



EAST AFRICAN COMMUNITY

EAST AFRICAN LEGISLATIVE ASSEMBLY

Official Report of the Proceedings of the East African Legislative Assembly

22ND SITTING – SECOND ASSEMBLY: FIFTH MEETING - FIRST SESSION:

Wednesday, 27 February 2008

The East African Legislative Assembly met at 2.30 p.m. at the Chamber of the Assembly, AICC Complex, Arusha

(The Speaker, Hon. Abdirahin Haithar Abdi, in the Chair)

PRAYER

(The Assembly was called to Order)

COMMUNICATION FROM THE CHAIR

The Speaker: Honourable Members, pursuant to the provisions of Article 49(2)(f), the Assembly is required to recommend to Council the appointment of its officers. Three posts, namely for Senior Clerk Assistant, Research Officer and Hansard Reporter specifically for Rwanda and Burundi, were advertised, and the normal process of selection was done. Upon the advice of the interviewing panel, the following candidates have been approved by the House Business Committee on your behalf.

Senior Clerk Assistants:

Mr. Stephen Mugume

Ms. Beatrice Ndieziye

Ms. Elizabeth Barinda

Research Officer:

Mr. Enock Musiime

Hansard Reporter:

Ms. Locye Ampaie

We will forward the names to the Council of Ministers for appointment accordingly.

PAPERS

The following Paper was laid on the Table:-

Report of the East African Legislative Assembly Delegation Visit to Rwanda and Burundi 26 August to 2 September 2007)

(By Chairman, Committee on Regional Affairs and Conflict Resolution (Mr. Mike Sebalu, Uganda))

QUESTIONS FOR ORAL ANSWERS

Question No. EALA/PQ/OA/05/2008

Ms. Dora Kanabahita-Byamukama (Uganda) asked the Chairman, Council of Ministers:-

The construction of the East African Community Headquarters is required now more than ever. This is further justified by the dire need for space in light of the continued expansion of the East African Community operations prompted by the integration process, and the admission of the Republic of Burundi and the Republic of Rwanda.

This construction of the East African Community Headquarters is an important multi-million Euro Development Project. Bearing this in mind, could the Chairman, Council of Ministers give the august House an update on the construction of the East African Community Headquarters?

The Minister for East African Cooperation, Tanzania (Dr. Diodorus Kamara) (Ex-Officio): Mr. Speaker, sir, on behalf of the Chairman, Council of Ministers, I beg to reply.

The Preliminary Design for the project has been finalised, and it has been approved by the Project Management Team (PMT) and the EAC Secretariat. This was after a comprehensive revision of the previous one that resulted into an updated design based on the actual spatial and functional requirements perceived by the East African Community reflecting on the present organization structure, and putting into consideration the admission of Rwanda and Burundi into the Community.

The original cost estimate was EUROS 8.0 Million, but updated cost estimates have also been finalised after a review, which was necessitated by the changes that were carried out in the Preliminary Design. Producing a final design that meets expectations of the present and future spatial and functional requirements of the East African Community has, as expected, come up with a proportional cost increase of about EUROS 5.524 Million. A presentation on this has already been submitted to our project financiers, the Federal Republic of Germany, requesting for the budget deficit. The Secretariat is making a close follow-up of this request, and the Federal Republic of Germany has responded through its financing agency, KFW, that they will be confirming our request for additional funding by early May, 2008. In this regard they have given us a revised tendering time frame so that the award of the construction tender(s) may coincide with the confirmation of the additional funding. However, the available budget suffices for the cost of completing the main structure, with the exception of finishing, equipment and furniture.

Mr. Speaker, sir, the project consultants finalized formulating an appropriate tendering strategy aimed at expediting the tendering process and ensuring that we come up with the most competent contractor(s) for the project. This received the approval of the Project Management Team (PMT) and the EAC before submission to KFW (the FRG Donor Agency) for their go-ahead as per their financial regulations. A no-objection from KFW was granted at the end of September 2007, thus allowing us to proceed with the tendering process.

Prequalification tender documents for the main contract and the sub contract works were prepared by the Project Consultants and approved by PMT and the EAC before publication of the invitation for prequalification in the leading print media in the EAC Partner States and in the Federal Republic of Germany, in October / November 2007.

The bids were opened in public by the Committee on Contracts on 19 November 2007. This was followed by the evaluation of the tenders on 30 November 2007. The Committee considered and approved the Tender Evaluation Report which it then forwarded to KFW for endorsement as per procedure, and later gave an approval on 15 December 2007, which allowed us to proceed with the actual tendering for the Main Contract Works, and to go for “Open International Competitive Bidding” for Sub-Contract Works since the results in the prequalification did not meet requirements. All bidders who submitted applications have been notified accordingly.

Project consultants are finalising with the detailed drawings to be used for the final compilation of the Bills of Quantities before publication in the leading print media in the Partner States and in the Federal Republic of Germany. As advised by the donor agency, the Secretariat plans to run the process so that the award of tenders is concluded by 30 April 2008. Ground-breaking would therefore be expected to take place in May 2008.

Mr. Speaker, sir, construction is expected to take 30 months after the contractor takes possession of the site. This means that the project will be completed by October 2010. This period includes the Defects Liability Period of 6 months.

Environmental Impact Assessment Study, Detailed Topographic Site Survey and thorough Soil Investigation relating to the Project Site have all been successfully concluded. Further, “the tenants at will” who used to occupy the old buildings at the site have already been evicted to give way to demolition of those structures.

Mr. Speaker, sir, the design has taken into full consideration all spatial and functional requirements of the Secretariat, the East African Legislative Assembly, and the East African Court of Justice as proposed and recommended by the users of these 3 organs. This means that the current problems experienced by the three organs in terms of lack of adequate office space, as well as other inconveniences are expected to come to an end on completion of this project. For example, the East African Legislative Assembly will be provided with such state-of-the-art facilities as:

- (a) An ultra modern Plenary Hall capable of comfortably sitting 106 members – (*Applause*). This will be equipped with a sophisticated public address system, video conferencing equipment, sound proofing, VIP, press and public galleries, among other things;
- (b) 3 Ultra modern conference halls with capacity of 180 people in total, comfortably seated, and provided with all necessities such as public address system, video conferencing, darkening system, and whatever is necessary according to the current style;
- (c) A total number of 5 Committee Rooms capable of comfortably sitting 20 members each; and
- (d) All honourable Members will be provided with individual offices on the first and second floors of the East African Legislative Assembly Wing – (*Applause*).

Mr. Speaker, that is the answer to the question that was raised.

Ms. Byamukama: Mr. Speaker I want to thank the Chairman, Council of Ministers for giving a concise and relevant answer to my question. I am fully satisfied, and I would like to maybe just say that since the groundbreaking will be in May, 2008, when we come for the next Session, we look forward to invitations to this very important occasion.

I would also like to add that I had heard of a small controversy on the issue of additional funding from Germany. Is the construction dependent on getting this particular additional funding or can we go ahead and start the work as we look for more funding? Mr Speaker, basically that is my supplementary question.

Dr. Kamara: Mr. Speaker, on the first issue, I would like to assure the honourable Member that the implementation will be on schedule as we have indicated – (*Applause*). On whether the construction is dependent on donor funds or not, of course we have requested for the extra Euros 5.2 million, and they have indicated that they will provided

the money, but we have discussed in the Council of Ministers that should it happen that, that money is not provided, then Partner States should be prepared to provide the extra funds – (*Applause*). Should that not be possible, the Council of Ministers and the Secretariat should be able to raise those funds from elsewhere. What we need to is have that modern building in place so that the East African Community Headquarters can reflect our commitment of taking East Africa to the 21st Century - (*Applause*).

Mr. Abdullah Mwinyi (Tanzania): Mr. Speaker, I would like to thank the Chairman, Council of Ministers for his concise response, and I would like to underscore the information that he gave us in relation to the new Assembly. It sounds extremely comfortable, and that the Members are very well catered for. Since the Assembly is a major stakeholder in this building, I just wanted to get a clarification from the Chairman, Council of Ministers whether the Assembly was consulted in relation to the design of the structure.

Dr. Kamara: Mr. Speaker, sir, as I have said, the process of designing and the decision to have this building was taken way back, and all three stakeholders were consulted at one time or the other, and a competition for the design was conducted in order to get the design that fitted our needs.

Question No. EALA/PQ/OA/06/2008

Ms. Dora Kanabahita-Byamukama (Uganda) asked the Chairman, Council of Ministers:

Article 71 (1)(o) of the Treaty is instructive on the functions for which the Secretariat is responsible. The Secretariat is, *inter alia*, responsible for the establishment of practical working relations within the Court and the Assembly. Could the Chairman, Council of Ministers inform this august House on the steps that have been taken to establish practical working relations amongst the three organs of the Community?

The Minister for East African Cooperation, Tanzania (Dr. Diodorus Kamara)(Ex-Officio): Mr. Speaker, sir, on behalf of the Chairman, Council of Ministers, I beg to reply.

The Council believes that the achievement of the objectives of the Community depends on how cohesive and co-ordinated its organs and institutions are in the discharge of their respective obligations. Although the Treaty spells out the different functions of the organs with particular reference to the establishment and roles of those organs, a primary or literal interpretation (of the Treaty) would indicate that the intention of the contracting parties, in this case the Partner States, is that the organs and institutions should play their roles with one ultimate objective; the development of the Community for the benefit of the peoples of East Africa. Therefore, the introduction and sustenance of a mechanism for cordial and collaborative inter-facing and inter-relationships between the organs and institutions remains unassailable.

Indeed in this regard, the Treaty for the Establishment of the East African Community provides in its Article 71(1)(o) that the Secretariat shall, among other functions, be responsible for the establishment of practical working relations with the Court and the Assembly.

Mr. Speaker, sir, the organs have consultations and exchange of views on diverse programmes and activities pertaining to the implementation of the Treaty in particular, and the integration process in general. The Chairperson of the Council of Ministers and the Secretary General have always interacted with the hon. Speaker and the Committees of this august House on both routine and urgent matters. This has also been augmented by the SOPA and NANYUKI series of interactions between the members of this august House and those of the national assemblies of the Partner States.

It is important not only to maintain but also to strengthen this intra-organ inter-facing and complementarities. Consequently, with a view to formalizing this interaction, the Secretariat has also planned formal intra-organ-meetings with this august House and with the East African Court of Justice to be held initially on a quarterly basis. This schedule will not obviate the need for convening any other meeting within a given quarter of a year depending on the exigencies of the moment. For purposes of actualising this, the Council has provided in the East African Community Calendar of Activities for the period January – June, 2008, that the first meeting will take place on 30 June 2008.

These formal meetings, the agendas of which shall be proposed by the Secretariat in consultation with the Clerk of the Legislative Assembly and His Worship the Registrar of the Court of Justice, shall be attended by the respective heads of the organs and such other staff or persons in the employment of the Community as shall be determined on the basis of such agendas. I may also add that the EAC Secretariat has decided to involve selected EALA Members to attend annual retreats for EAC Permanent Secretaries and for the Ministers.

In this regard, invitations will be extended to some honourable Members to attend the Retreat for the Permanent Secretaries on Regional Infrastructure Development due to take place in Mwanza on the 3rd and 4th of March, 2008. It has also been decided to hold annual retreats specifically for all Members of EALA, the Judges and the EAC Executive and Professional Staff to exchange views on the EAC integration process and the various projects and programmes. The unfortunate circumstances which did not allow the Assembly to start work in December, 2006 as originally anticipated, did not allow the holding of the first Retreat of this nature.

Mr. Speaker, sir, having said the foregoing, I believe that Article 71(1)(o) of the Treaty is in fact intended to establish how best to ensure practical working relationships between the Secretariat, the Court and the Legislative Assembly. By “practical” I mean the experience in day-to-day administration co-ordination issues. In this regard, the Secretariat has, for example, delegated financial authority to the Legislative Assembly and the Court. Moreover, recruitment of staff for the Legislative Assembly and the Court is co-ordinated by the Secretariat but these two organs participate in short listing,

interviews and final recruitment decisions. In addition, administrative heads and professional staff of the Court and the Assembly are involved in all the Secretariat's meetings on planning, budgeting and retreats.

This process of deepening and enhancing intra-organ relationships will, to the extent that it facilitates the fast and purposeful achievement of the objectives of the Community, continue to be emphasised.

The Speaker: Honourable Minister, I hope you will consult us on the dates; I can see you have already given a date without consulting. I do not know how practical that working relationship is.

Ms. Lydia Wanyoto-Mutende (Uganda): Mr. Speaker, this is a very pertinent question for us as an Assembly, and I have a supplementary question.

Mr Speaker, where are all these good activities and programmes that the honourable Chairperson of the Council is talking about, because, hon. Speaker, we have been here for a while and we are able to look at the annual calendar? There is no clear institutional calendar that reflects practical working relations of the organs of the Community. We know that there are ad-hoc arrangements, and when we complain, they throw in a Member of Parliament to attend a meeting here, or a workshop there. The ad-hoc work methods of the Community are known in the Secretariat, but I think the question is the issue of calendar, institutional, planned working relationships that are going to help us to streamline mandates and avoid duplication and conflict within work methods.

Mr. Bernard Mulengani (Uganda): Mr. Speaker, in his reply the hon. Minister mentioned something to do with "some selected Members". In the principle of the sovereignty of the organs, who is performing this role of selecting the honourable Members from the Assembly?

Dr. Kamara: Mr. Speaker, sir, let me first respond to the first supplementary question by the hon. Wanyoto. I know the importance of having practical working relationships between all organs of the Community, and although the Treaty for the Establishment of the Community explains clearly the functions of each organ, we cannot leave each organ to work on its own because at the end of the day our objectives are the same. It is therefore very important for the people who have been entrusted with leading these three organs of the Community to understand the importance of collaborating and having practical relationships between the different organs, which the Council of Ministers will continue emphasizing so that the Secretary-General and his assistants can ensure that it is implemented. But on having special programmes, I have said this can always be arranged between the organs of the Community, and where necessary, we can always have different activities to be performed at different times towards achieving that.

Mr. Speaker, sir, on the question raised by the hon. Mulengani on who selects some Members, let me say that we wanted to imply here is that not all Members will participate, but as usual we shall liaise with the Speaker who will, according to Members' procedures, will decide which members will participate, according to the budget and the

needs – *(Applause)*. In addition, and apart from that one, there will be a retreat for all honourable Members of the Assembly. And as we continue, we shall be arranging more of such activities with time. Mr Speaker, the important thing to note here is that the Council of Ministers will emphasise to the Secretary-General to make sure he gives first priority to practical relations between all organs of the Community since all of us are aiming at the betterment of the people of East Africa. If that is the case, then there should not be any problem in working towards that – *(Applause)*.

Mr. Gervase Akhaabi (Kenya): Mr. Speaker, sir, I have been here for seven months now, and it is very difficult for me to see this practical working relationship between this Assembly and the Secretariat. There is no evidence. I do not know whether the honourable Minister has any tangible evidence to show that there is a practical working relationship.

Having said that, and in view of the importance of such practical working relationships, could the Chairman of the Council tell this Assembly why this practical working relationship was not demonstrated on the 26 February 2008, when the Chairman of the East African Community Summit addressed this Assembly, a very important function of this Assembly, and, indeed, for the EAC? Why did the Secretary-General of the East African Community not deem it fit to be present to attend the function in which the Chairman of the Summit of the Heads of State of the East African Community addressed this Assembly? *(Applause)*

The Minister for East African Cooperation, Tanzania (Dr. Diodorus Kamara) (Ex-Officio): Mr. Speaker, sir, I beg to respond to the supplementary questions raised by the hon. Akhaabi.

The hon. Akhaabi first of all wanted me to point out a practical working relationship. As I have said in my earlier answers, previously it was the Secretary-General who was managing all the funds of all the organs, to the extent that the Clerk of the Assembly or the Registrar of the Court could not do anything unless they requested on a day-to-day basis. As one of the evidence showing a practical working relationship, the Council of Ministers decided that such functions should be delegated to the organs, namely; the East African Legislative Assembly and the East African Court of Justice. That is a tangible evidence of a practical working relationship – *(Applause)*. But I could also say that a practical working relationship is sometimes subjective, and not objective. So, let us leave room for consulting each other. Whenever there is something that can be done to improve the working relationship, let us co-operate towards that, because whatever we think is a practical working relationship today might not be the same tomorrow. What is important is to keep on consulting each other day in, day out – *(Applause)*.

Mr. Speaker, sir, the hon. Akhaabi also wanted to know why the Secretary-General was not present in person when the Chairman of the Summit addressed this Assembly. Let me just say that the Secretary-General is aware that he is directly answerable to the Summit of the Heads of State of the East African Community, and the Treaty is very clear on that point. So, the Secretary-General will not, under any circumstances, attempt to do anything that could make him lose his job – *(Laughter)*. The Secretary-General informed

the Council of Ministers about the important agenda which he was going to attend to in Nairobi, and that was important for East Africa because as you may know, East Africa has now taken the Chair of SADC, IGAD, COMESA and the other institutions, and the Secretary-General went to Nairobi on behalf of the Community, but the two deputies were here when the Chairman of the Summit was here, and the Chairman of the Summit himself was aware that the Secretary-General was doing something important on his behalf as well.

Mr Speaker, as I have said before, the issue of practical working relationships is subjective, but let me say that in future, the Council of Ministers will advise the Secretary-General not to do other things that some people may perceive that they do not amount to practical working relationships - (*Laughter*).

Mr. Daniel W. Ogalo (Uganda): Mr. Speaker, sir, would the Minister concede that there is no formal mechanism established by the Secretariat as required by the Treaty, and that the answers the Minister is giving are functions that the Secretariat has been carrying out? Would he also concede that the existence of a forum would ensure that there are such practical working relations, and therefore undertake to establish one?

Secondly, would the Minister concede that the Nanyuki forum is an initiative of the Assembly and has nothing whatsoever to do with any other organ? (*Applause*)

Finally, would the Minister assist the House to understand the importance of the functions of the Community: Between attending a minor meeting in Nairobi - which the Secretary General chose to attend - and attending a session of the Assembly where the Chairman of Summit, the Vice-President of the United Republic of Tanzania, the entire Council of Ministers, honourable Speakers and Members of Parliament from the national Assemblies are present, would the Minister assist the House to understand which, in his view, is more important? Where is the priority; the meeting where there is the Chairman of the Summit, the Council of Ministers, Speakers and Members of Parliament from the National Assemblies, or a certain meeting of intergovernmental organisations in Nairobi? Which, in his view, should take precedence over the other? If in his view this one where the Chairman of the Summit is, is superior, would the Minister support me when I move a Motion to censure the Secretary-General for his absence in the House?

Dr. Kamara: Mr. Speaker, sir, the hon. Ogalo has raised a number of issues which he would like me to concede to. On the issue of putting in place a formal mechanism for practical relations, let me say that our first and major road map is the Treaty. The Treaty expresses very well the functions of each of the organs of the Community, and one important way of realising practical relations is by each of the organs not interfering in the functions of others. We need to be very careful on that because if we allow excessive practical relations, some other people might interpret that as implementing the functions of the other organs. For instance, I would not expect the Secretary-General to pretend to do the functions of the Legislative Assembly in the pretence of practical relations, or the Executive pretending to do the job of Court of justice, saying that is practical relations. That could be very dangerous.

So, the Treaty provides us with the guidelines on how we should operate and interrelate, but when it comes to the people who are in the organization, because there is this doctrine of separation of powers, which is always emphasize, that is not always implemented practically as it is expressed in terms of law. Lawyers will always talk about natural separation of powers, and if you look at the constitution you will see natural separation of powers but practically you cannot do that. That is why we emphasize the importance of having practical working relationship. That is why I say, if you can be able to have a good mechanism of achieving that, and making sure that one organ does not interfere with or take the functions of other organs, then we should work towards that one. So, I would not like to concede because the Treaty is there and it establishes the relations, but I would not want to say that your argument is not important because there is a need of having good relations between the heads and members of these different organs.

On the Nanyuki forum, I would like to agree that it is true this relationship was established by this Assembly, and let me take this opportunity to congratulate the honourable Members of the Assembly who saw the need to have this forum – (*Applause*). But, Mr Speaker, let me say that after this Assembly established the Nanyuki forum, if the Secretariat and the Council of Ministers had considered the forum as useless, they would not have attended the meetings, and they would not have seen its importance. So, let us, therefore, congratulate the other organs for seeing the importance of this forum and supporting it. And, let me say that perhaps in future we should see how we can utilise this and ensure that we have the budget to make sure that these activities are institutionalised because they are very useful – (*Applause*).

Mr. Speaker, sir, the last issue the hon. Ogalo wanted my opinion on regards the issue of the secretary General attending a meeting in Nairobi instead of attending proceedings of the Assembly with the Chairman of Summit in attendance. Mr Speaker, I cannot give my own view on this because whatever I say here is taken as a statement of the Council of Ministers. So, I can give my view somewhere outside the Assembly – (*Laughter*).

The Speaker: You are protected.

Dr. Kamara: I am protected? Oh, thank you, but, it would be very dangerous. But, as I said, everybody was aware of what the Secretary-General went to do in Nairobi, and I am sure the Secretary-General must have consulted the Chairman of Summit as well, because it would be irresponsible to behave that way without informing the relevant people, including the Chairman of Summit. It is my assumption that all the Heads of State were aware of that. But, if that was perceived as not a good thing, we shall advise him in future to make sure things that people can perceive otherwise are taken care of.

Hon. Speaker, for today, I think that is what I can say - (*Laughter*).

The Speaker: Hon. Minister, he is also an ex-officio Member of this House, and so he should have also informed me.

Ms. Dora Kanabahita-Byamukama (Uganda): Mr. Speaker, sir, I thank you for your indulgence. I had been a little bit reluctant to come out more strongly, but I think the hon. Ogalo was very clear. I just want to give some history to this.

On the 19 February 2003, this august House passed a resolution specifically directing that there should be established practical working relations between the organs of the Community. To date, we do not have any evidence of this having been done. I would like to challenge the honourable Chairman of the Council of Ministers, if these were established, could he lay them on the Table, because from what he is saying, he is supporting ad-hoc-ism, which is very dangerous. Those of us who have gotten some minimal military training know that un-co-ordinated movement of troops can result in casualties from friendly forces, which is very dangerous.

Our forefathers saw the need to have practical working relations among the organs established. This House earlier on in this month discussed issues of having a vacuum. Where you have a vacuum, you give room to rumour mongering, misrepresentation, and failures, which are not intended, because we are all working towards the same objectives. So, Mr Speaker, sir, I am not satisfied at all with the minister's response.

We have a mandate under Article 49(2)(d) of the Treaty to discuss all matters pertaining to the Community, and to make recommendations to the Council as we deem necessary for the implementation of the Treaty. Article 71(1)(k) has not been implemented. These casual retreats for which dates are set without our participation, to which you are proposing to invite some Members is not good enough.

So, Mr Speaker, I would like the honourable Chairperson of the Council of Ministers to concede and to promise to table in this House, regulations, guidelines or some kind of modality as evidence of practical working relations. We need minutes! We are a serious group of people, and I would like you to take this question very seriously because in the last seven months we have had a few issues which have made us ask for clear guidelines.

Mr Speaker, as the Minister is aware, this House and the Court do not take any directives from anybody, and for that matter we need to work closely; we need to establish a mechanism which is regular - may be quarterly - so that we can continue to confer with each other, and to work towards achieving the objectives of the Treaty. So, I would like to ask him, kindly, to take it very seriously from here.

Dr. Kamara: Mr. Speaker, sir, as the hon. Byamukama has said, this august House did pass a resolution which was aiming at emphasizing the importance of establishing practical relations. I think it would have been better to table that resolution here, but let me say that we are taking this matter seriously, and I shall make a personal follow-up on that issue – (*Applause*).

Let me also say that on this issue it is not a question of the Secretary-General or the Council of Ministers just coming up with regulations to be tabled here, but it would be ideal if informally this august House and the other organs would meet and come up with

a *modus operandi* agreed upon by all as the way forward – (*Applause*). From there, I am sure that when it is finally tabled in this House, it can be implemented very easily. But what is important is for it to be agreed by all the organs.

This also applies to some of the issues that are currently being implemented without being officially instituted. We should look at them and see how we can improve and institutionalize them so that even funds can be budgeted for them – (*Applause*). What is very important to note is that practical relations can not only be implemented officially but also unofficially, and more importantly, informally. So, we shall look at all these issues and we shall advise other officers accordingly – (*Applause*).

The Speaker: Honourable Members, the last two questions will come from Mheshimiwa Karan and Mheshimiwa Muntu.

Mr. Clarkson O. Karan (Kenya): Mr. Speaker, I seek the guidance of the House because I am a bit confused by what the Minister said when he was responding to a supplementary question. He said that whatever he says in this House will be taken as a matter of the Council of Ministers. It is my understanding that he is answering these questions as the Chairman, Council of Ministers – (*Laughter*). Mr Speaker, can I be guided here; is there any other supreme organ other than this Assembly? The Minister appears to be very uneasy in replying to pertinent questions that have been put to him.

Mr Speaker, we wanted to know, in his view, which of the two functions was more important, and the hon. Ogalo put it quite well. I expected the Minister to come up with a better reply than what he gave us. What he said displayed a lot of fear as if he cannot talk here freely. I think he is the Chairman of the Council of Ministers, and these replies he is giving us are in that capacity; could the House be guided on this, Mr Speaker, sir?

The Speaker: I think in that case he should have asked for the view of the Council of Ministers, not his personal view. *Mheshimiwa Muntu*.

Maj-Gen. Mugisha Muntu (Uganda): Mr. Speaker, we appreciate the new attitude which seems to be emerging from the Secretariat through the Chairman, Council of Ministers, but some of us believe that the actions of the Secretariat most times have been guided by the attitude they have had about the status of this Assembly. Now that there is a change in attitude, we would like to understand formally whether the attitude on the status of this Assembly has also changed. Because, for the longest time, we have known that senior officials within the Secretariat have stated – informally, though - that this Assembly is part-time. We would like to get a formal position on this view, placed on the *Hansard*, through the Chairman, Council of Ministers. Is this Assembly part-time or not? I thank you Mr Speaker.

The Speaker: *Mheshimiwa Muntu*, I do not know whether the Minister wants to reply, but I think you should have asked a more substantive question, because I do not think that is a supplementary question to the question on the Floor of the House right now.

Maj-Gen. Muntu: Mr. Speaker, I rose on a point of raising a supplementary question in view of the working relationships among the three organs. However, if the Chairman, Council of Ministers needs to make consultants with the other Ministers and with the Secretariat - because this is a very critical question - I would rather the Chairman does not respond now, but prepares for a formal response. We need this question to be settled once and for all and formally in this Assembly. I thank you, Mr Speaker.

The Speaker: I think on the matter of us being part-time or not, the Minister can say something. I think it is a straightforward issue.

Dr. Kamara: Mr. Speaker, sir, let me say that according to Article 49 of the Treaty, the East African Legislative Assembly is a full-time organ of the Community – *(Applause)*. And let me say this that if there is anybody who speaks words which are not in favour of what the Treaty says, such an individual should be made known so that disciplinary measures can be taken against him or her - *(Applause)*.

This organ has been established by the Treaty and people spent some time to come up with that Treaty. This Treaty has been ratified by the Partner States and so, we do not expect an individual, whoever he or she might think he or she is, to say words which are contrary to the Treaty – *(Hear; hear!)*

The Speaker: I think with that, we can go to the next Order - *(Laughter) (Interruption)*

Dr. Kamara: Mr. Speaker, sir, before we go to the next Order, I beg to lay on the Table the answers to the questions that we have responded to.

(Dr. Kamara laid the document on the table)

The Speaker: Honourable Minister, now that you have reminded me, there were other documents that you were supposed to lay on the Table today; the EPA agreement that was supposed to have been laid. I hope it is here. I can see the Counsel to the Community frowning, but he was here and he was advising the Chairman, Council of Ministers at that time.

Dr. Kamara: Mr. Speaker, sir, I beg your indulgence to give us more time, but I will make sure that they are laid on the Table.

The Speaker: We are closing today, so I hope we will get copies in our pigeon holes before we leave and then you can lay them formally next time we come.

Dr. Kamara: Thank you, sir. I will work on that.

MOTION

**For the Consideration and Adoption of the Report of the Committee Chairpersons
Study Tour of the European Union and the Belgium House of Representatives**

Chairperson, Committee on General Purpose (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 Committee Chairpersons on the Study Tour of the European Parliament and the Belgium House of Representatives.

Mr. Christopher Nakuleu (Kenya): Seconded.

Ms. Wanyoto-Mutende: Mr. Speaker, this is a report of the study tour of the European Parliament and other European Union institutions by the hon. Speaker and Chairpersons of Committees of the East African Legislative Assembly.

The East African Legislative Assembly (EALA) Committee Chairpersons, led by the Speaker, undertook a study tour of the European Union Parliament, the European Union Commission, the Belgium House of Representatives, the Flemish Parliament and the European Centre for Development Policy management. The tour which was sponsored by the AWEPA (Association of European Parliamentarians for Africa) lasted 7 days from 3rd to 10th November 2007.

Hon. Speaker, as I have earlier indicated, the Chairpersons of the Committees' names are indicated on the first page of our report, and the hon. Speaker was our leader of delegation.

Hon. Speaker, the tour had five main objectives, which are listed on page 1 of the report, and if you allow me, I will quickly run through them:

- (i). To find out and expose the EALA leadership to the operations of a regional institution of similar standing as the East African Community.
- (ii). To learn from seasoned practitioners – because the European Union has lived for so many years - the successive steps through which the various institutions of the European Union, and particularly the Parliament, pass in the integration process.
- (iii). To enable EALA establish links with institutions of the European Union as a sister regional organization.
- (iv). To establish a link between EALA and the ACP-EU leadership...and I want to add - to arrange functional working relationships.
- (v). To learn about the federal arrangement existing in Belgium as a unique institutional arrangement because we also have federal sentiments within our region and we need to learn how to deal with them.

The delegation specifically set out to learn about the prospects and challenges of managing regional institutions. So, we were able to interface with politicians, experts, technocrats and other people that had lived through years of institutional memory.

Hon. Speaker, sir, there were several lessons learnt, and they have been categorized as follows: First of all, there is our experience with the European Union and institutions.

Hon. Speaker, the European Union (EU) is a union of twenty-seven independent states based on the European communities and founded to enhance political, economic and social co-operation among the peoples of those states. A number of organs are in place to facilitate such arrangements, and each organ is independent from the other, though mutually supportive. Their proper functioning is guided by the high degree of independence exercised by each of them in their day-to-day affairs. All the organs are, however, complimentary to one another in realising the vision and mission of the European Union. Matters of conflicts and arbitration pertaining to the European Union are resolved by an independent institution called the European Court of Justice, there are also the Council and the Parliament. The three organs interrelate in matter of mutual existence.

The delegation, therefore, recommends that this Assembly do take note of the European Model and how it has developed in regard to its institutions and urge the Summit through the Council of Ministers to establish strong organs of the Community with adequate jurisdiction to exercise their mandates as established by the Treaty.

The other institution that we interfaced was in relation to the functioning of a regional parliament. Mr Speaker, sir, we got the benefit of learning about the operations of a regional Parliament.

The European Parliament is a regional Parliament with both legislative and oversight mandate over the European Union organs. In addition, the Parliament also has a budgetary function of passing the budget of the European Union. Its Members are drawn from all the 27 countries of the European Union. The number of representatives from each of the States is governed by the level of contributions based on their GDPs.

We were briefed about the process of electing the Members of the European Parliament. Mr Speaker, allow me to point out that it took the European Union 34 years without much success before adopting a direct method of election in 1979. Before then, the Parliament was composed of nominated members, largely because it was symbolic. Failure to harmonise many aspects of the EU integration, as well as the lack of a proper and acceptable mechanism for such elections caused the delay and a lot of consultations.

We also noted that the setup of the European Parliament is like that of the traditional Parliaments in which the European Parliament organizes its work through the Plenary and through a system of specialized Committees. Plenary Sessions of the Parliament and its Committees are held in Brussels, Strasbourg and Luxembourg on an annual basis and in succession. This measure is used by the Parliament to enhance its visibility. The Committees also undertake field visits in virtually all the member states. Such operations are funded by the budget of the Assembly, drawn from contributions from the member states. The European Parliament has a robust committee system with 20 Standing Committees.

Hon. Speaker, we had the opportunity to be briefed by some Committees, which included the Committee on Agriculture, which came out as one of the most prominent Committees of the European Parliament. That was also reflected in its budget allocation because it takes up about 45 per cent of the Parliaments budget, which amounts to about 1.5bn Euros. The Committee covers areas such as subsidies, which is the highest on the Committee agenda, and it is also concerned with issues of market access and measures, rural development, and agricultural diversification, among others.

The other Committee that we had an opportunity to meet and have discussions with was the Committee on Development and Trade. This Committee plays a key role in keeping the executive accountable. The cornerstone of its mandate is to deal with development issues, and this is best done by underpinning the ever-changing definition of development policy and the operations of the European Development Fund, specifically on what funds to allocate where, and for how long. The same Committee takes centre stage in providing oversight for the ongoing EPAs (Economic Partnership Agreements).

The Budget Committee was one of the Committees that we also met. The Committee scrutinizes the entire budget of the EU, which stands at 126bn Euros and the MTEF (Medium Term Expenditure Framework) ceilings. In so doing, it meets the Finance Ministers of the Member States, who also contribute 1 per cent of the GDPs of their respective countries. The Committee meets the Commission officers for interaction, interrogation and budget defending. Through the work of this Committee, the European Union Parliament has enormous power over the budget and the budget process. The Committee has tight deadlines to meet; therefore, the EU Parliament takes centre stage in the budget process of the EU and also influences allocations.

Mr. Speaker, in the Plenary and in the Committees, Members of the European Parliament access all policy areas, make decisions on new European laws, raise questions to the Council, dispose of petitions from citizens within the European Union, and scrutinize and pass the budget. At the time we were there, we were told that at any one time, the EU has to process over 600 questions in one session. So, the citizens are eager to use their Members of Parliament to present questions to the EU Parliament for onward tabling for the Council to respond to. However, they share the legislative mandate with the Council of Ministers, and in some instances this has brought contradictions, and some of the disputes have had to be resolved by the Court of Justice, and more often than not, in favour of the Parliament. We found out that the EU Parliament has taken their Council of Ministers to Court on a number of occasions and they have won. The EU Parliament also has joint power with the Council over the annual budget of the European Union, and the President of the European Parliament has the final approval of the EU budget by assenting to it.

The delegation noted that the Parliament plays an active role in drafting legislation which has an impact on the daily lives of its citizens. Some of the major areas for legislation

include environmental protection, consumer rights, equal opportunities, transport, and the free movement of workers, capital, services and goods, among others. The Member States are required to translate into domestic laws all the laws enacted by the European Parliament.

To enhance its legislative and oversight function, the Parliament is given sufficient resources to manage its affairs. This has enabled the Parliament to acquire state-of-the-art committee rooms and equipment for each of its committees, to facilitate all the interpreters and transcribers, to provide offices for all the Members and all their support staff, and also to maintain an adequate budget for oversight activities and their reporting mechanisms.

In the transaction of legislative business, 23 different languages are used in the Plenary and in Committees, making translation services the most costly item in the budget of the EU Parliament. Actually it accounts for almost one third of the total budget, including facilitating about 1,100 employees in the translation services section alone, who form part of the over 6000 employees of the European Union Parliament.

The delegation recommends that this Assembly do:

1. Play a key role in deepening and widening the integration of the East African Community by taking centre stage in its representative, legislative, oversight and budgetary roles like we learnt from the EU Parliament.
2. Take note of the detailed framework and mechanisms required before change of the mode for election of EALA Members, because the transition to universal suffrage should take time and it should be spaced to enable us to have smooth and well co-ordinated electoral processes.
3. Take note of the need to enhance the visibility of the Assembly by holding its sessions in all the Partner States of the Community and to rally the media around the Assembly's activities. Honourable Speaker, honourable members will realize that this is already an issue that is at the centre of our hearts, but we really got the impetus to do more when found out that going to the Member States for visibility and for outreach to the people is part and parcel of the big budget of the EU Parliament.
4. Urge the Partner States through the Council to adequately finance the Committees of the Assembly to further strengthen them and to enable them to carry out field oversight missions over EAC projects so that they are able to feed into the budget process.
5. Take note of the role agriculture and trade play in sustaining livelihoods of the peoples of East Africa and therefore give prominence to developing these sectors

as a case study, and to take note of the importance of European market access for these sectors.

6. Work closely with the Council and the Secretariat to find sustainable sources of revenue for the Community by establishing mechanisms of financing the Community other than the continued contributions from the Partner States.
7. Take note of the high costs associated with the use of several languages in transacting legislative business, and taking into account the budgetary constraints, to limit the official languages as we expand the EAC. This was a lesson we learnt in the EU translation section.

Mr. Speaker, sir, the other issue that we studied in our tour was the relationship between the EU Parliament and the Commission.

The EU Parliament provides oversight over the Commission as well as passing legislation proposed by the Commission. This makes the Commissioners and other staff of the Commission fully accountable to the Parliament for their actions and performance.

Mr. Speaker, sir, I have drawn a few comparisons with my colleagues between the European Union Parliament and the East African Legislative Assembly, and in summary, this is what we found out:

There are several similarities and differences in the operations of the East African Legislative Assembly and the European Parliament, but the following need specific mention:-

- (i.) The East African Legislative Assembly and the European Parliament are both regional legislative organs charged with enacting Community laws within their respective jurisdictions. In addition, they both carry out legislative, oversight and budgetary functions. It is however worthwhile to note that the East African Legislative Assembly has considerable advantage in making laws since it does not co-share decision-making power to enact laws with the Council. To us this was a very fundamental experience that we found at the EU.

Articles 49 and 62 of the Treaty for the Establishment of the East African Community bestow on the Assembly the power to enact Community laws, while the EU Treaty gives this power to both the Council and the European Parliament. This arrangement has in some cases led to disagreements between the Council and the European Parliament, but in most cases the European Parliament has taken the day in the arguments.

- (ii.) The East African Legislative Assembly and the European Parliament exercise their oversight role by holding public officers accountable. The European Parliament regularly interacts with Members of the Commission and Staff of the European Parliament and of Partner States who appear before the Committees to answer matters of interest to the European Parliamentarians. Similarly, the East African

Legislative Assembly interacts with staff members of the EAC Secretariat to receive briefs on their activities. This has however not been effective as is the case with the European Parliament. We found out that there is a more vibrant interaction and working mechanism with the EU and the Commission staff than we have been struggling to have here in the EAC.

- (iii.) It is also worthwhile to note that the Committee system is used in both legislatures to transact parliamentary business to a great detail. The output of the committees is reflected in the report of committees to the plenary, which are then debated. I think it is the same system with EALA.
- (iv.) In both institutions, publicity is very central to the visibility of their work. The European Parliament, unlike the East African Legislative Assembly, is serviced by a fully-fledged department responsible for public information and communication. It also conducts its business in three capitals namely Strasbourg, Brussels and Luxembourg while the committees regularly traverse the Member States to conduct parliamentary business. Except for the few opportunities during the public hearing sessions in Partner States, the publicity of the EALA Committees in the Partner States still leaves a lot to be desired. The few times that the Assembly has held plenary sessions outside Arusha have also not been effectively reported on as compared to what we saw at the EU.

Mr. Speaker, sir, section 3.5 of our report extensively deals with the parliamentary system in the federal set-up in Belgium, the House of Representatives, the Flemish Parliament and other competencies, which we thought was unique.

The delegation therefore recommends as follows that the Assembly do:

1. Take note of the need to strengthen its committee system to enhance its legislative and oversight role so as to be more effective.
2. Take note of proportional representation in committees, and, therefore to maintain its current system of committee representation.
3. Take note of the role of women in politics and, therefore, enact laws that enhance this role as well as urging the Partner States to do the same. We found out that the EU took a lot of time to mainstream gender and the role of women in all the legislative processes. So we hope that our visit will help us to move with speed to ensure that women representation is no longer an issue of debate.
4. Urge the Council to support it in its endeavor to increase its days of sittings.

Hon. Speaker, we also had an interface with the ACP-EU relations, and I would like to briefly go through what we found out. This relates to the relations concluded under the Cotonou Agreement. The ACP-EU Joint Assembly meets twice a year in plenary. It has three Standing Committees to produce work for the plenary.

The delegation discussed at length the membership of EALA for observer status in the ACP-EU, and the Chairperson of the ACP-EU Joint Parliamentary Association took special interest in it and informed the delegation that the EALA would be admitted at the next Assembly. I think this was one of the biggest achievements of our visit – (*Applause*) (*Interruption*).

The Speaker: I would like to inform the House that they did send a notice and confirmed our membership to the ACP-EU - (*Applause*).

Ms. Wanyoto-Mutende: Thank you, honourable Speaker for that contribution.

The delegation recommends that this Assembly do take note of these positive developments and take advantage and move with speed to utilize our role in the ACP-EU joint assembly meetings.

Mr. Speaker, sir, the delegation also discussed at length the Economic Partnership Agreements (EPAs), which was a critical matter under discussion and consideration then and is still on-going. We as legislators must rise up to the occasion to make critical assessment on the on-going negotiations.

During a session of the Development Committee of the European Parliament, which was attended by our delegation, it emerged that EPAs negotiations are critical in trade relations between African Countries and European Countries. The EU Trade Commissioner, Mr. Peter Mendelsohn, briefed the Committee on the progress of the EPAs. He noted that time was against the signing of the EPAs by 31st December 2007. He also observed that countries which would not have signed the EPAs by 31st December would loose their portion of their market access concessions to the EU. While some members of the Committee supported his hard stance, many equally called on the Commissioner to review his stand to allow for favourable negotiations, and more time to proceed with the negotiations. This was a session that we attended, and we had an opportunity to listen to an interface between the Commissioner and the honourable members of the EU on matters relating to the EPAs.

Honourable Speaker, in a meeting with an official from the European Centre for Development Policy and Research who briefed the delegation on the ACP-EU Economic and Trade Cooperation, she urged the African countries, and particularly the EAC, to take keen interest in the EPAs discussions and to seize the opportunity to sign the final EPAs text which was agreeable to its position and beneficial to the people of East Africa.

For the EAC to come up with a better deal there is a clear need to improve the technical capacity of the EAC negotiators, who should equally streamline their delegations with a very high level of organization.

The delegation recommends that the Assembly do take note of the on-going EAC-EC EPAs negotiations and urge the Council to exercise care and due diligence in preparing and signing the final EPA text to the benefit of EAC as well as for all other trading arrangements.

Mr. Speaker, what we found out during these discussions is that our teams are not well co-ordinated, and so we need a little more capacity at EAC if our negotiating team is to make any impact in the EU. We have ambassadors in Brussels, but we also had a team from the EAC and another team of officers from the Ministries for Trade from the Partner States. So there was a kind of muddle in the corridors, in the boardrooms and people pulling power centres, which was not good for the EAC. I think during debate, our colleagues will be able to elaborate more.

Mr. Speaker, I would like now to proceed to the EU development work in East Africa. We had an opportunity to meet field officers of the European Commission who briefed the delegation about the Commission's development policy in Africa. All the contributors gave an account of their work in each of the Partner States and urged the EALA as the regional body responsible for oversight functions to take keen interest in the work of the Commission and the development projects in East Africa.

The delegation recommends that the Assembly do take note of the request by the Officers of the European Union attached to the East African Community and exercise oversight over development projects under the domain of the EAC.

Honourable Speaker, I would like to conclude by saying, on behalf my colleagues, that the study tour of the European Union and its institutions and related institutions in Brussels was a great learning experience for the delegation. The objectives of the study tour were fully met, particularly the shared experiences on the challenges of managing regional institutions. The European Parliament provided a good opportunity for the delegation, since its emergence and development is connected with a rich history and tradition. The delegation took note of the best practices and will benchmark them for the proper development of the East African Legislative Assembly and to enhance EALA's role and positioning in the integration process of East Africa.

Honourable members, the Speaker and the EALA Committee Chairpersons extend their gratitude to AWEPA for having facilitated the study tour. Special thanks also go to the various resource persons, who unreservedly gave their best to inform the delegation about the EU institutions and operations, some of which have been benchmarked by EALA for its own improvement.

Mr. Speaker, I thank you for your kind attention, and I beg to move – (*Applause*).

(Question proposed)

Ms. Margaret Zziwa (Uganda): Thank you very much, Mr. Speaker, sir. I want to thank you and the honourable chairpersons of the committees of this honourable House for this report, and I welcome you back from this very important visit.

Mr. Speaker, sir, I am very appreciative of this report because it is giving us an opportunity to have an insight into this very important integrated body. I want to say that as I was listening to the presenter of the report, I was not very happy because she abridged it a lot. I would have wanted to hear more on some of the issues. The financing of the European Union, for instance, is a very important aspect, and we need to draw some very serious lessons from there.

Despite the fact that the European Union is big in terms of membership and also in terms of GDP –I have learnt that it has 27 members; and without quoting any figures here, it is obvious that the EU far surpasses the East African Community. So I think it is very important for us to draw some lessons from there, particularly with regard to how the member states contribute and fund the operations of the Union. Considering that currently the East African Community Partner States contribute on equal basis despite their differences in size and GDP, that, advantageous as it may seem, is also a disadvantage to the capacity of the Community to function properly. So, I want to say that some of the lessons that this very distinguished team learnt from the EU should be shared with the relevant committees of EALA and the Council of Ministers with a view to proposing some amendments to the Treaty regarding the procedure of funding the EAC so that we can make some concerted effort towards improving the financing of the East African Community programmes and projects.

Mr Speaker, sir, my second area of interest regards the issue of procedure. The procedures in the European Parliament are quite similar to the ones in the East African Legislative Assembly. I am impressed that the system of committees is effective and working. I want to hear a little more on how these committees are facilitated, not necessarily in terms of financial resources, but also in terms of the technical people who give information, knowledge and back-up support to the committees. For sure, that is a very important area, which directly impacts on the output of committees.

Mr. Speaker, I also want to support the aspect of visits, which I was mentioned in the report. And maybe just to emphasize on the question from the hon. Byamukama earlier regarding the interrelationships between the Secretariat, the EALA and the other organs of the Community, I want to say that this would be a very important area to explore. And perhaps drawing from the experience of the First Assembly, many of the visits, I learnt from the former Members, were just an initiative of this Assembly. It seems there were not many visits proposed by the Secretariat for the strengthening of the knowledge and information of the honourable Members. I think in this particular respect, and since the Chairman of the Council of Ministers has proposed that he will bring forth a programme for developing working relationships, this should be integrated so that we have a consistent programme for the Secretariat and Members of EALA to visit and explore the

various parts of the East African territory so that we are able to deliberate and pass meaningful legislation for the betterment of the lives of our people.

Mr. Speaker, sir, I also want to say that the activity budgeting arrangement, which I saw in the report, is very crucial because I think it will help the Assembly to achieve its objectives and undertake its various programmes. So, I think we should also adopt that method instead of the one we have been using of Sectoral suggestions. I think because it is activity oriented, it will enhance the budgeting process.

As I conclude, Mr Speaker, I also want to appreciate and maybe learn a little more about the relationship between the national parliaments of the respective member states and the European Parliament. I acknowledge that some issues pertaining to trade, agriculture and others remain the responsibility of the respective national governments of the member states, but I want to learn a little more about this. This is not coming as a question but I would like to know how the issue of divergence of views on specific policies is dealt with to avoid conflict between the various member states.

Finally, Mr Speaker, I want to say that we have been honoured to know that the EU took almost 34 good years before it could move into a fully-fledged direct election of its Members of Parliament. I think this gives us an opportunity to rethink the proposals we have made for the amendment of the Treaty in that respect. Whilst it is good to have direct elections, I think it is also equally important to consider that these elections should ensure and guarantee stability and peace within the Partner States, and we should have institutions in place to guarantee that the electorate does not descend into anarchy. For that very reason, I want to support this beautiful report, and to congratulate EALA for being admitted as a full member of the ACP-EU arrangement. We look forward to a continued relationship and support. I thank you Mr. Speaker, sir, and I beg to support the Motion – (*Applause*).

The Speaker: I would like to clarify that we are in ACP-EU as observers but not as full members.

Ms. Dora Kanabahita Byamukama (Uganda): Mr. Speaker, sir, I thank you for this opportunity, and I congratulate the hon. Wanyoto for a well-presented report. I also, though belatedly, welcome back our colleagues, and ask if they have anything for us, because I did not get any chocolates, sir – (*Laughter*).

On a more serious note, Mr Speaker, I would like to commend the tradition, which we have started today, of reporting. This will enable us to share experiences and also to implement some of the lessons learnt. I think this tradition is very commendable, and I would like to thank my sister for starting it off.

Mr. Speaker, sir, I would like to make note of something, which we practice in our national Parliament; and this is on the issue of memorabilia. When you go to these institutions...perhaps I should ask what you shared with them, because if you did not, we may have to put aside a budget to make sure that we have some presents or symbols,

which we shall leave with the people we visit, because I know that they also give some kind of gifts. Therefore, I think it would be good for us to set aside a particular budget for this item so that we leave a mark wherever we go.

I would also like to raise an issue of controversy in the issue of leadership. In Uganda we have a Leadership Cod: When you go to a place and they give you a cow, you must declare it. But of course, we are an East African Assembly and, therefore, there may be no conflict of interest, but I would love to also share with you whatever you get...of course not in terms of what I have talked about in form of the chocolates, but it would be good for this to be laid on the table so that we know that they came from certain places – *(Laughter)*.

Finally, Mr Speaker, sir, I would like to congratulate our honourable Members for taking a bold action, and for enabling us to get “observer” status at the ACP-EU Joint Parliamentary Association. I would also like to ask that we continue to link up with this establishment, because a one-off visit should not be a beginning or an end. So I look forward to some continued relationship, and I thank you very much, sir.

The Speaker: I was part of that delegation, and if the honourable Member went to the library, she would see all the gifts that we brought back – *(Laughter)*.

Ms. Janet Mmari (Tanzania): Mr. Speaker, sir, before I comment on the report, I wish also to join previous speakers in commending the hon. Wanyoto for a detailed account of the trip.

Hon. Speaker, sir, I was touched by four issues in the report, namely: representation, financing, language, and finally, something that was not touched at all, political federation.

Honourable Speaker, sir, when you look at representation, this is provided for by Article 48(1)(a) where you have nine Members coming from each Partner States. When you look at the populations of these countries, there are large countries with large coverage area, for example Tanzania with 38 million people, Kenya 33 million, Uganda 27 million and we have our new guests with 7 or 8 million people, and we are talking of the same 8 million being represented by nine people and 38 million being represented by nine people. I was wondering whether it is not time for the East Africans to start thinking of a better way of having their people being represented.

Having said that let me go to the second item, which was also touched on by the hon. Zziwa. This is the issue of financing. Again, when you look at the Articles, we are talking of equal contribution from the Partner States. We all know that the GDPs of these countries are definitely very different. Is it not time that we also started looking at something that is different, moving away from equal contributions. I know in certain

areas, proposals have been mentioned like funding that should be coming from the customs, but we could even go slightly further. We know that there are countries that are landlocked and we also have countries that have assets that are not used. We know we have areas where we have invited people to come and invest so that, at least, the resources within the country can be tapped. If we are co-operating and we have agreed that ultimately we will be under one political federation, why should we be so mean and not share what we have and make sure that somebody who is down there can be pulled and enjoy the resources that are not even utilized as we stand here today? My recommendation would be to move out of this equal contribution before we finish our term.

The other item is the issue of language. We were told that they have about 27 countries and several languages and they spend about one third of their budget in interpretation. I was looking at the budget for 2007/2008 which was US\$28,313,559. If we take one State, that should something like US\$9,437,853, meaning that if we decide not to use the languages that we have agreed to; that is English as the language of this Assembly and develop Swahili as the lingua franca, it means that we will end up close to US\$9 million on interpretations, which is one and half times the budget of the Assembly, which is US\$6.4 million.

Having said that, Rwanda and Burundi are joining us and they speak French. What is going to be the language of the Community? I know they agreed to join us as we are, but may be there is every reason to think of facilitating ourselves so that, at least, we can develop Kiswahili which I know is spoken quite widely in both Rwanda and Burundi so that right from the time they come in, then we can use that language.

The point is political federation. When you look at Article 5(3), you can see that we agreed the development to be starting with the Customs Union, Common Market, Common Currency and ultimately the Political Federation. These people have been co-operating for a long time. But in the presentation, I did hear where or whether they were looking at actually moving to a political federation. Does the EU have political federation as their ultimate goal just like we do?

With those few remarks, I beg to support.

Dr. Aman Kabourou (Tanzania): Thank you, Mr. Speaker, sir, for giving me this opportunity to contribute on the Motion. Let me commend the hon. Wanyoto for an excellent presentation of the report.

Honestly, I am just glad to know that the trip to the EU has borne some fruits that are in the way of lessons. To begin with, let me talk about this problem of language. It is very clear that for the European Union, which allowed itself to have those many languages; it has become a cost because now they have to spend a lot more on just understanding one another instead of development. The hon. Mmari just mentioned the issue of the language barrier between Rwanda, Burundi and us. But, I thought that had already been taken care of by the Treaty and that Rwanda and Burundi had already agreed that they

would go by what we have! As a matter of fact, even if we were to extend our reach to the Congo, I am quite sure people there speak more Swahili than even Rwanda and Burundi. So, they will appreciate Swahili – (*Interjection*).

Ms. Mmari: On a point of information, Mr. Speaker, sir, when we talk of co-operation, it is not for the institutions, but for the people. Now, if we use the language that is English, and when I look at the number of people who speak English, they are very few compared to the people who understand and speak Swahili fluently within the region. It is against that background that I was looking at the fact that our being for us understanding English or French, it does not mean anything because the Community is meant for the people – (*Interruption*).

The Speaker: Honourable Mmari, you are now debating!

Dr. Aman Kabourou (Tanzania): Mr. Speaker, sir, let me just say that the honourable Mmari is in total agreement with me that we should focus more on those languages that are understood by the majority. English is just a transitional language and we should not even consider French because it is another colonial language that we don't want to promote in Africa.

Mr. Speaker, sir, the other thing is the question of budgeting. Right now as we are all aware, we have move to the second stage of the East African Co-operation, that is the Common Market and before long, we will be talking about the Monetary Union. We know that to accomplish this, we clearly need resources and yet the way our financing is structured, there has been a problem. Therefore, I would like to see the EAC adopt the EU mode of collection; that is getting a percentage of the GDP from the Partner States. I know some people have said that somebody with a bigger GDP will end up demanding a bigger say in the affairs of the Community. I don't think it has to be necessarily so, because the Europeans too, it is not like every country has the same GDP as the other; there are smaller ones. People have to love another as Africans and try to help those who do not have as much as we have – (*Interjection*).

Ms. Catherine N. Kimura (Kenya): On a point of information, Mr. Speaker, sir, while I agree with the sentiments expressed by the hon. Kabourou, is he telling us that we adopt the European model then which says yes you go by your GDP but in terms of representation, you are representation in terms of your GDP? I am not sure that is the direction we should be going.

The Speaker: That is a question not information, hon. Kimura.

Dr. Aman Kabourou (Tanzania): I do not see any difficulty in that. Just because there are many more people from Burundi represented in EAL does not mean they will always want to do things that will hurt the other members of the Community. I am just saying that we should find a way of improving on our finances so that we can get out of this trap. We now have this expanded mandate and yet we cannot work because every time we say we want to do this or that, somebody comes up and says there is no money because it is a fixed amount. I know very soon there was supposed to be launched national consultative committees in Rwanda and Burundi on the federation issue and yet I am not sure if a single Member of EALA can be able to attend. This will be very nice and I should thank Hon. Sebalu because he was the first one to question the legitimacy

of the fast-tracking commission in these three separate countries whereby only members from those particular countries could be members of the national consultative committees. I thought it is important that we appear in Rwanda and Burundi and help them in the process just like we had a tour there to talk about election of their Members to EALA. So, I would say it is very imperative now with the expanded mandate that we also have more funds. To say that we can raise the amount that is now contributed to by Members of US\$4.5 million and expect Burundi to fully pay this amount is almost like saying we don't want these people to come in.

Mr. Mike Sebalu (Uganda): On a point of information, Mr. Speaker, sir, the issue of funding depending on the contributions that are made by governments affects the way the Community operates because disbursement of funds at times becomes a problem. But when you go to deduct a percentage of GDP, the method of collection makes it easy for the Community to plan and is assured of funding to implement its projects because it is done centrally in a manner that is uniform, which does not have to depend on a Partner State and that can help them at the operational levels. We could also find another way. For example, we have these airlines in East Africa that sell tickets everyday. We could say we take 0.5 per cent of any and each ticket sold in East Africa to go to the East African Community's purse. That could also be helpful.

Ms. Dora Byamukama (Uganda): On a point of information, Mr. Speaker, sir, I would like to inform my brother, the hon. Dr. Kabourou that what he is saying has a lot of justification which is founded in Article 33 which talks about other resources. It says: "Other resources shall include budgetary resources such as income earned from activities undertaken by the Community." It is under this that we were arguing that we should also start a publication, for example, The East African Law Report, and generate money.

Dr. Aman Kabourou (Tanzania): Thank you, hon. Byamukama. Let me just conclude by pointing out one example that your tour uncovered, that is the European Union having projects that it runs in the Partner States of the EAC. It is important that we look into this matter because just recently, we had this Committee on Accounts report and we noticed how some of these funds have been abused. Now that we know the EU is involved directly in the different Partner States, we might want to streamline this and I think the EALA, which has an oversight mandate in the whole region is better positioned to take up the issue. I would suggest that since we had this idea, and I am not sure Hon. Ogalo is still with me, of forming a Select Committee to look into the projects, may be it is time we did that we can incorporate these EU activities in our region.

I beg to support – (*Applause*).

Mr. Augustine Lotodo (Kenya): Thank you, Mr. Speaker, sir, for the opportunity. I would like to congratulate the delegation that went to the EU. One issue that I find very pertinent is the issue of EPAs. As a region, we realize this is a very important issue. I hope we will have a session in this Parliament to discuss EPAs before the whole deal is concluded because we have realized that it has so many defects. For example, when new members are joining, it is in the agreement that we have to inform them of our agreements. So, such kinds of articles need to be subjected to scrutiny. So, I felt that such an important issue should be discussed here.

Another issue that comes out of this trip is that of the Bill that we passed. We hope that the Commission will be set up to address EPA issues and other related activities.

On the issue of the practical working relationship that we are looking for within the Secretariat, I hope the relevant Committee or the entire EALA will be part and parcel of those going to negotiate.

Finally, we in EALA have not been so much visible to the East Africans. One of the projects that we had suggested in this was to have a newsletter or a magazine. You can find that the delegation went to EU and we have no forum to tell East Africans about our trip. I think we should pursue the issue of the newsletter so that we can capture not only that trip but others that have been undertaken by different Committees to different parts of the world.

I beg to support the motion.

Mr. Dan Kidega (Uganda): Mr. Speaker, sir, I would like to thank hon. Wanyoto for the report she has presented and also congratulate the Chairpersons of Committees for the good work they did on our behalf. Where I come from, we have a saying that a child who does not travel thinks the mother is the best cook. There is also another version of it to the effect that if you are a husband who never visits the neighbour, you will never know the mistakes of your wife in the kitchen - *Laughter*)

Mr. Speaker, sir, in good faith, I am saying that to travel is to gain a wealth of knowledge and you live to these kinds of sayings. I must congratulate the entire team that travelled to Europe.

One thing that captured my attention was the recommendation on the question of days of sitting. Today, I left my place where I temporarily live at about 8.00 a.m. and I got here and we were in a Committee up to tending towards 2.00 p.m. and from there, I just had less than 30 minutes to make sure I am here in Plenary. That is routine. The work pressure we are experiencing because of the few days gazetted to this Assembly is dehumanizing. We need some times to live our lives normally without a lot of work pressure even when we are in Arusha. If we can increase the number of days from what is so far gazetted to may be 100 as has been suggested, I think we shall realize a lot of improvement in terms of efficiency and output. Because when you do too much work in a small amount of time, I don't think you will do justice to the kind of work you are doing. So, I was very impressed by this report in re-emphasising the aspect of increasing our days of work. It also allowed me to rethink about the working environment we work in. I live in a small place all my papers and everything is clocked up there. I write from my bed, we come to a small launch where we sit in turns; it is pathetic. I don't know what was your experience with the EU in terms of their working environment? I think it is very important that a good working environment is created for this Assembly and its Members.

The second issue is the question of language, but I am looking at from a different perspective. Language is the vehicle that transports culture. The European Union has so many languages and I think they are maintaining that to preserve their cultures. The

consistent use of English in this Assembly is defeating logic. If we are saying that Swahili is the language that can unite the region, why don't we do it here? We shall only have one interpreter may be for a few of us and that will give an impetus to those of us who don't speak very good Swahili to learn. So, I recommend that we revisit our rules and allow Members to debate in Swahili in this House with one interpreter for those who cannot catch up first with what is being debated. The culture that is carried along with the English language is at times not very palatable to our communities. So, I strongly would like to see us may be hire one interpreter to interpret for us Swahili here and we can go through our rules and allow Swahili to be used for debates.

Mr. Speaker, sir, the most unfair behaviour of the EU to the Africans mainly lies on their agriculture for their exports and survival; it is the unfair trade practice of subsidies of the European governments to their farmers. I don't know whether featured in your discussions and what their response was.

Finally, I have this conviction that women can do a good job, not because my mother is a woman. I think it is important that in our practices in this Community, we elevate the appreciation for women and gender in every aspect. I have seen this happen in the country I come from where there has been a fair appreciation of the participation of women in politics and other sectors and I have seen eminent improvement in those sectors. But we should not stop at that. Our demographic structure in this region is rich and we should not undermine the participation of other interest groups, and the Treaty is very clear about this. I am talking about the young people, persons with disabilities – (Interjection) -

A hon. Member: And the elderly.

Mr. Dan Kidega (Uganda): Age is not a disability - (*Laughter*).

Mr. Mwinyi: Mr. Speaker, sir, may I ask hon. Kidega to clarify why disability and age are put in the same platform.

Mr. Dan Kidega (Uganda): Mr. Speaker, sir, I know my comrade hon. Mwinyi appreciates where I come from. You know, disability is not something bad; people with disabilities are people who are able in a different way. That is my thinking. I would like to agree that elderly people are able in a very unique way because they are endowed with experience, with large and long CVs and we really rely on them. So, I think we need to go to the tail end of the Treaty and empower this other sector of our Community whose voices are not heard.

I beg to support.

Dr. Said G. Bilal (Tanzania): Thank you, Mr. Speaker, sir, for giving me a chance to make a contribution to the Motion. First of all, let me congratulate the whole group for

the tour. Let me also commend Hon. Wanyoto for the excellent presentation of this report.

Mr. Speaker, sir, in my tradition, when a parent, or a big man or woman travels, we expect gifts or presents. We are very thankful for the first gift, which is the attainment of observer status at the ACP-EU. But the bigger gift is the recommendations that are here for debate because, after all, this Assembly is about debate. Therefore, if we get issues that we can debate upon, that is better present for all of us.

On the issue of best practices and experiences which this tour has brought to our attention, I would like to see that there is some kind of forum for interaction between the Secretariat and other organs and the Assembly. I am sure that the Secretariat has also had the opportunity to travel to the EU and they might have taken note of different issues that are more appropriate to their areas of operation. Therefore, probably, such a forum might enable us to have a meeting of minds on the issues that we think will improve our regional body.

Secondly, on the issue of this - I think we should take extra steps and have exclusive debate on an issue that has become very important to the efforts we are contemplating. In saying that, I do not mean to belittle the constructive and very substantive contributions that have been made in this august House on this issue, but I am saying that we need to exhaustively debate on issues. For example, the evolution of EU and the number of years it has taken to realize some of the important steps that have been adopted, including the issue of universal suffrage. I think we should find time to debate this matter and see the differences between the genesis and chronology of events that led to the adoption of this. We just heard yesterday when President Museveni was talking about politicians. I think it is important to realize that in the genesis of EU, the most important thing is the process they went through, not just money. Issues, including the political spectrum of the region should be debated so that we can come up with the right decisions at appropriate times.

With those remarks, I beg to support.

Maj-Gen. Mugisha Muntu (Uganda): Thank you, Mr. Speaker, sir. Let me take this opportunity to thank the delegation that went to Brussels, and to thank hon. Wanyoto for the report well presented.

There are two, but interrelated issues I would like to recommend that we pursue specifically. I think up to this point in time, these are issues that have only been mentioned in passing; at times in seminars or in the Floor of Assembly. This is the issue of representation. I have heard it mentioned in passing by quite a number of Members. I think this is also an issue which is sometimes possibly debated by those who are in the executive branch of government. What is the basis of representation? I don't think this is a question we can shy away from for a long time. We must confront it early enough and rather than late decisions being taken in future, based on an uninformed position, I think we would rather as an Assembly commission a study. There are two issues here and we

are at the centre of it. Even if the decision was to be taken outside this Assembly, ultimately, the expansion or the basis of representation is going to be exercised in this Assembly. So, the earlier we participate as a way of influencing the decision that is going to be taken at a later point, the better for us. So far, representation now is on an equal basis; nine Members from each country. We appreciate the position that was taken at the initiation of the resurrection of the Community at that point in time. There were issues that were considered for that position to be taken then. But the Community has grown and it continues to grow. Therefore, the issue of representation is an issue that we need to tackle early enough.

Two views are coming up once in a while, but they have never been pursued to their logical conclusion. One is that representation should be based on the size of population while the other is that it should be based on the size of the economy. I think we need to study this question early enough, because the two actually can end up in passing. It is not necessarily those that have the highest population that also coincide to have the largest economy. Two, alongside the argument, you also hear the issue of, if representation is based on larger economies, it means that the number of representatives from that country will be higher. The question therefore arises, will that country have a higher say? Not necessarily so. Because even when you look at the Partner States, you may find a region that has a large majority of people but it may not necessarily have a large say because they may not necessarily influence decisions because the composition of Parliament at the end of the day can be based on interests and you may find that interests cut across.

Nevertheless, I think these are questions that we need to have a study on. My proposal in this Assembly if it is your wish, is to request the Speaker to commission a study so that we can use that study as a basis for internal debate within this Assembly, after which we can evolve a position that we could use to influence the decision that will ultimately be taken outside this Assembly. But the best way we can have a say is to develop that say based on an informed position rather than sentiments which tend to be the case many times. If people don't have guidance in terms of a well studied position, then anything can happen; sentiments can carry the day and we would not want to make a decision on such critical issues led by sentiments rather than guided decisions based on studies.

Mr. Speaker, sir, with those remarks, I beg to support.

The Speaker: You may now reply, Hon. Wanyoto.

Chairperson, Committee on General Purpose (Ms. Lydia Wanyoto-Mutende (Uganda): Mr. Speaker, sir, I want to thank my colleagues for their contributions. I sat here and listened very attentively and I did not hear any dissenting voice on our report and, therefore, I stand with a lot of excitement to give the conclusive remarks by appreciating all your contributions.

Mr. Speaker, sir, hon. Zziwa did mention issues of financing. They are well articulated in our report. We talked about even Ministers of Finance meeting and that each Partner State contributes 1 per cent of their GDP. The total budget of the EU is Euros 136 billion. So, I thought that should have been out clearly. I also appreciate that she had concerns on my abridged version of the presentation, but it is an issue of time. May be next time, I will be a little more detailed. I was just giving highlights of our report.

The second issue she raised was that she wanted to understand how Committees are facilitated. If you look in our report, one of the biggest budget lines is translation. I said that all Committees are well facilitated by the 23 language translations. So, it has been factored into the budget that whenever Committees are meeting, there must be translation services. That is a contribution to the budget. They also have staff. I did mention that the EU has over 6000 staff and of those, 1100 are attached to the translation section. I also mentioned that Committees are facilitated to travel to Partner States. They are well funded and are able to go to the Community and even receive petitions from the citizens which they come and debate and dispose of them. So, Committees of the EU go to the Partner States, raise issues with the people, interface with the Communities, receive petitions and get back to Parliament.

The other question she asked was on the relationship between national parliaments of the EU nations and the EU Parliament. In our report, we talked about competencies. In the context of competencies, we have been able to outline their comparative advantages and they have been able to streamline working relations. It is under that category that they are able to interface.

Mr. Speaker, Sir, the other person who raised issues, as I conclude was Hon. Byamukama. I would like to thank her for her contribution. Normally when we travel, we share copies of the EAC Treaty and the flag. But I would like to appreciate that we need a serious budget in order to have souvenirs or issues that talk about EALA in our delegations. We may also need to add brochures or magazines like Hon. Lotodo suggested. She also mentioned the issue of declaring what we bring and the Speaker helped me out on this one. All the materials and gifts we received were properly and officially delivered to our library which is on the 4th Floor.

Mr. Speaker, sir, hon. Mmari made very valuable contributions. She did not ask any questions, but I would like to recognize her contributions. But under the political federation issue, we would like to share with you the convergence of the EU in terms of the Committee that agreed on the common currency, which is the Euro. They also have the issue of universal suffrage, so there is a “connect” between citizens and the EU.

I would also like to appreciate the contributions of hon. Dr. Kabourou, hon. Lotodo, hon. Kidega who asked about the working environment of the EU. We saw a huge building, one for Council Ministers on one side, the side for Parliament and the middle one is for the Secretariat. So, each wing had a minimum of almost 23 stories. So, given the Minister’s answer this afternoon, it looks like towards that kind of working environment. I have nothing much to add on that one.

Mr. Speaker, sir, on the issue of the trade negotiations, there was a whole passage on how we can factor in matters of trade. We said that we need a better negotiating team than what we found in EU. At the time we visited the EU, we found our ambassadors from the three Partner States and at the courtesy of the Speaker, they hosted dinner for us. We also met other staff in the EU who took us around and we visited some of our embassies. But there were also other people from the Partner States, especially from trade and foreign affairs. We found a lot of people moving in and doing a lot of things and we seemed very un-co-ordinated. So, we need to be better organized and form one team.

I would like to recognize the contribution of hon. Bilal and the issue that hon. Muntu has raised on representation.

Mr. Speaker, sir, on behalf of the team, I want to thank you very much and I urge my colleagues to adopt this report. I beg to move.

(Question put and agreed to)

MOTION

For the Consideration and adoption of the Report of East African Legislative Assembly Delegation visits to Rwanda and Burundi

The Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr. Mike Sebalu (Uganda): Mr. Speaker, sir, I beg to move:-

THAT, this Assembly, pursuant to 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 EALA delegation visit to Rwanda and Burundi.

Mr. Augustine Lotodo (Kenya): Seconded.

Mr. Sebalu: Mr. Speaker, Sir, the EALA delegation made a maiden visit of

Burundi and Rwanda in August following their accession to the East African community (EAC) on July 1, 2007. The delegation headed by the Rt. Hon. Speaker includes the Members that are listed in the report.

During the seven-day visit to the two countries, the EALA delegation held wide-ranging discussions with various government officials, the private sector and civil society.

2. Objectives:

- i. to familiarize itself with the new constituencies of Burundi and Rwanda;
- ii. to liaise with the Parliaments of the two countries as part of the fulfillment of Article 49(2) of the Treaty for the Establishment of the EAC;

- iii. to inform stakeholders on the role of EALA as a regional parliament;
- iv. to share experiences on how the National Assemblies of the three Partner States went about the process of electing their representatives to the regional Assembly in Arusha; and
- v. to compare notes on the way forward for a prosperous Community.

3. The tour of Burundi:

3.1 Reception at Bujumbura International Airport

The Speaker of the National Assembly, Members of the Bureau of the Assembly, Chairpersons of the Committees and the Clerk to the Assembly received the delegation at the airport on 26 August 2007. It is gratifying to note that the Speaker of EALA was given a high level of hospitality by honouring him with a ceremonial guard of honour which clearly shows that country holds EALA in very high esteem.

3.2 Tour of the City of Bujumbura

The delegation visited the “*Meeting stone*,” where explorers Burton Speke and Henry Morton Stanley met while on their quest to discover the source of the River Nile. The delegation went to the border post between the Democratic Republic of Congo and Burundi, toured the beaches of Lake Tanganyika and witnessed some of Burundi’s tourist attractions.

3.3 Tour of SOSUMO Sugar Factory

On the way to SOSUMO about two hundred kilometres southeast of Bujumbura, and accompanied by the Minister for Trade, the delegation had an opportunity to stop at Kikizi, Burundi’s source of the river Nile.

The Chief Executive of the SOSUMO factory met the delegation on its arrival and gave the members a detailed brief on its activities.

3.4 Burundi Parliament

The delegation met with Committees’ Chairpersons of Burundi Parliament and was briefed about bicameral parliamentary rules of procedure. The delegation briefed the Committee Chairpersons about the process of electing Members to the EALA. The delegation hailed the Burundi Parliament’s creativity in setting aside seats in the Senate for former presidents and inclusion of the minority Twa as an important method of peace building. There is a minority tribe which has just a few Members, but it is provided for within the Chamber of Deputies as a special representation. That is something we found

quite interesting in terms of creativity and as a peace building mechanism. The former Heads of State, four of them, sit in the Senate. It is a good way of tapping the experience, the potential and the brains of former leaders. So, that was a very unique aspect worth commenting.

The EALA delegation congratulated the peace process in Burundi, praised their accession to the East African Community (EAC), and urged the Parliament to expeditiously elect legislators to the regional body.

3.5 Courtesy calls on the Speaker of the Chamber of Deputies and President of the Senate

The delegation made courtesy calls to the Speaker of the Chamber of Deputies and the President of the Senate and got briefings which further exposed the members to the administrative set-ups, mandates, and complimenting functions of the bicameral parliament.

The Hon. Speaker of EALA explained the process of electing representatives to the regional body and presented to the Speaker of the Chamber of Deputies and the President of the Senate with the following relevant documents as reference material for their exercise:

1. The Treaty for the Establishment of the East African Community (the “Treaty”);
2. The Strategic plan of the East African Community 2006 – 2010 and
3. Rules of procedure of the East African Legislative Assembly.

These are items that were well appreciated by our hosts to help them in the process of electing their Members.

3.6 Courtesy call on the President of the Republic of Burundi

The delegation paid a courtesy call to the President of the Republic of Burundi, H.E. Pierre Nkurunziza at his offices in Bujumbura on 29 August 2007. The delegation briefed the President on the tour’s objectives and congratulated the people of Burundi on joining the Community. The Speaker further commended the President for his efforts in trying to resolve conflicts in the country peacefully.

The President appreciated the efforts of the regional leadership and their contribution in facilitating negotiations towards lasting peace and security in Burundi. The President assured the delegation of his government’s commitment to the second phase of the Burundi peace process which will focus on reconstruction and development. The President observed that before accession to the EAC, the majority Barundi lacked business opportunities. He added that, with Burundi’s entry into the EAC family the doors are open for Burundi people to trade with Kenya, Tanzania, Uganda and Rwanda. The President welcomed the opportunities arguing that the money once used for war is being used for the development of the country e.g. free primary education, health services for pregnant women, and the under fives. Finally, the President thanked the delegation for sharing information on the process of electing EALA members.

3.7 EALA delegation depart Burundi for Rwanda

The delegation left Burundi for Rwanda on 29 August 2007 and was seen off at the Bujumbura Airport by the President of the Senate, Chairpersons of the Standing Committees of the Senate, Members of the Senate and the Clerk of the Senate.

4. The visit to Rwanda

4.1 The reception at Kigali International Airport

The Rt. Hon. Speaker of the National Assembly, Members of the Bureau of the National Assembly, Chairpersons of Committees, and the Clerk to the National Assembly received the delegation at Kigali Airport on Wednesday 29, August 2007.

4.2 The Gisozi Genocide Memorial Site

The Mayor of Kigali received the delegation at the Gisozi Memorial Site (“Gisozi”) and led it in laying wreaths. The manager of the Gisozi Memorial Site took the delegation on a tour of the facility and explained to the members the history of genocide in Rwanda. The objectives of Gisozi are as follows:

1. To bury the victims with dignity;
2. To prevent recurrence of genocide;
3. To put all facts related to genocide on record for posterity and
4. To provide a basis for reconciliation.

The Mayor of Kigali underscored the importance of recording the tragic history of the genocide as a learning process and a tool to help avoid repetition in future. She felt that Rwanda had made great strides in the last 14 years in fighting divisionism; hence saw the role of EALA as critical in making sure that genocide does not happen anywhere in the region.

4.3 Parliament

The delegation visited both the Chamber of Deputies and the Senate where it learnt about the workings of the two chambers. The speaker of EALA presented to the Speaker of the Chamber of Deputies and the President of the Senate the following documents with the same documentation as done in Burundi.

The EALA Speaker informed the Speaker of the Chamber of Deputies and the President of the Senate that the EAC is a people-centred, private led and market driven cooperation. He urged his counterparts to ensure that the EAC is known and visible to the people of Rwanda. The Speaker argued that for the people to support the Community they must understand the importance and benefits of belonging to the Community, and that this role can only be played by the people’s representatives at EALA and the Partner States.

4.4 Ministry of Foreign Affairs

The Minister of Foreign Affairs (the “Minister”) received the delegation at the Ministry Headquarters. The Speaker of EALA took this opportunity to explain the process of election and the steps needed to conduct such elections.

The Minister showed great commitment to the process of integration. He explained to the delegation that the government of Rwanda had resolved to put in place legal, institutional and structural frameworks to comply with the requirements of the Treaty for the Establishment of the East African Community. By the time we visited, the docket of East African Community was still under the Ministry of Foreign Affairs and he did indicate they would get all those sorted out so that proper mainstreaming of East African affairs is done.

4.5 Ministry of Justice/Gacaca Court Jurisdiction

The Principle Secretary to the Ministry of Justice and the Executive Secretary of the Gacaca Courts received the delegation at the Ministry of Justice and gave an overview of Rwanda Justice System.

The delegation was informed that the Gacaca Courts bore their origins from the 1994 genocide where more than a million people were killed. As a result of the genocide, the country lost judges, prosecutors, policemen, and the entire machinery of the Justice system. The situation compelled the government to embark on training of judges and prosecutors to adjudicate thousands of cases committed during the genocide. This community based adjudication managed to dispose of 300, 000 cases in three years. The delegation learned that it would have taken approximately 20 years for a modern legal system to have handled such a case load.

The delegation appreciated the impact of the Gacaca Courts on clearing the backlog of cases resulting from the genocide.

4.6 Tour of the Kigali Institute of Education

The delegation toured the Kigali Institute of Education (KIE) and witnessed Rwanda’s commitment to the use of ICT in bringing about socio-economic development.

KIE provides professionally qualified, competent and highly skilled educators in the areas of Science, Arts and the Social Sciences. Through the use of ICT, KIE pioneered a highly effective and efficient way of upgrading and training teachers in rural areas via the internet. This enables the educators at the Institute to impart their knowledge to teachers throughout Rwanda.

4.7 The Rwanda National Unity and Reconciliation Commission

The Executive Secretary of the Commission received the delegation and briefed members on the functions, mandate and achievements of the Commission in uniting and reconciling the country.

The genocide, we were informed, had left innumerable challenges in its aftermath, including the following:

1. Over 1,000,000 Rwandese killed;
2. Over 300,000 orphans;
3. more than 500,000 widows. The widowers are taken care of in one way or another.
4. more than 120,000 were in prisons suspected of having committed genocide or related crimes;
5. Over 3,000,000 Rwandese had been forced into exile in neighbouring countries and
6. the national, social and moral fabric had been destroyed.

The Executive Secretary reported that the Commission had succeeded in mainstreaming reconciliation work into day to day activities of stakeholders. The Commission continues to improve the livelihoods of the victims and encourages the culture of “*win win*” as opposed to the winner takes it all perception. The Commission further supports community initiatives through capacity building and deals with trauma of both perpetrators and victims.

The Executive Secretary stated that stability in Rwanda will contribute immensely to regional stability and that the Commission will provide lessons in areas of peaceful coexistence.

The philosophy and principles that govern the Commission permeates all levels of government as illustrated in the Chamber of Deputies and the Senate, where the minority parties hold the positions of Speaker and President as well as the cabinet which is made up of ministries from all parties and sundry.

To add on the issue of inclusion, in Rwanda, whether you won by majority as a party, it is within their constitution that you cannot form government alone; for instance appoint Ministers from one party. They do provide that you must bring others on board. So, you find that the Cabinet is made up of Members of the winning party as well as other parties and it has worked out well in terms of inclusiveness and also bringing everyone on board to work for their country. Likewise, in Parliament, the position of Speaker of the Chamber of Deputies and that of the President of Senate is a reserve of the Opposition parties, and some are occupied by indeed, small parties and it has been working very well. This is something to write home about.

4.8 Rwanda Investment and Export Promotion Agency (RIEPA)

The delegation was received by the Director General of RIEPA who enumerated its objectives, including the following:

1. promotion of investment opportunities with local and foreign investors;
2. facilitate the establishment and smooth operations of investment projects;
3. facilitate business development and export oriented production and
4. advise the Government on additional policies and support investment in the country.

This agency is further mandated to perform, among others, the following functions:

1. compile, document and disseminate information about available investment opportunities to investors, and to advise them on legal, financial and other requirements for investing in the country;
2. Provide, on request, information on potential joint venture partners for local and foreign investors;
3. provide advisory and support services, to Rwandan producers which enable them to export their goods and services, including information on existing market opportunities, product quality, packaging and labelling standards as well as training of exporters in international marketing skills;
4. liaise with communal, protectoral and central government authorities to secure industrial and agricultural land required by investors to implement their projects and
5. facilitate the design, development, construction, maintenance and administration of industrial estates and free export economic zones to ensure the provision of basic infrastructure and services such as roads, water, electricity and telephone in those areas allocated to investors.

RIEPA also serves as a one-stop-centre for investors in the country with responsibilities to:

1. receive and process applications for the registration of projects;
2. execute the functions of the one-stop-centre; and
3. provide such other support and assistance as investors may require establishing and operating their projects.

We found this to be a very innovative way of attracting investors and the legal regime in this aspect is investor-friendly. They pointed out that they were gaining a lot of investment opportunities as a result of that arrangement.

In addition, the Director General pointed out that the officers of the Agency sit at least once a week with relevant officials of line ministry departments and local authorities in order to assist registered business enterprises to secure all required approvals, certificates,

work permits and land for the implementation of their projects. Any decision reached at such meetings is final and binding.

The Director informed the delegation that RIEPA has been very successful due to the Public Private Partnership it enjoys by law. This forum enables them to meet five times a year to deliberate on issues with regard to taxes and customs duties.

4.9 Press Conference

At the end of the tour the Rt. Hon Speaker of EALA and his host the Speaker of the Chamber of Deputies addressed a press conference at the Serana Hotel where they explained in detail the successes and achievements of the trip.

Mr. Speaker, Sir, there were also other aspects, as I can see my brother, Hon. Mwinyi intimating; there were lots of entertainment. But for purposes of time, they will not come in this report. For details, you can get from Members of the delegation and you will definitely benefit.

5.0 General Observations

The Committee made the following observations:

1. The delegation found the hospitality accorded to them to be exemplary.
2. Reconciliation and conflict resolution efforts were evident in both countries.
3. Both countries expressed their readiness to elect their members to the East African Legislative Assembly as soon as possible.
4. The use of Kiswahili was very pronounced in the countries. I think we need to commend the two countries for this initiative. Definitely, they use French and Rwanda uses English as well, but the rate at which Swahili is used in public life is very commendable and I think they will find it quite comfortable transacting with the EAC using Swahili as a lingua franca.
5. The creation of Institutions to address the aftermath of genocide in Rwanda is commendable and as a result, the country is able to address the trauma caused by the genocide.
6. There is a general feeling that the economies of the two countries will highly benefit from their being members of the East African Community.
7. Both countries appreciate their accession to the Community, believing that it will enhance their state of security.

8. The Committee further observed that Burundi and Rwanda provide an enriching cultural dimension to the already existing rich cultural diversities in the region.
9. The Committee took note of the fact that Rwanda has a hybrid legal regime combining the Napoleonic and Common law traditions.
10. Burundi's innovative system of reserving some seats for former Heads of State is commendable as a mechanism for peace building. The minority tribe of Twa being provided for is also something worth noting.
11. Gender is given high prominence in both countries. That was evidenced in the appointments and the different stakeholders that we met where a number of people from the same gender had serious considerations as part of public life.
12. There is also considerable establishment of peace and security in Burundi since their Cease Fire Agreement and the Committee observed a sense of hope in the country with the ongoing negotiations.
13. An appreciation by the population for the visible role played by Heads of State within East African countries towards the stability of the two countries.

You will note that just a few years ago, there was a cease fire signed but the rate at which Burundi is gaining stability is very commendable and should be encouraged.

6.0 Recommendations

1. Whereas the Committee appreciates the funding of its tours by the development partners, it is recommended that the funding of such tours should be provided for in the EAC Budget. This is to ensure that there is consistency and continuity and that the programmes are not tagged on development partners.
2. EALA should have its traditional national tours in Rwanda and Burundi as soon as it is practicable.
3. The joining of the Members of EALA from Rwanda and Burundi should be expedited.

The Committee wishes to extend thanks to the following for making their work a success:

1. The Speaker, who availed the Committee with an opportunity to tour the two Partner States of EAC;

2. The host countries, for the excellent reception, hospitality and courtesy accorded to members;
3. The development partners (AWEPA) for funding the trip;
4. The Committee Members, for exhibiting a high level of teamwork and maximum cooperation; and
5. The Clerk and his Assistants, for ably facilitating the process.

Mr. Speaker, sir, I beg to move - (*Applause*).

(Question proposed)

Ms. Dora Byamukama (Uganda): Mr. Speaker, Sir, having listened to this excellent and professional report, my only plea is that the recommendations are implemented without wasting time.

Secondly, this should form an ideal format of reporting because of the flow and our capacity to glean from it the facts and information that we need from it. I would propose that this format be adopted.

With that, I am proud to belong to this House because this level of professionalism has not been exposed to me even in my earlier role as a Member of Parliament in Uganda. I commend the Committee and the Chairperson.

Mr. Daniel Wandera Ogalo (Uganda): Thank you, Mr. Speaker, sir, for this opportunity to contribute to the Motion. I also want to thank the Committee for the report I have only one point to raise on this report. It arises out of recommendation No.1, which touches on the EAC budget.

Mr. Speaker, sr, both this report and the report that was just presented by the hon. Wanyoto thank AWEPA for having made it possible for this work to be done. It means that without AWEPA, we would not have been able to do this work. The dependence on funding from such organizations can be seen in the fact that some of the programmes which had been prepared for Committees of this House, such as the General Purpose Committee to meet beginning next week, has had to be put off. There is, therefore, a problem with us relying on donor funds to do EAC work. I want to appeal to the Council of Ministers to take charge of the budgetary process. The Treaty is very clear, that the Council of Ministers shall determine the budget of the Community. Because the Council of Ministers have abdicated the responsibility of the budget to other bodies, we are left in a situation where we have to do EAC work by begging donors. This matter must be given serious consideration. The people of East Africa cannot expect outsiders to fund the activities of their Parliament. Last week the people who are called F&A came here from the Partner States. The East African taxpayer paid for their air tickets and per diem to come here to debate the budget of the Community. And what do the have to tell the East

African taxpayer, having paid for their air tickets and per diem to come here to determine the budget of the Community? They had only one answer; there would be no increase on the budget. So, why did they have to come? That could be sent by e-mail to the Secretary-General that there would be no increase. Now, they came to tell us that there would be no increase and they are coming back in a week's time for another five days to say there is no increase. Really, is that tenable? As long as we allow these people called F&A to think that they are the final determinants of the budget, we will continue having this problem of having to rely on donors to fund us. But if the Council of Ministers did what it needs to do as provided in the Treaty; all they can do is to say, okay, F&A, may be those are just recommendations. But once the Council of Ministers is seen progressively to rubber stamp what is coming out of F&A, they think they are the bosses. So, they have consistently made it clear that they will come here and say that is that; there is no more. Assembly? More than 60 days for what? What do they do? They are just part-time. No more money! So, we have to go and beg AWEPA.

Mr. Kidega: Mr. Speaker, sir, I rise to seek clarification. I thank hon. Ogalo for giving way. I get very disturbed by what hon. Ogalo has just put to the House that there is an F&A group that came here and said no increment and that they are coming back to say no increment. In essence, I think we are going to continue sitting in turns to eat our sambuzas. I want to know; the technical people and the political class in this Community; who gives the other one direction? That is the clarification I seek.

Mr. Ogalo: Mr. Speaker, sir, the problem has arisen from the inception of the EAC. Although the Treaty provides that the Council of Ministers will determine the budget of the Community, from the beginning, even before the Treaty came into effect when we had a co-operation, there was this F&A which always came and made the final decision. Now, we have not been able to transcend that and realize that there is a Treaty which puts in place new organs such as the Council, the Assembly and we have continued with what they used to do prior to 1999. So, the problem has been that when they do that, the Council of Ministers does not put down its foot and say, no; we are not accepting that! It just says, well, yes, from F&A to the co-ordination committee of Permanent Secretaries to the Council and that is that – (*Interjection*).

Maj-Gen. Mugisha Muntu: On a point of clarification, Mr. Speaker, sir, I thank the hon. Ogalo for accepting me to seek clarification from him. If the Finance and Administration Committee has decided that there would be no increases, and hardly a week ago having realized from the report of the Committee on Accounts only after looking at three out of about 60 projects, that funds are being mismanaged because of lack of capacity of the Community; the clarification I would like to seek is; don't you think it is necessary that the Select Committee which was proposed by the very Hon. Ogalo should be pursued and set up so that it can further show to the Summit and the Council of Ministers that for them to let the F&A to go ahead and say there shouldn't be any increases when there is no capacity, and lack of capacity is leading to wastage of funds; that the Summit and Council of Ministers are abdicating their responsibility and that should they go ahead to let the F&A to continue making such positions, that the Summit itself and Council may ultimately be held responsible. That is the clarification I would like to seek.

Mr. Ogalo: Mr. Speaker, sir, I could not have put it any better. There is really a need for a Select Committee to look into this for the betterment of this Community. So, as the Assembly moves with the Select Committee, the Council of Ministers should also re-examine how they approach the budget.

Mr. Speaker, Sir, with those few words, I support the Motion.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Mr. Speaker, Sir, this being the first time I am contributing to debate in the House during this sitting, I should first of all take this opportunity to congratulate you and the Hon. Members upon assuming seats in an expanded Chamber, whose ambience will facilitate constructive and purposeful debate of issues in accordance with the discharge of the functions of this House.

Mr. Speaker, Sir, let me also take this opportunity to congratulate Hon. Dr. Diodorus Kamara, the Minister for East African Co-operation of the United Republic of Tanzania and a Member of the Council for joining us Members of the EALA as a Member of the Assembly - (*Applause*).

Mr. Speaker, Sir, my substantive contribution will be three fold. In regard to the report of the delegation to Rwanda and Burundi, I will first of all express a word of appreciation and then I will avail some information regarding the context and the subject of the report. Lastly, with your permission, and from a humble pedestal, I will throw some challenges to us as the legislative organ of the Community.

Mr. Speaker, Sir, I thank the mission which was led by none other than your good self for undertaking this mission to the two new Partner States of the Community. The report before the House is quite far reaching in its contents, observations and recommendations. The report is quite informative especially on those matters which should be of relevant to this House, for example, matters relating to the structure and modus operandi of the legislatures of the two Partner States. I am saying this because the three original Members of the Community have had legislatures including this one based on the Westminster model. Now, with the entry of Rwanda and Burundi, and given the contents of this report, we may find some useful lessons; some best practices to learn from other forms of legislature.

Furthermore, the report goes along way in informing the rest of the Members of the House and indeed, the other organs and institutions of the Community about the history and circumstances of the new Partner States.

Going to the second part of my contribution, I would like the House to appreciate that what is contained in this report rhymes with the culmination of what has been going on as far as the country expansion of the Community is concerned. The expansion of the country membership of the Community is a development provided under Article 3 of the Treaty. You will go back and appreciate that the process started with verification of applications, followed by negotiations, admission by the Summit of Heads of State and accession to the Treaty by the two new Partner States. According to this report, now we

are more or less reaching the anticipated point of the two new Partner States participating in the integration process. It is in this regard that I would like to report to this House, with the permission of the Chairman of Council of Ministers, that on the 22nd February, 2008, the Republic of Rwanda and the Republic of Burundi deposited their instruments of ratifications of amendments to the Treaty - (*Applause*).

This development follows the deposit of instruments of ratification in December last year by the Republic of Uganda and in January this year, by the United Republic of Tanzania. The Republic of Kenya has undertaken to deposit her instruments of ratification of the amendments to the Treaty by the 18th of March, 2008.

Mr. Speaker, Sir, I am availing this information basing myself on the general observation of the mission which you led. According to the third observation, both Rwanda and Burundi expressed their readiness to elect their Members to the EALA as soon as possible, and both countries appreciate their accession to the Community believing that it will enhance their state of security. Your recommendation is that the joining of Members from Rwanda and Burundi should be expedited. Now, with the developments I am reporting, I have no doubt that by the next sitting of this Assembly, we shall be a fully constituted House representative of all the five Partner States.

Thirdly, the expansion of the country membership of the Community should not be taken for granted by any of the organs and institutions of the Community. It should not be taken that just because Article 3 of the Treaty provides for expansion, then expansion is a matter of fact and it has occurred. There will be challenges which will include how to involve the new Partner States in all projects and programmes of the Community for the purposes stated in Article 5 of the Treaty. Coming to this august House, how to involve and enable the new Partner States representatives in the full deliberations in the House and its Committees, and administratively, how to induct the new Members. Basically, they will be elected Members, but in total they may be 20 or 22, taking into account the amendment which enables both Ministers and Deputy Ministers to sit in the House. There is a challenge on how to administratively induct those two new Members.

Mr. Speaker, Sir, I don't have the courage and ability to say that this is a challenge to the Right Hon. Speaker, but this is a challenge to the House. Mr. Speaker, Sir, I beg to support – (*Applause*).

The Speaker: I would like to inform the Counsel to the Community that we have already catered for whatever he has said, and we are ready and expecting the new Members from Rwanda and Burundi.

Can I ask Hon. Sebalu to reply now, please?

Chairperson, Committee on Regional Affairs and Conflict Resolution (Mr. Mike Sebalu (Uganda): Thank you very much, Mr. Speaker, Sir. I take note of the good contributions by Hon. Byamukama. She has come up with very encouraging and very well thought out and objective contributions.

Regarding the contributions of Hon. Ogalo, the letter and spirit of his contribution is shared by the entire delegation. So, there is nothing useful to add. He stated the position very well.

As for Hon. Kaahwa, he has given us very useful information. He has updated us on the position of depositing of instruments of ratification which I consider to be very useful information. As for the challenges, we are ready and available collectively to deal with them as a House.

With those comments, I beg to move.

(Question put and agreed to)

The Speaker: Honourable Members, we have come to the end of business today. Before I adjourn, I would like to make a few announcements.

First and foremost, the Chairperson of the Regional Affairs and Conflict Resolution Committee is asking that his Committee stays behind and have a quick meeting.

Secondly, I would like to announce the inception of the EALA Women's Forum. Detailed information on the forum including mandate, objectives, membership and activities will be given to you at a later date. As the hon. Kidega and the hon. Sebalu have already said, they are very well organized and ready to work. They already have a Chairperson, who is the hon. Kwekwe. Their Vice- Chairperson is the hon. Mmari, the Secretary-General is the hon. Byamukama, and the Treasurer is the hon. Kimura. The Publicity Co-ordinator is the hon. Wanyoto. Like the hon. Kaahwa said, it is now a challenge to you men – *(Laughter)*.

Finally, I would like to remind you that starting tomorrow Thursday, and Friday, we are expected to attend a workshop on promoting transparency and accountability of revenue of extractive industries. The workshop will take place at Kibo Palace Hotel at 9.00 a.m.

I would like to remind honourable Members that we have 16 Members of Parliament from Kenya, Uganda, Tanzania, South Africa, Congo, Nigeria and other places. We also have parliamentary staff, international organizations, Revenue Watch and other organizations. I can even see Richmond Energy...but this one is the real Richmond – *(Laughter)*. We also have civil society members from all the Partner States and NDI staff all the way from Washington DC...Anyway it is a big contingency of people who have come from all over the continent and the world. So, it is a show-case for us EALA. I hope all of us will be there tomorrow at 9.00 a.m. Actually, it is us who are hosting, and to kick it off, we have a cocktail right now, starting at 6.00 p.m. So, all our guests should not be there before us. It is at the New Arusha Hotel. I can see the hon. Kidega is looking at his watch; I think he did not make it for lunch today. So, please be at the cocktail and tomorrow morning and for the next two days. Please be on time.

ADJOURNMENT

The Speaker: I now adjourn the Houses *sine die*.

(The House rose at 5.30 p.m. and adjourned sine die)