that:*

- 1. Pursuant to the provisions of Article 14(3)(c) of the Treaty for the establishment of the East African Community and Section 19 of the East African Trade Negotiations Act, the Council of Ministers do operationalise and give effect to the said East African Trade Negotiations Act.*
- 2. In accordance with the provisions of Article 14(3)(c) of the Treaty, the Council of Ministers do urge the partner states to constitute and establish the negotiating structures and mechanisms and that all future negotiations be conducted in accordance with the provisions of the East African Joint Trade Negotiations Act.*
- 3. The Council of Ministers do urge the Partner States to review further negotiations for a comprehensive agreement.”*

Mr Speaker, I beg to move.

*(Question put and agreed to.)*

**The Speaker:** I would like now to call the official Seconder, hon. Janet Mmari.

**Ms Janet Deo Mmari (Tanzania):** I thank you, Mr Speaker for giving me the opportunity to support this very important motion.

It is one and a half years since the EAC Partner States initialled an interim Partnership Agreement with the European Union. We have also been told that since then the Partner States have been negotiating a comprehensive EPAs framework, which must be concluded by 2008. Mr Speaker, I have very serious concerns with regard to: one, the process which has been used; and two, the content of this EPAs framework; and, finally, the time to complete negotiations of the comprehensive EPAs.

Let me now turn to the process itself. You will realize that there is complete lack of involvement of the Parliamentarians. We can say that we have had some discussions, but they were not organized by the Secretariat coming from another corner altogether. Considering that this matter is very important, when the Parliamentarians are not involved, it means that the Executive is denying the Parliamentarians the opportunity to perform their roles.

Mr Speaker, on the same process, I have problems with the negotiating powers and the people who are carrying out the negotiations. Let us look at the Secretariat itself. You have only one person, and this one person is supposed to be omniscient; all knowing. He is supposed to be somebody who is a brilliant lawyer, somebody who can negotiate on all issues related to trade; somebody who is aware of all intellectual property issues, and somebody who is also going to be omnipresent, who is going to be everywhere when negotiations are taking place. There is no way one person can be able to perform all those duties at the same time. But, I thought we had the East African Joint Negotiations Act, which was passed in 2007?

Given the circumstances, I would have expected that at least we would not have been, as Partner States, negotiating but rather other structures, coordinated by EAC, would be negotiating. As a result, it means that the negotiations are poor.

We have been told that Partner States lack the resources in terms of the people who can go there to negotiate. But, even when they do go there, they keep on changing the people because they do not have enough people. However, I believe that if things were properly coordinated we could have all these people within the Community as long as there are structures. What this means is that when we want to do something, we lack the strategy to ensure that we can move it forward.

Let me now move to the content of the EPAs negotiations. I feel like the East African Partner States were actually lured into signing the EPAs because the EU and the ACP countries wanted to ensure that the relationship between the ACP and EC are WTO compatible effective January 2008. Indeed, the objectives of the EPAs negotiations, when you look at what is stated in Article 2, the general objectives of EPAs are very noble. And if you allow me to read from the preamble, the objectives for the EPAs negotiations say:

*“EPAs shall serve as an instrument of development and shall promote sustainable growth, increase the production and supply side capacity of the EAC, foster structural transformation for EAC economies and their diversification and competitiveness and lead to the development of trade, attraction of investment technology and creation of employment in the East African partner states.”*

That is indeed very noble, but is it really something that is achievable?

If you asked me, I would say that we began on the wrong footing. We started from the wrong foot when we signed the EPAs. And I think we have also been told by the people who had the opportunity to go to Kigali that we didn't know that these agreements were not properly negotiated.

I am not a lawyer, but I know it starts from initialling the EPAs documents. I believe there is a difference between initialling and signing, and I think the Committee has been told that a lot of people, particularly from the Partner States, generally believed that they could initial the document, and this particular document could then be signed. And if there was anything that they had not agreed to at that particular point in time, those things could then be discussed, or that during the signing time those things could actually be re-opened and discussed and agreed. Unfortunately, that has not happened and, as a result, we are continuing to negotiate comprehensive EPAs, which may even have more serious implications at the end of the day.

The issue that I want to mention is that when I look at some of the articles from the document that was signed, I see Article 12 which is on rules of origin, and Article 37, which contains a rendezvous clause that carries all the sticky and unresolved Singapore and Doha issues, then I know for sure that there is no way we are going to negotiate something that is going to be beneficial to the people of East Africa. So, if it is not going to be beneficial, how can we say that the objectives and the spirit under which we were supposed to negotiate this particular document can be served?

When I look at this document, I look at the spirit that was used to convince the people who signed this document. It reminds me of another discussion that we had in this House last week during debate on the report that was presented by the Committee of Agriculture, Tourism and natural resources. When you look at that particular report, it will remind you of these people

who, when they come to negotiate, actually take you for a ride. In that particular one - and if you will allow me, sir, I want to use that very simple example of a contract between the miners and the people of Tanzania, where the people were actually promised a bed of roses but only to wake up to find that they were actually in a bed of thorns in the bush. I can use a very simple example. When I heard of three percent to be given, I heard of subsidies to the local government, and I heard of taxes at 30 percent when somebody makes profits, I realized that for sure this is where you are.

Let me give you an example, like me here, an old lady, if I have a number of goats whose number I don't even know, so I call a brilliant young man - I am looking maybe for hon. Mwinyi there and I say, "Young man, I am very old, I cannot tend these goats. Can you not tend these goats for me and at the end of the year, please just take 97 of all the goats that are born and you give me three of the goats?" And he says, "Yes, mum" and then he tends the goats for some time and then he comes back and says, "Mum, how can you trust me this much? You know you need to appoint somebody to actually look after me." And I say, "Yeah, who do you have in mind?" And he says, "Actually, I have my brother, hon. Nakuleu. (*Laughter*) He is an auditor and he can actually audit." That's how we ended up getting auditors from overseas, and in the negotiations we agreed that these people were going to take two goats because it was 1.9 percent, and the government was going to get 1.1 percent, which, when you round it up is one goat. So the government was getting one goat; the auditor two goats and the tender of the goats, 97 percent.

This is actually telling us that any time we enter into contracts like this particular one where we are negotiating with twenty-five strong colonizers, strong EC members, twenty-five of them negotiating with poor, fragmented five East African countries who have no capacity to generate...they are told to go through and actually sign; they have no time to dot their "T"s, they have no time to cross their "t"s, and as a result, they end up with raw deals.

Mr Speaker if we are not careful, there is not going to be improved trade, meaning that we have to expect increased exports. How can we have increased exports when we have serious capacity constraints? There is not going to be any attraction of investment unless we are talking of the learned brothers who will come for service contracts, and there are many. Mind you, that time there is not going to be any technological transfer because our people are probably going to be sidelined; they are not going to get the important jobs.

We were looking at mining, and there is nobody that was local who actually had the responsibility of knowing what goes on in there. And, honestly, there is no way we are going to have creation of employment in the EAC Partner States by going ahead with such documents that have been signed or initialled like this. (*Applause*)

Sir, let me now go to my number three principle concern, which is the timeline, the period within which we are discussing these EPAs. Article 32 of this EPAs document provides that partners undertake to continue the negotiations with a view to conducting comprehensive EPAs, which shall comprise the subject matter listed under Chapter 5, no later than 31<sup>st</sup> July 2009.

**The Speaker:** Continue.

**Ms Mmari:** Thank you, hon. Speaker; I thought you were not listening.

**The Speaker:** Like I said, I have two ears - (*Laughter*) - so you continue.



**Ms Mmari:** Thank you, hon. Speaker. This is four months down the line, and if you look at the job that has been done in terms of negotiations, as far as I know, it is only the market access offers that have been concluded, as well as an agreement on TBT and SPS. And, in fact, when you look at TBT and SPS, it is not that they went through detailed documents. What the negotiators did was a question of saying: now we don't have to negotiate that; we can just use the formulas that are normally used in multi-lateral negotiations. In which case they were handed a document and they said, "Yes, we are going to adhere to that!"

But when you look at the real issues like trade facilitation, there are difficulties with rules of origin where, again, the EU decided to bring documents, which were based on the Cotonou Agreement and said, "You can take this document and I think we can adopt the rules of origin." And those particular rules of origin had excluded South Africa, which is actually our major trading supplier of raw materials. So, when you exclude them, and this is what is going to come in as zero, what does it mean? So, we are at present negotiating and preparing different rules of origin, but until then, when they are discussed and accepted and the partner states come up with common rules of origin, what does that mean? There is no way this is going to be done within the next four months.

I am saying that the timeline that we were given of 1 July 2009, we should not adhere to it, and I know that other people were given up to July 2008 and they haven't done anything! So, I am saying that that should not be anything to actually bother us.

Finally, the time -maybe I should call it the period- that we are discussing these EPAs, we are discussing them in parallel with the Common Market negotiations, and when you take the Common Market negotiations, they are a very integral, a very fundamental stage in our regional integration. It is my view - and I think it is very important- that at least we should put our house in order first. Let us make sure that at least we finalise negotiating the Common Market so that we have one common stand that we are going to use *-(Applause)-* before we can actually negotiate the comprehensive EPAs.

There are very good reasons for doing that, and if we do not, it means that there are possibilities -and we all know that the EU is actually negotiating on a bilateral basis with our Partner States. It is a question of divide and rule. Even as we stand here, they are actually negotiating with each partner state and each state is getting a different offer in the bilateral negotiations. So, if we do not agree on the Common Market issues, there is a possibility that we may give better offers to the EU, better than we are going to give each other here.

I think it is against the background of the example cited above that I am calling each one of us present here to stand up singly and jointly and severally to support this motion. The council is urged to exercise its mandate under Article 14(3) (C) as ably urged by hon. Nyirahabineza to ensure that this House and Partner State Parliaments are regularly informed, and that they are involved in the whole negotiation process. Immediate steps should be taken to operationalise the EAC Joint Trade Negotiations Act of 2007, and I think we have heard that again and again, particularly when we start looking at what happened in Kigali.

We need to put in place negotiation structures, and we have to do all these things before we continue the negotiations. I recommend that we stall the current negotiations aimed at signing documents before we dot our 'i's and cross our 't's.

Mr Speaker, I support the motion. *(Applause)*

**Ms Margaret Zziwa (Uganda):** Thank you very much Mr Speaker. I want also to joint hon. Mmari in supporting this very important motion, and I want to thank the mover for bringing this very important motion to the Floor of the House.

In the same breath, allow me to thank the Committee on Communications, Trade and Investment for the importance they have attached to this motion. This motion represents the views, concerns, resolutions and consensus generated in the many meetings, workshops and conferences, which have been organized by various stakeholders, and we have been honoured to be invited to attend those workshops as parliamentarians of the East African Legislative Assembly, and as members of national Parliaments. Specifically, sir, allow me to mention some of them. I think they are very important for the record.

We attended a workshop on World Trade Organisation trade negotiations and EPAs, which was organized by Action Aid in Entebbe in 2007, and several important resolutions were adopted there. Also, in the year 2007, a workshop was organized for EALA Members of the Committee on Trade mainly concerning the Customs Union and other trade related matters, and this one took place in Ngurdoto, and I think at that very important workshop the Joint Trade Negotiations Act was born.

We as members of the Committee on Communications, Trade and Investment have also had the opportunity to attend yet another workshop, which was organized by Accord and Oxfam in Mombasa in 2008, where very many resolutions were adopted. Another workshop was also organized for Members of the East African Legislative Assembly and members of the committees on trade in the respective Partner States, which took place in Nairobi, Kenya in November 2008.

There was also another workshop organized by SEATINI, which is a very important NGO concerned with trade and development issues, and this one took place in South Africa in which members of the national parliaments from SADC, the East African Legislative Assembly and East Africa participated.

We also had a very important presentation during the Nanyuki IV Seminar in Kigali, and the recommendations have been ably reported to us by the hon. Sebalu. This august Hose also had an opportunity to attend a trade development course in ESAMI for over two weeks, and we benefited a lot from issues of trade and negotiations.

Drawing on all those resolutions and conclusions, I want to support this very important motion because it has given us an important opportunity to bring forth all those resolutions to the Floor of this House, and to cause the Council of Ministers to act on the very many concerns, which many East Africans and stakeholders have expressed.

Mr Speaker, grave concerns have been expressed. Hon. Mmari has categorized them in three areas. I will tackle them randomly, but I want to express that all of these hinge on the unfavourable terms of trade, which all our countries are likely to face due to well thought out agreements like EPAs, which our countries are being forced to take on abruptly. Several grave concerns have been expressed and appeals have been made to Parliaments, including EALA, to ask or to demand from our governments and our negotiators that we are fully briefed and fully informed on what measures are going to be taken on these issues of concern and the import of this motion is exactly that. Allow me just to mention a few. They are so many but I will just mention a few, and I know my colleagues will add on them.

The fact is that there are several un-concluded issues in the WTO negotiations; these are the famous Singapore issues and these ones have been included in the initialled EPAs. In fact, Chapter 5, Article 37 -this is the famous rendezvous clause- divulges issues, which are still very contentious to developing countries under which the East African Community Partner States also fall.

The issue of trade in services has been included in the initial text, yet it is well established that technical barriers to trade are put on many services, especially under Mode 4. This Mode 4 concerns the movement of persons from our respective countries to the developed countries, EU for instance, and we have a very good example of doctors and nurses, whom we are very well endowed with and who normally go to seek for employment in those other countries, and they receive very difficult conditions placed on their recruitment terms, if at all they are recruited. Yet, when technical personalities come to our countries they receive red-carpet reception. They even receive better terms than the very level of officers whom they are serving with - (*Applause*) - which I think is very shameful and unfair.

If these initialled EPAs go unchanged -Chapter 5, Article 37 inclusive - if it is not removed, the stakeholders feel that this arrangement will be lopsided and they will stand to lose even any small benefit, which may have accrued in the initialled EPAs without Chapter 5.

There is also talk of increased foreign development investments if the EPAs are initialled. This is very questionable, considering that we are never in the same power game, and that we are never within the same infrastructure and framework. The question of foreign direct investments, which could favourably help East Africans and our Partner States, will not be actualized. There is also a question of lack of clarity on how to address the concerns, which are in the interim EPAs. This is still a bother to many of us, and has always been. It has been aired in the very many workshops that we have attended, for instance, the issue of the standstill clause.

Hon. Mmari has talked about the most favoured nation's clause. After we have had the opportunity to conclude the Common External Tariffs and the Customs Union in the East African Community, we may have to draw on other development partners, for instance powers like China - (*Applause*). Some of these will automatically be extended to the EU countries without due regard to the challenges, which we received as countries, for instance, during the structural adjustment programmes in the 1980s.

We still feel that the banning of taxes on exports is still a challenge. We know that the rules of origin as they are, are not favourable in the terms of the negotiations, but they have been included, and they seem to be already concluded within the EPAs. We think that the less developed countries like the East African Community countries stand a disadvantaged position in all these clauses.

Mr Speaker, the other concern is that there seems to be a disconnection between the regional trade arrangements and the external trade processes, which are going on. Hon. Mmari has talked about the Common Market negotiations, which are going on, and I want to say that even the earlier negotiations we had for the Customs Union drew together a Common External Tariff. That Common External Tariff has another way in which it links with other regional blocks to which some of our countries now belong like COMESA and SADC. But we don't know what the effect on those other arrangements within the other regional blocks is going to be. So, this is a very big issue of concern because it seems that the EU will automatically benefit from the Common External Tariffs, which we would have had as an

arrangement between the less developed or less advantaged situations; a free trade arrangement which would have occurred just between the two particular countries.

Let me also mention that it is common knowledge that when there is trade liberalization, government is expected to lose revenue, particularly in the short run. And it is true that when there is trade liberalization, there will be reduced tariffs on exports. This is a very big concern to many stakeholders and to our governments in the Partner States. It is unfortunate that the EPAs are not addressing this issue squarely. How are our local governments, national governments going to address the issue of this projected income loss? We think that we must have an opportunity to critically discuss the situation and we get full commitment from the EU as our bilateral negotiator or as our bargainer in this arrangement to see to it that we can get equal treatment in this arrangement.

Of course there is the Economic Development Fund (EDF), which is included in the EPAs under Article 36. This EDF has conditions attached to it, and in most cases it is appended on human and social development, but we know very well that the EPAs should target the opportunity of improving the supply side of many of our countries. And the supply side of our countries hinges on the production aspects, and we know very well that some of the hardships we get as countries hinge on the infrastructure development. We should be given an opportunity for this EDF fund to be relocated and to be invested, for instance, in the development of specific joint infrastructure. If you talk about the railways, if we can have investment in the railways, we will be able to cut transport costs by almost a half, and I think we are not yet in position to get this opportunity the way we are standing in this kind of arrangement of the EPAs as they are.

I want to echo what hon. Mmari said. We realize that the EU is negotiating as a block, and we in the Partner States are negotiating as individual countries. Where is the rationale? How can we have equal power of negotiation when we are negotiating with a block which is over 30 states strong, and a country like Uganda with a GDP of just about...I don't even want to mention, but you know what I mean. So, we are concerned about these very unequal power relations in these negotiations, and we know that they can't derive anything meaningful to our people. We also know that all our aspirations, which we intend to derive out of the EPAs, like improved welfare, improved employment, will all be in vain.

I also want to mention the loud concern in the motion that the date of 30 July 2009, which appears in Article 3(2), is not tenable. It is not tenable because there are many aspects, which we still think need to be addressed, and we realize that the EU is pressing. Yesterday we had an opportunity to meet the Chairman of the Committee on Trade and Investment, and he told us that the EU has gone to the extent of paying the funds which were required of the East African Community countries into the WTO. We appreciate that gesture, but we also know that the gesture is not without intentions. We want to question some of those intentions. We know very well that when the Doha negotiations stalled -and up to today they are still stalled- many countries were given a chance to go back and study and launch studies within their countries and to see what they can best derive out of the WTO negotiations. But without being given an opportunity to be supported in research, the EU is going ahead to encourage or to demand that we sign on this date.

Mr Speaker, I want to re-emphasise that this date is not tenable. I want to ask -and this question should come in form of being assisted- after initialling the interim EPAs, can we have an opportunity to expunge some of the undesirable clauses? Can we have an opportunity to remove, for instance, Clause 37 of Chapter 5?

When I looked at Article 2(b) - sir, allow me to read it: "*The objectives of the Economic Partnership Agreements are: promoting regional integration, economic co-operation and good governance in the EAC.*" As I read through the whole interim EPAs document, I was scared because it seems like this aspect of good governance is being smuggled in, smuggled in because it may not have direct relations with many of the trade aspects, which are being talked about in here. I am therefore asking; can we have an opportunity to expunge some of these clauses, which are in the initialled EPAs?

Mr Speaker, I want to conclude by requesting that the Council of Ministers gives us an opportunity or makes a statement on the Floor of this House, briefing us fully on the status of the EPA negotiations and how the Partner State negotiators are dealing with many of these issues, which we have raised *-(Interruption)-*

**Ms Mmari:** Information, Sir.

**Ms Zziwa:** I take it.

**Ms Mmari:** I thank hon. Zziwa for giving way. We were just talking about partnership and the way they are dealing with this thing. I thought I needed to bring up an issue here that as we are negotiating; we are really not negotiating as a block. In fact, in November in the last meeting or round of negotiations that the EAC, EC and the Partner States went to negotiate, there was no agreement on the next agenda to be discussed, and four countries signed the next agenda, one of the countries did not sign. It is Tanzania that did not sign; Kenya, Uganda, Burundi and Rwanda signed the process. What we needed to know is why this particular country did not sign, and what was going to be discussed.

It was actually the very same issue that relates to the infamous Article 37, and specifically the Doha issues. But what does that mean? What did we expect to happen? It was expected that the Partner States would have sat and agreed as a block what they were going to agree upon because they agreed from the very beginning that they are negotiating as a block. *(Applause)*

**Ms Zziwa:** I want to thank hon. Mmari for that information. It is very important because we are actually told in the documents we have that a meeting of the Partner States was held. A joint meeting was held to flush out some of these issues, but they did not agree, and when they did not agree, the following day or the following two days they were all invited to Brussels, and they went for negotiations. Having failed to agree back home, they were in Brussels now to negotiate; all of them. I think this brings to the Floor the respect of the laws which we have put in place to guide the operations of the Community.

**The Speaker:** You can conclude. We are running out of time. Please, conclude!

**Ms Zziwa:** Mr Speaker, I want to support this motion. I urge the honourable colleagues to support this motion, and I want to call upon the Council of Ministers to help us. If it requires a full sectoral council to be invited to brief us, so be it, but we are dying of having no information yet the processes are going on. I beg to support. Thank you. *(Applause)*

**The Speaker:** Hon. Ndahiro, if you could be brief please. A lot has been said so far, so hon. Ndahiro, please don't repeat what has been said, and be brief.

**Dr James Ndahiro (Rwanda):** Thank you hon. Speaker. I am a member of this committee, and what I would like to bring out is that we can be sure that the deadline given of 30<sup>th</sup> July 2009 will not be met, and that we still have a chance because we are informed that even the other block, the ACP countries, has refused to sign, and their deadline was December 2008.

So, we are still safe. The Council of Ministers still has time to make sure that what went wrong, what still requires to be negotiated is handled in a proper manner. It should be handled jointly now so that we avoid these issues of one Partner State or the other Partner State not coming together with the others to take a common position.

Mr Speaker, when we met one of the experts, we were informed that it seems the EU has a strategy, and our people have no strategy. The strategy being used by the European negotiators is the fast mover advantage. When our people go for negotiations, they go without any documents whatsoever. They are given documents prepared by the other people. When you receive documents -and you know the tickets are paid for; the per diem is paid and so they determine when you should leave the meeting- you will find that in the middle of the negotiations, one lady comes around and says, "You have to be at the airport at 2.00", and maybe now it is 12.00! So, everything is done in a manner that it is under control.

What I would wish to see is that if we can, as a block, we should put together a fund and support these negotiators. (*Applause*) Also, we should prepare ahead of time so that when they play, they play into our hands. We should also not always go to Brussels. Why don't we call them to Arusha or to somewhere else, and they sit under a tree and not in a hotel, so that we dictate what – (*Interjections*) - I think the other members of the Committee have also echoed similar sentiments to what we all have.

Then there is the issue of the changing world order. Mr Speaker, despite what we are saying, we are not even sure whether the development fund is going to materialize after the current financial crisis, because, when they were contacted to provide the development funds, what happened was that they rejected it completely, saying: "We are not willing to negotiate and discuss on that issue. It was captured in the Cotonou Agreement, so don't open it up". Now, they are dictating to us; it is as if we are miserable!

Mr Speaker, you don't need to be a student of economics to understand that development is a summation of factors of production properly employed. If we are not in control of our own factors of production...the European Union wants to put Africa in their backyard so that we are protected from China; we are protected from India; we are protected from other people. Why? Are we the property of the European Union? (*Applause*) We shouldn't agree at all! If we have no funds, we had better stop the negotiations, because we can not pretend to be negotiating at arms' length. You don't have control; you are taking orders only...It doesn't work at all!

I think that before we go into negotiations with the European Union about market access or whatever, we should first conclude the Common Market. If we can, as a block, conclude our protocol and agree on the four freedoms, then for sure we shall have a shared vision of the region. So, with a shared vision we can then negotiate as a block and we can make sure we protect our vision. Otherwise, they have already made sure that they go ahead and negotiate. They use bilateral tactics to come and intimidate our individual countries; they blackmail us and then we just enter into different agreements, and at the end it is going to be difficult to re-open negotiations.

An example is when they were being asked to initial the first draft. They were told, "Don't worry, initialling is not signing. Just initial, then when we come up with the final draft, and before signing, we shall be able to negotiate each and every issue that is in the initialled document." Afterwards when they were contacted to re-open negotiations on some of the Articles in the initialled document, they were told, "No! Impossible! When you initialled this you understood well that these issues are not going to be revisited; so forget about it. Let's try

and finalise, and when we are finalizing then we shall perhaps correct some few things in the final draft, but you cannot go back and negotiate on these things". So, there is no good faith. When you are doing business with somebody without good faith - I am not a lawyer but I think that agreement tantamount to being null and void.

I don't intend to take much more time, but I totally support the motion. I totally support the committee recommendation that the Council of Ministers should review the process, harmonise positions and put together a fund. If there is no fund, forget about it. Thank you, Mr Speaker. *(Applause)*

**The Speaker:** Honourable Members, this motion has got a lot of support and I don't think there are any questions to the mover, so I put the question to it.

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

*(Resolution adopted.)*

## MOTION

### FOR A PRIVATE MEMBERS' BILL

**Ms Dora Kanabahita Byamukama (Uganda):** Mr Speaker, I beg to move\_

THAT This Assembly, pursuant to the provisions of Article 59(1) of the Treaty, and Rule 64 of the Rules of Procedure of the Assembly, do grant me leave to introduce a Private Members' Bill entitled, "*The Administration of the East African Legislative Assembly Bill, 2009*".

**Mr Abdullah Mwinyi (Tanzania):** Seconded.

**Ms Byamukama:** Mr Speaker, the object of this Bill is to make provision for the establishment of a management body of the Assembly, provide for the administration of the Assembly and for other purposes connected therewith. I would like to present to you particular reasons as to why this motion has been moved.

One, we have no specific law for the administration of the Assembly, and as you have heard before, there is need for us to increase our space of operation and, therefore, this Bill will enable us to get this space, and we will be able to administer the Assembly, moving towards its autonomy in financial as well as administrative matters.

Secondly, this motion has been moved in fulfilment of Article 49 of the Treaty. Article 49 of the Treaty provides for the functions of the Assembly; these are several. There are key functions such as debating and approving a budget of the Community, but there is another key function, which is to recommend to the Council the appointment of the Clerk and other officers of the Assembly. Therefore, when this Bill is enacted into law, it will enable us operationalise Article 49 of the Treaty.

Thirdly, this particular Bill will assist us in clarifying matters relating to the commencement of the Assembly. Mr Speaker, honourable members will remember that when we commenced this Assembly we took an oath, but this oath is not found in the Treaty nor is it found in the

Rules of Procedure. And, therefore, this particular Bill, when enacted into law, will also provide for the oath and will have reference in legal terms to our oath.

Finally, when you look at the East African Community Development Strategy 2006-2010 on page 9, it has a development objective for the East African Legislative Assembly and this development objective is: strengthened capacity and enhanced mandate of EALA. Indeed, mention of strengthened capacity and enhanced mandate of EALA obviously refers to both the administrative as well as the financial aspect and, therefore, it is in this spirit that I have moved this motion for this August House to allow me to move this Bill. I beg to move.

**The Speaker:** Honourable Members, the proposal on the Floor is that this Assembly, pursuant to the provisions of Article 59(1) of the Treaty and Rule 64 of the Rules of Procedure of the Assembly, do grant leave to hon. Dora Kanabahita Byamukama to introduce a Private Members' Bill entitled, "*The Administration of the East African Legislative Assembly Bill, 2009*". Debate is open.

**Ms Margaret Zziwa (Uganda):** Mr Speaker, I want to thank you for the opportunity and I want to thank hon. Dora Kanabahita Byamukama for bringing this very important motion.

This motion is very important because we are progressing as an Assembly. We were informed, and I think we know that we have semi-autonomous powers now, and when we become a corporate body, there is need for a legal framework. We need to have a legal framework, which will enhance or operationalise Article 49 to enable us operate better and get more enhanced in terms of our roles of legislation and oversight.

This motion will give us the opportunity, not only to draw on the resources of the Community at large, but also to look within its ambits on the possible arrangements, which can be entered into directly to help or support the programmes of the East African Legislative Assembly, which in most cases gets bogged down or gets insufficient funding and at times is postponed time and again.

Mr Speaker, this Bill will help to actualize the operations of the House Business Committee to enable the work of the East African Legislative Assembly to be expanded and strengthened to be able to match with the modern principles of governance, namely; the separation of powers. Currently, when a lot of our programmes are approved, the Secretariat may have or the Council of Ministers do have a say, perhaps also a veto on our budget, and that in itself hampers many of our programmes from being effected.

Allow me to quote the frustration, which we experienced as the Committee on Accounts in which I serve. We drew a programme of action for our activities to help build the capacity of the honourable Members in the Committee of Accounts to be able to effectively do our oversight work. That programme was relayed, and we were very anxious to have those activities properly funded, perhaps in their chronological order. We appreciate that many of those activities would not have been funded, but for the effort which the Speaker and the House Business Committee put in to look outside the structural budget of EAC. We ended up with some of those activities not being taken, despite their importance. So, we are very hopeful that when a Bill of this type comes into place, we shall be able to have many of our activities and programmes properly budgeted for and properly taken care of.

Also, there is a reason, which the mover has talked about, of strategic commitment and strengthening the capacity and the mandate of the East African Community. They should give us a chance to be able to do outreach. I will share in hon. Masha's concern about the issue of



publicity and information dissemination to our Partner States, and acknowledge that part of the limitation of the budget is because we do not have much of the power we require to have most of these activities budgeted for. For that reason, and also drawing from the practices in our respective Partner States -in Uganda there exists an Administration of Parliament Act which helps a great deal in implementing policies, and in administering Parliament. And the policy touches on the issues of recruitment, issues of motivation of Members of Parliament and their welfare, and I know very well that this is the same in the Republic of Kenya.

So, I think this is a very important Bill, and it will give a chance to this august House to look critically on its strategic plan as the East African Legislative Assembly because currently we may be within the greater East African Strategic Development Plan. So, I wish to support this very important motion that this Assembly accepts to have the Bill entitled, "*The East African Legislative Assembly Administration Bill, 2009*". I beg to support, Mr Speaker. *(Applause)*

**The Speaker:** Honourable Members, we are running out of time, and I think the people are supporting the Bill, so I put the question to it.

*(Question put and agreed to.)*

*(Motion adopted.)*

#### **ADJOURNMENT**

**The Speaker:** Honourable Members, we have come to the end of the business for today. As you are aware, we have an address from the Chairperson of the Summit tomorrow, and he will be arriving here at 2.30 p.m. so Members should be seated tomorrow by 2.30 p.m.

*(The Assembly rose at 6.11 p.m. and adjourned until Friday, 27 February 2009 at 2.30 p.m.)*