



**EAST AFRICAN COMMUNITY**

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**EAST AFRICAN LEGISLATIVE ASSEMBLY**

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

**69<sup>TH</sup> SITTING – FIRST ASSEMBLY: FOURTH MEETING – FIFTH SESSION**

**Tuesday, 26 September 2006**

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

**PRAYER**

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

*The Assembly was called to Order.*

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**PAPERS**

The following Paper was laid on the Table: -

*(By the Chairperson, Committee on Agriculture, Tourism and Natural Resources):*

The Report of the Seminar on the Receding Water Levels in the Lake Victoria

By the Chairperson, Committee on Communications, Trade and Investment:

The Report on the Public Hearing Workshops on the

Aspects of the Proposed East African Community Common Market

**MOTION**

Report of the Seminar on the Receding Water Levels in the Lake Victoria

**Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms. Lydia Wanyoto Mutende (Uganda):** Mr. Speaker, sir, I beg to move\_

THAT, This Assembly, Pursuant to the provisions of Article 49 (2) of the Treaty, and Rule 79(1) (h)

of the Rules of this House, do consider and adopt the report of the seminar on the receding water levels in Lake Victoria.

Hon. Speaker, during the months of May to July 2006, the Committee on Agriculture, Natural Resources and Tourism conducted a working tour and held a seminar on the receding water levels on Lake Victoria. This was a follow-up to concerns and complaints from various stakeholders to the effect that the lake was experiencing severe threats that were impacting negatively on the socio-economic and other intrinsic values of the Lake basin.

The main objective of the tour was to assess the impact of the receding water levels, which would form the basis for the required interventions by the Committee and this Assembly.

Mr. Speaker, Lake Victoria is one of the most critical trans-boundary natural resources that link the three Partner States. It supports the livelihood of an estimated 30 million people within East Africa and also contributes an estimated annual Gross Domestic Product of US\$30 million. The main economic activities on Lake Victoria include, but are not limited to, the following: it is a major water way linking the three Partner States; it is a source of hydroelectric power in our region; it is a source of water used for domestic and commercial purposes; it moderates the micro-climate in the surrounding area; it is the largest inland water fishing sanctuary in our region and has a rich bio-diversity that is of local, national and international importance. Among other activities, it is a major tourist attraction.

Mr. Speaker, sir, the tour covered the areas of Mwanza in Tanzania, Kisumu in Kenya, and Jinja in Uganda. Our visits were conducted in a manner that was participatory, interactive and included formal presentations, plenary discussions, oral or informal discussions and questions and answer sessions by participants.

Mr. Speaker, sir, we found out that the causes of the receding levels included the following major issues: persistent drought; over obstruction of water for power generation; increased wetland degradation, and, watershed degradation due to unsustainable agricultural practices, for instance cultivation on slopes and deforestation

Mr. Speaker, sir, we found out that the receding level of the water of the lake had presented a number of challenges including the following:-

- (i) extinction of marine life and breeding grounds for fish
- (ii) cutting off of wetlands and bays where fish such as tilapia migrate during breeding
- (iii) fall of electric power generation and there were adverse effects on water levels for domestic consumption and commercial purposes as it is detailed in our report
- (iv) adverse effects on the docks for vessels plying the lake.

The details of these, both in pictures and also in print, are on pages 35-39 of the detailed report.

Mr. Speaker, after the tour the Committee confirmed that indeed the

receding water levels in the lake did threaten the major socio-economic activities and other potential uses of the lake. It is from this background and using our report as a working document that the Kisumu seminar was convened to bring together major stakeholders to seek further understanding of the causes and consequences and come up with harmonised recommendations and action points to reverse the trend.

Mr. Speaker, sir, apart from the Members of the East African Legislative Assembly, participants in the seminar included Members of Parliament from our Partner States national assemblies, representatives from governments, research institutions, universities, development agencies, the media and civil society organisations. I draw your attention to the list of participants from pages 46 to 61 of our detailed report.

Mr. Speaker, the following are what the Committee thinks are major recommendations of our tour that ended in a seminar:

Number one, we feel that governments should put in place and facilitate early warning systems and build capacity of hydrological and meteorological institutions for purposes of improving the monitoring and prediction of weather patterns to detect events such as droughts, floods and other disasters.

Mr Speaker, during the seminar we were able to allot action points to institutions that needed to do something. On recommendation one, we feel that this is work that is meant for the line ministries and research institutions and universities that attended the seminar to take up.

Secondly, the Partner States have legislation regulating cultivation on riverbanks and catchments areas. These laws should be reviewed, harmonised and enforced. This assignment was left to Members of Parliament at the national level and Members of the East African Legislative Assembly at the regional level to harmonise the roles in terms of legislation and regional policy harmonisation.

Number three was the sensitisation of various stakeholders, especially the communities across the board; that this should be a participatory and continuous undertaking. There should be clear linkages between the researches, workshops and caucuses on the lake to the practical interventions in addressing the challenges prevailing on the lake.

Mr. Speaker, during our tour and seminar, the Committee found out that over 2000 NGOs (non-governmental organisations) operate around the lake doing different activities including research, sensitisation, and awareness campaigns. We feel that all these organisations should work together with inter-governmental organizations, local communities and Members of Parliament of those areas to harmonise the studies that have been done so that they address the practical interventions of the problems on the lake basin.

Recommendation number four was to have re-forestation and aforestation by the governments and the local communities aggressively undertaken so as to protect the basin and its eco-systems. We agreed that the Members of Parliament should take it upon themselves to raise awareness campaigns and provide the relevant seedlings so

that a more harmonised way of planting and doing aforestation by the communities is done in a more formal and organised manner, together with local communities and non-governmental organizations operating in the area.

Mr Speaker, recommendation number five was to address sustainable land use practices and the use of efficient energy-saving stoves. This should be a responsibility of all the leaders and the communities that live around the lake so that they can appreciate how to sustain and co-exist with the natural systems around the lake.

Recommendation number six was on the controls on the extraction of water at Jinja to be enforced so that the Nile outflow is stepped back to what is called the Agreed Curve. During our tour, and from the studies that had been done by experts, it was been found out that the second dam at Jinja on the Nile had caused 24 per cent of the lowering of the water levels. But the Government of Uganda has moved this financial year to close the artificial outflow, and it is no longer a problem. So, this has already been achieved since our seminar took place.

Recommendation number seven was to institute and empower a regional regulatory body to regulate maritime safety within the lake. For purposes of security in the lake, we thought it was important to set standards, regulate and oversee the security machinery and seaworthiness of vessels, monitor the pollution and put in place systems in case of floods or other disasters. Mr Speaker, during the workshop - as it stated on page 5 of the report, we were

made aware that at the regional level we have already put in place the Lake Victoria Basin Commission, but we need to empower it and facilitate it to do its work; give it the capacity it deserves. We already have at the regional level the Protocol for the Sustainable Development of Lake Victoria Basin, 2003, but we did recommend several other measures on how to empower this regional institution so that they are able to regulate and oversee the activities on the lake.

Mr. Speaker, I would like to acknowledge the following as I conclude my brief remarks on the report: In the undertaking of this activity, I would, on behalf of the Committee, like to register my sincere appreciation to you, the Council of Ministers - and here I want to be specific and recognise the participation of the Rt. hon. Kategaya, the Minister in charge of East African Community from Uganda, the Chairperson of the Council of Ministers, hon. Koech who was with us to open the seminar, and hon. Dr. Khalwale, the Assistant Minister for the East African Community from Kenya. I must say we did miss their counterpart from Tanzania; the rest of the Members of this Assembly, especially Members of the Committee, for their commitment and support that enabled us to reach this far.

Mr Speaker, I would like to mention: hon. Hulda Stanley Kibacha, hon. Calist Andrew Mwatela, hon. Gilbert Ochieng-Mbeo, hon. Dr. Norman Sigalla, hon. Mahfoudha Alley Hamid, hon. Sheila Kawamara Mishambi, hon. Maj. Richard Baker Ddudu, hon. Prof. Margaret Kamar, and last but not least, our friend, hon. Maxwell Shamala who joined us in

the tour and also at the workshop – *(Applause)*.

Mr. Speaker, the second category includes the Chairpersons of our sister Committees in Uganda, Kenya and also in Tanzania. I would like to recognise that we have been working with hon. Franklin Bett, the Chairperson of the Agriculture and Natural Resources Committee of the National Assembly of Kenya and his committee, and the Vice Chairperson of the same Committee from the United Republic of Tanzania, hon. Kidawa Hamid and the Committee Members. They have helped to move the recommendations forward by planning and organising similar seminars for Members of Parliament at the national level, and we hope that we will be invited to participate so that it is a harmonised and combined effort to address problems of the lake.

The third category is of the communities we visited, government officials, ministries, departments, research institutions, experts, the civil society organisations and the media. Many of them did participate in the seminar as well.

Mr Speaker, the fourth category is of those who funded these activities. AWEPA (Association of the European Parliamentarians for Africa) funded the tour around the Lake Victoria, and we would also like to appreciate the support of the government of Kenya through the Kenya National Assembly that did support the seminar in Kisumu.

On this note, special thanks go to our colleagues from the Kenyan Chapter under the able leadership of Hon. Calist Mwatela for the facilitation and

arrangements that enabled us to convene this seminar.

Mr. Speaker, sir, I would like to commend our staff and thank them for the good job they did: the Clerk, Mr. Bundi, and our own Clerk of the Committee, Mr. Paul Masami, for always making it possible for us to perform our duties.

Mr. Speaker, I hereby submit the Report of the Seminar on the Receding Water Levels in Lake Victoria held at Kisumu Hotel in Kisumu City, in the Republic of Kenya, held from 30<sup>th</sup> June to 1<sup>st</sup> July 2006 for your deliberation and adoption. Mr Speaker, I beg to move – *(Applause)*.

**Mr. Calist Mwatela (Kenya):** Mr. Speaker, I beg to second the Motion, and if you will allow me, to begin by first all wishing our Muslim colleagues a spiritually productive holy month of Ramadhan – *(Applause)*.

Mr. Speaker, the Chairperson of the Committee has outlined the pertinent issues raised in the report, and before I go into one or two details, may I take this opportunity to most sincerely thank the Members of this House for turning up for the Kenya tour? This seminar was part of the tour, and I think this is an opportune moment to extend my gratitude to all of you Members for availing time to come for the tour. May I say specifically to the Kenya Chapter that your efforts were indispensable in this tour, and I would like to commend my colleague, hon. Abdi, for spending a lot of time in preparation for the tour! *(Applause)* But that does not belittle the role that was played by other Members – *(Interjection and Laughter)*.

Mr. Speaker, I would also want to take this opportunity to thank you for supporting us. Although you were not physically present, but your words of encouragement definitely led to the success of the tour – (*Interruption*).

**The Speaker:** Anyone opposed to that statement? (*Laughter*)

**Mr Mwatela:** Mr Speaker, may I also thank the Clerk of the Assembly? In this particular tour, the Clerk played a central role in the organisation, and the organisation was very good. So, I think it is fair that we commend the Clerk for his efforts, and indeed likewise his colleagues and all the members of staff who played some role in the organization – (*Applause*).

Mr. Speaker, I think this was the last of the tours that I had organised as Chairman of the Kenya Chapter, and I just hope that the culture will continue with the next lot of Members that come, because it is very important that our Members get to know in detail the constituencies that they represent.

Mr. Speaker, there are only two things that I want to comment on, on the report. I want to emphasize that the receding waters of the lake have caused massive economic losses to our people, and it is important that that fact is taken on board, and our governments should address, as an immediate concern, the issues, and the recommendations that have been made should be put in place to stop the waters from receding further and, if possible, to reverse the trend.

Mr Speaker, particularly on fishing, some years back the European Union insisted that fishing communities form

co-operatives and groups and build facilities for landing fish. This was done, but when we went round the lake, all the facilities that we visited have been rendered useless; they can no longer be used. Actually it is fortunate that up to now the European Union has not come back to insist on new landing sites to be built, because at that time they actually went ahead and temporarily banned importation of fish from East Africa. I think the governments need to do something very quickly about that situation.

The second item that I would like to comment on is the role of the lake Victoria Basin Commission, which has just been put in place. In managing the lake, I think it is becoming increasingly more important that there should be a central organization or institution that manages the affairs of the lake. So, in order that this institution does its work, it is important that relevant legislation is put in place by this Assembly. I hope the members of the executive, who are not represented here but who hopefully will read the *Hansard*, take note of that so that they immediately put in place the relevant legislation so that the Lake Victoria Basin Commission can start functioning. With those few remarks, I second the Motion – (*Applause*).

**Amb. Isaac Sepetu (Tanzania):** Thank you very much, hon. Speaker, sir, for giving me the Floor to give my views on this report. From the outset, I would like to register my appreciation for the very good report which we have in front of us and the manner in which it was presented by the able chairperson of the Committee, who has summarised the report in her speaking notes. The report is very good and for the fact that the

House was fully involved in this seminar, I think it is only proper to accept it as a report of the House.

There were many groups involved in this report. The fact that some Members of the National Assemblies were involved in the seminar is a very good precedence of involving the Members of our National Assemblies in the work of this House, and I think this is very good. The Ministers responsible for the Affairs of the East African Community were also present with the exception of one. I would really like to make an appeal that in future, all the ministers should be involved in such activities – *(Interjection)* - and it is their duty – *(Applause)*.

While we are speaking here, the executive is not present, but we know that they are supposed to be here because their appointments have registered the importance of their being present and being involved in all the activities of the Community. So, it is really important that when we plan our meetings the ministers should be present. Nevertheless, I would like to join those who congratulated hon. Eriya Kategaya for taking the Oath – *(Laughter)* - and also for joining the executive. It is only my hope that in future the participation of all ministers in the work of the Assembly will be registered. I think it is important for them to be physically present here in Arusha so that they can participate fully in the work of the Community and also monitor the activities, and in one way or the other push the implementation processes of all the activities of the Community.

Hon. Speaker, sir, it is imperative to register our appreciation to the Kenyan

Government for the way they have been handling the East African Legislative Assembly. The Kenyan Parliament has taken it upon itself to finance the East African Legislative Assembly activities to the extent that they have been supporting our tours in Kenya. So, this is a very good example which has to be followed by other Partner States.

It has not been possible for us to tour the other two countries, Uganda and Tanzania as we would have liked to because we depend on donor money from institutions like AWEPA (the Association of European Parliamentarians for Africa) and FES (Friedrich Ebert Stiftung), who make it possible for our committee work to progress. If it were not for the decision of the Kenyan Government to sponsor and support the tours in Kenya, we would not have been able to visit Kenya for the last five times; in each year we made a visit to Kenya. Even this seminar would not have been possible. So, we have to thank and commend the Kenya Government and the Kenya Parliament for this – *(Applause)*. We hope that this will be emulated by the other Partner states: Uganda and Tanzania.

*Mheshimiwa Spika*, I have something in my mind about Lake Victoria. Lake Victoria is very important to the three Partner States, but also, it is a meeting point: it is a point where the three countries meet and have a common border. The name “Victoria” itself is a colonial name; It was given way back in the 19<sup>th</sup> Century when some of the adventurers or explorers came to visit the lake. So, I was wondering whether this name “Victoria” could not be changed to an authentic African name in the three Partner States. I am aware of

the fact that in the three Partner States the lake had different traditional names, so we could look into that – maybe the executive should look into that and see whether we could not find a suitable name befitting the lake in the three countries and also in the spirit of the federation which we are thinking of – *(Interjection)*. If not, we could borrow a leaf from Tanzania.

When Tanganyika merged with Zanzibar, there was a kind of competition to look for a suitable name for the new union, and we came up with the name “Tanzania” which joined the first two or three letters of the merging countries: “Zanzibar” and “Tanganyika”. That is why we have “Tanzania”. So, the same thing could be done. If we do not want to take the traditional names, then we could make a competition so that people come up with proposals which would give the lake an authentic name other than the name we have at the moment. This is my appeal to the executive that they should look into that – *(Interjection)* - or maybe the Community itself, in the spirit of the East African federation. I think it is high time we changed the name from the colonial name to an authentic African name – *(Interruptions)*

**A Hon. Member:** What about your name?

**Amb. Sepetu:** My name was given by the church but I had an original name. If you want to know – *(Interruption)*

**The Speaker:** Hon. Sepetu, you do not have to respond to – *(Prolonged Laughter)* -

**Amb. Sepetu:** So, having said that, hon. Speaker, I would like to support the Motion and ask for the implementation of all the recommendations made by the Committee. I thank you very much.

**Maj. Richard Ddudu (Uganda):** I thank you very much, Mr. Speaker. I would like to add my voice to that of my hon. colleagues who have already passed on their votes of thanks to the Committee for a job well done, and to the Kenyan Government and Parliament, and of course to the Members of this august House from Kenya for having, repeatedly over the years during our term, planned and conducted tours, which at the same time have been of academic value to us.

Mr. Speaker, I would like to address myself to some aspects of the findings and the feelings that some members of the public had as we were looking at the drop in water levels of Lake Victoria.

Scientific facts that we came across indicated that 44 per cent of the loss of water from the Lake Victoria was through natural evaporation from the surface of the lake, and that 55 per cent was through over-extraction, largely through the Owen Falls Dam and Nalubaale, and of course the other part, negligible almost, through industrial and domestic use.

As we moved around, I noticed that there was overemphasis on the 55 per cent loss through extraction through the dam. Though these figures may be correct, but emphasis on them actually, in my view, caused skewedness in the remedies that had already been suggested.



Mr. Speaker, the remedy for the 55 per cent loss was obvious: it was to return to the Agreed Curve. And I would like to thank the Uganda Government for returning to the Agreed Curve at the point of discharge, and I think by now they should have sat down to decide on the discharge through the new Nalubaale Dam. But of course you might notice - if you are a frequent traveller around there - that, that move has not yet produced a significant change in the level of the water. And this brings me back to the point that if you have correct diagnoses, you will get correct remedies.

If you have incorrect diagnoses, depending on the degree of research you did, then you may have only partially correct remedies. This became very clear when we toured the Kisumu area in Nyanza Province. It emerged that there was something particularly important and impacting on this energy relations that was not being taken into account. And we had, in my view, a lot to learn as individuals, as leaders and as states, from what we eventually concluded after the tour of Nyanza, and taking into account the other previous tours of Kenya.

Mr Speaker, you will note that Kenya has a deliberate policy that she has been following in planning its energy sector. She has, in my view, correct management of her energy sector. When we were in Nyanza Province, we actually went and visited one of the hydro-electric power plants which was started some years back and is still being constructed. It will start producing power some time in the next two years, and then it will continue building other phases downstream for hydroelectric power. We had of course also gone

round other parts of Kenya in previous tours and found that they had various other power stations, and that they were producing power from various and diverse sources and, therefore, now as we speak, Kenya does not experience any of the power cuts that we have in Uganda and Tanzania. So, all that it took was only planning.

In Uganda, of course after the Owen Falls Dam was built, we would speak about having enough power and selling the rest to Kenya who had nothing! In fact it is still in the Ugandan Geography Syllabus that Uganda produces so much power and the excess is sold to Kenya, which only has a power station in Athi River, which keeps drying and silting! So, the implication is that Kenya is actually doing worse than Uganda but what we learnt is that Kenya could actually export power to Uganda and we do away with all these problems we have been having of power cuts and what have you!

And, Mr Speaker, because we had only looked at the historical aspects of the water levels, we could not conclude, and therefore come to terms with what is happening globally and generally in Africa. If you go to Ghana, you will find that the goldmines are about to close because of receding water levels. They are rationing power in Ghana, and I think Benin is worse!

So, this is some phenomenon that is happening globally. Therefore, in our recommendations, if we had brought in the global perspective and maybe the continental perspective, we would have ably touched on those issues and looked at the remedies. But what I would like to emphasize here is that Kenya planned

for its energy requirements and therefore it is doing well. Maybe we did not envisage in Uganda and Tanzania that with the liberalisation of economies and world economic improvements and what have you we were going to have so many industries that our power requirements would rise!

So, what we need to do is to extrapolate our power needs and plan accordingly. And probably, if we did it together under the East African Community, then we would borrow a leaf from Kenya and best practices from other countries, and in the near future we would have no energy crisis.

Mr. Speaker, I would also like to talk about safety of navigation on Lake Victoria. Because of the receding levels of water, it is a little bit more dangerous now to travel on Lake Victoria because rocks that were submerged by the lake levels are now in the open, and of course this, coupled with inadequate navigation equipment will result in unnecessary accidents. We have already had a very big accident in Uganda but to date we do not have a law on safety of navigation in place, and this is a very serious omission.

On our part as an Assembly, we should have already come up with a Bill and even passed it! If we had a Bill in place, I am very sure that the accident that happened in Uganda would have been avoided, because in the findings, some of these vessels that were being used were not sea worthy. If we had such regulations in place, then these vessels would not be on that lake!

With these few observations, I beg to support the Motion. Thank you very much – (*Applause*).

**Mr. Med Kaggwa (Uganda):** Thank you very much, Mr. Speaker. Let me also join my colleagues who have spoken before me to thank the Chairperson and her Committee for this good report and, secondly, to thank the Kenya Government, through the National Assembly of Kenya, for enabling us to make those tours, which, as my colleague has said, have been of paramount academic importance.

Mr. Speaker, I have two-three comments to make on this report. As I read the recommendations, recommendation number two recognises the various legislations in the different Partner States regarding cultivation in catchments areas. I want to widen it to the various uses of Lake Victoria. I want to suggest that the next House that will be coming should take it upon itself to push for a single legislation governing the use and activities on Lake Victoria.

I say this because, following this trip we all realise that the problems that affect Lake Victoria are not limited to any one Partner State, nor do they affect only one Partner State but all the three Partner States. Therefore, whatever is likely to affect it and possibly lead to its eventual dying should be of paramount concern to the regional body in the name of the East African Community, and in particular to the Assembly because at least we have a regional perspective and therefore are better suited to come up with a uniform law to govern the activities in Lake Victoria.

Mr. Speaker, the other comment arises out of recommendation four: Aforestation and de-forestation. I have been reading in the Press, and I think it is in all the three Partner States, how forests are being encroached upon. And if I recall correctly - I am subject to correction - In Kisumu, we were informed, among other things, that the cutting of forests also has a bearing on the levels of the waters in Lake Victoria. Again, it is my humble suggestion that this area should also be looked at in a regional manner so that any activities taking place in forests which have direct bearing on Lake Victoria are governed by regulations emanating from the East African Community. This should also apply to the construction of dams. I think the example of Nalubaale has opened our eyes that this construction did not only affect Uganda but has also affected the rest of East Africa through Lake Victoria. So, there is also need for the Partner States to get interested in those activities that have a bearing on the lake.

Mr. Speaker, the last point I want to make regards what we observed, and I want to urge the next Parliament to effectively publicise these issues to the peoples of East Africa. I think it is very important that the public gets to understand the actions of the executives, and the bearing these actions will have on them. It is only through sensitization that they will bring to bear on the executives what steps they should take in regard to what may affect their lives.

With those remarks, I beg to support the Motion. I thank you sir.

**Dr. Norman Sigalla (Tanzania):** Mr. Speaker, sir, it defeats any intelligence for a person not to congratulate those

who deserve congratulations. In this regard, I would like to extend my congratulations to the Government of Kenya, and in particular the East African Legislative Assembly, Kenya Chapter, for making the Kisumu seminar possible - (*Applause*).

Mr. Speaker, conducting a study has two dimensions: One is data gathering and information, which include deducing the problems on the respective problem, and secondly is the implementation of what you have gathered as a problem. In this regard, the first part of the study is complete in the sense that the Committee on Tourism, Agriculture and Natural Resources has already collected the data and we are now aware of what causes the decline of water levels as indicated clearly on page 11 of the main report. It is my belief that these three Partner States will enforce the recommendations because these are scientific measures which have been proposed to ensure that we restore, or manage to a good extent to restore the water levels of the Lake Victoria.

Secondly, it is my belief that it is high time the Partner States, through the local councils, ensured that they are mandated with the responsibility to protect the riverbanks and catchments areas, because this is how we will manage not to lose the waters which flow into the Lake Victoria. It is also important to ensure that that the usage of water - in particular of those rivers which pour their waters into Lake Victoria - is managed.

Arrangements should be put in place to ensure that those who use the waters which flow into the Lake Victoria are monitored. People in those areas, in

particular in the Lake Victoria Basin, have to be sensitised on the importance of protecting the catchments and on the importance of afforestation, particularly planting of trees and protecting the river banks and the catchments areas.

Without sensitizing the people, we will continue debating and our people will not know what should be done in order to protect the lake. It is my humble opinion that the people of the East African Community, in particular those around the Lake Victoria, sincerely would not want to lose the waters, but they do not know what is causing the water levels to recede. It was not until we completed the study that we realised that these were the causes of the receding water levels. How about those who have not gone through such a study? Obviously it would be hard for them to understand the matter.

Over abstraction is also indicated clearly on page 10, and our report narrows to Nalubaale - or the Jinja hydroelectric power station.

Mr Speaker, finally, I would like to register the economic impacts which the three Partner States are suffering out of the receding water levels. In this regard, I would like to cite and register the impacts which have been indicated in our report on page 10 as the impacts that the East African people are facing as far as the receding water levels are concerned.

Mr. Speaker, I would like to end my contribution by extending my congratulations to the Chairperson of the Committee on Tourism, Agriculture and Natural Resources, hon. Lydia Wanyoto, and at times hon. Mwatela, for their

encouragement and abilities in managing the Committee, which has come up with this good report as most of you have already commended it – (*Applause*). In this regard, Mr Speaker, I think some of the congratulations go directly to the speaker on the Floor, because I too belong to the same Committee – (*Laughter*). Thank you.

**Mr. Yonasani Kanyomozi (Uganda):** Thank you Mr. Speaker. I just want to first thank the Kenyan Chapter of the East African Legislative Assembly and the Kenyan Parliament for availing us the opportunity to do what we did regarding the receding waters of Lake Victoria. I am only surprised, though, that we are in this Chamber without anybody from the executive sitting with us, nor any one at the ministerial level – (*Interjection*) - except hon. Khalwale, who is here as an honourable guest of the House, because he is sitting in the distinguished Speaker's Gallery. Even the absence of the officers of the Secretariat in the Treasury Benches is also worrying. We have neither the ministers nor the members of Staff taking notes of what is being observed. I think this is a very terrible situation to be in, and I hope it will not be repeated from now on – (*Interjection*) – because, Mr Speaker, the people who are present are in your distinguished gallery and in the public gallery – (*Laughter*). That is all we have; and I think this is so unfair and abnormal that both the Chairman of Council and the Secretary General should be notified about the matter – (*Interruptions*).

**The Speaker:** Hon. Members, how many Speakers do we have presiding in this House? (*Laughter*) Yes, Hon.

Wanyoto Mutende, you wanted to say something?

**Ms. Wanyoto Mutende:** Thank you, Mr. Speaker, for that wise ruling. They are always pulling us to do wrong things on this side. I wanted to give information to hon. Kanyomozi who is on the Floor that what he is discussing is very painful to us, more so when our programme was postponed to allow the relevant executives to be with us during this time.

**Mr. Kanyomozi:** That reinforces what I was saying, Mr Speaker, and I hope that the message will go to all those concerned.

Mr. Speaker, as a person who has been associated with this lake on two levels, one, as a young man when I used to get up at six o'clock in the morning to go with the Egyptian engineers to measure the flow of the water on River Nile when I was employed by Uganda Electricity Board, and, recently, as a consultant on Lake Victoria Management Programme, I would like to say a few things.

One, regarding the water flow, I would like to look at the report on page 21. If you look at page 21, you will realise that the water levels of the lake - except for the rise as a result of the independence floods of the 1960s - have been relatively very low. By that time, we were not using the lake in the manner that we are using it now. When we changed the usage of the water, we should also have tried to manage it properly, because the flow which would have been adequate, and which would have been used to generate power has also been mismanaged.

There was no need, for example, to put a second dam at Owen Falls where we had placed it. The studies were there and we knew where we should have gone. I do not want to pass the blame, but somehow somebody somewhere in the system decided to open up another dam.

It is like you have this bottle - (*the Hon. Member held up a bottle of mineral water*) - Mr Speaker, and pierce one hole for taking out the water, if you put in the second one, this thing will drain in less than a few minutes. That is what we did, although we are now correcting the anomaly, but it is a costly exercise which we would have avoided.

The plans have been there, the studies of where the dams should be are with us but somehow we overlook them because if they are done by somebody else you do not want to carry them out; you want to try your own experiment - (*Interruptions*) - but the result is a costly exercise like we have had - (*Interjection*).

**Ms. Waruhiu:** On a point of order, Mr. Speaker, the hon. Member should substantiate. He has admitted to have had very close association with the lake, including being a consultant, is he admitting that he is part of this - (*Interjection*) - is he in order? He must substantiate and declare his own interest.

**The Speaker:** Hon. Kanyomozi you may wish to respond to that. Is it about your consultancy? (*Laughter*)

**Mr. Kanyomozi:** No, no, Mr Speaker. I do not think that the hon. Member raised a point of order at all! But let me just inform the hon. Member that what the Uganda Government and all East

Africans know is that the plan for the development of dams on River Nile had been approved as far back as the 1960s, and the sequencing of these dams was in the manner that hon. Maj. Ddudu explained. We all knew that there was no need to put another dam parallel to an existing dam; they were supposed to be in series: Owen Falls Dam, then move down the river towards Nimule in a sequence. But somehow somebody decided to change the trend, and we have a problem for it.

In addition to that, in fact even in assessing our own demands - I was also involved in a study with *Electricite de France* to assess the demand for power in Uganda. That study sponsored by the World Bank was available to us. We knew when we would require the second dam and the third dam and so on. But somehow, these things are not looked at; people are worried about other things, and that is what they do best other than doing things that would have – (*shouts of “who are they?”*) – Those who take decisions – (*Interjection*) - those who are in positions of decision making...The Government of Uganda, since hon. Kaggwa wants me to say it and he has said it on my behalf. Mr Speaker that is what happened, and that is what has caused us a problem.

The second aspect in the report is the need for protecting the environment. I think there is a need to make our people realise that we need to plant trees because they do two thing: One, they save us on the power issue, because most of our people are still using charcoal and wood for generating power for cooking and for other purposes. We need to have discipline and make our people plant trees, which should be a condition, or we

should have by-laws which would impose this to happen in all our areas, or at least in the surrounding areas.

The second aspect is the way people cultivate. People have encroached on the sides of the lake and the hinterland, and the catchments area is really ruined. As a result, we are having a problem. By-laws and laws should be made, and these laws should be East African laws so that they are applied everywhere: in Kenya, in Uganda, in Tanzania, in Rwanda, in Burundi, and later on maybe also influence the part of the Democratic Republic of Congo that affects the catchments area for this lake. If those things are put in place, we would at least secure ourselves on the needs for fuel and also protect the lake to the requirements that we need.

Mr. Speaker, my last point is on the issue of planning for power. Although we have the East African Community Power Master Plan, its implementation seems to be slow. People are still going on their own in the region. We need that master plan interpreted and enforced so that we can plan the power grid on a regional level to help us come out of the problem.

Mr Speaker I thank you very much, and I congratulate the Committee for presenting the report - (*Applause*).

**The Speaker:** I will have two last speakers; one is hon. Ochieng-Mbeo and then hon. Marando.

**Mr. Ochieng-Mbeo (Kenya):** Mr. Speaker, since this is the first time I am speaking since the swearing-in of our good Minister, may I take this opportunity to congratulate in him in

absentia? I hope that he will not take after his colleagues and follow very closely their footprints and footsteps and abandon this House – (*Laughter*).

Secondly, I would like to congratulate the Chairperson of this Committee for what I believe is a job well done. I say this because the participation in the fact-finding mission was very high. I believe the reason why you do not hear much debate on facts is because we are all very well informed. The Committee travelled along the lake and witnessed the kinds of activities that culminated into a workshop in Kisumu which was attended by all of us.

I would also like to congratulate this Committee for having been very kind to bring the activities and the operations of the Nile Treaty into focus. At the end of the day, as much as the credit does not go very much to this Committee, I nowadays hear of ministers from Partner States travelling up and down to Cairo. We hear that they are revising the Treaty that will enable East Africans effectively use the waters of River Nile. It is good work and I commend the Committee for having opened our eyes to that.

Mr. Speaker, before I go very far, I am also perturbed, just like the speaker before me. I believe that when we are debating an issue like this...last week when we were touching on Trade, I saw the concern; not only were the ministers here, but the relevant members of staff were also in their rightful place. Today, we are talking to ourselves and it makes us wonder, where could these officers be? Because I would have imagined that if they were in Kisumu where they were supposed to be, they would be saying sorry it is far-off, and they are doing

other things that concern us in preparation of what may be happening soon. But as it is, I am told they are somewhere on the 5<sup>th</sup> Floor brooding, hiding and almost refusing to go where they are supposed to be. That is what I would imagine because, truly speaking, we would have expected them to be in this House. I take this as a major concern, and they need to be told so.

Mr. Speaker, looking at the report, based on the workshop in Kisumu, I must say we had the best. We had hon. Koech, Dr. Chengula who is a Senior Natural Resource Management Specialist from World Bank; we had Dr. Kipkore, who is the Deputy Executive Secretary in Lake Victoria Basin Commission; there was a very interesting person in Mr. Masawe, who is from a marine service company in Mwanza, who really opened our eyes to a lot of other activities; more so, Dr. Obiero Ong'ang'a, of Osienela who has always been around the lake, and who handles friends of the lake, who was and has always been a very resourceful stakeholder; we had people from Jinja; delegations from all the three Parliaments of our Partner States, and of course, last but not least, our dear Minister Kategaya, who closed the workshop.

Mr. Speaker, as we keep on talking about what is happening in Lake Victoria, my mind wonders, because we have a Protocol for the Sustainable Management of Lake Victoria Basin, which has been ratified by the Partner States. Everything that we debated on and discussed is in this Protocol. Now, Mr Speaker, my concern is that from page one to the last page we talk of everything from sustainable agriculture, land use practice, tourism, promotion of

trade, environmental impact, environmental audit, application of the polluter pays principle, application of the user pays principle, Mr Speaker, everything is in this Protocol but the reason why we are going round in circles is very obvious.

It might be *sub judice*; we are still waiting. Maybe some report will come from the case that was filed by members of this House, but it is simply because the Council has refused to let go of what really belongs to this House...making laws. This Protocol as it stands, practically every title in it is a Bill – (*Applause*) - but as it is, maybe they do not intend for it to come before this House! Even what hon. Ddudu talked about - safety of navigation - is in this book. Now if we had taken this seriously, we would have gone very far.

Mr Speaker, the institutional framework in this Protocol...maybe that is why they cannot even move to Kisumu! I cannot imagine a situation where the Secretariat of the Commission is established without an Act of the Assembly; I cannot! I do not know what strength they have or what will keep them going when they are operating in Kisumu because there are so many other things that might come into play. There are so many other documents that are required for Lake Victoria Basin Commission to be settled, and those come, not from a protocol, but from an Act of the Community. So, I find myself in a state where, if this is what is going to be happening, maybe we will not move very far.

Those who are coming in, Mr Speaker, are encouraged to maybe read properly the...what I am wondering, Mr Speaker, and wondering aloud as you see me

rumbling on is just asking aloud when our East African Court of Justice will come up with the ruling to open up activities that need to happen within the Assembly and let the Assembly be in its rightful place or maybe presumed wrong place. Mr Speaker I am saying this because until such a time that that ruling comes out, we are handicapped.

A job has been very well done by the Committee, which has taken us all around Lake Victoria, brought all the eminent persons to debate and discuss, recommendations have been made and all the recommendations that were made are within the protocol. So, my plea is to the East African Court of Justice. I know it is not possible to ask those kinds of things, but there is nothing we can do, we will keep on waiting. And I am wondering aloud - I do not mean for it to be on record – (*Laughter*) - but I am wondering aloud because I think it holds the key to everything else that will ever be done in this Assembly now and henceforth. With these few remarks, I support the Motion – (*Applause*).

**Mr. Mabere Marando (Tanzania):** *Mheshimiwa Spika*, thank you very much, for allowing me to take the Floor. Just to assuage the fears and feelings of my hon. friend who has been on the Floor, the advocates for the Assembly have received their summons to the effect that the judgement or ruling of the court will be delivered on the 4<sup>th</sup> of October this year, and we are asking Members of the Assembly to be there at 9.00 a.m. We are asking that you be there in your numbers – (*Applause*).

As to the content of the decision, we do not know. It may be against us, it may be for us. We do not know whether it will



open up or close further, but that is the information just to let our hon. Members know that we shall all be there. I have been asked by my lawyer colleagues who are not from Tanzania to ensure that they get their robes, and I will ensure that I collect sufficient robes for every advocate to properly be-robe himself for the court and even the office of the Clerk may lend us some of the cravats and black robes if those I get will be insufficient.

*Mheshimiwa Spika*, may I also commend the report of the Committee under the able leadership of hon. Lydia Wanyoto? I happen to have been invited and I participated in the seminar at Kisumu and met those very eminent and highly qualified personalities who delivered their reports to us. May I also say something about the absence of the executive today?

Mr Speaker, sir, the Bahaya of Tanzania have a proverb: There was a bull baboon sitting on a rock and he defecated. Then he said “well, you do not seem to mind what I have done, but you have heard it!” So, let us tell the executive, they may not be around but the *Hansard* is there. They will hear what we say – (*Laughter*). We are the bull baboons!

Mr. Speaker, sir, maybe the next Assembly should not shy away from the rules as we have been. The House Rules say that if a Member absents himself or herself consecutively without permission of the Speaker, then there are sanctions which may follow. We are not sure whether all our good members have always sought their leave of absence from the Speaker, but maybe my honourable friends who will be in this House next time should follow up, and if

they have been absent without leave of the Speaker, however high they may be, action should be taken – (*Applause*) - so that at least some discipline is instilled on the attendance of this House.

*Mheshimiwa Spika*, on the receding levels of Lake Victoria, I personally recall very personal feelings and memories. I come from about 8 kilometres from the border with Kenya. In the maps of rivers which flow into Lake Victoria, there is a river called river Kuja. River Kuja is an important breeding place for a type of fish called *Ningu*. It has a lot of thorns but it is very sweet. We sometimes started eating it from the mouth because the mouth is the sweetest part of *Ningu* – (*Interruptions*).

In River Kuja there is a centre called Aneko, which is all in Kenya. We used to walk there when I was growing up in the late 1950s and early 1960s. There was an ecological crime we did commit at that time, which we did not know then because of lack of sensitisation. During the breeding time when the *Ningu* came to breed, the female ones would be full of eggs and we used to fish tonnes and tonnes of pregnant female *Ningu*, full of eggs, and we enjoyed the eggs.

Mr. Speaker, when I was at the university, I had a friend from the fisheries department. We happened to travel on a train and I asked him: “There are very few *Ningu* nowadays we enjoy at home, what is wrong?” Then he told me, “you used to fish the female *Ningu*, and that is equivalent to killing pregnant mothers in the village. So do not be surprised if you have few children and a lesser population.” We used to kill mothers; we selected and murdered pregnant *Ningu mothers*! If there had

been sufficient sensitization and education of the people, *Ningu* would not have been where it is now. *Sasa hivi, Mheshimiwa Spika*, you will hardly find any, especially at Aneko.

So what we are saying is that there is a serious deterioration of the environment around Lake Victoria, and our governments seem to have been sleeping for quite some time. Just imagine, what happened in the 60s has been continuing to date! So, we stand here to give emphasis as the Assembly that the executive should now take it more and more seriously.

It was a pity that when we had a seminar at Kisumu, which is a very important seminar on Lake Victoria, Tanzania was underrepresented in terms of the Minister for the Community and the Minister for Natural Resources, who could have heard very important information from people like Dr. Obiero Ong'ong'a. Very important information...and books were distributed there, one of which is now being read by my friend Dr. George Nangale, which I handed over to him. A book on Lake Victoria by Dr. Obiero Ong'ong'a: A very elaborate book, well researched, which, if given...I will ask Dr. George Nangale to hand it over to our Minister for Natural Resources - to lend the book, not to give *moja kwa moja; muazime tu* - so that he can be able to read it.

So, I very much support the suggestion that in order to properly safeguard the environment, and for very proper management of the Lake Victoria waters, there is a need for an East African law, just as my good friend who has been on the Floor did mention that in the Protocol, every title needs a Bill.

This is one thing that our executive does not seem to understand however much we keep on harping on it, that a protocol is insufficient, and that most of these chapters in these protocols require laws, and that it will be far much better if a law were enacted by this Assembly for the whole of East Africa to be enforced by all the countries of East Africa, just as hon. Kanyomozi also mentioned earlier.

Mr. Speaker, under the able leadership of hon. Kaggwa, the Legal Committee of this Assembly, with your assistance and co-operation, did embark on an attempt and initiated an attempt to amend the Treaty. Even if these laws were enacted, there are still problems in the Treaty for the Establishment of the East African Community that will not enable proper and full enforcement of these laws. It is unfortunate that this Assembly is not going to fully participate to accomplish the task, but it is a good initiative, and we believe that the next Assembly will take very seriously the report of the Legal Committee, which may or may not be submitted to this Assembly because of paucity of time.

Mr. Speaker, sir, we are in our last days of this Assembly; we have been pioneers of this very great work for East Africans. I wish to take this opportunity to say that I feel very privileged to have been with these colleagues of mine in this House – (*Applause*) - to have made friends, and to have harvested a lot from their intelligence and brains. I believe that the initiatives that we have made, the seeds that we have sowed here will, for posterity, benefit the whole of East Africa.

Mr Speaker, sir, I believe that the next Assembly will definitely be much stronger than we are, because they will have read the *Hansard* of this Assembly, they will have read the results of that case, and whatever the results, it will give them encouragement. Whether we lose or win, they will see that these people at least tried to assert themselves, and we are also capable of asserting ourselves for further gains for the people of East Africa – (*Applause*). So I hope the next Assembly will be stronger, and of course it must be stronger in order to make East Africa achieve the integration that we all dream of, and that will of course lead to a deletion of the reliance on protocols from the Treaty so that we are able to move further.

Mr. Speaker, sir, lastly, there is coming on board very soon a process to sensitise the people of East Africa. Maybe some Members of this Assembly will be in the constituent committees in their respective states to gather the opinions of the people of East Africa. It is my sincere hope, and I have mentioned it to some officials from the government of Tanzania. I met some bureaucrats who had the idea that “well, we shall pose questions and let the questions be answered.” I said “No! We are going to pose questions, but we must work for the answers we want” – (*Applause*). Mr Speaker that is what is most important. You do not just pose questions on a critical matter like this; you pose questions and then you must work for the answers you want. I am not sanctioning a rigging of the results, but I am saying we must work hard so that the results are in our favour. *Mheshimiwa Spika, ahsante sana* – (*Applause*).

**The Speaker:** That brings to its end the debate by the honourable Members of the House, and I now call upon hon. Lydia Wanyoto to sum up.

**The Chairperson, Committee on Agriculture, Tourism and Natural Resources (Ms. Wanyoto Mutende):**

Thank you Mr. Speaker, I would like to borrow the style of my honourable colleague, hon. Jecha, and just recognising the honourable Members who have contributed to this debate: hon. Calist Andrew Mwatela, hon. Amb. Isaac Abraham Sepetu, hon. Maj. Ddudu, hon. Hajji Med Sozi Kiwanuka Kaggwa, hon. Dr. Norman Sigalla, hon. Yonasani Bankobeza Kanyomozi, hon. Ochieng Mbeo and hon. Mabere Marando – (*Applause*).

Hon. Speaker, you have heard the details of what my colleagues have discussed and all of them have supported the Motion. I want, on behalf of the Committee, to heartily thank them, and I beg to move.

**The Speaker:** I thank the hon. Member for keeping the tradition of hon. Jecha – (*Laughter*).

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

*(Report adopted)*

## ADJOURNMENT

**The Speaker:** I now adjourn this House until tomorrow afternoon at 2.30 p.m.

*(The Assembly rose at 4.05 p.m. and adjourned until Wednesday, 27 September 2006 at 2.30 p.m.)*