



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

Official Report of the Proceedings of the East African Legislative Assembly

61ST SITTING – SECOND ASSEMBLY: SIXTH MEETING – SECOND SESSION

Wednesday, 27 May 2009

The East African Legislative Assembly met at 2.30 p.m. in the Chamber of Burundi National Assembly, Bujumbura.

PRAYER

*(The Speaker, Mr Abdi H. Abdirahin, in the Chair.)
The Assembly was called to order.*

MOTION

FOR THE CONSIDERATION OF THE BUDGET OF THE EAST AFRICAN COMMUNITY FOR THE FINANCIAL YEAR 2009/2010, AS MOVED BY MS MUKARULIZA ON 21 MAY 2009

(Moved by the Chairperson, Council of Ministers, Ms Mukaruliza on 21 May 2009)

(Debate interrupted on 26 May 2009 resumed)

Ms Valerie Nyirahabineza (Rwanda): Mr Speaker, I am particularly delighted to be given this opportunity to contribute to this debate on the Budget for the Financial Year 2009/2010. First and foremost, allow me to thank the Government, the Parliament and the people of Burundi, and especially the members of the Burundi Chapter, for the warm hospitality accorded to us - *(Applause)*. I also thank the Parliament for availing to us this wonderful place.

A special vote of thanks goes, in a special way, to you, Mr Speaker, for having planned and convened this meeting in Bujumbura. This will allow us to evaluate the impact of the integration process in Burundi, as a new EAC member state. Before I proceed, I would also like to congratulate the Council of Ministers for the good job it has done, and for making a difference in terms of the budget presentation. It is

obvious that the Council did engage with the Assembly in the budget process. Last but not least, let me thank also the General Purpose Committee and its chairperson for having worked tirelessly to develop this wonderful report, which I fully support. *(Applause)*

Having said that, I would like to highlight my comments on the budget we are discussing. I would like to first express my disappointment that the Budget Speech, as wonderful as it is, is not matching with the budget allocations. I am glad to hear from the Council of Ministers that the theme of this year's budget is "Strategic priorities to deepen integration", so I will suggest that in view of that spirit, strategic activities should be given priority and the weight they really deserve.

The Budget Speech highlights a very important area that needs the focus, commitment, and dedication of the EAC to enhance the Partner State economies currently affected by the global economic crisis. So, if we really want to improve trade within the EAC, we have to work hard in terms of our EPAs negotiations and encourage EAC to continue negotiating as a bloc.

I am glad that the Chairperson of the Council of Ministers stated on page 11 of the Budget Speech that the Community sustained activities in the area of trade negotiations. *"The enactment," she added, "of the EAC Trade Negotiations Act came as a major breakthrough in the longstanding search for the EAC Partner States commitment to negotiate as a bloc in the multilateral trade fora"*.

The Assembly's initiative in pushing through the enactment of this law is commendable. The Secretariat is in the process of operationalising the Act. Actually, if we want to move in the right direction, the EAC Trade Negotiations Act has to be operationalised as quickly as the urgency requires. A condition has to be put in place as provided for in the Act, and the negotiators have to be brought on board and capacitated for the EAC to be able to strongly negotiate and face these EU people as far as these EPAs negotiations are concerned. I am told that we are now approaching the signing of the agreement, but the whole process of negotiations will have been affected.

My second comment will be on the issue of absorption capacity. Considering the absorption capacity and fund utilisation of the EAC organs, it is a shame to note that the average is 59 percent as of March 2009. I recommend that a mid-term budget performance review be carried out so as to track the trends of absorption capacity. I propose that funds for the departments that are not performing should be allocated where there is need.

My very last comment will be on the social sector, and apart from what was said yesterday, I want to highlight one big issue in the areas of gender, community development and civil society. This area has only one activity, and it is under-funded.

On the issue of gender, the Treaty for the establishment of the East African Community states in its Article 5(3)(e) that: *"The objectives of the Community shall be the mainstreaming of gender in its endeavours and enhancement of the role of women in cultural, social, political, economic and technological development"*. Mr Speaker, how can this happen without a clear policy? There is therefore a need to

develop one gender policy for both the EAC as a body, and for the five Partner States. There is also a need to create a framework to fulfil what Article 5(3)(e) is saying, and we have to remind ourselves that in this regard women constitute 52 –(*Interruption*)-

Ms Wanyoto: On a point of the information, Mr Speaker, I want to say that the policies that relate to gender are very important to both the EAC as an institution and also to the EAC Partner States. It is in fact critical. While we normally agree by definition that gender is about men and women, we know that it is meant to correct the traditional imbalances that leave women off the table of decision making. Recently the East African countries in the Community were subjected to a very serious issue in the Republic of Kenya, when the women of Kenya, led by the G10, were able to express themselves on issues pertaining to their country by withholding their rights in terms of relationships in their families. (*Interjection*)

We do not want the women of East Africa to in future express their displeasure with the way EAC matters are conducted if policy and framework cannot be put in place so that they are properly catered for to share their views in the rightful fora. I thank you honourable colleague. That is the information I wanted to give.

Dr Ndahiro: Mr Speaker, I partly agree with what hon. Lydia Wanyoto has stated, but I would like to remind her that we cannot refuse people their right of expression. Thank you. (*Laughter*)

Ms Nyirahabineza: Mr Speaker, I think you have been advocating for Members of the Assembly; women also need to be advocated for and protected.

I was saying that women constitute 52 percent of the entire East African Community population, and that is why EAC as a body should develop programmes and projects aimed at ensuring that women are taken care of.

The Treaty for the Establishment of the East African Community in its Article 7(1) (a) says, “*The principles that shall govern the practical achievement of the objectives of the Community shall include people centred and market driven co-operation*”. What is this Article for if the majority of the population is left out? I would like to acknowledge the explanation of the Deputy Secretary-General in charge of Finance and Administration about the projects submitted to the development partners but if his office could speed up the process it will help all of us.

The Chairperson of the Council of Ministers stated on page 44 that the extension of the regional programme was one of the significant milestones for the East African Community during the Financial Year 2008/2009, in respect to the establishment of the institutions and commissions. It is noteworthy that this extension of the EAC programme has affected mostly the activities in the social sectors, namely the commissions or councils established for culture and sports; for science and technology; and, for health. These new commissions or councils will be operationalised during this Financial Year 2009/2010.

What I want to say here is that the East African Community Secretariat should normally also think about establishing an East African Community women’s commission and an East African Community youth commission - (*Applause*) - which

were agreed upon in one of the sectoral council meetings on women and youth that took place in Kigali early this year. And I think that the Chairperson of the Council of Ministers is the one who gave us this information while we were in Arusha in February.

Mr Speaker, with all those comments, I want to support the motion. I thank you very much. *(Applause)*

Dr Aman Kabourou (Tanzania): Thank you, Mr Speaker. Let me also, before I say anything else, thank the Burundi Government, Parliament and the Burundi chapter of EALA for their hospitality to us as members holding our session in Burundi. *(Applause)* Secondly, let me also thank hon. Wanyoto and her committee for having done an excellent job to make our task very simple indeed. I should also say that I agree with their suggestion that we should support this budget because - as they put it - it is progressive, both in content and spirit. *(Applause)* I honestly think that they are right on that, and for that reason, I have no quarrels, but I will only mention a few things that I think the Secretariat and the Council of Ministers may want to be a little more careful about. My first point is about the Customs Union.

On page 9 of the Budget Speech, there is mention of the elimination of non-tariff barriers. I know there are a lot of these; we have been to different places to see weighbridges and border posts, but I think there is one that is usually not addressed, and that is the law.

I remember coming to this session from Nairobi to Bujumbura with a lady who had just come from China. She is Rwandese and she told me that has been trading for three years now. She goes to China to buy goods, but she also lamented that although they get these goods at a very competitive price in China, the moment they step into Rwanda, Kigali or wherever, it is at the discretion of the Customs official to re-arrange the price. This also happens in Tanzania and elsewhere because the laws allow customs officials to re-arrange prices, and this is really unacceptable. So, we want this law to be looked into because it is the consumers, the East Africans, who end up paying the price for this arbitrary legislation.

This is about EPAs, and it is on page 12. Let me just for a minute here read what I want to mean. It says: *"The negotiations have proceeded well on the basis of an agreed roadmap towards the expected conclusions of negotiations in July 2009. To date, most of the areas have been agreed on, the remaining critical areas for negotiations include some aspects of market access, trade in services, technical barriers to trade, rules of origin, sanitary and phyto- sanitary measures, trade related aspects, agriculture and economic development co-operation."*

This is too long a list for anybody to assure me that by July they would have covered everything. Many questions remain unanswered. We have just come back from a trip where we talked to the President of the ECOWAS Commission, who told us how the ECOWAS refused to sign anything. And, as a matter of fact, he told us that the pre-conditions are such that EPAs should first of all address the issue of economic development, and secondly integration. So, we want our people to be aware of these things, we have to have goals. *(Applause)*

My third point is on the issue of East Africa as a single market; this is on page 13. Here, I just want to express my - I don't know; it says that the East African Community Partner States went together to London or somewhere to advertise the EAC, and what did we get in return? Rwanda and Kenya became the darlings - and they say here- for three consecutive years. Now you wonder; it's almost like going to play a match and your own fullback actually scoring against you, and then you coming back to celebrate the loss of your team! The East African Community went there -and I don't know who funded this project- and who comes back with the earnings? Two member states; and what about the others? I thought the East African Community should have had the earnings! (*Interruption*)

Ms Hajabakiga: Mr Speaker, the information I would like to provide is that so far each country has been working individually in matters of tourism so they have been going for the fair on their own; they have not been sponsored by the East African Community. However, this year when Rwanda won the first prize again for the third consecutive year at the International Tourism Exhibition in Berlin, the President of the Republic of Rwanda, who is the current Chairperson of the Summit of EAC Heads of State, announced that next year if everything goes well, he would like to see this prize as an East African prize other than just for Rwanda - (*Applause*). But each country goes on its own.

Dr Kabourou: Thank you for that information hon. Patricia. I am glad you told me that because I was beginning to get scared of taking these secrets to another city, because nobody could really understand it, but then, why is it here?

My point number four is about the railways, which is on page 17 of the Report. We have been told that there will be an extension of rail roads of a standard gauge. I don't know which standard! There is an "L" gauge and a "Y" gauge. I think the Secretary-General, who has worked very closely in the railways industry, might want to enlighten us on this.

On the issue of food security -this is on page 20- it would appear that the East African Community is not interested in whether the people here have food or not, because as we speak, we do have hunger situations in Kenya, in Tanzania, and I don't know where else; but those I know for sure, and of course the tour of Burundi made it clear to the Members -I talked to quite a few of them- that there is no food shortage here in Burundi; I could say the same about Rwanda. I don't know about Uganda, but you wonder why East Africans from Kenya and Tanzania have to rely on contaminated maize from South Africa when they could easily get it from these food-sufficient states of East Africa! So, there has to be co-ordination. If there is enough food in Burundi and there isn't in Tanzania or Kenya, then it is up to the leadership in East Africa to see how we can transport this food and help our own people. Some people have died in Kenya as a result of eating this contaminated maize. So, we want the leadership to be aware that we are concerned.

On the issue of human rights, maybe I can just go back and say that we should consider food security as a human right - (*Applause*). So, the *Kituo cha Katiba* people should be reminded that we are beginning to wonder what human rights they are you talking about if people cannot even feed themselves! (*Interjection*) The right to same

sex marriage is not all that significant; I think food is probably more important than anything else.

My point number eight concerns paragraph 59 on page 29, which reads: *“The Secretariat embarked on an improved financial and institutional management systems aimed at enhancing accountability and improvement on the governance process geared towards achieving value for money and better service delivery. In this regard, the process of developing a risk assessment policy, a corporate governance policy, a procurement manual, an accounting manual, an internal audit manual and a project monitoring strategy framework is at an advanced stage.”* Mr Speaker, I am just left wondering: did we or didn't we have these before? And if these are at an advanced stage, can we at least know when they will be operational? Because it is obvious that nothing is happening because all the states either are not there or they were there and have now been rejected. But, we don't have new ones, so we are just stuck!

My point number nine regards what I call “the Bundi dilemma”, which is on page 35 in paragraph 77. I don't know if it is Bundi or whoever, but can you imagine that for funding under the Regional Integration Support Programme (RISP), an EALA official can actually write and say, “Look, we have all the money we need”? And even more strange, is for the Secretariat and the Council of Ministers to sit and say, “Yeah, they do because they told us so. They simply have the money!” But, don't you guys know that EALA doesn't have money; that committees don't have money, members travel economy class, and now on the word of one person who tells you, “Yeah, we have all the money; forget us” you accept that and you come and tell us?

This is what we were told, but what action did you take against this “Bundi dilemma”, Mr Speaker? (*Applause*) I would like to mention this because I don't think it is wise for your child to come and tell you, “I have already eaten”, when you know this child didn't eat in your house and you simply accept that! You have to ask, “Where did you eat from? Where did you get the money to eat?” Well, this didn't happen, so this is the “Bundi dilemma.”

My other point is on donor dependence, which is on page 31. I don't know, but it sounds to me like the pie in the sky analogy. So, enter the European Union and they have the Economic Development Fund, they call and they say, “Guys, EAC, IGAD, IOS, COMESA, we are giving you 465 million Euros from 2000 to 2013”, which comes to about 12 million Euros a year. But my question is: knowing that we have all these credit crunches, we have all these shortages in our budget, maybe we should be told how much money we have accessed so far because we do have a lot of economic difficulties as a result of not having an adequate budget. So, how much money have we got?

From the ECOWAS President we were made to understand that this economic Development Fund really is just a pie in the sky, and that it doesn't deliver, and especially not on time.

Mr Speaker, I thank you very much for allowing me to at least air my doubts. I support the Budget. (*Applause*)

Mr Leonce Ndarubagiye (Burundi): Mr Speaker, coming from Burundi, I would like to start by expressing our gratitude for all the kind words that have been said about Burundi, about the Government of Burundi and about the Members of EALA from Burundi. We reciprocate the thanks to you for having chosen Burundi to hold this session here in our country. Thank you very much. *(Applause)*

Coming back to the Budget, I think the Budget, as hon. Ndahiro said yesterday, is good, but it can be improved. Hon. Lydia Wanyoto, the Chairperson of our committee, did a very good job, and we have been working very hard. We had several meetings with hon. Rotich, the Deputy Secretary-General, a very soft spoken gentleman who even has a sense of humour. I remember in one of the meetings when we were accusing him for the shortcomings of the Budget he was proposing, he turned to us and said, "But look here, ladies and gentlemen, we have tried!" We all laughed and he also laughed too.

Having said this, I fully support the motion, and that is why I am among those who requested that this report should be included in the Budget we are going to adopt.

Mr Speaker, sometime in June, which is next month actually, the Ministers for Finance of the three Partner States of Uganda, Kenya and Tanzania will be presenting their budgets to their parliaments. I think Rwanda and Burundi have not yet reached that stage of doing it on the same day, but I hope that we will soon present our respective budgets on the same day. I think we have now come to a point where we should also harmonise our calendars, so that when it is 7 o'clock in Dar-es-Salaam, it is also 7 o'clock in Bujumbura and in Kigali. *(Applause)* By so doing, we will be harmonising in view of the process of integration.

I now come to the point about what we call development partners. Mr Speaker, I join my colleagues who have spoken before me to say that the negotiations we have on EPAs should be very seriously done - *(Applause)* - because people have been cheated, some countries have been blackmailed. We could give some examples, but it would hurt some of the development partners. So, I better not say it, but seriously, let us do the negotiations as seriously as possible.

When you look at the Latin American countries, all those countries are what they call emerging countries, but they refused to go the way of IMF and the World Bank. They did it their own way. For those who went that way, like Argentina, they are bankrupt, unlike China and Brazil who chose to go their own way, and according to their own priorities and goals.

If even in our Budget we need 40 to 50 percent from Partner States, we must rethink its use because if we look at our priorities, I do believe personally that even the money given by the Partner States can suffice if we drop some unnecessary programmes. That is what I wanted to say, I support the motion. *(Applause)*

Dr Lwanyantika F. Masha (Tanzania): Mr Speaker, let me also thank you for allowing me to participate in this debate on the Budget. Perhaps I should first say how pleased I am to be in Burundi, and how pleased I was to have participated in the tour on Saturday, which showed me a country so beautiful, a country so fertile, a country

with such serious people. I am glad I had the opportunity to see Burundi, and thanks for the hospitality, which you have shown us. (*Applause*)

Mr Speaker, on the Budget, I am very pleased to see the transparency in both the statement of the Minister, in the budget documents as well as in the work of the General Purpose Committee. I want to thank the Committee for helping us to look at the details, and for not doctoring them except in one or two areas. But essentially, I think they did a wonderful job; they deserve our thanks. (*Applause*) I am, therefore, here to praise the Budget and not to kill it; but in the process, I will point out a few things, but let me first demonstrate what I said of the clarity or the transparency that I see in the Budget.

Mr Speaker, just as an example, on page 30 of the Budget document Volume IV, it is stated that: “*fiscal and monetary policy harmonised by the year 2012*”. The things are very specific: They are going to have a consultancy on technical preparations for the establishment of a single currency. I applaud them for letting us see the possibility of this in the next two years. They are going to have a consultancy on the appropriate legal framework in the Partner States to facilitate the operations of an East African Central Bank; also very specific, and they are even going to design and implement a multilateral surveillance mechanism for East African macro-economic convergence.

I want to applaud whoever planned this, and I hope they will achieve it. This is what, in terms of strategies, we want to see in the Budget, and, therefore, I am very grateful that at least in this one area there is clarity. There are a lot of areas in the Budget where there is this kind of clarity as to where we are going; and I hope the other organs of the organisation will obviously help towards this, as indeed we will help in the development of the Common Market, which we have been told should be coming into force some time in January next year.

The same kind of transparency was in the statement of the Minister. Among the things that stood out very clearly for me -and you will allow me to appear repetitive because I want to make a point- is the fact that the statement made reference to the work ahead for the Community.

On page 9 of the statement, the Minister talked about proposals to amend the Customs Union protocol. I realise the Customs Union is one of the few areas in the Treaty where there is actually a statement that there must be a protocol to further what is contained in the Treaty. In paragraph 10, there is the finalisation of the Common Market protocol, and earlier on we had the amendment of the Customs Union protocol.

On page 14 we have a protocol geared at the establishment of an East African Tourism and Wildlife Management Co-ordination Agency; again, very transparent, very specific.

On page 17 there is reference to a protocol for the establishment of CASSOA, and in Volume IV on page 22, there's reference to a protocol for the establishment of the East African Science and Technology Commission. On page 22, there is a proposal - this time not for a protocol, but I suspect there was a misprint. The person wanted to indicate a protocol again, a proposal to establish a culture and sports commission.

On page 23 there is ratification of a protocol on environment and natural resources; another protocol. On page 24, there is a process towards another protocol on the establishment of a monetary union and a single currency. Still on page 24, again more, protocols: protocols on good governance, corruption, human rights and electoral commissions, et cetera; protocols, protocols, protocols! On page 26, a protocol on foreign policy coordination; another protocol, and on page 27, a protocol on defence co-operation, and there is another protocol on page 28 to operationalise the extended jurisdiction of the East African Court of Justice.

I applaud the transparency in these documents, and I thank the Minister for letting us know that in the course of the year we will have no less than 24 protocols being discussed and negotiated. I don't know when they will be ratified, but nowhere in the speech of the Minister did I see any indication of what Bill will be coming to EALA for legislation. (*Applause*) Protocols, protocols, protocols, but no Bill for legislation! I don't know whether this was a deliberate omission or inadvertent, but surely there must be something wrong. No legislation, protocols, protocols, protocols; we don't have any work honourable members!

Mr Speaker, your House will be doing things, which appear in the Budget document on page 48 where you had, in Volume IV, target descriptions for the work of EALA. But what activity will we be doing under legislation? To only procure library equipment, shelves, desks and books? (*Interjection*) Well, if you didn't read this document properly, you must go back and read it. That's what I am seeing there...unless I am reading the wrong document.

Another segment: Costs Centre - "Office of the Clerk"; Target Description - "Legislation". We will have a newsletter published, coverage of EALA activities by TV and radio. But there won't be any legislation; I wonder what they will be covering! There is even a reference to the Sergeant-at-Arms, under the cost centre target description: "Legislation" and the activities to be done: "securing doors, furniture, first aid kits and designing of the Mace". I don't even see an indication of how many sessions of EALA there will be, let alone the fact that I don't see how many Bills will be proposed for legislation.

I beg the indulgence of the Chairperson of the General Purpose Committee; maybe they already have an answer to these questions, but since I wasn't briefed earlier, I can only go by the books that I see.

This year the Assembly had a problem, which necessitated the establishment of a select committee. The Assembly couldn't meet, but there was no way to go back into the Budget to find out how many plenary meetings were budgeted for. We are going to face the same problem again: We don't know how many plenary meetings are budgeted for, so it could very possibly come to a point where, again, we don't have money to run a plenary session. But since we don't have Bills to legislate, maybe it's okay. (*Interjections*) I am not sure whether I should blame the Secretariat of EALA who might have submitted these things for consolidation into the Budget, or the Secretary-General. But no matter whom to blame, I just want to say that there is a problem in how the EALA elements are presented, and maybe - (*Interruption*) -

The Speaker: Hon. Masha, this is not the Secretary-General's budget or the Clerk's budget. It is the Council's budget, so it is the Council to answer for that.

Dr Masha: Mr Speaker, I am grateful for the clarification. Whoever bears the blame should at least correct it next time.

In the statement of the Minister, and indeed there are many areas where they have expressed justification for all these protocols, why are there so many protocols? And one of the justifications is that you need them in order to commit member states to accept financial and other implications - *(Interruption)* -

The Counsel to the Community (Mr Wilbert Kaahwa: Mr Speaker, my honourable friend seems to be so obsessed with the existence and use of protocols in the EAC integration process – *(Interruption)* -

The Speaker: Are you giving him information or are you trying to insult the member?

Mr Kaahwa: I am sorry, Mr Speaker. The point of information I am raising is with regard to the nature of protocols in the East African Community's operations. May I inform you that protocols are actually a prominent feature of the Treaty, as provided for under Article 151, and their purpose is for spelling out the objectives and scope of cooperation and integration in those areas where the Treaty is not explicit?

I don't think there is anything wrong with Partner States, as contracting parties, concluding protocols, which are at policy level, and which, as the Chairperson of the Council has indicated in her Budget Speech, can give rise to subsequent legislation. May I further inform my honourable friend that in her Budget Speech, the honourable Chairperson of Council went to great lengths to explain a new way of the Council concluding protocols? Protocols will henceforth be concluded in such a manner that they do not adversely affect legislation by the House, but that they lay policy basis and background for legislation by the House? I thank you, sir.

Dr Masha: Mr Speaker, I thank the hon. Counsel to the Community. I don't know whether it was clarification or his defence of protocols, but I suppose he would have to defend them. Let me repeat this that there are some Articles in the Treaty, which actually state that the protocols will be negotiated, and there are lot of areas where it is not so stated. So, they are not necessary in every case.

He tried to pre-empt me on the statement of the hon. Minister concerning the intentions to change the format of protocols. I am looking forward to that change in all the protocols that come to us henceforth, but I will be opposed to any protocol, which is in the form of legislation. *(Applause)*

The Minister also said -and if I may use her words: *"The Council will be working on redefining the scope of these protocols so that they outline the general principles, thereby facilitating their smoother translation to legislation."* The Council will be doing it. I don't know how often the Council meets, but I am really looking forward to seeing the Council do this work and bring us proper protocols, which are decent. *(Applause)*

The Minister, in paragraph 105 of her statement, made the following suggestion: “*To revisit the relevant Treaty provisions with respect to protocols.*” Now, if there is an intention to revisit those aspects that make all these protocols so necessary, I wish to make a number of humble suggestions to their review, even though I realise that to revisit them is not a commitment to amend the Treaty. I don’t know whether we can look forward to that revisiting in the course of the coming year, and whether they will reach a conclusion, ratify and give effect to them, but if they do that, I want to suggest they look at Article 9 of the Treaty.

Article 9 of the Treaty establishes the organs of the Community. There are eight organs of the Community; there is the Summit, the Council, the Co-ordination Committee, the Sectoral Councils, the East African Court of Justice, and further down you have the East African Legislative Assembly, the Secretariat, and any other such organs as may be established.

The role of the Co-ordination Committee and the Sectoral Councils goes back to when there was no Assembly; that was the legislative process. And we have said before, this must end. After the Assembly came into being that legislative process should have stopped; it didn’t. It didn’t because it is these same organs to recommend the change. But of course they will not recommend change which will put them out of work! If you remove protocols, these organs will have no work other than the normal consultation, which goes on with members.

Therefore, if you think of revisiting the Treaty in light of the problems we are facing with protocols, you may want to look at that Article 9 and see whether all these organs are needed. And if they are needed, re-define their work so that they do not interfere with the work of legislation.

In her statement in paragraph 52, the Minister said: “*The Summit directed the Council to submit to EALA its complete recommendations at its sitting in November 2009 on the way forward on the establishment of a political federation.*” These are almost the same words as contained in the Treaty in Article 123(6), which states that: “*The Summit shall initiate the process towards the establishment of a political federation of the Partner States by directing the Council to undertake the process*”.

It wasn’t quite clear when the Minister was speaking whether really the direction, which they received from the Summit, was indeed in connection with the re-activation of this Article 123(6). If it was, I want to applaud the Summit for doing that, and I look forward to the submissions of the Council to the Summit. A lot of the questions that am asked as I go around in East Africa, particularly in Tanzania where I spend most of the time, are: what kind of federation will it be? What powers will the President of the federation have? What is this and that? And when you cannot answer these questions adequately, they think you are just trying to hoodwink them; you are not telling the truth, and you are hiding something. It is because we don’t have a draft constitution, or even a working document to indicate what that federation will look like. I am looking forward to this work, and since there might not be another opportunity for me to volunteer some ideas as they consider this work, allow me immediately to suggest one or two things.

Mr Speaker, in link with the Wako recommendation, I suggest that the Council should consider proposing to the Summit the establishment of a federal constitutional commission -(*Applause*), and that this constitutional commission should solicit input from as wide as possible a range of different ideas so that whatever comes out, all East Africans can own it. In that respect, the draft constitution of the commission should receive as wide a circulation and debate as possible in the member states, and the Summit should be requested to submit the findings on that constitution for a referendum in each partner state to allow the people in all the member states to own it.

I don't know whether the Council will consider the possibility of legislation, which will have to legalise this work. I will personally support such legislation if it is requested.

As I said, I am here to praise the Budget and not to kill it, but I find it difficult to deal with so many protocols. I support the report of the Committee, and since they have guided us to support the Budget, I will support it and hope that the Council will take into account the recommendations that have been put, both in the report of the Committee and in the points that I have raised.

One thing that I must comment on before I sit is this problem of the EPAs. We are told that there is a deadline for these EPAs, which we must meet. Are we negotiating or are we being instructed? (*Applause*) How do you go into a negotiation and your partner insists that you must accept something by a certain date? What if we don't agree? Do we have negotiators who know how to negotiate? What is our bargaining chip in all this? If the negotiation on our part is properly done, we shouldn't accept the imposition of artificial deadlines to force us into agreements, which may be detrimental to us. So, I am suggesting to those who are involved in these negotiations, to whoever committed us to a deadline which is artificial, that maybe they shouldn't go back to these negotiations. Let a new team go. How can you negotiate with a partner who is imposing deadlines, which you must meet?

Mr Speaker, I can see you are looking at your watch. I want to thank you very much indeed. And as I said I was here to praise the Budget, I will support it with those reservations. (*Applause*)

Ms Patricia Hajabakiga (Rwanda): Honourable Members, I would like also to join my colleagues to thank the President of Burundi and the people of Burundi, and my special thanks go to our colleagues, the honourable Members of the Burundi chapter, and particularly to its chairperson, hon. Leonce Ndarubagiye, who made sure that he was at the airport to meet all of us, even in the middle of the night to meet some of the members who were coming from Kenya. (*Applause*)

Coming back to the Budget debate, Mr Speaker, I want to thank the Chairperson of the Committee for a well researched report. I also congratulate the Council of Ministers for this budget, which has been improved, compared to what we saw last year.

Mr Speaker, there are a number of issues, which I want to raise under the Committee report, but please allow me to dwell on two issues raised in the report. On pages 17 to 18, the Committee reports on the functioning of the Lake Victoria Basin Commission

and recommends that the Council of Ministers should expeditiously put into place a legal framework for the proper functioning of this particular commission.

If you look at the amount of money provided for this Commission for the next eight years to our Partner States, it amounts to the tune of US \$252 million. That is the amount of money, which will go to the Partner States; some in form of grants and some in form of loans to the three original Partner States that received grants in the first phase. And when you look at the EAC level, the Lake Victoria Basin Commission will be utilising almost US \$12 million for the work of coordinating the activities of these very grants and loans, which will be provided to our Partner States. However, in the absence of a legal instrument to provide an effective and efficient governing structure, I am wondering how long it is going to take the Council of Ministers to bring back the Bill which has been stalled so that we can put this legal instrument in place. This instrument is required in order to effectively manage these resources, which are very critical for our EAC citizens. *(Applause)*

The contentious issue over this Bill -for those who are not Members of the Committee on Agriculture, Environment and Tourism- is the issue of the governance structure of the Commission. The Council insists on political supervision by the Sectoral Council, which should also play the role of a governing board, while on the other hand the Committee insists that the Sectoral Council remain a policy organ of the Commission, while another structure of a governing board, which is technical but can follow-up on the management of the Commission, is established.

Hon. Speaker, those are the contentious issues that our Committee has not been able to agree on with the Council of Ministers. It is really absurd and very difficult to understand that these honourable members of the Council, who are also members of this House and are also representing the Partner States, want to do things in the EAC, which they do not do in their own Partner States. I have never heard of any parastatal body in our Partner States whose governing board is made up of ministers. *(Applause)* These ministers are politicians; they have other functional roles, and they come and go very quickly. Besides, they have other different priorities which they attend to. When one has a meeting of their constituency and at the same time there is sectoral council in Kisumu, I really wonder how many ministers would not go to their constituency and instead run to Kisumu in order to solve a problem, which has come out as an issue of management. *(Applause)*

Taking my own example, I was a member of this Sectoral Council from 2004 to March 2008, and the only other minister who had been permanent and who was there all the time was hon. Maria Mutagamba, the Minister for Water and Environment from Uganda. She is the only one to date who is still around But unfortunately she also doesn't attend the Sectoral Council meetings because they are attended by ministers of state, who have been changing after every so often. I will give you a very good example, Mr Speaker. Since I left in March 2008, there have been three different ministers in Rwanda doing the work that I was doing. So how can this arrangement be sustainable? How do we expect such a group to be able to look at the technical issues and the financial issues of an institution? *(Applause)*

This is a very critical issue, and I would like to urge the members of the Sectoral Council of the EAC who attend the Assembly meetings to convey our message to the

full Council so that they take a decisive decision over this Bill. We should be assured that the resources, which will be provided by the development partners and donors, are well managed, and that the activities are well concluded as provided for in the project document.

Mr Speaker, the second issue which I would like to look at is found on page 9 of the report of the committee where they recommend that funds provided by the development partners and donors should be in the form of EAC budget support instead of being macro-managed by the donors themselves. This is a very well intended recommendation, but it is also very critical and fundamental in that this will allow us to align the EAC strategic plan to the budget and to the resources coming from different areas. However, in order to achieve this well intended recommendation, we have to have the confidence and trust of the donors in the management of those resources.

This comes back to my first point. I do not see how donors and development partners will allow their funds for Lake Victoria Commission to be thrown into the general budget when there is no proper governing structure for the Lake Victoria Basin Commission; I do not see how. We therefore need to ensure that the principles of good governance in the EAC are observed. It is very important for the Council of Ministers to pay special attention to the areas of fighting corruption, observance of the proper governing structures of the different organs and institutions of the EAC, as well as promoting the values of accountability and transparency, especially in the field of procurement and audit.

With these remarks, I wish, like my colleagues, to applaud once again, the Council of Ministers for a well researched budget, very good speech by the Chairperson, Council of Ministers, hon. Monique Mukaruliza, who is unfortunately not here while we are debating her speech and budget, and finally, the Committee on General Purpose. I urge my colleagues that we should approve this budget. Thank you, Mr Speaker. *(Applause)*

Mr Gervase Akhaabi (Kenya): Mr Speaker, there are challenges faced by some of us in terms of technology. I rise to congratulate the people and Government of Burundi for welcoming us, and for according us very warm hospitality in the duration of our meeting in this republic. *(Applause)* What we have seen during our tour of the countryside in Burundi probably is an attestation to the fact that there is no land shortage in East Africa, and that probably there is no reason for people to get worried that others will pour into other Partner States when the borders are opened. *(Applause)*

I also wish to congratulate the Chairperson of the Council of Ministers and the entire Council for the policy pronouncement contained in the speech of the Chairperson of the Council, giving policy direction on the Budget that is being considered. I am particularly pleased with the theme of the budget, which is: *“Strategic priorities to deepen the EAC integration towards the Common Market and Monetary Union”*. The Speech also sets out the objectives as progression of integration policies through consolidation of the Customs Union and the establishment of the Common Market, and lays a foundation for the Monetary Union.

The Chairperson of the Council of Ministers has set out very important policy statements on the Budget, which should give guidance to the budgeting and financing of the East African Community. Accordingly, the budgeting and financing should be aligned, and the allocations should be made in alignment to the policy statement. And in the event of any deviation between the policy statement and the budget allocations, then I would suggest that we go by the policy statement that is the Budget Speech.

The progression of the integration process should lead us to the establishment of the common market and it is my view that as we move to the common market on 01 January 2010, there should be instruments in place for the purpose of that progress. We are not starting from bare ground because we already have the Customs Union. Therefore, we should look at what has hailed from our Customs Union, make corrections and then progress to the Common Market with the history of the Customs Union in mind.

Consideration should be made of what the fundamental attributes of the Common Market are, and in my view the fundamental attributes of the Common Market will include instruments relating to immigration, namely: immigration laws, immigration institutions and the like. There should be instruments and mechanisms and systems touching on labour and free movement of labour. Therefore, we should have in this budget allocated sufficient funds to deal with matters pertaining to or that will ease free movement of labour within the East African Community.

We are aware that in East Africa we have different systems of education and training. The systems of education and training in the Republic of Rwanda and the Republic of Burundi are totally different from those in the original East African Community Partner States of Uganda, Tanzania and Kenya. And even within the original East African Community Partner States, there are quite big differences, and if we are talking about a common market, we should put in place facilities to enable the people of East Africa, especially the young people of East African, to move freely and be employable in any part of East Africa. Therefore, the systems of education and training in East Africa should be harmonised. (*Applause*)

We are talking as if we will be there forever! We won't be here forever, and our children and grand children are the ones who are bound to move the East African Community to greater prosperity. It is therefore important that the youth of East Africa are involved in the integration process, especially as we move into the common market stage.

When you look at the Budget and the allocations, you look at the only part where the youth are identified by that name, and that is at page 72 of Book 2, Annex IV, at Code DO3S. At that item the only activity, unfortunately, for the youth is a meeting that has very little significance. I would urge that consideration be made to allocate some funds to engage the youth of East Africa in the integration process. And that also goes with employment. We have very high unemployment levels in East Africa, but where do we talk about the promotion of employment of our youth in these allocations? Nowhere! If you look at the budget for the Lake Victoria Basin Commission, there is a lot of work that is supposed to be going on in that area with lots of resources, but how much has been allocated to engage the youth in the activities that are taking place in that Commission? Practically nothing!

We would be failing in our responsibility if we failed to recognise the important role that is likely to be played by the youth of East Africa in the protection of the environment. Therefore, I propose that there should be allocation of some funds to the youth, even under the Lake Victoria Basin Commission, to engage the youth in the protection of the Lake Victoria basin, which has not been done. Among the youth are the women; some women are also youths, so they should all be involved there.

We are talking about the East African Common Market, and in her policy statement the Chairperson to the Council talked about the EPAs -which I do not support anyway - but we have to take into account the fact that the implementation of these EPAs is likely to impact very negatively on our industrialisation and investment policies.*(Applause)* We are being told that when we sign this agreement we will allow EU market access, but issues have already been agreed and the consequence of allowing the EU goods into East Africa will mean killing our infant industries. That is going to have a very negative impact on our employment opportunities. Therefore I suggest, under industrialisation, that more funds should be allocated to source for new industries and to encourage value addition in the industrialisation process. As it is now, very little has been allocated in that regard.

Mr Speaker, East Africans are very great sports people and they engage in this with fervour and determination. They are earning a lot out of sports; athletics, football. I understand some Kenyans have now gone into rugby in a big way, and also cricket. Sports can be a vehicle for integration but nowhere do we mention sports in these allocations; nothing has been allocated. I am aware that the East African secondary and high schools have an association, which has been organising sporting activities in the region, but we have not featured anywhere there. We do not organise sports to bring our people together, to make our people feel the oneness. I feel that some funds should be removed from some very unnecessary areas and allocated to sports – *(Interruption)*.

Mr Dan Kidega: On a point of information, Mr Speaker, sports is no longer viewed today, in the world, as leisure; it is a serious source of wealth creation. Some of the best paid people in the world today are sportsmen and women. Scientific research has also revealed that nations that engage in sports remain healthy and stay alive longer. A case in point is of China: most Chinese right from infant stage until a very old stage engage in sports. If you study the medical bills for such a nation that engages in sports, you will find that they spend minimally on health expenditure. So, it is a very critical matter. It should not only be looked at from the point of view of leisure but also as a health and economic factor.

Mr Akhaabi: I thank the hon. Kidega for that information.

Mr Speaker, to conclude on this Budget, I feel that there are areas that have been neglected. The ones that I have highlighted, the ones highlighted by my colleagues in this Assembly who have spoken before me, and the ones highlighted in the report of the Committee on the Budget. Probably the most critical of those is that nothing touching on food security has been highlighted. *(Applause)* Any person who begs for food is worse than a slave, and in East Africa we are begging for food every now and

then. (*Applause*) We cannot afford to go back to slavery, therefore, we must have in place a food policy; we should have in place strategies that are going to address our food needs.

We are dependent on agriculture, and our agriculture is largely rain fed. Our agriculture is being adversely affected by climate change, and the climate change that we are experiencing in this region has been manmade. We have destroyed our environment; we have mismanaged our environment and yet in this budget there is very little being said about how we are going to address the environmental degradation. The Community needs to address the environmental rape that is going on. Mr Speaker, it is actually worse than rape. We have destroyed the environment, and as a result we are having drought every now and then. We need to have funds allocated for this purpose.

Mr Speaker, there is a lot of wastage at the EAC, a lot of wastage! The Community cannot be developed, the integration process cannot be advanced nor can the programmes of the Community be promoted through conferences, seminars, workshops, and travels that take about 60 percent of the Budget when we include consultancies. These ones should be drastically reduced so that the limited resources available can be utilised prudently. This will be done if we have some form of policy persons at the headquarters.

Mr Speaker, this is the truth. It takes a very long time for the Secretariat to know what to do because when the members of the Council of Ministers come there for meetings, they stay in the hotels and then the following morning as soon as the meeting is ended they are very quick to leave. There are no supervisory persons in Arusha, and we need supervisory persons there. (*Applause*)

Mr Speaker, I am pleading with the Council of Ministers -I don't want to kneel; I knelt one time- please have your presence felt in Arusha so that there can be direction; there is no direction there! (*Applause*) Going there once for two days in a month is not enough. Have a presence there, and have your persons there. You are in charge of policy, when there is no policy presence then we become direction-less.

Mr Speaker, I support this Budget, subject to the proposals made in our report and my contribution. (*Applause*)

Mr. Pierre Damián Habumuremyi (Rwanda): Thank you, Mr Speaker, for giving me this opportunity to contribute on this Budget under discussion. Before I say anything else, allow me to thank the Government of Burundi, the national Parliament and the EALA Burundi chapter for the warm hospitality and facilities accorded to us during this meeting. (*Applause*) I also want to congratulate the Council of Ministers for the good and detailed Budget Speech; the Secretary-General and all those who contributed to the development of this Budget for taking into account some of the concerns previously raised by honourable members. Allow me also to thank the Chairperson and the entire Committee on General Purpose for the good and brilliant job they have done.

Mr Speaker, regarding the Budget Speech and the Budget under discussion, I have a few comments to make. Even though this Budget Speech reflects the budget

performance for the Financial Year 2008/2009 and highlights the major activities to focus on for the Financial Year 2009/2010, the Budget is not matching with the budget allocation in some items.

When we look at pages 23 and 45 of the Budget Speech, they talk about the EAC anthem, which must be finalised and submitted to the Summit in November 2009. It was indicated that the Council of Ministers directed the EAC Secretariat in April 2009 to allocate funds to completion the anthem. However, in the budget under discussion, no funds have been allocated to support this activity. We all agree that after it is approved by the Summit in November 2009, the EAC Secretariat will still need to disseminate it for it to be played by EAC organs and Partner States. That process will require substantial funds, but unfortunately that item is not reflected in the Budget.

I would also like to put emphasis on the principle of equity, which should prevail in all EAC organs, especially in terms of salaries, allowances and travel arrangements. We all agree that EALA is one of the permanent organs of the Community, and that the Members of EALA, once elected, serve fulltime. Considering the EAC salary structure, I am wondering about the basis on which the salaries of the Members of the Assembly are determined. In my view it is not fair to see that EALA Members are given the lowest salaries compared to the rest of the EAC staff. In addition to that, the same staffs are getting a supplement in terms of allowances such as housing allowances, transport, education, settlement, spouse allowance, leave fare and so on. In order for the EAC to adhere to the principle of equity, salaries and allowances should be holistically revisited for the benefit of all EAC organs. *(Applause)*

My last comment will be on the implementation of Article 137(2) of the Treaty, which states that Kiswahili shall be developed as *lingua franca* of the Community. *(Applause)* What has been planned in order to respect this important provision so as to avoid various language barriers, which our people are faced with, for the integration process? I think measures must be taken by the Secretariat to allocate funds to promote the Swahili language, starting from the EAC staff and other partners such as members of the business council, civil society, and urgently, schools and universities. *(Applause)*

Mr Speaker, with these few comments, I beg to support the report of the Committee on General Purpose, and to support the Budget with the observations made by honourable members. *(Applause)*

Mr Frederic Ngenzebuhoro (Burundi): Mr Speaker, let me join my colleagues to thank you for having organised this meeting in Bujumbura. *(Applause)* I hope that this meeting has given all of you the opportunity to further know Burundi and Burundians. We are grateful too for all you have said; we have been touched. Whereas you have not got the usual comfort you normally find in big towns like Dar-es-Salaam, Nairobi, Mombasa, Kampala, and Kigali, and I want to apologise for this, but I can promise that next time we will improve, and what I have to ask you is to not take too long to come back here. *(Applause)* We continue to wish you a good stay in Burundi until you decide to leave for your respective countries. If you decide to stay longer, Burundians will continue to assist. I would like to ask you not to precipitate your return. We will do all we can, we will try so that you can have what you want, what you wish and of course what you need. *(Applause)*

I would like to take this opportunity to especially thank the Council of Ministers and the Chairperson for the Budget Speech. I would like to wish a fruitful stay for other members of the Council. Perhaps for some of them it was their first time to discover Burundi. I ask them to take enough time, and then they will find out that it is possible in Burundi to enjoy life. *(Applause)*

Having said this I would like to make some comments on this Budget. First of all, let me congratulate the East African Community technical team, which was led by Dr Julius Rotich, Deputy Secretary-General in charge of Finance and Administration, which has closely worked with the General Purpose Committee in excellent and exceptional understanding - *(Applause)*. Let me emphasise this because this new working atmosphere has taken a long way to be reached. I remember the Arusha atmosphere and now the Bujumbura atmosphere. I highly appreciate the steps we have taken.

As others have already noted, this Budget is greatly improved because it has taken into account the spirit of the East African Community Development Strategy 2006/2010, especially through the strategic implementations. I am sure that for the next financial year if the technical team continues to follow the recommendations this House makes in adopting this report, I am sure that we will have a good budget suitable to achieve the goals of the East African Community. *(Applause)*

Mr Speaker, I would like to express a concern I have since Burundi and Rwanda joined the Community. In order to achieve the objective of establishing an East African federation, it is clearly said, especially in the East African Community Development Strategy 2006/2010 on page 33 that: *“The idea of transforming East Africa into a political federation needs to be people-centred and private sector-driven, hence the need for sensitisation, consultation and effective participation of the people of East Africa”*.

Mr Speaker, if you go through this Budget, you will find that the three needs have been taken into account. You will find, of course, meetings, conferences and things like that. So I ask: in what language are these sensitisation meetings or consultations carried out for us to say that we have sensitised the people, we have consulted the people and we have got real participation? For me, that is a very crucial question.

Mr Speaker, I apologise for this, but for me I cannot say that. What I know is that in Burundi the population has not yet been sensitised; the population has not been consulted enough, and they have not participated so far. This is because of many reasons, but the most important aspect I see personally is the language. If one day someone in Burundi told you that Burundians know the contents of this Treaty, they would be lying. This Treaty is in English, as you know, a language that more than 99 percent of Burundians do not understand. Of course I am not minimising some poor translations made by some amateurs, among who are those who sometimes attend meetings in Arusha or in other capitals.

Mr Speaker, according to Article 5(2) of the Treaty, the stages to full integration of the East African Community comprise the establishment of the Customs Union followed by the Common Market, and then the Monetary Union, and ultimately a

Political Federation. Until now, as Members know, there are many Acts and many protocols -especially on the Customs Union and soon to be on the Common Market- that have been elaborated and established, but unfortunately they are in English. This means that more than 99 percent of Burundians do not know the content of those legal tools and so on and so forth.

I know very well that English is the official language in the Community. I do not ignore or contest that, but I just want to be realistic. It is true that in 1999 when what my friend hon. Akhaabi has called the “original community” was revamped, the EAC was constituted by three former British colonies, namely Kenya, Uganda and Tanzania. So, it is understandable that at that time they decided to use a common language, English. I am wondering why they did not decide to use, for example, Kiswahili! But that is not a matter for me.

The problem is this: when Rwanda and Burundi joined the Community they arrived there with another culture, the French culture, because of the same reason of colonisation. Can we continue to ignore this reality? That is my concern now. And even that, for how long for a person who thinks that we must be realistic if we want to achieve the goals of our Community. For many Burundians a transitional period of using French language was necessary in order to facilitate the great majority of Burundians, and later to translate the goals into Kirundi and as my friend has already said, into Swahili and other indigenous languages because the Treaty says we must also promote indigenous languages.

And for this, Mr Speaker, I would like to make two proposals. One; let us accept that a translation in English and French can be used in East African Community meetings – (*Interjection*) - I see hon. Kabourou protesting. He must wait because this is also serious.

In other organisations similar to our organisation like the ECOWAS - I know that some of us were there about two weeks ago and they found that in ECOWAS they use three languages. In the European Union they use 27 languages; there is simultaneous translation in 27 languages. Even in the African Union, I am sure that they use more than five languages. Of course they will talk about financial impact, but I think that if the principle were accepted, this could be discussed and we see how we can handle this. Why not?

The second proposal I would like to make is for all the Acts and protocols to be translated into French because, like I stated earlier, they are all in English. May we see them translated into French and later translated into Kirundi, Kiswahili and any other language? Why not?

I am very grateful to the Secretariat because through this Budget they have planned to translate some of the EAC documents, as you can see on page 31 in Book 2, the EAC Budget Estimates 2009/2010. Unfortunately they have a plan to have only 3,000 copies. I don't know if it is 3,000 copies for each language or if it will be 3,000 for the three languages, but I think this is too few. Also, I have seen in the Budget that they want to teach French, which is a good beginning, for me. It could perhaps be helpful for us.

Mr Speaker, if this was accepted, our people would be very informed, and they would take part - (*Interruption*) -

Mr Karan: Mr Speaker, is it in order for His Excellency the former Vice-President, who knows very well that the terms of Rwanda and Burundi joining the East African Community was on the basis of what was there at that particular time? Is he in order to start negotiating a new thing here without a proper consultation?

The Speaker: Hon. Karan, I don't know of any Member who is a former vice-President or His Excellency in this House.

Mr Ngenzebuhoro: I thank you very much, Mr Speaker, for protecting me, but hon. Karan should normally understand that I have the right to express what I feel and think.

The Speaker: Hon. Frederic, you are not speaking to hon. Karan.

Mr Ngenzebuhoro: That was my concern. I would like to thank the Chairperson of the General Purpose Committee - and I must be precise here that I belong to this committee- and I would like to bear witness to how hard she has worked to get this report here. For that I would like to express my support for the Report and to ask members to adopt it.

Mr Clarkson Otieno Karan (Kenya): Thank you, Mr Speaker for giving me this opportunity to discuss the Budget under this motion. I want to take this opportunity to first thank the Secretary General and his entire staff for doing a commendable job, although that does not mean that there are no issues. I want to say that if you compare this budget with previous budgets, you will see that they have made very good progress, and this should continue. (*Applause*) Let me also thank the General Purpose Committee and the Chairperson for work well done, and I also want to thank the Council of Ministers. I want to briefly mention about three issues.

It is public knowledge within the Assembly and within the East African Community that the East Africans want to be together as East Africans, and through the appointing authorities, organs and people in authority have been put in place. It is the responsibility of the Assembly to do its oversight role because they are answerable to the people of East Africa on issues, which may not go in the right direction. I want to mention here that it has been said a number of times that the absence of political presence in Arusha is to blame for a number of things, which are not going right, and I want to take this opportunity to impress upon the Council of Ministers that they should take this matter up seriously.

I appreciate the attempts that were made to have a budget line drawn for the Chairperson of the Council of Ministers to have a presence in Arusha, but that one was not supported. It really proves that there is something wrong, and what is wrong, is that we have Ministers of East African Community who also have responsibilities back at home. They have constituencies to represent, and when they are here, they are forced to use their mobile phones to find out what is going on in their constituencies.

I think it is high time this Assembly passed a resolution and requested the Summit to appoint Ministers of East African Community from among those who are Ministers by nomination in the partner states so that when they come here they know their responsibilities are in Arusha. *(Applause)* But if they give responsibility to ministers who have big duties back home, like any normal human being, they will fall into that problem with their respective governments. I want to urge that as the Assembly is struggling to ensure that this resolution is passed, the Ministers should try to give the East African Community a service, which can improve the East African Community. *(Applause)*

The other issue, which is mentioned in part in the Budget, is that the manner in which remittances are coming in from Partner States is affecting the operations of the Community. I know that because of heavy duties that the ministers have, sometimes they may even forget to follow up these remittances. But I know that in countries where they put their foot down that this budget must come to the Assembly, it has always come in time. I want to urge the ministers to start putting everything in place. Since they are also included, they should try to assist the Community to get its remittances from the Partner States in time.

On page 41 there is mention of the reserve fund, from which money has been used. Mr Speaker, I want to say that this reserve fund was an illegality. I am not saying it was not serving a good purpose. It was an illegality, which had to be legalised so as to have a budget line whereby some percentage of the Community's budget would be available to cater for those days when there are problems. But the Budget presented here has no consideration. They are acknowledging that we are going into a difficult time, and yet they are not doing anything to take care of the anticipated difficult time. I think that is an anomaly, and the Council of Ministers should have taken that concern seriously.

Finally, the issue of representation as a role of the Assembly: This is a very important role. I want to thank you, Mr Speaker, because on a number of occasions when we visit Partner States you ensure that within the meagre resources we must have an opportunity to tour the Partner States and be able to meet the electorate. On a number of occasions you have been all inclusive; you ensure that even the Council of Ministers are included in this tour so that they can see the importance of representation - *(Applause)* - and opportunities for them to seat at high tables have been availed.

It is therefore surprising that even up to now the Council of Ministers does not support this representative role of the Assembly by ensuring that funds are allocated for this function. So, no matter how much we talk, I think there are some issues which have been zeroed off, and which we must take serious steps on if we want to move forward. The Council of Ministers must do its duty, and its duty in the Assembly is very important for the management of this Community. It is bordering on policy issues, and if they are not taken seriously, then I do not think this Assembly will move. If there are problems with the manner in which the Community is structured that are hindering them from reporting or giving direction, then they should make a recommendation to the Summit.

It is surprising to note that the Summit had resolved that the Council should sit down and look into the issue of alternative financing for the Community. This matter was taken back to the Partner States, and nothing has been done to date. Sometimes I am haunted when I think they are representatives of the Partner States here. When they sit down and work on these things and make recommendations to the Partner States, I think there is no need to take it back to the Partner States, and we wait for this long without any solution.

Mr Speaker, finally I want to emphasise what was said by hon. Ogalo yesterday, that there must be a mechanism for all that the Community wants to do so that we do not have problems with anybody. This especially came up on the issue of appointment of the people of East Africa to a number of jobs. If a mechanism is not put in place then we are going to have problems. I don't know whether what we were given here was part of the appointments in which a Tanzanian was elected the President of the UN Habitat, but what I want to say here is that and we do not know the mechanism which was used for that appointment. Whether they were through appointments or elections, I don't know, and I don't know whether the Secretary-General has put up mechanisms to be able to address those issues.

Mr Speaker, pace that the Secretary-General has set and the Budget that he has presented is a good Budget, but he should try to have allocation of funds in this Budget matched with the objectives to be able to achieve the good goals in the speech that the Minister of East African Community gave.

With those few remarks, Mr Speaker, I support the motion. (*Applause*)

Ms Margaret Zziwa (Uganda): Thank you very much, Mr Speaker. I want also to join my colleagues to thank and congratulate our colleagues of the Burundi chapter and the people of Burundi for hosting us in this beautiful country, and for realising the benefits of joining the Community by having many sisters and brothers of the East African region coming to Burundi at a go. Congratulations! (*Applause*) I want also to thank the national Assembly of Burundi for putting in place all the mechanisms, which have enabled us to sit here very comfortably and for facilitating our work.

Mr Speaker, please allow me, in the same breath, to congratulate the Chairperson of the Council of Ministers, hon. Monique Mukaruliza, for a well presented Budget. It was very coherent and even the presentation was very good. She made it very easy for us to read and follow. I want also to congratulate her and the Council of Ministers because it is gratifying to note that the issues raised by the Assembly in the previous Budget have been taken on board in this current Budget, as ably expressed on page 6 in paragraph 10. So, congratulations, Council of Ministers! (*Applause*)

I also want to congratulate the chairpersons of the General Purposes Committee and the House Committee for the deep insight and analysis of the Budget. It has given us an opportunity to see that all the important areas of the Community for which we are responsible or which are looked for in the integration are catered for. So, congratulations, and well done! Committee of General Purpose, and Chairperson hon. Lydia Wanyoto. (*Applause*)

Mr Speaker, I may confine my comments to the Budget Speech by the Chairperson, Council of Ministers and the progress of the signing of the Common Market Protocol,

which is core to the theme of this Budget Speech, which is, “*The strategic priorities to deepen the East African Community integration towards a common market and monetary union*”.

I note the information contained in paragraphs 17 and 18 of the Budget Speech, but I wish to request that the Council of Ministers brings a more detailed report to this august House on the areas of reservation on the Common Market, namely; those relating to land, those relating to the use of identity cards, those relating to the right of establishment and permanent residence.

You will note that we have had these issues generally in the press and generally in corridors, but we have not had an opportunity as an Assembly to dialogue on them. We think that this would be an important time for us to make an input. And if the Chairperson of the Council of Ministers can avail us an opportunity for a report, I think it will give us an opportunity to dialogue and to give our views as people’s representatives on these very important matters. I think that such an arrangement would give an opportunity to have the views given on these contentious matters to be included in the protocol. I appreciate the fact that time is not very much on our side, but I think that the Council can still find some time for us to discuss these issues before the conclusion of the Common Market negotiations.

Mr Speaker, on the point of negotiating as a bloc, which is in paragraph 20 of the Budget Speech, I want to appreciate that the East African Legislative Assembly put in place the EAC Joint Negotiations Act, but as it has been observed, that law is not yet operational. Mr Speaker, considering the challenges that we are facing, not only in the EPA negotiations but even in other negotiations, I think that at this juncture this Assembly should be told the tangible activities that are being undertaken to operationalise this law, and which timeframe we are looking at. We passed this law some time in 2008, and it is coming to one year and a half since then and we have not yet seen this law in operation! I think it defeats the purpose to just merely mention the efforts being made towards operationalising the law. We need the dates, firm commitments and strategies that are in place.

Mr Speaker, I also want to touch on the EPAs negotiations. I am a member of the Communication, Trade and Investments Committee, and you will appreciate that the EALA has taken a keen interest in this issue. We adopted a motion during our plenary meeting in February, in Arusha, in which made very serious recommendations. We also had a workshop in Nairobi at which we were privileged to have among us the Rt. hon. Eriya Kategaya and the hon. Mohamed Abood. We also had some ministers of trade from the Partner States, and Members of Parliament from the respective Partner State Committees on Trade. We made very serious recommendations. I observe that the dates for signing the EPAs have been stated as July 2009, and I also see that these dates are not very far.

Mr Speaker, our observations and concerns are pertinent, and they should not be ignored, particularly on the critical areas of market access, trade in services, technical barriers to trade, sanitary and phyto-sanitary measures, and the Singapore issues. All these are already included in the paper on the framework of EPAs, and others are featuring as a rendezvous clause, upon which our Committee on Communications,

Trade and Investments made a very strong objection that it should not be included in the EPAs.

We request the Council of Ministers -since this is in its ambit- to form a forum as quickly as possible to ensure that these concerns are taken on board. And EALA is banking on you, particularly having had the opportunity to have hon. Kategaya with us in Nairobi, to establish this forum, with the East African Legislative Assembly as members, so as to put forward our concerns about the EPAs so that as the Council of Ministers prepares for the ministerial meeting in Brussels between the East African Community Partner State ministers and the EU. That way EALA will have the opportunity to have its concerns addressed. And perhaps we should request, at this juncture, that some members of EALA should be invited to join the Council of Ministers on this so that we can also see some of the challenges that the Council faces, because in most cases we only get to hear that things were difficult; we want to appreciate these difficult situations that you go through. So, maybe it would be good for you to invite a member or two from the committee of this House to join the ministerial team, which is due in Brussels. *(Applause)*

I want also to thank the Chairperson, Council of Ministers because she ably talked about the “Kigali Spirit” and in this Kigali spirit she mentioned...actually, I should say that I have been anxiously waiting for a report on the Kigali retreat, because some of us didn’t have the opportunity to attend it. It seems that a very good spirit was initiated during that retreat, and we would like to share that spirit. *(Applause)* Members are asking: what is this spirit?

The Speaker: You should ask the Chairperson of the Summit; he is the one who organised the meeting, and I think the report will come from the Chairperson of the Summit.

Ms Zziwa: Most honoured, hon. Speaker, and we are waiting because we also want to enjoy and be part of that spirit. But still in the same spirit, I think that there should be a policy of some kind that for the activities of the EAC like conferences and tours aimed at enhancing the capacities within the EAC, members of EALA should be invited to participate. I note that the marketing and promotion of East Africa as a single market and investment area -which is mentioned in paragraph 23- is a key area, and the members of the Committee on Communications, Trade and Investments would like to participate in it.

I know of the exhibitions, like the one that took place in Kigali, the investment conference in London, the EAC petroleum conference in Mombasa, the EAC investment promotion in Canada and those which really look towards the Trade and Investment Framework Agreement (TIFA) like the one in India which targeted the India-African Business Partnership Summit in Delhi. It would be good for some of the members to be invited to participate, or to be part of the team. It would help in sharing some of the aspirations of the EAC at the various levels in the Community. After all, I think it is true that whilst members of the EALA are envisaged to have a five-year term, many officials of the Community also have five-year terms. For that reason, we could share some of this capacity, and be able to share it across the board.

On the issue of a railways system, which the honourable minister talked about very ably, I want to say that despite the importance of the strategic nature of this service in the region, this service has continued to be relegated. Other than the Council continuing to trust that Kenya and Uganda governments will find a lasting solution to this challenge, I don't see anything more tangible. I would therefore like to urge the Council to move to request the Summit in this very spirit which has been expressed in paragraph 104, to cede some of the Partner State powers to the East African Community to enable us propose and establish a railways authority.

The establishment of a railways authority will help to galvanise all the efforts and resources, which will develop, re-develop and manage the railways sector. This sector requires a lot of capital and many of the Partner States, due to the heaviness of the capital, are threatened and they don't allocate anything in the Budget, and years will pass without this very important sector being revamped. So I want to urge the Council of Ministers to move under Article 91 and Chapter 15 and seek some of those powers to be converged to the Community level so that we can have a railways authority.

Mr Speaker, I want to also call upon the Chairperson, Council of Ministers, to bring back for enactment the Civil Aviation Safety and Security Oversight Agency (CASSOA) Bill. She has stated that the CASSOA Protocol has been ratified, so EALA should be given an opportunity to discuss this Bill. It should be brought as quickly as possible. Mr Speaker you will realise that once these Bills are given to the Assembly, the Assembly is enthusiastic to enact them but we are let down by the Council of Ministers. An example is the Lake Victoria Basin Commission Bill, among others.

Another concern, which I think is critical, which has been raised in relation to food security, is the issue of irrigation. I want to appreciate the funding by the EU as stated in paragraph 61, and I want to call upon the Council and the EAC to ensure that some of this money is directed towards irrigation. Every time the hon. Lotodo rises on the Floor of this House, he claims - and I think it is a fact - most of the area that he comes from is arid. The animals are always in dire need of water, and the population is always on the move in search of water.

Mr Speaker I would say that it is a shame that we can actually lack water when we have the greatest freshwater lake, the Lake Victoria, in our midst, and we are in the Great Lakes region. May I request the Council to put in an effort to find the limiting factors for irrigation? We are told, for instance, about the 1929 Agreement which was signed by the colonial governments on behalf of our states, by which the upper riparian states are not supposed to touch the waters of the Lake Victoria. For instance, it would be very simple to irrigate the arid areas in northern if we dammed Lake Kyoga or from Lake Victoria to pump water upstream. People in Karamoja and in Pokot would then have water. So, we need to take this head-on so that our people can be able to enjoy a full life; protect their property; protect their animals, and, of course improve their food security and nutrition?

Mr Speaker, I want to congratulate the Committee, and also to say that those areas in which the Committee has recommended re-adjustment or reallocation, reallocations should be made. Where we find that some sectors within the Community need more

funds, they should actually be looked at. With those amendments, I will support the Motion. *(Applause)*

Mr Dan Kidega (Uganda): Mr Speaker, at the risk of being very repetitive, I will beg the indulgence of Members to allow me to thank the Government of Burundi, its entire leadership, and our colleagues from EALA, for the hospitality they have expressed to us, and more specifically the people of Burundi who I discovered have the same lifestyles like Ugandans; they like visitors. *(Applause)*

I would like to thank the Chairperson, Council of Ministers for the tone she used in presenting the Budget Speech. *(Applause)* You see, one can be given a very good speech, but the way one packages it matters a lot. I really want to congratulate her for that.

It has been highlighted by Members here that the speech was very rich in terms of identifying the strategic needs of the Community. It depicted progress, co-operation and commitment on the side of the Council of Ministers, but it has also come out that there is a disconnect between the Budget Speech, which is actually the policy direction of the Community, and the actual allocation of resources.

Hon. Akhaabi said where there are such discrepancies we should take the policy direction. I cannot agree with him more, but to me when there is such a disconnect between the policy makers and the technicians, it speaks volumes. It means there is lack of touch between the policy body and the lower cadres who are doing the planning. This goes a long way to emphasise the need for the policy formulators, in essence the Council of Ministers, to closely be in touch with the Secretariat, something which has already been strongly emphasised.

I must congratulate the Secretary-General and his army at the Secretariat. You see, more often we do not find these people, but we should not take their work for granted. It has been stated that there is improvement in management at the Secretariat. Personally I am very grateful. It has been highlighted that the heavy engagement in flying around has been rationalised, and many departments have participated in the budget process. We thank the Secretary-General and his group for doing that. *(Applause)*

I have a few comments to make on agriculture and food security. Mr Speaker, where I come from, if a man cannot afford to put food on the table for his family, he has no right to ask for comfort in the evening from his wife - *(Laughter)*. As people in leadership in East Africa who sit, deliberate and allocate resources, we should not avoid to put in money and a legal framework to deal with issues of food. Are we doing justice to our people?

I was embarrassed to realise that there is not even a protocol to address agriculture and food security at the regional level. I know for a fact that Abraham Maslow said the basic needs of man are food, shelter, clothing, and the other one is sex - *(Interjection)* - yes! There are those needs for which we don't need to allocate resources because God has given us the opportunity to utilise them, but there are those that need to be engaged in terms of resource employment, like the provision of food to our people.

Uganda is one of the countries in this region now threatened by famine, and yet that very country holds above 40 percent of the arable land of the region. You hear that Africa is the richest continent; naturally endowed, but natural endowment that cannot be transformed into competitiveness is useless!

We need to find ways of transforming our potential into means that make our people comfortable. The Committee of Agriculture and Natural Resources has gathered momentum to come with legislation on the issue of food security. It is my prayer that this legislation will not face the challenges the Bill on tourism is facing, because as an Assembly we cannot sit and wait where we see there is dire need for a legal framework for this Community. It is a big omission on our part that we are not paying proper attention to the area of food security and agriculture.

Mr Speaker, the second issue I want to comment on is infrastructure, connecting with competitiveness and general productivity. Africa -or East Africa- is one of the most rural in terms of infrastructure and in terms of road networks. The road density in this region is 6.8 kilometres per 100 square kilometres. If you look at Latin America, it is 12; it actually is 13 kilometres per 100 square kilometres. And then if you look at Asia - the high performing Asian economies - it is actually times three; it is 18 point something per 100 square kilometres, and this depicts exactly how competitive our region is. If you have bad infrastructure, we will never compete with these other regions and, unfortunately, you cannot live in isolation; we must compete.

We can generate a lot of food all over, say, in Uganda or in Burundi, where we have fertile soil, but if you don't have infrastructure to transport this food to the starving people in Tanzania or in Kenya, it does not make sense for us. So, I would like to deeply implore - from a policy perspective - the Council of Ministers to give specific focus to the issue of infrastructural development, and this cannot be done only at the regional level. There is a need for deep linkages with the member states because if you build the main trunk roads, for example, and you don't fit in the feeder roads...production takes place in the villages! We really need to work together, not only with the national governments but also with the regional administration to make sure we have elaborate infrastructure to support the needs of our people. *(Applause)*

My third point is on peace and security. I have mentioned this before, and I would like to mention it again that in this region, elections have become times for confusion and conflict. In a few years from now, and most likely effective next year, we are going to get engaged as a region in so many elections. I don't want to be consulted again for us to form a select committee to go and meet people who have fought because of elections; or to be asked to get my meagre resources, these meagre allowances, to contribute to take to people whose huts have been burnt. I think there is a need for us as a Community to create sensitisation systems. The Secretariat or the Community as a whole can plan media campaigns, both electronic and print, throughout this region, to say that elections are a normal process and should be void of violence. We could have a well coined kind of sensitisation message. Let us make the people know that we are not only going for fire fighting when the fire is on, but we are also pro-active. We need to take serious steps as a Community to make sure the area is peaceful.

Peace and security have a direct impact on the development of the region. If our region is not peaceful, investors will not come around. If you took the same areas I have just mentioned -Latin America, Asia and Africa- and you did a study of the inflow of foreign investments, you would find that the investor are evading Africa. They are evading our region because of such signs of insecurity, yet we have a lot of natural resources that investors would like to take advantage of. So, we need to work together to make sure there is peace in the region.

My second last issue is on the donor support to the Community. Years back the government of Kenya used to survive 100 percent on their local funding. I think you need to clap for this really - (*Applause*) – but today, donor support has gone up to about 5 percent. We do not need to clap for this - they can clap. On average, the four LDCs in this region have an average donor support of about 36 percent to their national budgets, and this support goes strictly to the development side of the national budget, meaning that about 70 percent of our national development is funded by donor proponents. Are we serious? We need to cut our coat to our size; as leaders we need to rise to the call of the day! You know I have always told people that I think the biggest problem we have in Africa is leadership; and leadership is the office of God, then power, and then authority is given upon man by God.

If you misuse power you are misusing God's delegation and God will not be happy with you. And when God is not happy with you, there is a place for you. I don't know what it is called – (*Laughter*) - but in African tradition, that is true; in Christianity it is true; in Islam it is true. So, I would like to implore us to utilise our leadership positions well. Let us cut our coats according to our sizes and avoid donor support. If we take this syndrome from our national governments into the Community, we are digging a grave for ourselves. (*Applause*)

Mr Speaker, I think the idea of creating a committee to look for jobs for East Africans is a very good thing. About a year ago, there was a very brilliant citizen of East Africa from Kenya, one of the best international property lawyers in Africa, who was running to be the Secretary-General of WIPO. I can assure you that the situation was embarrassing because the member states of this Community were in disarray. Nations were not co-ordinated, and our brilliant chap lost the elections. Some members of this Community did not even vote for this citizen of the region; they voted for other people. This is how lazy this Community has become. So we actually needed this kind of committee yesterday; it is a competitive world. (*Applause*)

Mr Speaker, it may be good to be envious, but in a correct manner. If you saw how many Africans from the western side of the continent are into these international organisations, you would not believe it. It is not true that we are less endowed in terms of brain capacity in this region, but we are just disorganised - (*Interruption*) -

Mr Mike Sebalu: Mr Speaker, I thank hon. Kidega for giving way. Actually the connotation put on this activity is a bit misleading. It gives an impression of the distribution of jobs as if it is a job hunting exercise. This whole exercise is about strategic placement, and as a region it ceases to be an issue of a particular country, but of a regional citizen taking up a strategic placement, be it at the continental level or the global level, to be able to influence global trends in our favour. At that level, you will not have problems of petty parochial interests overriding the big picture of a

strategic nature for the region. So, we should look at strategic placement, not job hunting.

Mr Abdul Karim Harelimana: Mr Speaker, I thank hon. Dan Kidega for giving way. I think everybody knows that Dr Kaberuka, who is the head of the African Development Bank in Tunisia, is from the region, and I think you can appreciate that he is doing well for the East African Community. I think it is even mentioned in the Budget Speech that the ADB will give some assistance to the East African Community. So, I think we need that committee.

Mr Kidega: Thank you and I take the information given by hon. Sebalu and my colleague next to me here. It is a very important thing because at the end of the day these placements translate into so many other things, like diplomacy, resource mobilisation and so on. The advantages are numerous.

I don't want to underestimate what has been stated by hon. Ogalo and hon. Karan and the other colleagues that there must be a mechanism to ensure that no given group of people are sidelined from benefiting from this committee's work. (*Applause*) It is an open secret; we cannot hide our heads in the sand that at the global level or at the regional level certain jobs...we do not operate like NGOs. These jobs are politically driven, so if a person, the citizen of this region, does not belong to the government of the day, there is a risk that the government of the day can sideline that person. So, the presence of a clear working mechanism will be good for all of us. (*Applause*)

On the Economic Partnership Agreements as initialled in Kampala on 27 November last year, we have talked about this thing; we are like villagers who have gone to chase birds that are eating their maize or millet. Nobody pays attention to the other; I don't understand what is going on. This is a serious matter that is going to commit our region and our people to the European markets; we cannot take it lightly. We represent people, and we need to get to know, letter by letter, the details of this agreement. (*Applause*)

I have bothered to read through that agreement, I have bothered to compare it with similar agreements entered into by other regional blocs, and I find that ours is weak. If you look at the development clause, it is too weak; there is no affirmative language used in that clause. If you look at the dispute settlement mechanism, which I think germinates from the Treaty, it is also very weak. These people are more civilised and more developed than we are. We will have a problem with them here. They will take us to other forums for dispute settlement, so we must be categorical to say that when there are disputes there are forums, which are excluded in dispute settlement. We must be categorical.

Then there is the aspect of time. Of course in negotiations you choose the negotiator you want to be; you can choose to be a hard negotiator or a soft one. It looks like East Africa has chosen to be a soft negotiator. But why should we be soft at all? In the agreement they said the depository role cannot be handled by the East African Community because we do not have the technical capacity. Is capacity just God-given or it is developed over time? (*Applause*) I think we can develop all these capacities to handle this matter. So, I would like to urge, particularly the Secretary-General, to try

as much as possible to bring the Assembly fully on board. I would also like to speak on behalf of the national Parliaments and say that they need to be involved such that the whole agreement will be acceptable to all of us. *(Applause)*

I would like to thank the committee that has done great surgical work on the proposed budget. I support every single letter of their submission, specifically on the area of our allowances. *(Applause)* Mr Speaker, this may look like the case of monkeys who have gathered to decide on the fate of the forest, but there is no better person to decide on the fate of a forest than a monkey – *(Laughter and Applause)*. I strongly support the recommendation by the committee, and I thank it for working day and night, and for representing us well. *(Applause)*

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi) (Ex-Officio): Mr Speaker, allow me to thank the Chairperson and Members of the General Purpose Committee for the excellent work they have done in examining and giving recommendations on the budget estimates. *(Applause)* The work was thorough, and it has helped to improve further the final budget estimates before us. The Council and the Secretariat have enjoyed great team spirit and fruitful engagement with the General Purpose Committee over the past ten days. *(Applause)*

Secondly, I wish to thank all the honourable members who have contributed to the debate of this Budget namely: the hon. Safina Kwekwe, hon. Ogalo, hon. Abdul Karim, hon. Kate Kamba, hon. Dr James Ndahiro, hon. Catherine Kimura, hon. Lotodo, hon. Valerie Nyirahabineza, hon. Dr Aman Kabourou, hon. Leonce Ndarubagiye, hon. Dr Masha, hon. Patricia Hajabakiga, hon. Akhaabi, hon. Damien, hon. Frederic, hon. Karan, hon. Zziwa and hon. Dan Kidega. *(Applause)*

Both the report of the General Purpose Committee and the contributions from the Floor, have provided useful insight and proposals. This will be taken into account in further improving the performance of the Community.

On the question of addressing the needs of the dry areas in order to improve the lives of the pastoralists, I would like to point out that EAC, IGAD, IFC and COMESA have a regional strategy and indicative plan for the period 2008/2038. It is supported by the EU under the 10th EDF. IGAD will be co-ordinating the implementation of these projects in the dry areas, and particularly the northern part of Kenya, which has been greatly affected by drought. Of course members are aware that Uganda and Kenya are members of IGAD. The Council will provide to EALA the full report of the original strategy and indicative plan. *(Applause)* Funding from the 10th EDF will commence in July 2009.

The issue of a pre-budget conference was raised on the Floor. I would like to assure the House that allocations for this exercise will be covered in the re-allocation of funds in the Budget. *(Applause)*

On the call from EALA for the General Purpose Committee to be involved throughout the budget process, the view of the Council is that EALA should continue to be involved at some critical moments when the Budget is about to be submitted to the various organs, leading to the Council. The reason for this is that Article 132

paragraph 5 gives mandate to EALA, as part of its oversight role, to determine how resources of the Community should be availed.

On the sustainable funding of the EAC, the Council wishes to reiterate its commitment to finance and carry out, as soon as possible, and pursuant to the Summit directive, an alternative financing mechanism, which will assure EAC of a sustainable budget. However, we should not lose sight of the challenge of the timely remittance of contributions by the Partner States because a mere change of funding mechanism will not of itself be a panacea to this financial difficulty.

On the issue raised regarding funds that the Lake Victoria Basin Commission has set aside to enable EALA to exercise its rightful role in as far as the activities of the LVBC are concerned, the view of the Council is that this process is not workable. The funds that are available to the LVBC for this purpose are donor funds and cannot be transferred from the accounts of LVBC to the accounts of EALA. What is important is that the funds are available to support EALA to exercise its oversight role effectively.

Members raised issues related to the facilitation of the work of the Assembly, and I would like to provide clarification as follows: On the issue of the US \$438,000, which has been captured in the speech as additional funding for EALA to meet the cost of one activity for each of the seven committees, actually the breakdown has been worked out by the EALA accountant based on the variable costs of various committees. The reflection of this additional allocation will be included in the Appropriation Bill for this Budget. *(Applause)*

Secondly, on air fare for the Speaker, this is a computer error and the correct figure has been incorporated in the Budget estimates.

Thirdly, on the Speaker's salary, the Council has taken note and following the provision for the Speaker's residence in Arusha, other terms and conditions of service of the Speaker should also be reviewed. The Council will review the matter and submit recommendations to the Summit. *(Applause)*

On the provisions for the Assembly's representation function, the Council will be considering a budget outlay for the representation role of EALA and will be directing the Secretariat to source for funds in the interim to enable EALA exercise its function whilst waiting the mainstreaming of this in the next financial year.

On the operationalisation of the *EAC Joint Trade Negotiations Act, 2008* the Council wishes to re-affirm its commitment as covered in the Budget Speech on this matter.

Related to this question is the issue of the EPAs negotiations. It is important for this House to appreciate and understand that while EAC has been able to bring the five Partner States under one umbrella in negotiating the EPAs, and extending to them back stopping services, it is the Partner States themselves which are party to the negotiations; EAC is not a party to EPAs negotiations. To this extent, the idea of EALA being involved in such negotiations is rather complex, because on the face of it, it is national Members of Parliament who are supposed to be engaged directly.

Having said this, and because EAC provides backstopping support, the Council will continue to find ways and means to table comprehensive information on the status of the negotiations, as well as involving relevant committees of EALA in providing views that can inform the negotiations. The Council will forward to EALA next week, a copy of the Framework Economic Partnership Agreement paper, which was initialled by the Partner States in Kampala in November 2007.

On statistics, there are four activities with one output during the Financial Year 2009/2010. Other activities are projected on the basis of the MTEF. Whilst taking note of the concerns of the honourable members, it should be noted that the funding for this project is completely from donor funds. The only flexibility that will be exercisable to this endeavour is to endeavour to have value for money, and the Secretariat will look at how such value can be realised. In other words, the determination of whether short-term experts should be appointed instead of consultants, the same argument applies to the concerns that have been raised on the transport and works sector.

Mr Speaker, on procurement, the Council agrees on the imperative to move from the current system of procurement to procurement in bulk out of the country duty free. This procurement system will also address the current problem of delays in refund of VAT. On the EAC shop, we are in the process of establishing the EAC shop for stocking souvenirs. As a start of the leading activity of the 10th Anniversary celebrations, efforts will be made to establish a shop stocked with high quality products.

On the proposal that the chairperson should spend 14 days every quarter in Arusha to provide political leadership and oversight to the Secretariat activities, the Council believes that the system that it has put in place for this role, whereby the EAC ministers meet once a month is currently adequate, but further review will certainly be considered.

The issue of foreign policy co-ordination featured strongly in the budget debate, and the Council feels obliged to set the record straight. On the proposal to stay the allocation of US \$209,000 which is the entire budget for the Department of International Relations because Articles 123(1), (2) and (5) are yet to be operationalised, the Council is of the view that such a move will hamper one of the pillar activities of the EAC. On the exercise of upgrading the Memorandum of Understanding on foreign policy co-ordination, there is a protocol, which will spell out the details on how to operationalise Article 123. It is being developed.

There was also the idea that it will not be legal to have a budget of US \$40,000 allocated to the activity related to lobbying, which has now been corrected to placement for international jobs because of the same reason that Article 123 has not yet been operationalised. However, the Council does not support the view that this activity is likely to divide the EAC.

On the contrary, experience has shown that this kind of co-ordination in arriving at procedures and guidelines, informs the Council in arriving at a consensus on the choice of East Africans that have to be supported by the EAC for regional, as well as international jobs. These procedures and guidelines will be further reviewed and

improved as part of the protocol being developed. A similar procedure is practised by all regional economic communities in Africa. Having said this, Council accepts to allocate the sum of US \$40,000 to support the EALA budget. (*Applause*) The cost of this activity will now be sourced from other funding.

The proposal that was put forward that the Council should consider the review of the terms and conditions of service of all EAC staff and members of the Assembly in relation to inflation and cost of living is a noble one. Mr Speaker, subject to the financial position of the Partner States, this will be a difficult role, but the proposal will be considered by the Council along with the proposal to enhance per diem rates.

On the promotion of tourism, the Budget Speech clearly states that the EAC is taking the direction towards the establishment of an East African Tourism and Wildlife Coordination Agency. With the establishment of this agency, the EAC will have come to a threshold in marketing the EAC as a single tourism destination. At this stage, the EAC provides facilitative support to the Partner States when participating in various tourism fairs. One of the facilitation means is providing a single exhibition group, which enables all the Partner States to display their tourism attractions. Clearly, the current position is not the best, but we will want to see that our goal of presenting ourselves as a single tourism destination is what we are striving for.

On the question of funding for industrial development, honourable members may wish to know that EAC is finalising an investment and industrialisation strategy pursuant to the directive of the Summit. US \$500,000 was secured from the Partnership Fund during the current financial year for this exercise. In the next financial year, US \$110,000 has been set aside as the contribution of the Partner States to finalise this strategy, and additional funding is being sourced from the Partner States to finalise this particular strategy.

On the EAC Headquarters building, the Council is prepared to share the architectural drawings with the honourable member who raised the issue because it will be one of the most modern and naturally air conditioned buildings in Tanzania. It is not true, therefore, that the building is not very nice. However, the point regarding EAC's perpetual dependence on donors is a valid one, and the Budget Speech has clearly pointed out the need to quickly curtail the donor dependency syndrome. (*Applause*)

On the programme of the Lake Victoria Basin Commission, it is important to note that LVBC has adequate resources and LVMP II to cater for programmes related to environmental sustainability, promotion of sustainable agricultural patterns around the basin, which do not harm the lake, and ensuring that silting of the Lake is minimised. The Secretariat is being directed to share with EALA the LVMP II write-up as well as the loan agreements that the Partner States of Kenya, Uganda and Tanzania are just about to sign with the World Bank.

The proposal for a centralised archive that was put forward by the hon. Dr Ndahiro is, with the benefit of hindsight, an excellent idea. However, the success that was achieved in having a regional archive in the defunct Community was very much driven by the ceding of substantial sovereignty by the EAC Partner States. This is not the case today. However, given the importance of the proposal, the Council will look into the feasibility of establishing such an archive.

Mr Speaker, there was the issue of the EAC being involved in funding private sector development, and that the ideal position should be for the private sector to assist in funding EAC projects and programmes. The Council wishes to put it on record that the private sector today is the biggest contributor to the national budgets, which the EAC budget appropriation flows from.

The Council agrees with hon. Dr Ndahiro that the rules that govern the Partnership Fund should be adhered to strictly, and that the funds should not be used as a vehicle to promote specific donor interests. This one shall be enforced. (*Applause*)

Hon. Kimura raised an issue regarding utilisation of *Ardhi Jumuia* which is under the management of the *Ardhi Sea*, which was lost in mid 2006. Already the vessel has been used in carrying out high geographic surveys of the ports of Mwanza, Port Bell and Kisumu. It has also undertaken work on determination of silting, particularly on the entrance of River Kagera into Lake Victoria. The French Government, during this financial year, provided funding to improve the ships' instrumentation, and there are efforts to mobilise more resources to improve the engine performance of this ship. In the next financial year, there is a planned allocation from the Partnership Fund of US \$150,000 critically related to the utilisation of this vessel.

With respect to the proposed funding for the training of judges, the Council wishes to re-state that judgement writing addresses the requirements of Article 126 of the Treaty for the Establishment of the East African Community on standardisation of judgements within the Community. This is part of the Community's objective to harmonise partner state legal and judicial policies for purposes of ultimately establishing the desired common regional jurisprudence. The process of standardisation of judgement requires training and sensitisation of judges of partner state judiciaries through an EAC training programme designed by the East African Judicial Education Committee. This committee comprises judges and registrars from partner states, and actual training and sensitisation is carried out by selected experts from other jurisdictions, including the Supreme Court of Canada.

The role of the Office of the Counsel to the Community in this exercise is not to train judges as such. The role is merely to facilitate the East African Judicial Education Committee, which reports to the Sectoral Council of Legal and Judicial Affairs. The Office of the Counsel to the Community is thus seated in the EAC institutional framework to facilitate the committee's work. The committee's work cannot be handled by the East African Court of Justice; the standardisation of judgements is not within the mandate and jurisdiction of the East African Court of Justice as provided for under Articles 23 and 27 of the Treaty. A re-allocation in respect of this item will thus hamper progress on standardisation of judgments as a component of partner state legal and judicial affairs.

On the sensitisation of stakeholders on EAC legislation, the Council wishes to affirm that improved publication of the EAC gazette and Acts of the Community will be undertaken. Sensitisation of all stakeholders in the partner states on the content and precedence of the EAC legislation over similar national legislation is important for the development of the East African Community. Its output includes support for the implementation of EAC decisions and the establishment of a common regional

jurisprudence. In view of the need to undertake more preparatory work, a sensitisation budget line for this financial year may not arise. This exercise can be catered for in subsequent budgets. The budget outlay will thus be re-allocated. (*Applause*)

The proposal to have a legal framework that underpins resource mobilisation is a good idea. The Council will direct the Secretariat to review and propose a system that underpins transparency and accountability.

On the management of risk funds, the Council wishes to re-state that the reason why EAC is still dependent on COMESA for purposes of release and accountability of funds under this is because EAC is currently implementing various institutional reforms to strengthen the capacity of the Secretariat. It is after the Secretariat has satisfied the European Union as to its capacity, which relates to putting in place various systems and procedures, such as an accounting and audit manual, and procurement and risk management manuals, that the European Commission will be able to execute a contribution agreement with EAC.

In terms of the capacity by the Secretariat to manage risk funds, significant development has been achieved in institution building this financial year. We are now waiting for an assessment to be made to enable us finalise and sign a contribution agreement, which will result in funding from the European Commission being remitted directly to EAC.

Mr Speaker, on the report and implementation modalities of the petroleum conference being availed to the Assembly, the Council will ensure that all reports of the petroleum conference are availed to the Assembly, including the status of implementation of the decisions and recommendations flowing from such conferences.

Regarding the issue of inter-trade and removing infrastructural problems of connectivity, setting up a one-stop centre and harmonisation of the east trade, the EABC and EAC have organised a regional conference to be held in Mombasa from 21st to 24th of July this year to examine how the northern corridor that links Mombasa, Kampala, Kigali and Bujumbura can be made more effective. The conference will bring together all the key stakeholders, such as revenue authorities, roads and railways officials, shipping firms, shipping firm operators on the Lake Victoria, port authorities, Members of the EALA's Communications and Trade Committee, top public policy officials and leading business people.

The aim is to use the conference as a private review mechanism on how to reduce the costs of doing business in the region. Out of the conference, the EAC aims to work with DFID to organise, in our region, an aid for trade in the northern and central corridors, resource mobilisation similar to the one that took place in Lusaka for the north-south corridor in April this year. The Secretary-General will, from time to time, remit these issues, one after the other for honourable members to be able to understand them with ease.

On the proposal for the re-allocation of funds by EALA as given by the General Purpose Committee, there was a document that was attached to the report by the General Purpose Committee, which I would like to refer to.

Re-allocation 3: The Secretary-General, from time to time, is summoned by the Chairperson of Summit and other heads of state, so indeed there is need for a budget provision to enable the Secretary-General to attend to such calls for consultations.

Re-allocation 4: The review of the Monitoring and Evaluation manual is a donor funded activity where funding cannot be easily re-allocated.

For re-allocation 6 regarding the Mt. Elgon Ecosystem, there is an agreement between NORAD and LVBC that this exercise should be undertaken, and the cost indicated is an estimate of how much the consultancy will cost. Re-allocation will require recording the agreement, which will not be appropriate.

Re-allocation 7: The funds allocated for the operationalisation of the Lake Victoria Transport Act includes the sensitisation of key stakeholders about the Lake Victoria Transport Act, and specifically on issues of marine, transport, search and rescue operations, and also to inform stakeholders that EAC has created a legal regime that will protect and promote investment on the Lake and its basin.

The Council agrees that re-allocation 2, 9 and 10 amounting to US \$65,000 will be made to facilitate committee work under the EALA. *(Applause)*

Mr Speaker, before I conclude, I wish to take on the issue of the Lake Victoria Basin Commission Bill. It is not the intention of the Council to stall the legislative process of this Bill to establish the Lake Victoria Basin Commission. Indeed, as we speak now, the Sectoral Council on the Lake Victoria Basin is meeting to consider, among other matters, the resolution of the impending issues on this Bill to enable the Council, in consultation with EALA, to proceed with the second reading.

On the issue of language in the EAC, the use of English as an official language of the Community was seriously considered, both at the time of negotiating the Treaty and at the time of negotiating the admission of Burundi and Rwanda. English is now widely spoken by the majority of the peoples of East Africa, but for the time being, and given its international and regional appeal, English was deemed to be the ideal mode of communication. This is not to lose sight of the need to develop Kiswahili and other indigenous languages as part of co-operation, culture and human resources. *(Applause)* For the time being, however, we stand to be guided by the wisdom of the contracting parties to the Treaty, the five Partner States.

Furthermore, issues pertaining to language are also being pursued through the Inter-University Council for East Africa through the harmonisation of the educational curriculum. The Inter-University Council is presently engaged in a broader exercise to harmonise curricula of tertiary institutions in order to assure standards and quality of educational qualifications. This is important as the free movement of persons and labour comes on stream.

On the use of protocols pursuant to Article 151 of the Treaty, protocols will always be used by Partner States to augment those provisions of the Treaty that are not complete and explicit in scope. To that extent, and on the basis of international law, protocols are used as a supplementary policy arrangement. As the hon. Chairperson stated in her Budget Speech, in future, protocols will be negotiated and concluded only for

purposes of policy direction. They will not address or provide for areas and matters that should best be provided for in legislation. This approach is what has, for example, guided the ongoing negotiations on the Common Market Protocol.

On the empowerment of the youth, EAC is presently co-ordinating the development of a human resource survey to determine the status of employment and unemployment in the EAC Partner States. This survey will disclose the extent of the unemployment of the youth. This exercise is being undertaken in collaboration with ILO. Following this survey, the EAC will develop a strategy to address youth unemployment. At the same time, the EAC is co-operating with GTZ to put in place an institutional vehicle for enabling the East African civil society, which includes the youth and women, to effectively participate in the EAC integration process.

Mr Speaker, the CASSOA Bill will be tabled in the next EALA session (*Applause*).

On the issue of irrigation, the need for irrigation is indeed valid. The Council will address this matter as part of the development of agriculture and food security, as well as part of the resolve to mitigate challenges in the dry areas in our region. The EAC is working with the Nile Basin Initiative on the use of Lake Victoria waters for both power generation and irrigation.

As regards the challenge of how the region can address food deficit in some parts of East Africa through promoting a regional food security plan, the EAC is working on this matter, including the related infrastructure challenges.

Mr Speaker, I thank you. (*Applause*)

(Question on the Motion put and agreed to.)

THE ASSEMBLY IN COMMITTEE OF SUPPLY AND COMMITTEE OF WAYS AND MEANS

(The Chairman, hon. Abdirahin Haithar Abdi, presiding)

MOTION

For The Approval of the Financial Statement for the Financial Year 2009/2010

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi) (Ex-Officio): Mr Chairman, I beg to move that in accordance with the provisions of Article 132(5) of the Treaty for the Establishment of the East African Community, and Rule 74 of the Rules of Procedure of the East African Legislative Assembly, the Committee of Ways and Means do consider and approve the Financial Statements for the East African Community for the Financial Year 2009/2010.

(Question put and agreed to)

The Budgetary Estimates for the Financial Year 2009/2010

Vote 001:

The East African Community Secretariat including the Defence Liaison Office and the Directorate of Customs

Question proposed that a total sum of US \$30,138,364 under Vote 001 be provided for the expenses for the East African Community Secretariat, including the Defence Liaison Office and the Directorate of Customs for the Financial Year 2009/2010.

Mr Mulengani (Uganda): Mr Chairman, arising from the issues raised in the response of the Minister regarding the re-allocations on the schedule presented to Council, there is a total of US \$65,000 that I propose to be deducted from that Vote of the East African Community Secretariat and to be transferred to the East African Legislative Assembly. I beg to move.

The Chairman: Can you explain which vote you are talking about?

Mr Mulengani: Mr Chairman, with your indulgence, I pre-suppose that the Vote you read was the East African Community Secretariat, including the Defence Liaison Office and the Directorate of Customs. That Vote amounting to US \$30,138,364 if we pass it as it is, it pre-supposes that we shall not have taken under consideration the re-allocations read by the Minister amounting to US \$65,000. Therefore, I am proposing that the figure you should tell us to pronounce ourselves on should be US \$30,733,364, which less the US \$65,000; re-allocations 2, 9 and 10.

The Chairman: Hon. Mulengani, there was a list which was given by the Council of Ministers, which shows re-allocation from the Secretariat to the Assembly. I do not know whether you received that list.

Mr Mulengani: Mr Speaker, I received it but that re-allocation only takes into consideration the allocations by the Minister amounting to US \$438,000 only.

The Chairman: *Mheshimiwa* Mulengani, that was the agreement and that is what they did for the committees, so I don't see any problem there.

Mr Mulengani: I am sorry, Mr Chairman. I am not engaging you, but from the response by the Minister to the members' reactions, from the schedule that we presented as a committee, the Council of Ministers has conceded to item 2 amounting to US \$13,000, item 9 amounting to US \$12,000 and item 10 amounting to US \$40,000 to be re-allocated to the Assembly.

Mr Speaker, the Council of Ministers can clarify on this. Thank you.

The Chairman: Hon. Mulengani, much as it is the Council to clarify it would also make life easier if all of us can understand, and if I have information I might as well share it with you so that we don't labour over this issue. I got a document from the Council, which gives a list. There is another list here, which I think the Minister can table and then it will make life easier. Do members have it already? (*Shouts of "No, no"!*) They don't have it.

Well, hon. Members, I have the list, and it totals to US \$438,000 and it comes from different Votes. I think some of them the Minister read...maybe I should ask the

Minister to Table the list so that it becomes a document of the House to make life easier for us.

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Chairman, with your permission, I wish to table the document that lists the re-allocation totalling to US \$438,000 from EAC Secretariat budget to EALA.

Mr Mulengani: Mr Chairman, when you look through that schedule they have presented or laid on the Table...ok; I concede, Mr Speaker.

(Question that a total sum of US \$30,138,364 under Vote 001 be provided for the expenses for the East African Community Secretariat, including the Defence Liaison Office and the Directorate of Customs for the Financial Year 2009/2010 put and agreed to)

Resolution on Vote 001, adopted.

Vote 002 - The East African Legislative Assembly

Question proposed that a total sum of US \$9,011,761 under Vote 002 be provided for the expenses of the East African Legislative Assembly for the Financial Year 2009/2010.

Mr Mulengani: Mr Speaker, I request your indulgence and that of the House. The spirit of giving funds to the Assembly is good but the manner of execution of the funds that are being allocated to the Assembly is not correct. When the Chairperson of the Council of Ministers was reading the Budget Speech, that speech did not take into consideration the requests of the Committee to re-allocate the amount of US \$404,150. What the Secretariat or the Council has done is to remove the equivalent of US \$60,500 from the allocation that was in the Budget Speech and substitute it with the re-allocations requested by the Committee.

Now, it defeats our understanding as a committee: are they up to giving US \$4,038 and these re-allocations that we are clapping for that they have brought to the House to support committee to work? They are giving with one hand and taking with the other! The Minister read US \$438,000 but the committee is expecting an additional US \$65,000 on top of that.

Mr Speaker, this is the position that I know, and I am surprised that they have decided to fit in things in that way to equate to the US \$438,000!

The Chairman: Hon. Mulengani, I think if you were listening to the Minister carefully, he did go through the document, and after that he said that funds that are under the Partnership Fund or donors are very difficult to re-allocate, because you would be contravening the contracts, so you cannot do it. He did explain that, and some of them they got them for the committees and others even though the committee did this, they went out to look for funding from within the Secretariat.

(Question put that a total sum of US \$9,011,761 under Vote 002 be provided for the expenses of the East African Legislative Assembly for the Financial Year 2009/2010 put and agreed to.)

Resolution on Vote 002, adopted.

Vote 003 - The East African Court of Justice

Question proposed that a total sum of US \$2,868,613 under Vote 003 be provided for the expenses of the East African Court of Justice for the Financial Year 2009/2010.

(Question put that a total sum of US \$2,868,613 under Vote 003 be provided for the expenses of the East African Court of Justice for the Financial Year 2009/2010 and agreed to.)

Resolution on Vote 003, adopted.

Vote 004 - The Lake Victoria Basin Commission

Question proposed that a total sum of US \$12,238,553 under Vote 004 be provided for the expenses of the Lake Victoria Basin Commission for the Financial Year 2009/2010.

Mr Mulengani: Mr Chairman, I request that we recommit this particular Bill for us to be explained to properly how this re-allocation is being done because I am not satisfied. The Minister gave us US\$ 438,000 – *(Interruption)* -

The Chairman: We are not considering any Bill here. We are considering something else.

(Question that a total sum of US \$12,238,553 under Vote 004 be provided for the expenses of the Lake Victoria Basin Commission for the Financial Year 2009/2010 put and agreed to.)

Resolution on Vote 004, adopted.

MOTION FOR THE HOUSE TO RESUME

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Chairman, I beg to move that the House do resume and the Committee of Supply and Committee of Ways and Means report thereto.

(Question put and agreed to.)

(The Assembly resumed, the Speaker presiding.)

REPORT FROM THE COMMITTEE OF WAYS AND MEANS, AND THE COMMITTEE OF SUPPLY

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to report that the Committee of Ways and Means has considered and approved the financial statements and the Committee of Supply has considered and approved the Budget for the East African Community totalling to US \$54,257,291 for the Financial Year 2009/2010.

MOTION FOR THE ADOPTION OF THE REPORT OF THE COMMITTEE OF SUPPLY AND THE REPORT OF THE COMMITTEE OF WAYS AND MEANS

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to move that the report of the Committee of Ways and Means and the Committee of Supply be adopted.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Seconded

(Question put and agreed to.)
(Reports adopted.)

BILL
First Reading

The East African Community Appropriation Bill, 2009

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to move that “*A Bill for an Act entitled the East African Community Appropriation Act, 2009, an Act to make Appropriation out of the East African Community Budget to the service of the financial year ending 30th June 2010*”, be read the First Time.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Seconded

(Question put and agreed to.)

Bill read a First Time.

BILL
Second Reading

The East African Community Appropriation Bill, 2009

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to move that the East African Community Appropriation Bill, 2009 be read the Second Time.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Seconded

(Question proposed)
(Question put and agreed to)

Bill read a Second Time.

THE ASSEMBLY IN COMMITTEE OF THE WHOLE HOUSE

(The Chairman, Mr Abdirahin Abdi, in the Chair)

BILL

Committee Stage

The East African Community Appropriation Bill, 2009

Clause 1

(Question proposed)

Mr Mulengani: Mr Chairman, I rise to seek your indulgence to recommit this clause under Rule 71. I request to recommit this particular Vote so that the Chairperson of Council can elaborate to us to very well the manner in which the Council of Ministers came up with – *(Interruption)* -

The Chairman: *Mheshimiwa* Mulengani, what do you want to recommit; do you have a problem with this clause?

Mr Mulengani: Mr Speaker, Clause 1 as it is...ok, it is fine. I will rise on Clause 2.

The Chairman: I might not see you again in Clause 2 – *(Laughter)*.

(Question put and agreed to.)

Clause 1, agreed to.

Clause 2

(Question Proposed)

Mr Kingi: Mr Speaker, I propose that Clause 2 of the Bill be amended by substituting “190” with “250”. Mr Chairman, it will read thus: “*The Secretary-General may issue, out of the budget of the East African Community and apply towards the supply granted to the East Africa Community for services of the year ending on 30 June 2010, the sum of US \$54,257,291.*”

The Chairman: I think that is consistent with what we passed.

(Question on amendment put and agreed to.)

Clause 2, as amended, agreed to.

Clause 3, agreed to.

Clause 4, agreed to.

The Schedule

(Question proposed)

(Mr Mulengani rose in his place)

The Chairman: *Mheshimiwa* Mulengani you are not the owner of the Bill –
(*Laughter*)

Mr Kingi: Mr Chairman, having done the re-allocation earlier on, I now propose that the schedule to the Bill be amended in Vote 001 by substituting the figure US \$30,516,364 with a new figure US \$30,138,364; and in Vote 002, by substituting the figure US \$8,573,761 with a new figure of US \$9,011,761; and by substituting the total figure, which is US \$54,197,291, with a new total figure of US \$54,257,291.

Mr Mulengani: Mr Speaker, I rise to say that the figures the Minister is reading does not take into consideration the request made to the Chairperson, Council of Ministers. They are not taking into consideration the US \$65,000 that the Committee requested for. This is arising out of the schedule that the Committee presented to the Council of Ministers. What they have done is to re-adjust what the Chairperson, Council of Ministers presented, and they included in the figures that the Committee presented to the Council for consideration for re-allocation.

If it is agreeable to the Council of Ministers, Mr Speaker, I would therefore propose that the right adjustment for Vote 001 would be: US \$30,073,364 and for Vote 002 would be: US \$9,076,761 and the total would remain as it is.

The Chairman: Hon. Mulengani, I would also like to guide you that if you look at the Minister's speech on number 108, the Minister says: "*Following discussions with the General Purpose Committee, a decision has been taken to re-allocate from the Secretariat budget, US \$438...*" This is after consultations with the General Purpose Committee, so I don't know why you are stuck on just the four...because the Minister did take into consideration your request when they were making that re-allocation.

Mr Mulengani: Much obliged, Mr Chairman.

(Question on the amendment put and agreed to.)

The Schedule, as amended, agreed to.

The Title, agreed to.

MOTION FOR THE HOUSE TO RESUME

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Chairman, I beg to move that the House do resume and the Committee of the whole House reports thereto.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Seconded

(Question put and agreed to.)

(The House resumed, the Speaker presiding)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to report that the Committee of the Whole House has

considered the Bill entitled, “The East African Community Appropriation Bill, 2009” and passed it with amendments.

MOTION FOR ADOPTION OF THE REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to move that the report of the Committee of the Whole House be adopted.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Seconded

(Question put and agreed to.)

Report adopted.

**BILL
Third Reading**

The East African Community Appropriation Bill, 2009

The Minister for East African Community Affairs, Kenya (Mr Jaffah Amason Kingi): Mr Speaker, I beg to move that “*A Bill for an Act to make Appropriation out of the East African Community Budget to the service of the financial year ending 30th June 2010*”, be read the Third Time and do pass.

The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio): Seconded.

(Question proposed)

(Question put and agreed to.)

Bill read a Third Time.

The Speaker: Honourable Members, we have come to the end of business today. I would like to congratulate the Minister for being able to pass the Budget - *(Applause)*. I would also like to congratulate them for doing a good job. They did make some commitments in the last Budget and they did fulfil them. So, I would like to say that at least they kept their word this time. *(Applause)*

I would also like to thank the General Purpose Committee for a job well done - *(Applause)*. I thank the Secretary General and more so the Deputy Secretary General, the Director of Finance and their staff for the good job they have done. *(Applause)* With that said, I would only like to say that it is always a step; we can move forward. So, hon. Mulengani, do not lose hope. We can do better next year – *(Laughter)*.

ADJOURNMENT

The Speaker: We have now come to the end of the business for today. I now adjourn the Assembly until tomorrow at 2.30 p.m.

(The Assembly rose at 6.30 p.m. and adjourned until Thursday, 28 May 2009 at 2.30 p.m.)