



## EAST AFRICAN COMMUNITY

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

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

#### 86<sup>TH</sup> SITTING – THIRD ASSEMBLY: MEETING – THIRD SESSION

Wednesday, 28 January 2015

*The East African Legislative Assembly met at 2:30 p.m. in the EALA Chambers, EAC Headquarters, Arusha, Tanzania*

#### PRAYER

*(The Speaker, Mr Daniel .F.Kidega, in the Chair.)*

*(The Assembly was called to order)*

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#### COMMUNICATION FROM THE CHAIR

**The Speaker:** Honourable members, I rise to inform you that the new Minister from the Republic of Tanzania is present and would like to take his seat in this House. *(Applause)* His name is hon. Dr Harrison G. Mwakyembe who was appointed by the President of the United Republic of Tanzania and the Ministry of East African Cooperation, Tanzania, forwarded his name to the East African Legislative Assembly.

However, in accordance with Rules 6 of the Rules of Procedure of this Assembly, he cannot sit or participate in the proceedings of the House until he takes oath or affirmation of allegiance to the Treaty as a Member of the Assembly.

Rule 6 (3) specifically states that: *“When a Member first attends to take his or her seat other than at the first sitting of a new House, he or she shall be brought to the table by two Members and presented by them to the Speaker who shall then administer the oath or affirmation of allegiance to him or her.”* I, therefore, request any two Members of the House who know the new Member to present him to the Speaker to enable him take the oath.

## ADMINISTRATION OF OATH

The oath was administered to:

Dr Harrison George Mwakyembe

**The Speaker:** I now invite the two Members to show the hon. Member of the House his seat. Hon. Chair, Council of Ministers, this is a tradition in this House. You may receive the flower before we proceed. *(Applause)* Thank you, hon. Members.

Hon. Members, amidst us is a new Member, hon. Dr Harrison George Mwakyembe who is the new Minister responsible for the East African Community in the Republic of Tanzania. *(Applause)* By the virtue of his appointment and subsequent to the oath he has taken, hon. Dr Harrison G. Mwakyembe will be an ex-officio of this august Assembly. *(Applause)*

I take this singular honour to welcome him to this Assembly. *(Applause)* The hon. Member has just returned home. He is a historical Member of this House. So, we are very privileged to have the Chair, Council of Ministers who is a pioneer Member of this Assembly. *(Applause)* I welcome you, once again and feel at home.

## MOTION FOR THE CONSIDERATION AND ADOPTION OF THE REPORT OF THE COMMITTEE ON ACCOUNTS ON THE EAC AUDITED ACCOUNTS FOR THE FINANCIAL YEAR ENDING 30<sup>TH</sup> JUNE 2013

*(Debate interrupted on Thursday, 22 January 2015, resumed.)*

**The Speaker:** Hon. Members, you remember before this debate was interrupted, the Chair of the Committee on Accounts had dully presented his report to this House and we were to begin the debate. I, therefore, according to our Rules of Procedure open that debate.

**The Assistant Minister for East African Cooperation, Tanzania, and Chairperson EAC Council of Ministers (Dr. Abdallah Saadalla) (Ex-Officio):** Thank you, Rt. hon. Speaker, Sir, for giving me this chance to be the first to give my comments on how the Council of Ministers decided to respond to this motion on the floor.

First of all, Rt. hon. Speaker, I would like to thank hon. Ambassador Jerome Ngendakumana, the Chairperson of the Committee on Accounts and the entire Committee for tabling the report on the Committee on Accounts on the Audited Accounts for the financial year ending 30<sup>th</sup> June 2013.

In doing this, the Committee has:

- (a) Acted within the parameters of its responsibilities as provided under the Rules of Procedures; and
- (b) Assisted the East African Legislative Assembly in discharging its obligations as provided under the Article 49 of the Treaty for the Establishment of the East African Community.

Mr Speaker, Sir, my colleagues, members of the Council of Ministers and I have carefully read the report of the Committee on:

- (a) The audited consolidate financial statement of the EAC Organs for the year ended 30<sup>th</sup> June, 2013;
- (b) The audited financial statements of the Lake Victoria Basin Commission (LVBC) for the year ended 30<sup>th</sup> June, 2013;
- (c) The audited financial statement of the Lake Victoria Fisheries Organisation (LVFO) for the year ended 30<sup>th</sup> June, 2013;
- (d) The audited financial statement of the Inter University Council of East Africa for the year ended 30<sup>th</sup> June, 2013; and
- (e) The audited financial statement of the Civil Aviation Safety and Security Oversight Agency (CASSOA) for the year ended 30<sup>th</sup> June, 2013;

Mr Speaker, Sir, it is our considered view that the Committee's findings posted serious and routed matters that necessitate serious consideration by the Council. (*Applause*) Some of the findings go to the root of the state of affairs of the East African Community a cherished engine of this integration. Indeed, they project a wrongly deemed picture of the status and future of the Community as far the pursuit of different programs and handling of resources is concerned.

These matters therefore, require thorough investigation and deep interrogation by the Council as a policy organ of the Community.

Mr Speaker, Sir, the Council of Ministers had a very intensive interaction with the Committee on Audit and Accounts before this report was tabled for discussion as a motion in this august House.

Furthermore, at the presentation of this report, Council further interacted with the Executives, Secretaries, Heads of Organs, and Institutions on Saturday and Monday through Sunday. The sole objective of this interaction was to get detailed information on each item, query and concern mentioned in the Audit Commission and Committee reports. It was done so for the Council to give very comprehensive and detailed response in this august House.

However, the two, though responded to most of the concerns reported, they were not in the position of availing detailed information and data but also some of the mentioned staff could not be reached to interact with the Council for accountability.

Mr Speaker, Sir, as you have noted in personally, yourself and our consultations for the past four years Council took all concerns and recommendations of the Committee very keenly and responsibly and is intending to give very detailed robust answers, which will include the following:

- (a) Data required;
- (b) Sequence of events and unpack the events, for example, MoUs, negotiations, SGs, claims, and so on and so forth. Also, to enrol and engage ourselves in penalties and or any punishments and accountability in case of any malpractice. (*Applause*) However, we also found that there are possibilities of reviewing policies, financial rules, staff rules and administrative rules and regulations. We are intending to engage ourselves into this dynamism too.

- (c) Plans of Council on how to deal with any misconduct or operational defaults and sometimes, even need to address and put into task issues of forensic audit.

Mr Speaker, Sir, based on the above issues and my narrative, I, therefore, prompted under Rule 31 (c) of the Rules of Procedure to move a motion for adjournment of debate of the report of the Committee on Accounts on the Audited Accounts for the financial year ended 30<sup>th</sup> June 2013.

Mr Speaker, Sir, we were obliged to defer this debate to the next sitting to allow us digest more and get enough time to analyse, comprehend and report detailed information and responses to the East Africans and all associate parties including the media and so on.

Mr Speaker, Sir, I beg to move.

**The Speaker:** Secunder of the motion moved by the Chair, Council of Ministers; hon. Shem Bageine, hon. Hajabakiga, hon. Sarah, hon. Bernard, hon. Tiperu. Hon. Dora, hon. Christophe, hon. CTC and all those who are standing.

Hon. Members, the Minister has moved in accordance with our Rules of Procedure that the debate that is before this House be deferred and the motion is dully seconded.

Before I open debate to this motion, I would like to put it categorically clear that this Assembly would like to pay special tribute to the Committee on Accounts for the work well done. (*Applause*) They have taken a good journey through the report of the Audit Commission and brought very critical report to the Assembly. The Assembly dully received it and the report is here before us for debate.

In the wisdom of the Council of Ministers, they have put a motion before this House that this debate be deferred, from his argument, to allow further interrogation into it and bring reprimands on offices of the Community that could have erred in the process or in course of their duties and also take critical audit of the various legal frameworks from policies to laws and rules that govern our operation in the Community with the intent of correcting the mistakes.

We as an Assembly take this matter of the report presented to us very seriously. It is a very important function of this Assembly that we do oversight on the operations of the Community. I now open debate on the motion. Hon. Members, let us take very few members and short time on the debate.

**Mr Peter Mathuki (Kenya):** Thank you very much, Rt hon. Speaker for giving me this opportunity. I stand to support the motion by the Chair, Council of Ministers because indeed the report that was presented by the Chair of the Accounts Committee – I want from the onset congratulate the Chair of the Committee and his Members for the work well done.

But I am sure by the Chair, Council of Ministers trying to adjourn or put a motion to adjourn this, I am sure he will be also seeking to understand some of the issues that are very critical because this report has serious implications. It is already a document in the public domain; it is already

causing many issues and I think as they try to find a way forward, and the best way to resolve this, they must also listen on how to resolve.

Going by this report, Rt. hon. Speaker, clearly it has serious implications and one of them is, obviously, if we have any cooperating partners, they may desist from giving any further funding to this Community and even the Partner States.

Therefore, I think it is very important to adjourn in order for them to see how they can proceed because this is very serious. In fact, you have to interrogate properly and debate and it will bring out very serious issues.

Rt. hon. Speaker, I think we may have to mention a few things, which they may pick from for purposes of trying to see how they want to proceed. One of them is – (*Interruption*) -

**The Speaker:** Hon. Peter, just little guidance. Let us confine ourselves to the debate of the merits and demerits of the motion because the motion is seeking adjournment on debate on the report. So, let us debate the merits and demerits of the motion as moved by the Chair, Council of Ministers and then we shall proceed like that.

**Mr Mathuki:** I am advised and I thank you very much, Rt. hon. Speaker. I am only saying some of the submissions we were given to support this could be advisory as they try to find a way. I am telling you this Mr Speaker because again if we simply step on issues like this as an Assembly, we have a responsibility.

Let them look through whether indeed the finance function of the Community is functioning; let them look whether the HR function of the Community is really functioning. You cannot say as an Assembly that we are appreciating casualization because that is what is happening at the Community and that is what we have seen in this report.

So, let then think through how they would want to streamline and ensure that things are right but also appreciate that we have a responsibility. I would want to know whether this Community even has a labour and employment policy. How do people come in to work? Those are some of the issues they would wish to interrogate as we move forward because at the end of the day we have a responsibility. They will have to tell the people what is expected of them. Those are some of the issues. I support the motion.

**The Speaker:** Thank you.

**Mr Mike Sebalu (Uganda):** Thank you very much, Rt. hon. Speaker. I rise to support the motion. It brings out two things; that the Council of Ministers wants to engage with the issues raised so that they come up with a good response that clears some of the areas that were mentioned.

I take that to be a best practice because they seem to suggest that something is not right somewhere and they want to audit the systems and the mechanisms available to them to ensure that such is not repeated.

Finally, Rt. hon. Speaker, I just want to put one rider that this may be the best way to go for this particular issue but it should not become a way of doing things. So, in future they should be able to engage much earlier so that by the time the report is brought, everything that needs to be clarified is clarified and their management report accompanies the main report for purposes of informing those that may not be part of the process because this work is led by a committee, which many of us are not members of. So, if we are not privy to the management report and the responses, we may then debate from a position that is not very well informed.

So, I just request that it be appreciated to navigate through this very particular situation but in future, they need to engage much earlier so that we don't go into this. It should not be a way of doing things; it should not be a practice; it should not be a manner of managing affairs of the region. Thank you. *(Applause)*

**Mr Ole Nkanae (Kenya):** Thank you, Mr Speaker. I stand to oppose the motion. I am a member of the Committee on Accounts. We have spent a lot of time and energy on that report. If I may remind this House, this thing has taken very long.

Last year, I remember I was coming from Johannesburg and I had already been paid a ticket to come here. Therefore, I asked my family to bring me a new set of clothes to the airport. But when I landed here, it was said that it had been postponed for reasons best known to them.

Mr Speaker, that report needs urgent attention. We have a lot of nepotism in reports there. We have a serious understaffing because of institutional review, which has taken seven years, and yet people want jobs. Work is not going on well because of understaffing.

Mr Speaker, if I will be defeated in this – the Council of Ministers should check on the incompetence of the Audit Unit; the Accounts Department and they should also give us the staffing situation as per every country in East Africa. I know very well that some countries are overstaffed while others are understaffed or not taken care of.

**The Speaker:** Hon. Member, can we confine ourselves to the merits and demerits of the motion? Then depending on how the motion goes, we will deal with the report.

**Mr Nkanae:** So, Mr Speaker, I oppose. *(Applause)*

**Dr James Ndahiro (Rwanda):** Thank you, Rt. hon. Speaker. Mr Speaker, I stand to support the motion. But before I do that, let me take this opportunity to welcome Dr Harrison Mwakyembe to this House as you have done before, Mr Speaker. I think he has chosen the right moment to join this Assembly. I do not know whether it was by design but this is the best moment for him otherwise it would have been difficult.

Rt. hon. Speaker, I support the motion on two grounds; one, the Accounts Committee did their best but if you ask any member of that Committee, I do not think they had an opportunity to discuss with the leadership or management of the different departments. I do not condone that but that missed opportunity might be holding a lot of information that is useful to this House and useful to anybody else. *(Applause)*

**Mr Mulengani:** Information, Mr Speaker, Sir. I respect my brother, hon. Dr James Ndahiro very much and we sit on the same Committee of General Purpose.

I value his contributions and statements he makes are usually not taken lightly because he is a doctor, to that, I want to emphasise. He is making on the floor a statement that the Committee was unable to interact with heads of department. I want to inform him, because I sit on the Committee on Accounts, that we were able to see and meet all the heads of institutions and organs including the heads of department. Where we were unable, this information is in the domain of the Secretary General and the Council.

We specifically mentioned the Executive Secretary of the Inter University Council and we mentioned the Executive Secretary of Lake Victoria Fisheries Organisation. To that extent, those two are not substantive enough to qualify that we did not meet the heads of organs and institutions and those of the directorates.

So, the information I am giving is that we were able to meet them and the information provided is well based on information of those heads of those offices. Thank you. *(Applause)*

**The Speaker:** Hon. Dr Ndahiro, before you take the floor, just a small guidance again. Hon. Members, we are not reversing what has been done. And there is nothing like the Committee on Accounts interfacing again. We are just debating the motion that the debate be deferred to allow the Council of Ministers to do due diligence to the report for their effective response to the House. For us as an Assembly, we take the report as it is given to us by the Accounts Committee. *(Applause)*

**Dr Ndahiro:** I stand guided Rt. hon. Speaker. As I said, I support the motion and I have listened to hon. Mulengani, yes, but any piece of information, even with one person; one person can sit on a lot of information that can change things around. But let us not go into that.

Mr Speaker, I just wanted to urge the Council of Ministers that in their exercise, they should think of ways and means of bringing together, once again, the Accounts Committee, the Auditor Generals and the management of the Secretariat, not only on facts and issues in the report, but also on building a working relationship going forward.

Mr Speaker, I support the motion.

**Ms Perpetua Kessy Nderakindo (Tanzania):** Thank you, Rt. hon. Speaker. I stand to support the motion on one ground. First, I would like to declare that I am a member of the Accounts Committee. But looking at the recommendations that we gave and looking at the opinion of the Audit Commission, there is a contradiction.

I am sure the Council of Ministers looked at our recommendations and deem it possible to have some more work to be done on them. There are staff who need to be reprimanded but at the same time, the opinion of the report is unqualified, which is a contradiction that I assume is the reason

why the Council of Ministers wants to clear this contradiction and bring proper answers to this House. *(Applause)* Therefore, I support the motion. Thank you, Rt. hon. Speaker.

**Mr Abubakar Zein Abubakar (Kenya):** Thank you, Mr Speaker. I join those who are supporting the Minister so that we defer this report and give them an opportunity to do the many good things that he is promising this House that he shall do. The Hansard has captured his words.

I would just like to add the following reservations and concerns on my part. Sir, let it not be an exercise to white wash the report that has been done by the Accounts Committee.

Sir, this opportunity should not be an opportunity to sweep under the carpet what is already in the public domain or to do public relations. *(Applause)* I respect you, sir, and I take your word that you are deferring this in order to do serious work and to take the necessary actions so that you can come back to this House and say, we have taken these strong measures and actions in order to ensure that what is spent on behalf of the Community is done for the purpose and with proper utilisation of resources.

Lastly, Mr Speaker, I would like the hon. Minister to give us an idea of time frame so that we have an idea of when this report should be resumed. I would like to suggest gently that it could not be at the time they are bringing another budget. It has to be before they bring another budget to this House.

I would like to end by saying this, Mr Speaker; our rules allow us to trigger the resumption of discussion of this report at any time without their participation. Thank you.

I would like to now, finally welcome hon. Harrison Mwakyembe to this House, a House that is his. I did not want to say those words that might be sounding hard before he sits properly in his chair together with hon. Abdallah. But having said those hard words, now I can say *karibu sana Mheshimimwa Waziri - (Applause)*.

**Mr Bernard Mulengani (Uganda):** Thank you very much, Mr Speaker. I rise to support the motion to defer the report, on one point. Cognisant of the fact that the Council of Ministers had an opportunity to hold this report in between before the Committee.

The point I am raising is a Treaty matter to the extent that the Council of Ministers is constrained and maybe this is their opportunity now to request for more time for Council meetings.

Council sits one day and yet you cannot analyse this document in one day. They are rubberstamping things that have already been done. *(Applause)* So, I think this is an opportunity for Council to ask for more time from the Summit, and whoever is in position should give them a budget so that Council can take on their rightful opportunity.

That is the reason I am supporting deferring this report. Because I am aware that Council did not have enough time and even the report has the management responses- our report includes the management responses. It is only the Council contribution that is lacking.



So, indeed, they need some time and I would propose that we should not skip the Bujumbura sitting in addressing this report. Because as my colleagues have said, we are waiting to see the promises of Council on this floor since the time is now for Council to be able to reprimand people where it is necessary and take action. I support the motion - *(Applause)*.

**Ms Agnes Mumbi Ng'aru (Kenya):** Thank you very much, Rt. hon. Speaker. From the onset, I would like to state that I support the motion. The reason I support the motion is that there is an egg in the face of the Council of Ministers. And the Minister is asking for time to clean the egg from their face. *(Interjections)* Yes, I say it and I can repeat it again and again.

If I were in the same position and having gone through the report, I would ask for the same. It is an indictment on the Council of Ministers. That somehow – because the laissez-faire attitude and the way of doing things at the EAC needs to be corrected even at policy level.

As EALA, we do not make policy. So it has pricked their conscience. But I hope – because I listened to his motion that he means well; that he will get to the root cause; that he will need to write the wrongs in the report; that he will need to go through documents; the MoUs and the rules. I hope that Chair, Council of Ministers you are not going to be treated the way the Accounts Committee was treated.

We asked for documents and we do not get them. We ask for reports and we do not get them. I want to wish you luck. *(Laughter)*

I want to say to you that if in Bujumbura you will not be able to allow us to debate this report as you have promised us, I will say it to you again on the floor of the House that you have not managed to clean the egg from your office. It is out there in the public and when you ask me that I give you time to clean up and dress up, I will give it to you. I support the motion.

**Mr Adam Omar Kimbisa (Tanzania):** Thank you very much, Rt. hon. Speaker for giving me the floor. I also join in to welcome Dr Mwakyembe and say this is his home away from home.

I rise to support the motion but on condition. My colleagues have already said it. One of the conditions is that all what has been said nothing should be hidden. There are such embarrassing things in here and unfortunately, we have the documents. I can give you just a small example of the embarrassment. *(Laughter)*

**The Speaker:** Hon. Member, I still repeat my guidance to the Members that we stick to the merits and demerits of the motion. We will definitely do justice to the report after disposing of this motion.

**Mr Kimbisa:** Message sent but I will keep on saying there was somebody who travelled for 200 days out of the 250 days in a year, more than the air hostesses; more than the pilots- earning mileage - *(Laughter)*

**The Speaker:** Hon. Member, I kindly requested that we do not engage in debate. Until we dispose of this motion.

**Mr Kimbisa:** The debate is not yet but the message has been sent - (*Laughter*). So, what I am saying is that we have the documents, and one of the questions I am asking, why defer? Where have the Council of Ministers been up to this moment in time? Why didn't they do it earlier? What was the problem? We did our job; the Accounts Committee did its job; the Audit Commission did its job; where was the Council of Ministers? (*Applause*)

Much as I support, I said I have the documents and when time comes, we shall discuss exhaustively. Thank you very much, Rt. hon. Speaker.

**The Speaker:** Hon. Members, the trend is that the support for the motion is vividly clear. My reading is that the support for and against has been felt. I am going to pick only two people and then put the matter to question. I am picking hon. Susan and please, in the interest of time, three minutes each.

**Ms Susan Nakawuki (Uganda):** Thank you very much, Rt. hon. Speaker. I stand to oppose the motion. (*Applause*) I would like to say that I have been a member of the Accounts Committee for the last two and a half years. Indeed, the Accounts Committee did put in a lot of time to go through the report of the Audit Commission, and also to interface with the heads of the Organs and Institutions of EAC, and also squarely with the Secretariat.

Mr Speaker, as my friends have pointed out, this report is already delayed. We were supposed to consider the report in October as the Accounts Committee but it was postponed. When it was postponed, we went through the report this January and it was tabled before this Assembly.

We deferred debate so that Members could read the report and get acquainted with the facts and recommendations. Now, I do not see any reason as to why we should once again defer it.

Mr Speaker, Sir, another audit is currently going on as we talk here. And the Audit Commission is almost finalising with their work. That means another audit report is soon coming. Are we going to debate both reports at the same time?

Mr Speaker, sir, when you look at the audit report itself, the management was given time to respond and they gave a response to all the issues raised by the Audit Commission. In fact, the Secretariat had a qualified opinion initially but the Audit Commission gave them more time to go and audit and re-audit and balance and re-balance until the balance sheet finally balanced. Now, here we are asking for more time for Council to go back audit.

Mr Speaker, for me this weekend I had decided to take off time to give myself a treat but I ended up spending all my time in that report of the Committee so that I could be able to vividly show the Council of Ministers where the cancer that they are supposed to deal with is.

Secondly, the Accounts Committee has made recommendations to the Council and it is those recommendations that they are supposed to act upon. So, partly, the reason for this debate would also be to give Council more recommendations. So, I wonder why they need time now before we

go through the report to give them the recommendations and the steps we need them to follow in order to cure the problem.

I remember the Audit Commission get stuck with the report because it was not signed. They even wanted to go to Addis Ababa to get it to management there to sign it because they realised they were time barred and it was not signed, which management did not agree with.

**The Speaker:** Summarise.

**Ms Nakawuki:** So, they stayed here and eventually it was signed.

Mr Speaker, it is my humane plea, we all know that this report is filthy; it is the worst I have personally seen in the three audits I have been able to look through so far during my time in the Accounts Committee, let us not postpone the problem. Let Council allow, we debate the report, show them where the problem is and they act on the recommendations of the Committee and afterwards give us the status of implementation of the recommendations from the Committee on Accounts. I oppose the motion.

**The Speaker:** Thank you so much. There is so much interest in this and I do not take this matter lightly. For us as an Assembly, this is a serious matter. East Africans outside there are watching and listening to us. I am not going to constrain you from expressing your views. I will give you as many people as you can but we must conclude this. Please, use three minutes.

**Ms Patricia Hajabakiga (Rwanda):** Thank you, Rt. hon. Speaker. I want to join my colleagues to congratulate hon. Mwakyembe for joining this House. (*Applause*)

I will not even take the three minutes. I just want to support the motion and the reasons are not that this Assembly is cowardly or anything but it is just to accept that if the Council have realised and want to do a self-evaluation, taking into account that they should have looked at this report well in time because the report of the Audit Commission went through them in order to reach the Assembly. They should have looked at it.

But if somebody at the end of the day realises that somewhere somehow they did not take their responsibility in time and they accept to come before this House to do their self-evaluation, I think it is just fair that we give them time to analyse; to see what is contained; to see what are the policy issues, what are the structural issues, what are the responsibilities of individuals, just like the Minister has clearly indicated the areas they want to look at. I want to support the motion that we allow them to do self-evaluation. Thank you very much. (*Applause*)

**Ms Dora Byamukama (Uganda):** Mr Speaker, Sir, I also want to add my voice to those who have welcomed hon. Mwakyembe to this House. I would like to say from the onset that I support the motion.

I have done some soul searching and I want to express my initial constraint and restraint on this particular issue.

Mr Speaker, Sir, the report of the Accounts Committee is very clear. I served on the Accounts Committee for five years and what I noted is that most of the issues, which have been raised, seem endemic. These are not new issues. I would have loved it if the Accounts Committee gave us a report, maybe initially, on what has been achieved, how our recommendations have been treated and then we would move forward from there.

Having said that, we do not want to seem to be condoning what is transpiring, which may not seem to be right but at the same time, we do not want to act on misinformation or misrepresentation because it is very important that we get the correct and true information, upon which we should act.

One thing I would like to implore Members is the issue we need to address and these issues is what are these audits for? What is the function of an audit? The function of an audit is to improve or check administration. And this includes EALA. We are also talking about ourselves. So, what is the point of us rushing with misinformation or misrepresentation to conclude, when it will still take us to the same place we were? I think the action oriented nature, which we hope that the Council of Ministers will approach this issue with, will move us from doing business as usual, as you have quoted.

So, we would like to move with caution but at the same time, as my colleagues have said, caution the Council of Ministers to take into account the issue of timeliness as well as the need for restructuring because if they are only meeting twice a year, there is no way they can do their work adequately.

Honourable Members, I would also like to add to what hon. Zein has said. I think the issue of when the report will be brought to the House is very important because already in the Treaty, timelines have been set and, therefore, this should be adhered to.

With these few comments, I would also like to add that as the policy organ of the Community, and you have a shared responsibility with EALA, we as a Parliament should be ready to embrace their concerns and maybe provide legislation to help where need be. I thank you. *(Applause)*

**Mr Yves Nsabimana (Burundi):** Thank you, Rt. hon. Speaker. I stand to support the motion because finally the Council of Ministers have given this report its importance. This is very important because the Treaty gives to the Council of Ministers so much power to implement the recommendations from the House and the decisions from the Summit.

When we met the Council of Ministers, we met for four hours, but they did not have a chance to react to the report through writing. In the financial area, when something is written, the response must be written. *(Applause)* The Council did not have time to put their response in writing. That is why our Committee did not bring this response from the Council of Ministers to the House.

So, it is justified to give them time to react to the report and table their response through the Clerk who will give the report to the Accounts Committee and the Committee will hand it to the Audit Commission to verify and adopt it *-(Applause)-* because the Council of Ministers even don't have time to interact with the auditors. Next time, maybe, they can request to meet the Audit

Commission to fill the gap. That is why it is justified to give them the time they have requested in order to come with a written response. Thank you. I support. (*Applause*)

**Mr Leonce Ndarubagiye (Burundi):** Thank you very much, Rt. hon. Speaker. I am very grateful that you have given me the floor. I support the motion and we should give them time to analyse these very important issues.

But I take this opportunity also to say that no matter how serious and eventually how accurate this report maybe, it should not give a possibility to some people during this internet era bad intentions to start propagating insults via the internet because of this report. (*Applause*) We should continue behaving in a civilised manner so that we analyse the situation as it is. Thank you very much. I support the motion. (*Applause*)

**Ms Sarah Bonaya (Kenya):** Thank you, Mr Speaker. I would like to support this very important motion I was also a member of the Accounts Committee and I would like to congratulate the new Minister from Tanzania for having been sworn in this august House.

I also want to congratulate the Accounts Committee and the whole team of EAC for the good work they have so far done.

I want to emphasise that whatever we have achieved today should be taken positively. Let us not just look at the negative side because over the years, we have put mechanisms and measures in place to guide us into getting things in perspective.

Those who have been in the Accounts Committee know the many recommendations we have put in place to have allowed us to be guided, especially on matters of ICT and financial accounting system, which has been harmonised. Therefore, this has also allowed us to be able to get a clear picture of what is going on. It is not an individual problem at such; it is just that our systems are more effective in capturing data and giving us the right information that we need as opposed to the former times when we had manual and other contradicting mechanisms in place. The team has also been able to follow certain instructions that we have given. Therefore, this has enabled us to see things in a more clear perspective.

I think this is a very mature phase for EAC. So, let us not take it as a negative issue because before this we were mangled up and not able to easily assess ourselves. So, now we have a better picture.

One major thing I also want as a way of advice, as the Ministers are looking into this matter, is the issue of funding to EAC. This Partner States have remained static in their funding while different players and good friends have come in to fund us. But they actually do not fall under our accountability systems. They do so much on the integration agenda but we cannot be able to audit them, meaning that we cannot also be able to assess our achievements and how far we have gone. So, we need to be clear and look into this.

The other issue is that of projects and programmes of the Community and harmonising them within the sectors. Every agreement we sign needs to be harmonised. So, as we are looking into this can we look into ways of harmonising the EAC projects and programs because – (*Interruption*) -

**The Speaker:** Hon. Member, let us not stray into debating the report.

**Ms Bonaya:** As they are analysing the report, those things concern me because our staff are getting so much demoralised because we have conflicting and parallel structures through these projects and programmes and through this funding. Thank you.

**The Chairperson of the Committee on Accounts (Mr Jeremie Ngendakumana) (Burundi):** Thank you, Mr Speaker, Sir. Mr Speaker, Sir and hon. Members, I really appreciate that the EAC Council of Ministers is deeply concerned with the queries raised in our report. I am glad to hear from the EAC Council of Ministers such strong commitments that strong actions are going to be taken against all those who do not comply with the EAC Rules and Regulations. *(Applause)*

Now that the time frame has been given to us, I feel comfortable to concede that the debate on this report be deferred and be held during the next plenary in Bujumbura. *(Applause)*

Mr Speaker, Sir, I thank you so much and I support the motion.

**The Speaker:** Thank you so much. Let me give special chance to hon. Shem Bageine, member of the Council of Ministers to add his voice to this debate.

**The Minister of State for EAC Affairs (Uganda) (Mr Shem Bageine) (Ex-Officio):** Thank you very much. Rt. hon. Speaker. First of all, since this is my first time to speak before you, let me take this opportunity to congratulate you for having been unanimously elected as Speaker of this Assembly. *(Applause)* I have all the confidence in you and as a member of the Council of Ministers, I pledge to work with you in order to salvage the image of this Assembly, the image of the Community and indeed, the image of Uganda that was soiled by what happened. *(Applause)*

Mr Speaker, I want to add my voice to that of my Chair of the Council of Ministers and reassure this House that we are going to look into every aspect of this report and anything else, where necessary, in order for us to come up with a comprehensive report that will not only be responding to the queries but also showing how we are going to operate in the future in order to avoid pitfalls of this nature. *(Applause)*

Rt. hon. Speaker, the Council of Ministers has already agreed to spend time between now and the Bujumbura session to go through the Audit Commission's report, the responses of the officers, the Committee report, documents that we will require, interviewing individuals and so on, so that we can come up with a practical way of doing things in future in terms of managing the affairs of this Community.

Some Members referred to some areas. We are aware that we are constrained by time because we meet only twice a year, if more, three times a year, and the nature of our meetings as Council are structured in such a way that, as somebody observed, we sometimes end up being rubber stampers. Starting from the senior officials, connection committee and they come to us where we meet on one day for three hours and we go home without really delving into what is being reposted to us.

Because of this, we have agreed, like we had previously agreed that we are going to resume quarterly meetings which will be attended by the Ministers responsible for EAC Affairs and also to champion various sectors so that we are not only sitting in Arusha or anywhere to receive

reports, but actually pay physical visits to these institutions in order to appraise ourselves with what is going on. I think once we go there physically, we will see more than when we receive reports or receive executives coming to meet here in Arusha. *(Applause)*

Rt. hon. Speaker, I would like to take this opportunity to thank those Members who have supported our request for deferring this important debate and we want to assure you that we are not doing anything in order to hide any malpractices. We are trying to ensure that what we come up with is the truth and nothing but the truth. I thank you. *(Applause)*

**The Speaker:** Thank you so much. Hon. Members, the motion as moved by the Chair, Council of Ministers under Rule 31 (c) of our Rules of Procedure is that the debate be deferred. I now put the question.

*(Question put and agreed to.)*

**The Speaker:** Hon. Members, allow me before we move to the next item on the Order Paper, to recognise our special guests who are in the gallery, members of the Commission of the Parliament of Uganda. *(Applause)* We have hon. Rosemary Seninde, hon. Reagan Okumu, hon. Rose Akol and Mr Benson Masereka and Ms Jacqueline Lamuno who are staff from the Parliament of Uganda.

These members of the Commission of the Parliament of Uganda have brought good will message from the Parliament of Uganda to EALA. They visited my office, and they are looking forward to interacting with you. You are most welcome. *(Applause)*

## **THE ASSEMBLY IN COMMITTEE OF THE WHOLE HOUSE**

*(The Rt. Hon. Dan F. Kidega in the Chair)*

### **BILL'S**

### **COMMITTEE STAGE**

The East African Community Cooperative Societies Bill, 2014

*(Resumption of Business Interrupted on Tuesday, 27 January 2015)*

**The Chairperson:** Thank you so much. Hon. Members, you remember yesterday we adjourned debate on this Bill when we were at this stage. We had considered clauses 1 to 4 of the Bill and the amendments that were brought. The Committee of the whole House reported and we concluded at that.

The Committee Chair, its members, the mover of the Bill and I have been consulting since last evening. We have restructured our approach on how we are going to proceed and we are ready to proceed.

The East African Community Cooperative Societies Bill, 2014

Clause 5

**The Chairperson:** I now propose that clause 5 be part of the Bill.

**The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Mr Abdul Karim Harelimana):** Thank you, Rt. hon. Chair. The Committee proposes that we delete clause 5.

The justification is that the Committee will insert a new clause 5 under Part 2 with a marginal note; “Registration of cooperative societies.”

**The Mover of the Motion (Mr Mike Sebalu) (Uganda):** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 6

**The Chairperson:** I now propose that clause 6 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that Clause 6 be deleted.

The justification is that the Committee will insert a new clause under Part 2 with a marginal note; “Essential for registration for cooperative society.”

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 7

**The Chairperson:** I now propose that clause 7 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 7 be deleted.

The justification is that the Committee will insert a new clause under Part 2 with a marginal note “Procedure for registration.”

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 8

**The Chairperson:** I now propose that clause 8 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 8 be deleted.



The justification is that the Committee will insert a new clause under Part 2 with a marginal note; “Bye laws”

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 9

**The Chairperson:** I now propose that clause 9 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 9 be deleted.

The justification is that the Committee will insert a new clause under Part 2 with a marginal note “Appeal against refusal to register.”

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 10

**The Chairperson:** I propose that clause 10 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 10 be deleted.

The justification is that the Committee will insert a new Part 5 entitled “Amalgamation and division.”

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 11

**The Chairperson:** I propose that clause 11 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 11 be deleted and substituted with the following: “Qualification for membership-

- (1) A person other than a cooperative society shall not be qualified for membership of a cooperative society unless such a person;
  - (a) Has attained the age of 18;

- (b) Is engaged in employment, occupation or profession, which falls within the category of a ... or skilful in the areas which the cooperative society if formed;
- (c) Is a national or a resident of a Partner State;
- (d) Is able to pay the share capital and registration fee required by the society;
- (e) Is willing to observe the objectives and bylaws of the society;
- (f) Fulfils other requirements which may be specified in the regulations and directions issued for the implementation of this Act.

(2) The Council shall make regulations prescribing the conditions upon which a person below the age of 18 may become a member of a cooperative society.

The justification is for clarity on who qualifies for membership of a cooperative society, and to empower the Council of Ministers to make regulations from time to time.

**Mr Sebalu:** Mr Chair, I concede to the amendment.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 12

**The Chairperson:** I propose that clause 12 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 12 be amended by substituting sub-clause 1 with the following:

- (a) To enjoy the use of the facilities and services of the cooperative society subject to the society's bylaws;
- (b) To participate in the meetings of the cooperative society and to vote;
- (c) To be elected to organs of a society subject to its bylaws;
- (d) To receive all legitimate information related to the cooperative society including reports on accounts, minutes of meetings, registers and entries at the cooperative society's head office.

The justification is for clarity and proper channels of communication and its protection.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

## Clause 13

**The Chairperson:** I now propose that clause 13 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 13 be deleted and substituted with the following new clause: “Secession of membership-

A member of a society may cease to be a member:

- (a) Upon death;
- (b) On his or her own initiative;
- (c) Upon expulsion by the General Assembly;

The justification is to comply with standard for cooperative terms and to avoid unnecessary provisions, which are a preserve of rules and bylaws.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

## Clause 14

**The Chairperson:** I propose that clause 14 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 14 be amended as follows:

- (a) By substituting the marginal note with “issue of shares;”
- (b) In sub-clause 1, by substituting “sell shares” with “issue shares” and deleting the words “equal number;” and
- (c) In sub-clause 2, by substituting the word “sold” with “issued” and “sell” with “issue;”
- (d) In sub-clause 3, delete the word “is” before “arises” and substitute the word “sell” before additional with the word “issue;”
- (e) In sub-clause 4, substitute the word “sells” with the word “issues” and the word “sold” with the word “issued;”
- (f) By deleting sub-clauses 6 and 7.

The justification is to comply with standard cooperative terms and they negate the cooperative principle on membership.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 15

**The Chairperson:** I propose that clause 15 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 15 be amended by substituting paragraph d with the following: “(d) The name and address of the nominee of the member.”

The justification is to comply with cooperative language.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 16

**The Chairperson:** I propose that clause 16 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 16 be amended;

- (a) By substituting sub-clause 3 with the following: “(3) A member of a cooperative society may cast a vote through a delegate or by proxy.”

The justification is to comply with standard cooperative practice.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put a question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 17

**The Chairperson:** I propose that clause 17 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 17 be amended.

- (a) By substituting sub-clause 1 with the following: “(1) A member of a cooperative society shall not transfer his or her shares or benefits in a society unless;
- (b) By substituting sub-clause 2 with the following: “(2) Upon the death of a member of a primary society, the share or benefits of that member shall be transferred to his or her nominee or in circumstances where a member has not nominated a nominee, to his or her legal representative of his or her estate;
- (c) In sub-clause 3, by substituting the word “heir” with the word “nominee” and by inserting the word “per” before the word “value;”

(d) By deleting sub-clauses 4 and 5.”

The justification is for clarity and standard cooperative practice.

**Mr Sebalu:** Mr Chair, no objection.

**Ms Nyiramilimo:** Thank you, Rt. hon. Chair. I am sorry to ask a question – I do not know if it is good practice at this stage but on sub-clause 2, “*Legal representative of his or her estate.*”

**The Chairperson:** Hon. Member, can you help the House to understand which 2 you are talking about.

**Ms Nyiramilimo:** Yes, I am on clause 17(2) which they are amending. They are talking of his or her legal representative- the last line. I am wondering why they have just put estate. What do they mean by estate? Are they shares? Is it about shares in the cooperative because estate is not understood clearly here?

**The Chairperson:** Thank you. The hon. Member needs help on that clause.

**Mr Zein:** Information. Yes, hon. Member that is a legal technical term, which refers to what is left when a person dies. So, what they leave as rights and responsibilities to the inheritors. So, it is okay.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 18

**The Chairperson:** I propose that clause 18 be part of the Bill.

*(Question put and agreed to.)*

Clause 19

**The Chairperson:** I propose that clause 19 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 19 be amended.

- (a) In paragraph (a) by substituting the word “decisions” with the word “resolutions;”
- (b) In paragraph (c) by substituting the word “general committee” with “Board of Directors;”
- (c) By substituting paragraph (d) with the following: ‘(d) Determine the unit value of a share and the value of the shares;’
- (d) In paragraph (e) by substituting the word “profit” with the word “surplus;”
- (e) By substituting paragraph (g) with the following: ‘(g) Receiving reports from the Board of Directors and the Control Committee;’

- (f) By inserting the following new paragraph: ‘(k) transact any other business as may be determined by the bylaws.’

The justification is that to comply with standard cooperative practice.

**Mr Sebalu:** Mr Chair, the amendments are acceptable to me.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*(Clause 19, as amended, agreed to.)*

Clause 20

**The Chairperson:** I now propose that clause 20 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 20 be amended.

- (a) In sub-clause 1, by substituting the words “emergency meeting” with the words “special general assembly;”
- (b) In sub-clause 2, by substituting the words “emergency assembly” with the words “special general assembly.”

The justification is to comply with the standard cooperative practice.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put a question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 20, as amended, agreed to.*

Clause 21

**The Chairperson:** I propose that clause 21 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 21 be amended as follows:

- (a) By substituting sub-clause 1 with the following:

(i) Every society shall have a Board of Directors consisting of not less than five and not more than nine members;

(b) By inserting the following sub-clause 2, “(2) The Board of Directors shall be the governing body of the society and shall subject to any direction from the General Assembly or the bylaws of the society direct the affairs of the society with powers to:

- (a) Enter into contacts;
- (b) Institute and defend suits and other legal proceedings brought in the name of or against the society;
- (c) Constitute such subcommittees as may be provided in the bylaws;
- (d) Do all other things necessary to achieve the objects of the society in accordance with its bylaws.

(c) In sub-clause 4, by deleting all the words appearing after the word “terms.”

The justification is for clarity and cooperative practice.

**Mr Sebalu:** Mr Chair, the amendments are acceptable to me.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 21, as amended, agreed to.*

Clause 22

**The Chairperson:** I now propose that clause 22 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 22 be deleted.

The justification is that the clause has been transferred to 21 (2).

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 23

**The Chairperson:** I propose that clause 23 be part of the Bill.

*(Question put and agreed to.)*

Clause 24

**The Chairperson:** I propose that clause 24 be part of the Bill.

*(Question put and agreed to.)*

Clause 25

**The Chairperson:** I propose that clause 25 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 25 be deleted. The justification is that the clause has been transferred to 21 (2) (c).

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 26

**The Chairperson:** I propose that clause 26 be part of the Bill.

*(Question put and agreed to.)*

Clause 27

**The Chairperson:** I propose that clause 27 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 27 be deleted and substituted with the following:

“27) Set off in respect of benefits with payoffs, dividends and other benefits of a member may be set off to settle a debt due to the society from such a member.”

The justification is to comply with cooperative principles.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 27, as amended, agreed to.*

Clause 28

**The Chairperson:** I now propose that clause 28 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 28 be deleted and substituted with the following:

“28) Share not liable to attachment or sell – The share of a member in a society shall not be liable to attachment or sell.”

The justification is to comply with cooperative principles.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.



*(Question put and agreed to.)*

*Clause 28, as amended, agreed to.*

Clause 29

**The Chairperson:** I propose that clause 29 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 29 be deleted.

The justification is to comply with Common Market Protocol.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 30

**The Chairperson:** I now propose that clause 30 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 30 be deleted and substituted with the following: “(30) Incentives- The Partner States may subject to their investment and tax laws give such incentives to societies registered under this Act as the Partner States may determine.”

The justification is to allow Partner States offer incentives in accordance with their fiscal regimes.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 30, as amended, agreed to.*

Clause 31

**The Chairperson:** I propose that clause 31 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 31 be deleted and substituted with the following: “(31) Assets and funds of the society – Except as otherwise provided under this Act, the assets and funds of a cooperative society shall only be applied for the benefit of the society and its members.”

The justification is for clarity.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 31, as amended, agreed to.*

Clause 32

**The Chairperson:** I now propose that clause 32 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 32 be deleted and substituted with the following: “(32) Reserve fund:

- (1) A cooperative society may carry to the reserve fund such portion of the surplus in each year as may be prescribed by the rules or regulations made under this Act;
- (2) The remainder of the surplus may be distributed to the members in accordance with the rules or regulations made under this Act.

The justification is to comply with standard cooperative practice.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 32, as amended, agreed to.*

Clause 33

**The Chairperson:** I propose that clause 33 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 33 be amended by substituting the word “shall” with the word “may.”

The justification is to make it discretionary.

**Mr Sebalu:** Acceptable.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 33, as amended, agreed to.*

Clause 34

**The Chairperson:** I propose that clause 34 be part of the Bill.

*(Question put and agreed to.)*

Clause 35

**The Chairperson:** I propose that clause 35 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 35 be substituted as follows: “(35) Accounts and audit -

- (1) Every cooperative society shall keep proper accounts, which shall be prepared in accordance with international accounting standards;
- (2) It shall be the duty of every cooperative society to cause its accounts to be audited at least once in every financial year by an auditor appointed under sub-section 3;
- (3) The auditor shall be appointed at the annual General Assembly from a list of auditors approved by the appropriate authority;
- (4) Where at an annual general assembly, no auditor is appointed, the appropriate authority may appoint a person to fill the vacancy and the remuneration of the person shall be borne by the cooperative society;
- (5) The auditor shall submit the audited accounts to the annual general assembly within four months after the end of the accounting period.

The justification is for clarity.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 35, as amended, agreed to.*

Clause 36

**The Chairperson:** I propose that clause 36 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 36 be substituted as follows: “(36) Production of books and other documents – Any officer, agent or member of a cooperative society who is required by the appropriate authority or by a person authorised in writing by him shall at such a place and time as the appropriate authority may direct, produce all monies, securities, books, accounts and documents belonging to, or relating to the affairs of such society, which are in the custody of such officer agent or member.

The justification is for clarity.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 36, as amended, agreed to.*

Clause 37

**The Chairperson:** I propose that clause 37 be part of the Bill.

*(Question put and agreed to.)*

Clause 38

**The Chairperson:** I propose that clause 38 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 38 be substituted with the following: “(38) Dissolution of a society –

- (1) The appropriate authority may dissolve a society of the following grounds:
  - (a) Where a special resolution is passed by at least two thirds of the members of the society;
  - (b) Where the number of members of the society falls below the prescribed number;
  - (c) Where the findings of an inquiry report recommends its dissolution; or
  - (d) Where a court of competent jurisdiction orders for its dissolution to the satisfaction of the general assembly.
- (2) A person aggrieved by an order of the appropriate authority under sub-clause 1 may appeal against such order to the Minister within 30 days of the order.

The justification is for consistence and chronological sense.

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the Chair of the Committee.

*(Question put and agreed to.)*

*Clause 38, as amended, agreed to.*

Clause 39

**The Chairperson:** I propose that clause 39 be part of the Bill.

*(Question put and agreed to.)*

Clause 40

**The Chairperson:** I propose that clause 40 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 40 be deleted.

The justification is that the clause has been transferred to 21 (2).

**Mr Sebalu:** Mr Chair, no objection.

**The Chairperson:** I now put the question to the amendment as proposed by the Chair of the Committee.

*(Question put and agreed to.)*

Clause 40

**The Chairperson:** I propose that clause 40 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 40 be amended by substituting the words “winding up of the proceedings” with the words “liquidation process.”

The justification is to comply with standard cooperative language.

**Mr Sebalu:** Mr Chairman, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*  
*(Clause 40, as amended, agreed to.)*

Clause 41

**The Chairperson:** I propose that clause 41 be part of the Bill.

*(Question put and agreed to.)*

Clause 42

**The Chairperson:** I propose that clause 42 be part of the Bill.

*(Question put and agreed to.)*

Clause 43

**The Chairperson:** I propose that clause 43 be part of the Bill.

*(Question put and agreed to.)*

Clause 44

**The Chairperson:** I propose that clause 44 be part of the Bill.

**Mr Harelimana:** Rt. hon. Chair, the Committee proposes that clause 44 be amended as follows:

- (a) In sub-clause 1, by substituting the word “reconciliation” with the word “conciliation”;
- (b) In sub-clause 2, by substituting the word “reconciliation” with the word “conciliation” and substituting the word “elect” and “elected” with the words “appointed” and “appointed,” respectively;
- (c) In sub-clause 3, by substituting the word “election” and “elected” with the words “appointment” and “appointed” respectively.

The justification is to use correct terms.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*  
*(Clause 44, as amended, agreed to.)*

Clause 45

**The Chairperson:** I propose that clause 45 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 45 be amended by:

- (a) In (1) by replacing the word “when” with the word “where.”
- (b) In (2) by inserting the words “at least” before the word “three”.

The justification is for clarity.

**Mr Sebalu:** Mr Chairman, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*  
*(Clause 45, as amended, agreed to.)*

Clause 46

**The Chairperson:** I propose that clause 46 be part of the Bill.

*(Question put and agreed to.)*

Clause 47

**The Chairperson:** I propose that clause 47 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 47 be amended by substituting paragraphs A to E with the following new paragraphs:

- (a) Members, past members and persons claiming through members and deceased members;  
or
- (b) Members, past members or deceased members and the society, its Board of Directors or any officer; or
- (c) The society and any other society.

The justification is to comply with the standard cooperative practice.

**Mr Sebalu:** Mr Chairman, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*  
*(Clause 47, as amended, agreed to.)*

Clause 48

**The Chairperson:** I propose that clause 48 be part of the Bill.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*

Clause 49

**The Chairperson:** I propose that clause 49 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 49 be amended by deleting the words “accountable to the local government.”  
The justification is for clarity.

**Mr Sebalu:** Mr Chairman, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*  
*(Clause 49, as amended, agreed to.)*

Clause 50

**The Chairperson:** I propose that clause 50 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 50 be transferred to the new part 2

The justification is for logical placement of the provision.

**The Chairperson:** Mr Chairperson, I would like to guide you lightly here that we do not transfer; you delete and then insert later. So, move that it be deleted and then you will move to insert it later. Yes, hon. Patricia.

**Ms Hajabakiga:** Hon. Chair, I think he should be asking for standing over it instead of deleting it. To stand over it so that later he would request it to be inserted.

**The Chairperson:** Thank you so much. Just on a point of guidance. You know there has been a lot of deletion; massive deletion in the Bill. When we finish going clause by clause, before I put the question to the long title, we are coming back again for insertions of new clauses. So, it is safer

to operate this way so that he moves to delete and then when we come to the insertions, he can bring it back. So, you will bring it under Part 2, as you may remember in our discussion earlier on. Proceed.

**Mr Harelimana:** Thank you, Rt. hon. Chair for the guidance. The Committee proposes that clause 50 be deleted. The justification is for logical placement of the provision since we are going to take it to the new Part 2.

**Mr Sebalu:** Mr Chairman, I do appreciate the logic behind the deletion. So, I concede.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*

Clause 51

**The Chairperson:** I propose that clause 51 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 51 be deleted. The justification is that it is already provided for.

**Mr Sebalu:** Mr Chairman, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*

Clause 52

**The Chairperson:** I propose that clause 52 be part of the Bill.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes that clause 52 be deleted. The justification is that it is already provided for in Part 4, which creates the agency.

**Mr Sebalu:** Mr Chairman, no objection.

**The Chairperson:** I now put the question to the amendment as moved by the hon. Chairperson of the Committee.

*(Question put and agreed to.)*

Clause 53

**The Chairperson:** I propose that clause 53 be part of the Bill

*(Question put and agreed to.)*

Clause 54

**The Chairperson:** I propose that clause 54 be part of the Bill.

*(Question put and agreed to.)*



The Title

**The Chairperson:** Before we move to the Title, Chair, remember you have several proposals and other Members had proposals in some clauses, which we have deleted. It is at this point that we can now revisit and insert them. Chair proceed.

**Mr Harelimana:** Thank you, Rt. hon. Chair. We are now coming to insertions of the new clauses as we promised earlier. We insert a new Part 2 with new clauses in the Bill as follows: “Part 2 is titled ‘Formation and registration of cooperative societies.’”

**The Chairperson:** Proceed now with clause 3.

**Mr Harelimana:** Thank you, Rt. hon. Chair. The new clause 3, “Registration of new cooperative societies – subject to the provisions of this Act, a cooperative society, which has as its objects:

- (a) the promotion of the welfare and economic interests of its members;
- (b) as incorporates in its bylaws the following cooperative principles:
  - (i) voluntary and open membership;
  - (ii) democratic member control;
  - (iii) economic participation by members;
  - (iv) autonomy and independence;
  - (v) education, training and information;
  - (vi) cooperation among cooperatives; and
  - (vii) concern for the community in general may be registered by the appropriate authority as a cooperative society under this Act, with or without limited liability if a cooperative union or a secondary society shall not be registered except with limited liability.

The justification is to provide for the formation and registration of cooperative societies in a more coherent and chronological order.

The same justification is for all the clauses to be inserted under the new Part 2.

**Mr Sebalu:** Mr Chairman, no objection.

**The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio):** Mr Chairman, I stand up to seek clarification regarding the proviso to the new clause 3 and the words immediately preceding that proviso. If you allow me, let me read, “*May be registered by the appropriate authority as a cooperative society under this Act, with or without limited liability.*” That is clear, but when you come to the proviso, it refers to...no, I get it Mr Chairperson, except that in the proviso, the clause referring to a cooperative union as opposed to a cooperative society. I get it. Sorry for the intervention.

**The Chairperson:** So, you have clarified yourself.

**Mr Kaahwa:** Mr Chairman, and for the benefit of the Committee. (*Laughter*)

**The Chairperson:** Thank you so much, CTC. I now put the question that Part 2 reading: ‘Formation and registration of cooperative societies,’ under which there is a new clause 3 to be inserted be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** Mr Chairperson, do you have more insertions?

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 4, “Essentials for registration of a cooperative society- for a society to be registered under this Act, it must:

- (a) In the case of a primary society consist of at least 10 persons all of whom shall be qualified for membership of the cooperative society under Section 11; or
- (b) In the case of cooperative union, has at least two registered primary cooperative societies as its members;
- (c) In the case of a secondary cooperative society, at least (1) two cooperative unions or (2) one cooperative union and one primary cooperative society.

**Mr Sebalu:** Acceptable.

**The Chairperson:** I now put the question that a new clause 4 inserted be part of the Bill.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 5, “Procedure for registration-

- (1) An application to register a society shall be made to the appropriate authority in the prescribed form and shall be signed:
  - (a) In the case of a primary society, by at least 10 persons qualified for membership of the society under section 11;
  - (b) In the case of a cooperative union, by a person dully authorised on their behalf by each primary cooperative society or as the case may be who are members thereof;
  - (c) In the case of a secondary cooperative society, by a person dully authorised on their behalf by each cooperative union or primary cooperative society as the case may be.
- (2) The application shall be accompanied by four copies of the proposed bylaws of the cooperative society in the English Language and the person or person by whom or on whose behalf such application is made shall furnish such information with regard to the cooperative society as the appropriate authority may require.
- (3) If the appropriate authority is satisfied that a cooperative society has complied with the provisions of this Act and any rules made there under that its proposed bylaws are not contrary to this Act, or any rules made there under, the appropriate authority may register the cooperative society and its bylaws under this Act.

**Mr Ogle:** Amendment.

**The Chairperson:** Yes, hon. Ogle. Let us first dispose of this and before I put the question, I will give you a chance for amendment.

**Mr Sebalu:** No objection to the amendments by the Chair of the Committee.

**Mr Ogle:** Thank you, Mr Chair. I want to suggest an amendment in the new clause 5 (2) on procedure for registration as follows: “The application shall be accompanied by four copies of the proposed bylaws of the cooperative society in the English Language, large print and braille in case there are members with special needs and the person or person by whom or on whose behalf such application is made shall furnish such information with regard to the cooperative society as the appropriate authority may require. Thank you, Mr Chair.

**The Chairperson:** The proposal on the floor is the insertion after the English Language, as proposed by the hon. Member. I will start with the mover.

**Mr Sebalu:** Thank you very much, Chair. I do appreciate the concerns of the mover. But this provision is trying to be in tandem with the provisions of the Treaty as is. So, my view is that we can accommodate that principle in the regulations that are to be made thereunder so that we take care of that aspect.

**The Chairperson:** Yes, hon. Ogle. I am sure you have heard the mover’s position.

**Mr Ogle:** Yes, I have. But I find it a bit insensitive on his part not to have accommodated the interest of people with special needs and disability. That is what we are trying to accommodate in that particular provision. Thank you.

**The Chairperson:** Hon. Members, a simple guidance here. What we are talking about is not a new language but only a readable language to the disabled persons. And the Chairperson is guiding that to make it in the body of the law may be difficult for implementation but it can come under the regulations where they could also involve the Council of Ministers and experts in those specific areas of writing. Anybody would like to debate on that or we put it to vote?

**Mr Zein:** Thank you, Mr Chairman. I will be comfortable with what the mover is saying if it is if within that framework we provide that “as regulations may allow,” so that it opens a door. If you do not open the door, then silence means forgotten.

**The Chairperson:** Thank you. Hon. Sebalu.

**Mr Sebalu:** Thank you very much, Mr Chair. First of all, I would like to clarify to my brother, hon. Ogle that I am not being insensitive at all. That is imputing improper motives on my part. Actually, I am very sensitive. What I am simply saying is that putting it under regulations is more practical because, first of all, the regulations are an integral part of this law and in terms of implementation, it is easier.

Secondly, we also have the transitional provisions, so it can be provided for under the transition provisions where we indicate that the regulations will be made. So, I am quite comfortable with that.

**Mr Ogle:** Mr Chair, I appreciate his position, but after we have gone through this entire Bill, we intend to propose an amendment to the Bill itself to capture a new insertion that will cater for the

interests of people with disabilities, and I thought it would have been fair in the circumstances that those aspects relating to them are also captured in the entire legal component.

**The Chairperson:** Hon. Members, if I got the information from hon. Zein and the response from the hon. Sebalu, hon Zein supports that it can be under the regulations for as long as there is a proviso that says that it should be there. I think that is a safe way in the middle. We could adopt the principle and then the draftspersons will do the necessary work.

**Mr Sebalu:** Mr Chair, I agree with that and that is why I was indicating that we have transitional provisions. I believe from a draftsperson's point of view that can be accommodated. That is my take on the same.

**Mr Ogle:** Mr Chair, I have no objection if that is the case. They will be accommodated accordingly.

**The Chairperson:** Thank you so much. I now put the question that a new clause 5 as inserted be part of the Bill.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 6, "Bylaws-

- (1) Every cooperative society shall have its own bylaws;
- (2) The contents of the bylaws of the cooperative society shall include:
  - (a) The name and address;
  - (b) Objectives and activities;
  - (c) Workplace or area;
  - (d) Requirements necessary for membership;
  - (e) The rights and duties of the members;
  - (f) The powers, responsibilities and duties of management bodies;
  - (g) Conditions for withdrawal and dismissal from membership;
  - (h) Conditions for election, appointment term of officers or dismissal of the members of the Board of Directors or other management bodies;
  - (i) Conditions for calling off meetings and voting at meetings;
  - (j) Allocation and distribution of surplus;
  - (k) Conduct of audits;
  - (l) Human resource polices;
  - (m)The value and number of nominal share per member;

- (n) Criteria for transfer of nominal shares;
  - (o) Other particulars not contrary to this Act.
- (3) The bylaws of a cooperative society shall bind the cooperative society and the members thereof to the same extent as if each member signed them and contain co-minutes on the part of each member for himself and his personal representative to observe all the provisions of the bylaws.
  - (4) The bylaws of a cooperative society may be amended by a special resolution of the General Assembly and such amendments shall be effective on the date it is submitted to and is registered by the appropriate authority.
  - (5) Where a cooperative society agrees on amendment to its bylaws, three copies of the amendment and a special resolution of the society made in accordance with this Act shall be submitted to the appropriate authority within 30 days from the date of the agreement.
  - (6) The appropriate authority shall register the amendment and give evidence of its registration to the society where it is satisfied that the amendment of their bylaws was made in accordance with this Act.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 6 as moved by the Chairperson be part of the clause.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 7, “Appeal against refusal to register-

- (1) A cooperative society may appeal to the Minister against the appropriate authority’s refusal to register the cooperative society and its bylaws or any amendments of its bylaws under Section 6 within 30 days of being notified of the refusal;
- (2) Any party aggrieved by the decision of the Minister under sub-section 1 may appeal against the decision to the High Court or court of similar jurisdiction in the Partner State within 30 days.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 7 be part of the Bill.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 8, “Protection of the name cooperatives-

- (1) A cooperative society shall not be registered under a name identical to any other existing registered society or under any name likely in the opinion of the appropriate authority to mislead the members of the public as to its identity;

- (2) The word “cooperative” shall form part of the name of every cooperative society and the word “limited” shall be the last word in the name of every cooperative society having limited liability.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 8 be part of the Bill.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 9, “Evidence of registration-

- (1) A certificate of registration signed by the appropriate authority shall be conclusive evidence that a society in mention is dully registered unless it is proved that such registration of the society has been cancelled or has been terminated;
- (2) The certificate of registration bearing the number and date of registration shall be displayed at the head office of every cooperative society;
- (3) A copy of the bylaws of a cooperatives society or of an amendment of such bylaws certified by the appropriate authority shall be prima facie evidence for all purposes of the registration of such bylaws or such amendments;
- (4) A document purporting to be signed and issued by the appropriate authority shall be presumed to have been signed by the appropriate authority until the contrary is proved.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 9 be part of the Bill.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New Clause 10: “The cooperative society to be body corporate. Upon registration, every society shall become a body corporate and by the name under which it is registered with perpetual succession and a common seal with power to hold movable and immovable property of every desecration to enter into contracts, to sue and be sued and to all things necessary for the purpose of or in accordance with its bylaws.”

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 10 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. The committee proposes to insert a new Part 5 with the following new clauses: The Bill is amended by inserting immediately after Part 4 the following new Part 5: “Part 5- Amalgamation and division”.

The justification is proper placing and best practice.

New clause 26, “Amalgamation:

- (1) Any two or more cooperative societies in the Community may by special resolution amalgamate into a single society;
- (2) The resolution on the amalgamation of societies under sub-section 1 shall take effect on the date of its registration by appropriate authority upon verifying that:
  - (a) The members and creditors that do not agree to the amalgamation have been paid off or their payment is guaranteed;
  - (b) The previous registration of the amalgamating societies shall be cancelled as soon as the newly formed society is registered;
  - (c) The rights and duties of the affected societies are transferred to the newly formed society.

The justification is for proper placement and best practice.

**Mr Sebalu:** No objection.

**The Chairperson:** Hon. Members, you will realise that Part 5 is a new insertion altogether. So, I start by putting the question on Part 5, amalgamation and division to be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** I now put the question that the new clause 26 under the new Part 5 to be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 27, “Division of cooperative societies-

- (1) A cooperative society may by special resolution resolve to divide itself into two or more cooperative societies ;
- (2) The resolutions passed under sub-section 1 shall contain proposals for the division of assets and liabilities of the existing society among the new societies in which it is proposed to be divided and may prescribe the members who will constitute each of the new societies;
- (3) A copy of the resolutions shall be sent to all the members and creditors of the existing society and to all other persons whose interests may be affected by the division of the existing society;
- (4) Any member of the existing society may not withstanding any existing bylaws to the contrary by notice in writing given to the society within two months of the receipt of the copy of the resolution intimate his or her intention not to become a member of any of the two new societies;
- (5) The Council shall, in consultation with the agency, make a resolution prescribing the procedures for amalgamation and division under this Part.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 27 be part of the Bill.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes to insert a new Part 6 with new clauses as follows: “Part 6- East African Cooperative Agency- new clause 28” Establishment of agency-

- (1) There established an agency known as the East African Cooperative Agency;
- (2) The agency shall consist of:
  - (a) The Chief Executives of the appropriate authority in the Partner States;
  - (b) The Chief Executives of the national cooperative organisation;
  - (c) One person from the private sector nominated by the East African Farmers Federation; and
  - (d) One person from the Secretariat.

The justification is to provide for the establishment and management of an apex body to coordinate operations of cooperative societies including the development of regulations and guidelines.

**Mr Sebalu:** No objection.

**The Chairperson:** Hon. Members, Part 6 is a new insertion in the Bill. I will first put the question that Part 6, which is East African Cooperatives Agency be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** I now put the question that the new clause 28 under Part 6 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New Clause 29, “Functions of the Agency”. The functions of the Agency are to:

- (a) Develop rules and regulations for giving effect to this Act; and
- (b) Develop a strategy for the development and promotion of the Cooperative Movement in the Community;
- (c) Develop frameworks that advance compliance by the Partner States with their obligations under this Act;
- (d) Advise the appropriate authorities on matters related to this Act;
- (e) Establish liaison mechanisms with other regional and international organisations; and



(f) Perform other functions consistent with the objects of this Act.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 29 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 30, “Meetings of the Agency-

- (1) The Agency shall meet at least twice a year;
- (2) The chairperson at any meeting of the Agency shall be rotational and in accordance with the Rules of Procedure for convening meetings in the Community;

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 30 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes to insert a new Part 8 with the following new clauses: The Bill is amended by inserting the following new Part immediately after Part 7; “Part 8- Inquiry, inspection and surcharge-

New clause 41, “Inquiry by appropriate authority:

- (1) The appropriate authority may on its own accord or on the application of not less than one third of the members present and voting at a meeting of the society hold an inquiry or direct any person in writing to hold an inquiry into the bylaws, working and financial conditions of any cooperative society;
- (2) All officers and members of the cooperative society shall produce such cash, accounts, books, documents and securities and furnish any information in regard to the affairs of the society as the person holding the inquiry may require;
- (3) The appropriate authority shall report the findings of the inquiry at the General Assembly of the society and shall give direction for the implementation of the recommendations of the inquiry report;
- (4) The General Assembly shall by resolution implement the recommendations of the inquiry report;

The justification is to provide for periodic inspection by appropriate authority for purposes of ensuring that cooperative societies work within the confines of the law. The same applies for all the new clauses under this part.

**Mr Sebalu:** No objection.

**The Chairperson:** Hon. Members, the Chair is moving that a new Part 8- inquiry, inspection and surcharge be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** I now put the question that the new clause 41 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 42, “Impromptu inspection-notwithstanding the provisions of 6, the appropriate authority may from time to time carry out impromptu inspection into the affairs of the cooperative society.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 42 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. New clause 43, “Surcharge-

- (1) Where the findings of an inquiry implicates any present or past officer or member of a cooperative society of any financial impropriety, the appropriate authority shall make an order requiring the person to repay or restore the money or property or any party there to the cooperative society together with interest at such rates as the appropriate authority thinks just;
- (2) An order of the appropriate authority under sub-section (1) shall, without prejudice to any other mode of recovery, be a civil debt recoverable summarily.

**Mr Sebalu:** No objection.

**The Chairperson:** I now put the question that the new clause 43 be part of the Bill as moved by the hon. Chairperson.

*(Question put and agreed to.)*

**Mr Harelimana:** Thank you, Rt. hon. Chair. The Committee proposes to insert a new clause immediately after clause 53 in the Bill as follows: The Bill is amended by inserting the following new clause after clause 53 with the following marginal note- “Transitional provisions:

- (1) Upon the coming into force of this act:
  - (a) A society registered in a Partner State may admit a member from another Partner State;
  - (b) A society registered in a Partner State may amalgamate with another society registered in another Partner State;

(2) A society, which does any act specified under sub-section (1) shall, accordingly, be deemed a society registered under this Act.

The justification is to allow for a smooth transition of cooperative societies in the interim.

**Mr Sebalu:** No objection.

**The Chairperson:** Hon. Members, I put the question that a new insertion be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** Do you still have more amendments?

**Mr Harelimana:** Rt. hon. Chair, I am done. *(Applause)*

**The Chairperson:** Hon. Ogle.

**Mr Ogle:** Thank you, Mr Chair. I have another amendment to suggest but before I do that, I just want to clarify to my good friend, hon. Sebalu that I did not want to impute any improper motives on him when I used the word insensitive. If I go through the document brought by the Committee, the justifications they have repeatedly used is “to use a standard cooperative language.” Which standard cooperative language, for some reason has always cut off the disabled, the marginalised and the poor guys. So, I was saying we should change from that kind of situation. That was the point I wanted to make.

Mr Chair, the amendment I want to propose is this; I would like to introduce a new clause to read as follows: Cooperative societies shall make provisions for flexible structures that are intended to empower the participation of persons with disabilities and other marginalised groups including, through access to information, inclusions and participation. Thank you.

**The Chairperson:** Okay, it is amendment moved by hon. Ogle. Is there anybody who would want to comment on it or is it the mover?

**Mr Sebalu:** Thank you, Chair. As I have always done, I am very sensitive to that and I am just wondering whether again it cannot be accommodated in the regulations; I am just wondering.

**The Chairperson:** I think the hon. Member is moving such that there is a new clause that can now enable details to be inscribed in the regulations. The regulation may come from that basis. That is if I got him right. So, he is bringing a new clause.

**Mr Sebalu:** Again, I am quite sensitive. But I am also looking at – I need to be assisted so that when we provide for such, we don’t again make it unlawful for structures which are already in existence because you will appreciate that we do have structures that are in existence that may now be a problem in that regard. If I get a provision that accommodates that without necessarily making it unlawful so that for the future, any developments that are undertaken respond to that, need. So, I need some assistance.

**The Chairperson:** Hon. Ogle, you have the right to respond later. Yes, hon. Zein.

**Mr Zein:** Thank you, Chair. I would really like to persuade the hon. Sebalu, who is my brother that when this matter was raised and we were opposed to the absolute deletion of the former clause

3 and clause 4 in terms of establishing principles, hon. Ndahiro, I have three things to say, Mr Chairman, Sir:

- (1) When it comes to matters of inclusion and working to establish principles of participation, that includes categories that have in the historical context of our region been marginalised in the past such as women, such as persons with disability, such as youth, we should be looking kindly to such provisions.

**The Chairperson:** Hon. Member, how about the elderly?

**Mr Zein:** I touched on all of them, Mr Chairman, Sir. However, if you listened to my language, I said “such as”, “including”. I did not say excluding. I never used a word of exclusion. My orientation is of inclusion and not exclusion.

I wanted Mr Chairman, Sir to say the last two points. One, it is objectionable and not right to put it in regulations. It is right to include it in the main body of the law as a principle. And I know my brother is listening to me kindly that on matters such as this, let us not even argue because rightly, as hon. Ogle said, every time we say, “good practice,” it is also an international good practice to include the excluded.

The last point that I would like to make, which addresses the concern that hon. Sebalu has raised, which is what if there are laws and structures that do not allow persons with disability currently, shouldn't we leave those structures to continue like that until they are able to comply? Absolutely not.

The law shall make it mandatory for them to comply. That is the purpose for us to set up laws so that it can be fair and just, to all sectors of society. I will really beg and pray to my brother that he considers this kindly.

**The Chairperson:** Thank you, hon. Zein. Hon. Ogle and then - I think hon. Sebalu wants to say something in response to – it may clear a lot of air for him to say something.

**Mr Sebalu:** Thank you very much, Chairman. I agree and I did indicate that I do appreciate that principle. Actually, I do not want to be more misconstrued to be indifferent; to be insensitive; and I do not need to be begged over these matters because we have to come up with a law that will be user friendly; that will be acceptable to all sections of East Africans.

I used a terminology that I need to be assisted. What I meant is that we can come up with an appropriate provision that takes into account these considerations and then the placement can be worked out as a detail of a technicality. So, that is what I meant by being assisted. I didn't want to be begged but to be assisted with the right provision. Thank you.

**The Chairperson:** Thank you so much. I think now this does not call for more debate in the interest of time. The hon. Sebalu has conceded and the most important thing now is to say that there is no opposition today- a proposal by hon. Ogle. I now put the question that the amendment of inserting a new clause as moved by hon. Ogle be part of the Bill.

*(Question put and agreed to.)*

**The Chairperson:** Now, two things, before we move to the Long Title. The Clerk and the drafter will have to help this House to make sure they get the appropriate place to insert that new clause and to align the numbering of the clauses because it has been jumbled up due to the number of new insertions and deletions that have been done.

The Title

**The Chairperson:** I now put the question that the Long Title be part of the Bill.

*(Question put and agreed to.)*

### **MOTION FOR THE HOUSE TO RESUME**

**Mr Mike Sebalu (Uganda):** Thank you very much, Mr Chairperson. Mr Chairperson, I beg to move that the House do now resume and the Committee of the whole House reports thereto. I beg to move.

*(Question put and agreed to)*

### **THE ASSEMBLY RESUMED, THE SPEAKER PRESIDING**

#### **BILL**

#### **REPORT STAGE**

The East African Community Cooperatives Bill, 2014

#### **REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE**

**Mr Mike Sebalu (Uganda):** Mr Speaker, Sir, I beg to report that the Committee of the whole House has considered the *East African Community Cooperatives Bill, 2014* and passed it with amendments.

#### **MOTION FOR ADOPTION OF THE REPORT OF THE COMMITTEE OF THE WHOLE HOUSE**

**Mr Mike Sebalu (Uganda):** Mr Speaker, Sir, I beg to move that the report of the Committee of the whole House be adopted.

**The Speaker:** Hon. Members, I put the question that the report of the Committee of the whole House be adopted.

*(Question put and agreed to.)*

**BILL****THIRD READING**

The East African Community Cooperative Societies Bill, 2014

**Mr Mike Sebalu (Uganda):** Mr Speaker, Sir, I beg to move that The East African Community Cooperative Societies Bill, 2014 be read a Third time and do pass.

**The Speaker:** Hon. Members, the motion on the floor is that The East African Community Cooperative Societies Bill, 2014 be read for the Third Time and do pass. I now put the question.

*(Question put and agreed to.)*

A Bill For An Act Entitled *The East African Cooperative Societies Act, 2014.*

Bill read a Third Time.

**The Speaker:** Honourable Members, I now declare that *The East African Community Cooperative Societies Bill, 2014* has been dully passed by this Assembly. *(Applause)*

In a very special way, I would like to congratulate hon. Mike Sebalu - *(Applause)*. I would also, in a special way, like to congratulate the Committee on Agriculture – *(Applause)*. I would further like to extend our appreciation as an Assembly to Eastern Africa Farmers Federation. *(Applause)* I would also like to extend our appreciation to the technical people that we met in the Partner States who have made this Bill Community centred - *(Applause)*.

Honourable Members, I thank you for passing the Bill. *(Applause)*

**MOTION FOR A RESOLUTION OF THE ASSEMBLY TO APPOINT A SELECT COMMITTEE ON GENOCIDE**

**Mr Abubakar Ogle (Kenya):** Thank you, Rt. hon. Speaker. I beg to move a motion for the resolution of the Assembly to appoint a Select Committee on Genocide. I beg to move.

**The Speaker:** Seconded by hon. Christophe, hon. Rwigema, hon. Valerie, hon. Sebalu, hon. Ngenzebuhoro, hon. Dr Martin, hon. Patricia and hon. Abdul Karim . Hon. Ogle, you can justify.

**Mr Ogle:** *“WHEREAS the rules of the Assembly provide for the appointment of a Select Committee under Rule 80;*

*RECALLING its resolution No. EALA/ORS/3/12/2013 of 22 August 2013 by which, inter alia, dissolved to -*

- (a) Urge the Summit of the EAC Heads of State to institute mechanisms to stop the perpetration of genocide ideology in the Nile Basin Region and to make appropriate actions; and*
- (b) Establish under Rule 80 of the Rules of Procedure a Select Committee to study and make recommendations to the House on the security impact to the Community of the genocide ideology including genocide denial.*

*NOW, THEREFORE, do resolve as follows:*

- (1) *To appoint a Select Committee on Genocide and likely security impact on the Community of genocide including genocide denial; and*
- (2) *That the Commission will nominate at least seven Members consisting of at least one Member from each Partner State. In nominating, the Commission shall consider relevant experience, training, interest and willingness to serve in the matter of the Members to be nominated;*
- (3) *That the Select Committee shall have the following terms of reference:*
  - (a) *Consider the likely impact to the Community of genocide ideology including genocide denial;*
  - (b) *Consider ways and means of combating, outlawing and preventing genocide;*
  - (c) *Study and make recommendations on combating hate speech, genocide ideology, genocide denial and related matters in the East African Region;*
  - (d) *Consider and make proposals on how EALA and other organs and institutions of the EAC can provide leadership in the fight and prevention of genocide including the development of instruments and institutional capacity in the Community; and*
  - (e) *To study and recommend any other mitigation mechanisms incidental thereto.*
- (4) *That the Select Committee shall execute its mandate within three months of its appointment.*” Mr Speaker, I beg to move.

**The Speaker:** Hon. Members, the proposal before the House is that this Assembly pursuant to Rule 80 of the Rules of Procedure of this House do appoint a Select Committee on Genocide. Debate is open. Hon. Ogle, you can justify and then we proceed for debate.

**Mr Ogle:** Thank you, Mr Speaker. I just want to do a very brief justification to this motion. The very important one is that it has been in abeyance for almost about a year. I am glad we are conversing this motion before our Speaker who really understands and appreciates the whole idea and history of genocide in this region. *(Applause)*

Having said that, Mr Speaker, when we talk of genocide and particularly in this region, it is very easy for Members to hark back to perhaps Rwanda. Yes, Rwanda has had its moment of madness in 1994 - I was a witness to what happened there. Genocide in this region is always related to Rwanda but we should give it a broader perspective than Rwanda.

I have an interest in this particular motion for two reasons; one, I am a Somali and two, I am a Moslem. Now, what has been happening lately is that in view of the *Al Shabaab* terrorists' incidents in this region, there has been a tendency of trying to criminalise Somali as being members of that group. Now that could be a gradual build up towards what may even end up in what could be a genocide in many years to come.

Moslems are also a stereotype because there are many Moslem countries in conflict- maybe over terrorism and all these things.

There has also been a tendency to incriminate Moslems or faithful of the Muslim faith to be members of that group and we are vulnerable to attacks and hate speech and all these things.

When an expression is used that maligns; that threatens; that insults; that intimidates a certain society, that is the building block for what may end up to be genocide. The world has severally said, “No genocide,” but it has happened. It has happened because we have always not appreciated what it means to stop this thing at a very early stage.

We don’t need to criminalise society; we don’t need to talk about certain incidents related to certain people, certain societies or ethnic groups, but it has happened. It has happened all over this region and the idea about this motion is so that we can study and give recommendations both to the Assembly and our Heads of State so that this thing is converted. Unless we play our small role now, this thing will happen anywhere. The moment of madness that occurred in Rwanda will happen anywhere in this region. I want that to be gotten clearly in the minds of the Members. Thank you very much.

**The Speaker:** Thank you very much, hon. Ogle.

**Mr Mike Sebalu (Uganda):** Thank you very much, Rt. hon. Speaker. I do rise to support the motion. First, this business has been outstanding for quite some time. You do remember that these issues have been on the table for some time and I believe it is right and fitting that as we engage with the process of undertaking our responsibilities and mandate, we clear the desk and ensure that we move forward.

When Rwanda and Burundi joined, I was the Chairperson of the Regional Affairs and Conflict Resolution Committee. We paid a visit to both Rwanda and Burundi and one of the first undertaking we made in those countries, especially in Rwanda, was to engage with the process; was to engage with the institutions that were dealing with the issue of rebuilding confidence.

We went through a very interesting episode where we were being taken through the processes, what the country has done to rebuild the confidence, the *Gacaca Courts* and how they had contributed in terms of jurisdiction. That opened my mind to an idea where we need to have a thorough study – an in depth study- to ensure that this epic does not arise again within this region.

I think we don’t do any harm to ourselves when we engage in a proactive way; in a pre-emptive manner other than playing a reactionary role as it were.

So, Mr Speaker, I believe that this is an idea that can be given a chance so that we have thorough engagement; thorough study and we make our contribution in generating good knowledge of a pre-emptive nature to avoid this ever happening again.

Definitely, it is not desirable, and definitely it is not something that we may wish to have in any of the Partner States, but when we come together in a proactive way to create such an environment that would make it difficult for such to happen in our region, we would be making our contribution as an Organ of the East African Community.

So, Mr Speaker, I rise to join my colleague to support and ensure that as an Assembly, we have this level of engagement and create conditions that may never warrant this to happen ever again on the soils of the East African Community. With that, I beg to support. (*Applause*)



**Mr Christophe Bazivamo (Rwanda):** Thank you, Rt. hon. Speaker. I want to begin by congratulating the new Minister in charge of the East African Community Affairs in Tanzania. *(Applause)*

Rt. hon. Speaker, we passed a resolution on the 22 August 2013 and as said, it is almost one year and three months ever since, without us having put in place what the resolution mandated the House to do. This resolution mandated the House to put in place such a committee. So, I think what we are doing now is the right thing because it has taken a long time.

The resolution highlighted the danger of genocide denial, hate speeches, genocide ideology on peace and security for our citizens in the East African Community. As a House, we have always supported prevention measures when it comes to security and peace.

Having an assessment on the situation in our Community on such matters is really a very important issue because this will help the House to give or adopt documented recommendations towards building a peaceful East African Community and that is a very important step.

This committee will help fully in this process of assessment and then later on the process to help the House to take adequate recommendations towards building a peaceful East African Community. I, therefore, support the appointment of a committee and the motion. Thank you. *(Applause)*

**Dr Odette Nyiramilimo (Rwanda):** Thank you, Rt. hon. Speaker for also giving me the opportunity to support this motion. First, I would like to thank hon. Ogle for bringing this motion because this is one of the activities that should have been undertaken a few months back, or about one year ago.

I am very happy that today the motion is before us and I would beg my colleagues to all vote for this motion because none of would wish to have genocide occur anytime in this region and even the world over.

Genocide is the worst crime that humanity has gone through in several countries. I do not know if yesterday you heard an opportunity to watch the television about the commemoration of the 70<sup>th</sup> Anniversary of the Liberation of Auschwitz. It was very moving to see and to remember what happened to the Jews during that time.

Recently we have observed that within our own region. For only the 20 years that we have outlived that in Rwanda, genocide ideology has been spreading and we notice that sometimes through the written media, the spoken word, and even through books and if we don't do anything, genocide ideology can be perpetrated and can occur if we don't prevent and put measures in place to prevent it.

Therefore, it is our duty as the political arm of the Community to study thoroughly what is within our region in the line of genocide denial because it is now one of the steps of the genocide ideology and then mover to try to prevent whatever may happen. Rt. hon. Speaker, I support the motion. *(Applause)*

**Mr Issa Twaha Taslima (Tanzania):** Thank you very much, Rt. hon. Speaker. Mr Speaker, I should also join my colleagues in welcoming hon. Mwakyembe as the new Minister for East

Africa. For us who come from Tanzania, we know hon. Mwakymbe, his performance, his experience but luckily enough, the East African Legislative Assembly also has an experience with him because he was here, and I am told that he was effective. *(Applause)*

Rt. hon. Speaker, I support this motion but I would like to add on something after having heard hon. Ogle saying when he was justifying the motion and mentioned what he had in mind while bringing this motion.

He talked of genocide here but when he was substantiating, he talked also of massacres. When you are talking of people liking to kill people of a certain religion, that is no longer genocide but massive killing called a massacre, like what happened in South Africa; what happened in Central African Republic and some other countries. Therefore, may I suggest that the Select Committee be on genocide and massacres so that we have both on board?

**Ms Byamukama:** Mr Speaker, Sir, I would like to inform the House and to clarify that the word “genocide” has a UN definition. It emanates from the Convention for the Prevention and Punishment of the Crime of Genocide, which was agreed upon in 1948. And for the record so that we do not talk about massacre, I would like, with your permission, to read it to the House.

**The Speaker:** Proceed.

**Ms Byamukama:** This is Article 86. 1- 86 in particular, it states, “ A person commits the criminal offence of genocide when he or she commits any of the following acts with intent to destroy, in whole or in part a national, ethnical, racial or religious group as such:

- (a) Killing members of the group;
- (b) Causing serious bodily or mental harm to members of the group;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;
- (d) Imposing measures intended to prevent births within the group; and
- (e) Forcibly transferring children of the group to another group.

This is an international definition and, therefore, I believe that as we debate this, it will help us so that we do not go into other issues such as massacres. I hope that helps to clarify. Thank you. *(Applause)*

**Mr Taslima:** I thank my sister, hon. Dora because I was not informed of such a definition. The definition has taken care of all those ideas I was trying to add on and, therefore, I withdraw whatever I had said in the circumstances. Thank you. *(Applause)*

**The Speaker:** Thank you.

**Mr Frederic Ngenzebuhoro (Burundi):** Thank you, Rt. hon. Speaker. First of all, I would also like to join my voice to those that have congratulated the new Minister in charge of the East African Community Affairs from Tanzania.

I have many reasons to congratulate him. You know, every time it has been Tanzania to chair the Council of Ministers we have got many things that are very good for us. We will never forget Minister Kamara - (*Applause*)-and now I am sure that in conjunction with Minister Abdallah good things will once again happen to our house. (*Applause*)

I wish to congratulate hon. Ogle for this very important motion brought to the Assembly and I am sure that no one can be against a motion like this. It is very important. I am so happy that now it is on the course of its conclusion because it has been pending for a long time. It has been there since 2013.

I would like to refer to the terms of reference on page 2; “3(c) *Study and make recommendations on combating hate speech, genocide ideology, genocide denial and related matters in the East African Region.*”

I totally agree with this, but I would like to ask the mover to be precise, to be concrete. These studies and recommendations will be addressed to which organ? I would like to propose that they are proposed to the House and the House forwards them to the Council of Ministers who will in turn address them to the Summit so that they can take decisions and then action is taken. That is my proposal so that we can be concrete.

I make the same recommendation to 3(e): “*To study and recommend any other mitigation mechanisms incidental thereto.*” We must indicate the institution that should be addressed. Thank you.

**The Speaker:** Thank you. Hon. Members, before I give the next person to speak, I would like to give this guidance to the House. Our Rules of Procedure are very clear about Select Committees in Rule 80. Once a Select Committee is put in place, it will undertake the assignment that has been given and report to the House with various recommendations. It is the recommendations of that report that will detail whatever should be undertaken. I thought it was important to give this guidance as per our Rules of Procedure.

**Ms Agnes Mumbi Ng’aru (Kenya):** Thank you, Rt. hon. Speaker. I rise to support the motion. But before I do that, I want to congratulate the new Minister. Those of us who were not in the First EALA know about him from the good things that are talked about him.

I would also want to congratulate hon. Ogle. I know the motion has been pending, however. I always want to take responsibility. When we make our work difficult, it becomes difficult. The reason I stand to support is especially No. 6.

I also want to declare that I have a personal interest in this because I believe I am not very well schooled in the ideology of genocide. But having lived the years that I have lived and studied a few incidences in various Partner States, I can relate that to some kind of genocide.

I know it happened in Uganda in the early 60s between a community from the North – the Acholi and the Baganda; it happened in my own country between the Kikuyu and others.

**Ms Byamukama:** Mr Speaker, Sir, I would like to seek clarification on two matters, with due respect, hon. Member and thank you for giving way. First of all, the hon. Member referred to No.6, when I look at the motion, I do not see any No. 6. Maybe she could read for the benefit of the

House what the No.6 that she is referring to is because all I can see is numbering which ends on No. 4 and maybe that would help the House.

Secondly, incidences of genocide have been captured worldwide. I think we should be very careful to desist from interpreting incidences that we think are genocide to us, which have not been ascertained or confirmed at such. So, I think it is very important that we clearly utilise what is already available.

**Ms Byamukama:** Information.

**The Speaker:** She is on a point of clarification.

**Ms Byamukama:** I am on a point of clarification. I am not disputing anything but the point in question right now is that maybe, it may be better to get an authentic source and table that as what is known as genocide in the region and maybe beyond so that we are clear on what we are referring to. This is just a clarification I wanted to seek and propose to the House.

**The Speaker:** Thank you, hon. Dora. Before hon. Mumbi takes the floor, hon. Members, I think hon. Dora in her earlier intervention helped this Assembly to give the definition of genocide. Of course, apart from that definition, we have had conflicts, which are very distinctive from genocide. So, we should have those definitions in our mind and proceed that way.

**Ms Mumbi:** Thank you, Chair. I appreciate her intervention and I said right from the word go that I am not an expert but I said we have experienced some small genocides in various parts of the region.

**Ms Hajabakiga:** Order. Rt. hon. Speaker, I think hon. Dora has correctly defined genocide. It is already known worldwide where genocide has occurred and it has already been documented and monitored under the UN Security Council. It is the body we call the UN Security Council, which has to pronounce itself on genocide and accept that it happened. It is not just any of us to stand and say there was a genocide somewhere. No, there are no small genocides even if it killed five people. It is an issue of intent, as hon. Dora, has indicated.

Secondly, Rt. hon. Speaker on a Point of Order, I think what we are talking about here is a Select Committee. This motion was already debated and passed. What we are talking about here is a Select Committee and so I don't see why we are even going into a lot of debate ending up in a lot of revisionism, which will lead us to another situation. Why don't we concentrate on the motion of a Select Committee and when the report comes, it will help the people, Members understand what a genocide is. Thank you. *(Applause)*

**The Speaker:** Thank you so much. That Point of Order needs the Chair to put guidance on. The hon. Member holding the floor has declared her lack of deep understanding of genocide and I think the hon. Dora has helped her to give the details of the definition of genocide. I direct that you confine yourself to that definition because these are sensitive issues that have to do with issues of human lives.

On the second part of your order, it is true that there was a motion that was passed by this House and this is just a follow-up motion to actualise what was prayed in that motion. Members should

debate it with reflections on the issue of the Select Committee and the terms of reference, which have been detailed here, like issues of studies. That is how we should proceed.

**The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio):** Mr Speaker, Sir, I stand on a Point of Procedure guided by the ruling you have just made. Won't there be a need to expunge from the record of the proceedings of the House any reference to genocide having taken place in Kenya and Uganda from the contribution of hon. Mumbi? *(Applause)*

**The Speaker:** On a procedural matter, hon. Members, you know the sensitivity of this matter we are talking about. You know very well that there is a UN body that does study and declare where genocide has taken place in the world. And there is no record that shows that there has been genocide in Kenya and Uganda, and as I have guided earlier to the Member holding the floor, hon. Mumbi that she should stick to the technical definition of what genocide is, I direct that that inference be expunged from the record because genocide did not take place in those two countries. *(Applause)* Proceed, hon. Member.

**Ms Mumbi:** Thank you, Rt. hon. Speaker. I appreciate your guidance. I also want to state this that words can be expunged because it is the procedure of the House, but you cannot expunge it from my heart. Therefore, I withdraw and thank the CTC but I said it that I do not know much about it. *(Interjections)* Listen to me, if Members would only give others time to listen to what innocence I am talking about.

Hon. Dora, thank you very much because I talked about No. 6, but I meant 3(c). It reads as follows: *"3(c) Study and make recommendations on combating hate speech, genocide ideology, genocide denial and related matters in the East African Region."* Thank you very much, hon. Dora.

The reason why I support this motion is that we are living under hatred every day of our lives, from where we live, from the countries we come from.

Hon. Ogle talked about his community of origin, which is true. It is happening in my country. But we are also living under listening to hatred from the media, hatred from our own selves; hatred about elections that are coming; stereotypes about communities and, therefore, this study is very important.

The fact that I declared that I don't understand genocide - I want to understand it and, therefore, when I stand to ask that this research is done under our own guidance, I shouldn't be taken as an enemy of the motion. Thank you. I support the motion.

**The Speaker:** No, hon. Member. Nobody has taken you as speaking against the motion. There has just been guidance in terms of a technical definition of what genocide is.

**Mr Joseph Kiangoi Ombasa (Kenya):** Thank you, Mr Speaker, Sir. May I also join the others in welcoming and congratulating hon. Mwakyembe for joining the Ministry of East African Affairs and, therefore, the Assembly?

Let me say, that I support the formation of this Select Committee because in the first place, it is within our mandate; our rules allow us to do that- Rule 80.

Secondly, genocide is a matter of concern to the world and this region, particularly because it has happened within the East African Region.

It is a matter that people of good will must endeavour to ensure that it is prevented. I am more concerned with prevention because the damage that genocide has caused to regions of the world and to part of our region, here are issues that are very heavy to many people's hearts.

The Select Committee will do in-depth research on the matters that have been referred to it, and it will give us recommendations. When those recommendations have been adopted, even the future generations will be able to refer to the recommendations and resolutions of this House. That way the recommendations and resolutions of this House will be educative in nature, and then the prevention element is attained.

This is the moment for this Assembly to take up this challenge, I thank hon. Ogle for bringing up this important motion, and I support.

**Ms Valerie Nyirahabineza (Rwanda):** Thank you, Rt. hon. Speaker, Sir. From the onset, let me join my colleagues in welcoming and congratulating the new Minister of Tanzania for joining the Assembly.

Allow me, Rt. hon. Speaker also to congratulate and thank my brother, hon. Ogle for coming up with this very important motion, but most importantly, I want to thank you sincerely and on a serious note for the way that you have decided to deal with the pending business, Mr Speaker. *(Applause)*

Rt. hon. Speaker, it has been outlined and repeated by many of my colleagues who spoke before me. This has been pending – I think it is a year ever since the last motion was passed. We have been waiting for the composition and establishment of such a Select Committee. I thank you so much and I will always thank you for allowing this matter to be brought on the Order Paper today.

Rt. hon. Speaker, I will not say much because the resolutions speak for themselves. We have to come up with a Select Committee. Your good office together with the Commission must appoint people who may sit on that committee because we are expecting much work that is going to help this Assembly.

It is not so easy to deal with the aftermaths of genocide. I am saying this and I am referring to my country, Rwanda. I was born in Rwanda, I grew up there, and I did everything in Rwanda. So, even if I was still young, I could see what was going on without knowing exactly what was going to happen. However, I saw it.

Would we not have had a strong leadership in Rwanda, Rwanda would not have been seen where it is today. So, that is why we have to pay tribute to, not only, the leadership, which has been dealing with the aftermath of genocide, but also we have to put preventive measure. It is better to prevent than to cure something that has already occurred.

So, I fully support the establishment of a Select Committee and I strongly recommend that they deeply assess and consider the security impact of genocide ideology, which includes genocide denial.

They should also deeply go into ways and means of combating, outlawing and preventing genocide. I am insisting on this because I know the bad impact of genocide in my country. I am referring to my country because we are still suffering due to the consequences of genocide. The social fabric was destroyed; families destroyed but I thank God because now the country is being rebuilt.

So, Rt. hon. Speaker, I fully support all the resolutions that have been highlighted in this motion and I am looking forward to seeing that Members who are really willing and who know the negative impact of genocide – looking at the example of Rwanda- be appointed on this committee but not people who don't even think that genocide happened. I fully support the motion. Thank you very much.

**The Speaker:** Thank you so much.

**Mr Emmanuel Nengo (Burundi):** Thank you so much, R.t hon. Speaker for giving me the floor to debate on this important motion. First of all, I wish to congratulate you warmly for your new position in our Community. (*Applause*) I wish you all the best and I am sure that you will take our Assembly to another level.

**The Speaker:** Thank you.

**Mr Nengo:** Rt. hon. Speaker, it is a good opportunity to congratulate the new Minister and welcome him. He is coming at a better time when we have a good mood in our Assembly. (*Applause*) I think together we shall work very closely for the better.

I stand to support this important motion and I congratulate the mover, hon. Ogle. My intervention is on point No. 2 of the motion, where they say, "*That the Commission will nominate at least seven Members consisting of at least one Member from each Partner State. In nominating, the Commission shall consider relevant experience, training, interest and willingness to serve in the matter of the Members to be nominated.*" My concern where I need some clarification is on the relevant experience and training. Where is the experience and training, in genocide, peace or security? I need a clarification on that.

With those few remarks, I support the motion.

**The Speaker:** Thank you so much.

**Ms Nusura Tiperu (Uganda):** Thank you very much, Rt. hon. Speaker for giving me this opportunity. I wish to join my colleagues in thanking you for giving us the opportunity to add our voices to the concerns that the hon. Ogle has moved in his motion.

Rt. hon. Speaker, I wish also to take this opportunity to congratulate Rwanda as a country for doing their best in ensuring that the country is now united. There is a big degree of reconciliation and they are moving and doing everything possible to say, not again to this practice.

Rt. hon. Speaker, I wish to put it clearly on record that the Acholi community in Uganda has never participated in genocide against the Baganda community. The two have co-existed in peace and they continue to do so.

Rt. hon. Speaker, I am happy that the House today is talking about formation of a Select Committee and I wish all those Members who will be on that committee the best of time.

I am happy, Mr Speaker because during the Second Assembly, we did participate in one of the Gacaca meetings and during that session, you would really see that in every month, there is a degree of evil but it is only the environment that can shape a person to be either good or bad. And it might have occurred in one part of this region but there is a possibility of reoccurrence in any of our Partner States or beyond.

For a Parliament like this one to come up with a Select Committee with the resolutions or terms of reference for the committee is an indication that our Parliament is passionate about issues of genocide under your leadership.

It also shows that our Parliament wants a deeper understanding into the ideology because if one of the Partner States is labouring to make changes, it is imperative that a regional Parliament like this one does deeper research so that the East African population is educated on what constitutes genocide and how this can be combated so that our future generations live in an environment that is free from the reoccurrence of this act.

Rt. hon. Speaker, I wish to conclude by saying that this is the beginning of us laying the foundation as citizens of this region. I want in particular to support proposal No. 3 (b) which states: “*Consider ways and means of combating, outlawing and preventing genocide,*” and 3(c) which states: “*Study and make recommendations on combating hate speech, genocide ideology, genocide denial and related matters in the East African Region.*” When you look at the political configurations in the region, you see a possibility of people ganging up and wiping out one another.

This is an opportunity for the regional Assembly to make recommendations on how best even political alignments can be sought in the region.

Allow me to conclude by thanking the Speaker of Parliament of Uganda for sending us a delegation that you read out in your communication. That is an indication that the Ugandan Parliament is now ready and is seriously looking at the manner in which we are working. I want to thank Speaker Kadaga for the delegation and I wish them a successful stay here. *Asanteni sana.*

**The Speaker:** Thank you. Now, I am going to give only three Members just two minutes each such that I give chance to hon. Ogle to respond and we dispose of this motion.

**Mr Leonce Ndarubagiye (Burundi):** Thank you very much, Rt. hon. Speaker. I fully support the motion from the bottom of my heart. (*Applause*) It is correct; it is that; and it is necessary.

Having said that, I wish we could be very careful when talking about the crime of genocide. Somebody said that only the UN could qualify the genocide. Hon. Members, there were more than 3 million Indians in America. They were killed until they left 67,000 people. Was that not a genocide because the UN did not qualify it?

Hon. Members, there were Tasmanians in Tasmania and they were killed to the last and just left one person whom they minified - just made a showcase - and said this is how they looked like. Was that not a genocide? Please, the suffering of others should also be our suffering. That is why I do not agree with those who told hon. Mumbi to stop talking because what she said is probably



what she has seen in her region. That is why I definitely and fully support the motion but please; bear also with others who underwent the same situation. Thank you very much.

**Ms Dora Byamukama (Uganda):** Thank you for the opportunity, Mr Speaker, Sir. I am speaking after my very good friend, hon. Leonce Ndarubagiye, who has put me in predicament in that as legislators and as lawyers, we have to work within a given framework. The given framework whether we want it or not right now is at the UN level.

So, we do have a UN definition, we have a UN Convention and we have a UN way of identifying those spots where genocide occurred. I do not think we can change this much as we may think otherwise. Maybe it is just to urge him that this is how it is and we need to work according to the standards already set because we cannot change this as an Assembly. We have to work within our legal framework.

Secondly, Mr Speaker, I had wanted to talk substantively and to thank you, but when I came in I thought maybe I had delayed. Let me say this for the record; this week I rush to my room every day and my whole intention was to watch those survivors of Auschwitz whereby there was remembrance of when the genocide stopped 70 years ago. One of the quotes from one of the survivors was very touching. He said, "I do not want my past to be my children's future." It was very touching. When I thought about it, I felt my skin crawled. If we do not do something about genocide, what happened in the past can be our future.

Mr Speaker, let me make a distinction, much as we know the areas where genocide occurred, when we say it occurred in Rwanda, the exception is not such as to isolate the Republic of Rwanda. This is just a UN definition but most important, we must acknowledge that there is a potential for each of our communities to commit genocide. (*Applause*)

We are human beings just as our sisters and brothers are also human beings. So, what happened in Rwanda can happen anywhere in the East African Community. As one poet said, "We are part of the main." So, whatever happens anywhere in world and particularly in our Community must be of concern to us.

In connection to this, Mr Speaker, Sir I am very concerned about an early warning mechanism because as politicians you may wake up and start saying words, just like my sister, hon. Mumbi said, and you do not even understand what these words constitute. Because if they constitute hate speech, a person who has said the words may forget but the person, who has heard the words may never forget. Therefore, the early warning mechanisms are very important.

On this, I want to thank our Members from the Republic of Rwanda for making us and helping us understand the issue of genocide better. I must confess about 10 years ago, I had read a lot about it but I did not appreciate it in the way that I have appreciated it over these seven years.

In particular when we attended the several functions and the conference, which asked us to form a small committee in Parliament to handle this issue continuously. I think it is an area we should work on because when you hear and when you read, you are removed but when you see and you feel and also hear it from people very close to you, you actually get a deeper experience and it is very touching and very moving.

I would like to conclude by saying that we also need to look at the issue of prevention. I think my brother mentioned it. The issue of education; the issue of continuing to remember because for as long as we remember, we keep these issues alive. It is very important.

Finally, we need to also deal with the issue of the aftermath where people continue to live with this psychological torture; with these wounds and every time, for example, this period comes and passes, I know there is one gentleman, who was in Rwanda at that time; he was an Army General. He said that when this period comes, he is actually depressed. He can smell; he can sense; he can feel the atmosphere that occurred then.

So, Mr Speaker and hon. Members, I would like to plead for sensitivity because these scars are very deep –loss of family members; loss of brothers and sisters, and, therefore, I would like to implore that we support this motion and resources be availed at the earliest opportunity for us to continue with work on this very important issue. I thank you. (*Applause*)

**The Speaker:** Thank you so much. Hon. Zein, but hon. Colleagues, I will beg for your indulgence to allow me not break but bend our Rules of Procedure in terms of the 6 O'clock deadline because as we all appreciate, this huge work before us must be cleared. So, let us proceed slightly beyond that. Thank you so much.

**Mr Zein Abubakar (Kenya):** Thank you, Mr Speaker. First, allow me to pay homage to you, Sir for your sagacity for accepting to put on the Order Paper this pending motion. (*Applause*) Then allow me to recognise the tenacity of hon. Ogle for standing up for what is right and always being in the straight and the narrow.

Thirdly, allow me to say the actions of the Speaker and the actions of hon. Ogle reminds us as a House that we shall always follow principle persistently without diversion.

Also, allow me, Mr Speaker, Sir to say that the Committee on Regional Affairs and Conflict Resolution has started a solemn journey to work with other parliamentarians across the globe so that we can establish a Global Network of Parliamentarians against Genocide. (*Applause*)

Also allow me Sir, to say that today, let it be recorded that we are sending a message by establishing this institutional framework to address this international crime that we as a region are determined, first, through this tough force; through this Select Committee, first to record proper history. And to us this is the message. To those who would like to massage the history or to try to become deniers by copying false history.

Hon. Dora Byamukama talked about the place of memory. Allow me to say this, if we do not remember, we are increasing our chances of repeating it. I agree with her that none of us is safe. Do not think, sit, be cosy in your chair, and say it happened to someone else but it cannot happen to us.

I agree with hon. Dora that we have an equal chance of going through this bad experience. Therefore, we must say no and put in place strategies that will allow us to demonstrate the principle of never again.

Last two points, Mr Speaker, one, I heard hon. Dora say resources will be availed. I would like to add that we should avail adequate resources. It is not just resources but adequate resources so that

this Select Committee can do a comprehensive report. A report that will never allow anyone to say, “I didn’t know; my insensitivity is explained by my ignorance.” If we put in place a comprehensive report, we will be able to do that.

The last point that I wanted to make is that intolerance in this region and other parts of the world is on the rise again. If we do not stand up and speak against it, intolerance is, but a context. Genocide has context; genocide has an ideology; genocide has planning; genocide can finish us all if we do not take a stand. I urge the House that we should support this motion by taking a stand and saying yes to this motion. Thank you, Sir. *(Applause)*

**Mr Ogle:** Thank you, Mr Speaker. All the more reason why there should be this Select Committee is when you listen to Members’ ignorance and some Members trying to trivialise a very fundamental and historical issue like genocide. There is all the more reason that we should have a Select Committee that should do a very comprehensive study and bring it back to this House. *(Applause)*

Beyond that, Mr Speaker, I do not think we can add anything more to what the Members have so ably contributed. I want to take particular cognisance of the very articulate – very eloquent submissions by both my good friend and brother, hon. Zein and hon. Dora. I think they must have convinced you, Members who were ignorant; who were trivialising this things to have absolute agreement about the need to pursue this thing further. With those few remarks, Mr Speaker, I beg to move.

**The Speaker:** Thank you very much, hon. Ogle for wrapping up as the mover. Hon. Members, we are privileged as an Assembly to be dealing with this matter. Other East Africans out there would love to have the chance to work on this serious matter. We are privileged as an Assembly and I find this coming at a time, which is very good for us as an Assembly where we join the rest of the world in commemorating the 70<sup>th</sup> year of the liberation of the Jews. *(Applause)*

So, this Assembly has done a very historic work this evening in passing this motion. I vividly remember the experience this Assembly went through when some of us collapsed and broke down at the museum when we saw the pictures what people went through. So, I would like now to put the question on this motion.

The motion is that this Assembly pursuant of Rule 80 of the Rules of Procedure of this House do appoint a Select Committee on Genocide. I now put the question.

*(Question put and agreed to.)*

## **MOTION FOR A RESOLUTION OF THE ASSEMBLY TO ESTABLISH THE AFRICAN PARLIAMENTARY CENTRE FOR PEACE AND SECURITY**

**Mr Abubakar Zein Abubakar (Kenya):** Mr Speaker, I would like to move the motion for a resolution for the establishment of the African Parliamentary Centre for Peace and security. That this Assembly do resolve for the establishment of the African Parliamentary Centre for Peace and security. I so move.

**The Speaker:** Seconded by hon. Ngenzebuhoro, hon Yves, hon. Peter, hon. Sarah, hon. Dr Martin, hon. Rwigema, hon. Hafsa Mossi, and all the rest standing. Proceed.

**Mr Zein:** Thank you, Mr Speaker.

*“AFFIRMING THAT peace, security and stability are necessary principles for just societies and a people centred development;*

*APPRECIATING THAT the role of Parliaments in securing peace and security in society has not been fully utilised or leveraged;*

*BELIEVING THAT Parliaments that use society based peace and security lenses and interventions have the potential of laying the social structures that promote peace, security and stability in our Community, Africa and the world;*

*AFFIRMING THAT in the exercise of their representative, legislative and oversight responsibilities, Parliaments can be the catalysts in building a culture of peace and confront sources of conflict and war in society;*

*COMMITTED TO establishing an institutional framework that will ensure the Community and the African Continent build the capacity of Parliaments to address issues of peace, security, stability, conflict transformation and related matters;*

*AWARE THAT the East African Community is in the process of establishing the East African Parliamentary Institute (EAPI).*

*THIS House, therefore, resolves:*

- (1) To establish the East African Parliamentary Centre for Peace and Security, which will primarily work with and serve Parliaments in the Community and ultimately work with and serve the African Continent and the globe to enhance their organising and capacity to promote people centred peace, stability and security;*
- (2) The African Parliamentary Centre for Peace and Security will be located in the East African Parliamentary Institute;*
- (3) The Community and EALA will endeavour to ensure the African Parliamentary Centre for Peace and Security becomes the centre of excellence for the study and imparting information, knowledge, values, skills and attitudes that make peace flourish and build a culture of peace among parliamentarians but also the capacity to address conflict situations by institutions of Parliament, parliamentarians and staff of Parliament;*
- (4) That the Centre will focus on capacities in the following areas: research, capacity building, constitutional legal and policy development, leadership training and mentoring, publishing, networking and diplomacy;*
- (5) That the EALA Commission working with the Regional Affairs and Conflict Resolution Committee on priority basis is charged with the responsibility of proposing modalities to actualise the operationalization of the establishment of the African Parliamentary Centre for Peace and Security.” I so move.*

**The Speaker:** Thank you so much. Hon. Zein, you can go ahead and justify your motion.

**Mr Zein:** Thank you, Sir. It will be recorded that one of the major achievements and legacy left to this Assembly by the Second Assembly was to establish the East African Parliamentary Institute (EAPI). EAPI was an institution that was envisaged to be the place where Members of Parliament assuming office will find a fountain of knowledge, skills and values to carry out their work effectively.

If we pass this motion -and I urge all Members to pass this motion- we would be taking part in enhancing this legacy that was left by the Second Assembly and passed on to this Third Assembly to establish the East African Parliamentary Institute, and within it establish fountains of knowledge and different centres that will be the place where parliamentarians in the region and all over the continent and the world, if I may say so, will be able to come and partake in the skills and values that will make them better parliamentarians.

Secondly, Mr Speaker, allow me to urge this House to accept the propositions of this motion by establishing this centre, which will become an important institutional base within the EAPI to contribute and allow Members of Parliament to have the orientation and skills to contribute to the most important subject, which is to build peace.

The last two points that I will make because of the interest of time, Mr Speaker would be; one, that such a place will allow for continuity so that when Members leave the House and we have a new House coming in, there will be a place for institutional memory to govern the continuation of this important work.

Lastly, but not least, Mr Speaker, Sir, as the motion says, the true and potentially game changing ability of Parliaments to contribute to peace would be touched and unleashed by such a centre. This will send out a message that Parliaments want to play their rightful role in world peace. I thank you, Sir. (*Applause*)

**The Speaker:** Thank you so much. Hon. Members, I will give a few Members to debate this motion in the interest of time- like two minutes each.

**Dr Martin Nduwimana (Burundi):** Thank you so much, Rt. hon. Speaker. I rise, of course, to support the motion. From the onset, I would like to thank and congratulate the mover of this motion, hon. Zein.

I support the motion because it is not only important but it is also timely. Indeed, when one looks at our region and even beyond in the sub-Saharan Africa, in terms of peace and security, they will find that indeed people of our region there is a lot of killing each other and horrible situations as we have taken a long time discussing genocide.

We have been experiencing those horrible situations for the last 50 years of our independence. So, I think that we as Members of this Parliament, we are all in agreement to stand together and turn the page in fighting efficiently against any factor that could cause insecurity and lack of peace to our people.

It is not an alternative; it is an obligation for us to make sure that during our time and the time to come, we as Members of EALA demonstrate that we have given our best to strengthen the foundation of a firm building of peace and security in our region. Therefore, by putting in place for the first time all over the world a parliamentary peace and security centre whose objectives

are very well outlined in No. 4 of the motion, we would have played our role in making good history of our region.

So, I support the motion. However, I am just wondering about the second point of the motion that proposes to locate the new centre within the EAPI. To me, as it has been stated in the last part of the motion, EAPI is still being established. It is still in the process of being implemented because otherwise we should have it somewhere else. So, my fear is having a new process mixed up with another process which is older but not functional.

I am not against the idea but maybe I would propose, if the mover agrees, to hold on with that as it is pointed out in No.5 that the centre will be scrutinised by the Commission and the Regional Affairs Committee. So, if the mover allows, I would propose to amend this resolution by just deleting point No. 2 so that if need be, it will come later in the same place. I beg to accept my support for this motion. Thank you.

**The Speaker:** Thank you so much.

**The Counsel to the Community (Mr. Wilbert Kaahwa) (Ex-Officio):** Thank you, Mr Speaker for giving me an opportunity to contribute to the motion on the floor. Allow me, Mr Speaker to begin by congratulating hon. Dr Mwakyembe upon his appointment as the Minister for East African Cooperation and ipso facto a Member of this Assembly. (*Applause*)

Mr Speaker, Sir, I stand to support the motion, first of all upon realising that the logical implementation of the resolutions it contains will be a shot in the arm in the integration process. I say this because the promotion and protection of peace and security in the region is a sign qanoon for development and the realisation of the integration ideals that the population is yearning for and, which this organ among other organs is obliged to steer.

Having said that, Mr Speaker, Sir, there are just one or two areas I need to bring the attention of this august House for consideration and improvement of the motion. The first area is the area, which has just been touched on by hon. Dr Martin Nduwimana regarding the housing of the proposed East African Parliamentary Centre for Peace and Security. Hon. Dr Nduwimana was concerned that the House is being urged to propose the housing of this centre in a non-existing institute.

The East African Parliamentary Institute Act, 2011, established the East African Parliamentary Institute and much as the institute has not been established, the law establishing it exists. It is on our statute books. My concern, however, is that considering the functions of the parliamentary institute, it becomes very difficult for anyone to farce on how a centre will fir in that institute.

If you allow me, Mr Speaker, let me read out the functions of the institute very fast. The functions of the institute are to:

- (a) provide training on parliamentary procedures and practices and thus widening and deepening cooperation among Partner States in political, economic and social fields for mutual benefit;

- (b) establish a mechanism for capacity and skills development for law makers, parliamentary staff and other stakeholders in order to promote professionalism;
- (c) promote recognition and respect for parliamentary democracy in the East African Region and beyond ;
- (d) foster the process of deepening and widening integration by providing a avenue for generating and disseminating knowledge on parliamentary procedures, practices and traditions;
- (e) establish a forum, which fortifies linkages with law makers in the East African Region and enhances collaboration with similar institutions in the African Region and globally; and
- (f) do such other things as may be necessary for promoting of the functions of the institute under this Act.

I am referring to Section 4 of the East African Parliamentary Institute Act, 2011.

As we debate this motion with a view to passing it, it will behove the mover to establish to the House how the centre, given its proposed functions, will fit within the functions of the parliamentary institute. To me, I may be mistaken; it looks like the centre is a wider concept than the institute, given the functions of the institute.

Secondly, the proposal for establishing this centre needs to take into account the existing Nyerere Peace Centre, whose functions may rhyme with those of the proposed East African Parliamentary Centre for Peace and Security. Those are matters to be considered when you think about the institutional concept and placement of the proposed centre.

Mr Speaker, Sir, my other point is with regard to the proposed Resolution 4, which articulates the capacities on which the proposed centre will engage: *“That the Centre will focus on capacities in the following areas: research, capacity building, constitutional legal and policy development, leadership training and mentoring, publishing, networking and diplomacy.”* Those are five areas.

Now and considering the basis for establishing the centre, these may not be the only areas in which the centre will be interested. The category should not be closed. I would, therefore, propose to be more specific, an addition of an area *“(h) and any other areas ancillary to the above.”*

Mr Speaker, Sir, with those few comments, I support the motion. I thank you. *(Applause)*

**Mr Peter Mathuki (Kenya):** Thank you very much, Rt. hon. Speaker. Let me start by adding my voice to congratulate the newly elected, but of course appointed, Minister of the East African Community from the Republic of Tanzania and indeed welcome him in this House.

But also, Rt. hon. Speaker, give him as an assignment that he should aware, I am sure he is aware; he is informed, that the East African newspaper has been banned from circulating in some of our Partner States and, therefore, he may take this as an assignment because it is very important - through the Chair, Council of course- but importantly to him as an assignment because now he is bringing in the new energy.

He can maybe try to let us know- appreciate- that media is very important for them to practice responsible journalism but is an important function of facilitating integration. I think this is something that we should not take lightly. It is an assignment because he joining a very strong Council of Ministers and he may wish to take this because again when we start gagging the media, what are saying? We want to use the media to tell them what we are doing as far as integration is concerned. That is my statement.

Again, on this particular motion, Rt. hon. Speaker, you will appreciate matters of security and peace can be brought in by failure to have effective media. Therefore, when we start gagging and closing off information to recipients, it is likely to cause many issues, which are likely to affect the integral process.

**The Speaker:** Hon. Peter, can you address yourself to the motion.

**Mr Mathuki:** Therefore, Rt. hon. Speaker, I am not on the topic just because I am trying to relate the issue of the media with the issues of the motion that has been raised by hon. Zein because he is very much concerned about issues of peace and security.

I, therefore, want to support hon. Zein and congratulate him for innovatively coming up with a very important motion of establishing a centre for peace and security because we cannot underrate those matters in this region.

We have a region that is coming up with resources like oil and we have seen in the past that there is a positive correlation of resources and security and, therefore, it is very important that we try to have such innovations.

I would like to guide him on this one particular issue, if he can consider that in Africa, we are aware there are similar institutes. For example, in Togo we have something called the African Institute of Security, so he may want to consider whether it is now to be anchored by EAPI. It can simply read as a centre for peace and security if it is a department or a function of EAPI so that you it does not again get into what others could be doing in other parts of the continent. I thank you, Rt. hon. Speaker.

**The Speaker:** Thank you. I will give only four Members now and then I put the question. Strictly each two minutes.

**Mr Rwigema (Rwanda):** Thank you, Rt. hon. Speaker. Let me first congratulate the Minister of Tanzania for joining our Community.

Secondly, I would like to thank hon. Zein for this motion and I support it. As usual, hon. Zein has good ideas and it is very important to get his motion right.

I want to focus on one issue, that is, 4. You know there are some points that he has raised to which I would like to add because you cannot talk about security and peace without talking about good governance and democracy. If we add these points, we could perhaps be a little more conclusive. Thank you. I support the motion.

**The Speaker:** Thank you so much.



**Mr Issa Twaha Taslima (Tanzania):** Thank you, Rt. hon. Speaker. I rise to support the motion and congratulate hon. Zein, the mover of this motion.

Rt. hon. Speaker, my experience in the Committee of Regional Affairs and Conflict Resolution has taught me a lot, on how a parliamentarian can contribute to the desired peace process in our Community.

Secondly, we all know that Africa, as a continent, is worst hit continent by incidences of negating peace and security. Therefore, we have to be more alert than any other continent. We, therefore, have more reason of looking for ways and means of combating the threat to peace and security. So, having the East African Parliamentary Centre for Peace and Security is worth ones such example. So, I support the motion.

**The Speaker:** Thank you.

**Mr Ngenzebuhoro:** Thank you, Rt. hon. Speaker. I would like to add my voice to others to congratulate the mover of this important motion. The creation of a centre for peace and security is very important for our region and I would like to congratulate him further as his vision is wide. It is not creating a centre for the EAC but it is going beyond the region to the African Continent and beyond to the world, which is very important.

I would like also to say that most of the functions, which are here - I am not sure that they can fit in the functions of the EAPI. That is why, as already proposed by hon. Martin, for me to locate this centre in the EAPI would not be very relevant. It must be an independent one if it must be created.

I would also like to give some information; just like the hon. CTC has said, law already establishes EAPI though it has not yet been operationalised. No one can understand how and why because I do remember that in May 2012 EAPI was granted office space in the EALA building where its activities were officially launched.

I would like to add also that in the budget of –maybe- 2014, EAPI was allocated money. Where has it disappeared or it was used for another purpose? What I want to suggest today is that the Council of Ministers can help us revive the activities of EAPI and provide staff to make it functional. That is the most important thing. Otherwise, it cannot be possible to combine this centre with EAPI; they have to be separate. Thank you. *(Applause)*

**The Speaker:** Thank you.

**Mr Ombasa:** I got the last sentence from hon. Ngenzebuhoro and wanted to connect it to what the Counsel to the Community said. In view of the fact that there is a legal framework under the EAPI Act of 2011, and in particular Section 4(b) for capacity building and skills development for lawmakers, the parliamentarians, and considering that the motion of hon. Zein is actually to establish a centre for peace and security for enhancing capacity of parliamentarians also, I was thinking that perhaps the Counsel to the Community can re-look at the matter together with hon. Zein to see if that can form a legal framework for this particular centre that is proposed. I was just thinking. Maybe the CTC can consider that.

**The Speaker:** Thank you so much, hon. Kiangoi for your clarification.

**Ms Dora Byamukama (Uganda):** Thank you, Mr Speaker for this opportunity. I will try to be brief. First and foremost, I would like to thank hon. Zein for moving this motion. As it was said before by the hon. Counsel to the Community, I believe this is a shot in the arm of operationalising the EAPI.

Without further ado, I would like to request your office humbly, to operationalise the establishment of the East African Parliamentary Institute.

Mr Speaker, Sir, some money was allocated for the establishment of this institute and you are the Chair of the Board of Trustees in your capacity as Speaker of EALA, therefore, he ball is in our court. (*Applause*)

Secondly, is the issue of housing; I believe that the issue of housing should not really perturb us very much because when you look at the objects, especially the functions of the institute, 4 (e) provides that it will “*establish a forum, which fortifies linkages with law makers in the East African Region and enhances collaboration with similar institutions in the African Region and globally.*” So, whether there are other peace institutes, this institute will still work with them, and, therefore, it is not completely out of place.

I also trust and believe that it can be housed in the EAPI and it can be a component or it can be a module of what transpires there.

As to what constitutes a centre, I think these are modalities we can work on because a centre can be in form of a desk; it can be in form of a corner; it can be in form of an office; it depends. So, I would like to implore you to support this motion because it will help boost the profile of the East African Parliamentary Institute and operationalise an institute that has not been in operation for the last three years for vary unclear reasons.

I would like to support what was proposed by hon. Rwigema on the issue of including good governance and democracy because these are also key components of peace and, therefore, I think it would make sense to have it there.

I would like to conclude by proposing some few amendments. In the first sentence, I would like to propose a friendly amendment, which will read as follows: “*AFFIRMING THAT peace, security and stability are...*” they are not only necessary. So I would like to say, “*...are operational principles of the Community for just societies and a people centred development;*” and I hope this will be accepted.

The other friendly amendment I would like to make is in the paragraph that begins with “Believing.” Mr Speaker, Sir, this also touches on the Title. I know that ultimately, it can be called an African Centre for Peace and Security but our mandate confines us to issues of the East African Community.

**The Speaker:** I hope hon. Zein you are taking note of those proposals.

**Ms Byamukama:** So, I would like to propose that we should call it “The motion for the establishment of the East African Parliamentary Centre for Peace and Security”. I would like to also propose on that particular clause, which starts with “Believing” that we should state that: “BELIEVING THAT Parliaments that use society based peace and security lenses and

interventions have the potential of laying the social structures that promote peace, security and stability in the East African Community, Africa and the world.” So, let us put “East Africa” instead of “ours”. We know it is ours but whoever reads this motion here after may not appreciate.

With these few comments, I would like to conclude by thanking you, Mr Speaker, Sir and imploring Members to support this very noble cause, which has been facilitated and fostered by the Committee on Regional Affairs Chairperson Emeritus, hon. Zein. *(Applause)*

**The Speaker:** Thank you so much, hon. Dora. Hon. Members, this morning the Commission met and has formed a sub-committee who have been charged with the responsibility of putting in place the implementation of EAPI Act as is. *(Applause)* It shall be one of the legacies that this Assembly shall leave behind. So, I now invite hon. Zein in the shortest time possible to respond to the issues raised and we put the question.

**Mr Zein:** Thank you, Mr Speaker. You know that I am law abiding. So, I would just like to say generally that I would like to thank everybody who has contributed to this motion. *(Applause)*

Secondly, allow me to accept the amendments made by hon. Dora Byamukama and hon. Rwigema. *(Applause)*

I would like to persuade hon. Dr Martin Nduwimana and hon. Kaahwa, the Counsel to the Community that the EAPI is an institute. It is bigger than everything else is, and we might be able to establish several centres within the EAPI. Within what hon. Kiangoi was saying, and even in your own words, Sir, when you said, “any other matter connected to.” Therefore, we can thank you within that law to allow for this. *(Applause)*

Thirdly, we will be adding value to the EAPI and not taking away. In fact, we shall make the EAPI even stronger. I would really like to persuade you that this is a centre within EAPI.

Also, the concern of hon. Mathuki has been taken care of by hon. Dora Byamukama’s amendment so that this is now called the East African Parliamentary Centre for Peace and Security.

Having said those words, I would like to urge this House to listen to the words of others. When you recognised others who were standing, they took the opportunity to send me notes and I would like to refer to one note, which I think is very important.

Hon. Nusura Tiperu made the point -and I accept that point and agree with it- that African unity, as articulated by our leaders and as envisioned by the African Union is based on building strong regional economic communities, and that when we are involved in business such as this, we will be making a big contribution to the realisation of the aspirations of bringing unity to the people of this great continent. So, I thank her very much.

With that, Sir, I thank you and I thank the House. *(Applause)*

**The Speaker:** Thank you very much, hon. Zein and with the addendum from hon. Tiperu. Hon. Members, the question before the House is that this Assembly do resolve for the

establishment of the African Parliamentary Centre for Peace and Security (APCPS). I now put the question.

*(Question put and agreed to.)*

**The Speaker:** Hon. Members, I would like to congratulate you and I would like to apologise to you for holding you for this long. But I am pleased that you are committed to the work, as we pledged to do. I salute your commitment. *(Applause)*

I have two announcements to make; hon. Dr Harrison G. Mwakyembe has hit the road running. He has invited Members of the Tanzanian Chapter for a meeting this evening in 1307.

Secondly, the Public Relations Department would like to update our website. You know two years ago when we came things were very tight. We are now looking fresher; the pictures look a little different. So, tomorrow morning come dressed up for new picture shots for us to update our website such that we look the way we look now. *(Applause)*

So, with those two announcements, I will now adjourn the House to tomorrow 10 O'clock. House stands adjourned.

*(The House rose at 6:48 p.m. and adjourned until Thursday, 29 January 2015, at 10:00 a.m.)*