



EAST AFRICAN COMMUNITY

IN THE EAST AFRICAN LEGISLATIVE ASSEMBLY (EALA)

The Official Report of the Proceedings of the East African Legislative Assembly 34TH SITTING - THIRD ASSEMBLY: FIRST MEETING – SECOND SESSION

Thursday, 29 August, 2013

The East African Legislative Assembly met at 2.30p.m. in the Chamber of the East African Legislative Assembly, EAC Headquarters, Arusha, Tanzania.

PRAYER

(The Speaker, Dr Margaret Nantongo Zziwa, in the Chair.)

The Assembly was called to order.

COMMUNICATION FROM THE CHAIR

The Speaker: Hon. Members, I want to welcome you to today's sitting and just to mention that the Commission has had a series of meetings on the issue of the annual calendar and the report will be circulated accordingly.

ADMINISTRATION OF OATH

The Speaker: Hon. Members, you will observe that this was an item which was on the Order Paper on Tuesday and through the appeal of the Speaker, it was never granted. So, the preamble was read and it is already on the *Hansard*. Now, I will just ask the Member to be brought in.

The oath was administered to:

Ms Jacqueline Muhongayire

The Speaker: Hon. Members, I wish to welcome hon. Jacqueline Muhongayire in the house. She is not new to this House. And as EALA, we feel proud that one of us been elevated to that distinguished office. We take pride that it is due to her distinguished service - (*Applause*) – both in this House and to the people of East Africa. Actually, when I saw her signing, I realized that this is the common signature on the report of the Committee of Accounts. So, welcome, and we

look forward to improved, enhanced participation for the realization of the integration agenda. You are welcome hon. Muhongayire. *(Applause)*

PAPERS

The following Paper was laid on the Table: -

(by the Chairperson of the Committee on Regional Affairs and Conflict Resolution (Mr. Abdul Karim Harelimana):

The Report of the Inter-Parliamentary Relations Seminar, Nanyuki VII, under the Theme: *“Promoting a People Centered and Market Driven East Africa; the Missing Link in the EAC Integration.”*

The Speaker: Thank you very much the representative of the Chairperson of the Committee on Regional Affairs and Conflict Resolution.

Hon. Members, this was our report at Entebbe and I encourage you to access it; hard copies are already available. Read it so that it can form part of our important deliberations both in this House and out as we proceed to interface with the East Africans notably that the Chair of the East African Heads of State Summit was a very key party to that important workshop. So, I invite you to look at it and use it as one of your ordinary reference materials.

MOTION FOR A RESOLUTION TO DECIDE ON THE ISSUE OF ROTATIONAL SITTINGS OF THE ASSEMBLY IN THE EAC PARTNER STATES

(Resumption of debate interrupted on Wednesday, 28 August 2013)

The Speaker: Yesterday by the time we adjourned due to the issue of quorum, hon. Dan Kidega was on the floor. I now invite him to proceed.

Mr. Dan Kidega (Uganda): Thank you, Madam Speaker. Rt. hon. Speaker, this afternoon I rise to support this motion with a lighter heart. My heart indeed is lighter because the atmosphere outside these Chambers this morning and until when you resumed your sit has been very cordial. *(Applause)* And it is likely that these Chambers this afternoon will make East Africans as proud as they have always done.

Madam Speaker, before I move deep into the support of the motion, allow me to congratulate hon. Jacqueline Muhongayire for the appointment as Minister of East African Community Affairs in the Republic of Rwanda. *(Applause)*

I am sure that this House is very happy and grateful to the Republic of Rwanda and particularly to the President, H. E. Paul Kagame for appointing one of our own because this appointment creates a good edge between the Council and this House. And I would like to appeal to other members of the Summit to continue with this kind of spirit - *(Applause-)* such that the working relationship in these Chambers becomes very cordial between the Council and the House.

Madam Speaker, for the last three days, today being the third, this House has been having a health debate, I would think. I personally think that disagreement is healthy. When two people are together on a similar or a single matter and they disagree, it is a sign that both of them are thinking. Disagreement remains healthy only if the process of resolving the disagreement is done in a civilized manner, like we are about to do this afternoon. (*Applause*)

So, I would personally like to put it on record that – and I would like to comfort the East Africans out there who have been reading in the media and otherwise – this is how Parliament operates. Parliament operates by very deep and very brutal discussions and debates most times. This is not a dispute and it is not something wrong. It is the right thing that is happening. We are all products of democracy.

Before we came here, we stood before our national chambers and convinced people to vote for us. And we said that we would come to these Chambers and eloquently debate like we are doing now. So, what ensued was not something very extraordinary. It is normal, in my view.

Madam Speaker, EALA is a democratic institution and we are products of democracy. What ensued in the last two days and today, should be learning points for us all that the best way to deal with disagreements or when people are not on the same page of a given matter is to obey and remain within the democratic principles of how things are resolved. Certain stalemates are not necessary unless we sideline principles of democracy or civilized ways of resolving disagreements.

I would like to put it on record, Madam Speaker that for the last two days and in the past, I was deeply disappointed by the Commission. Yesterday my heart was bleeding and I had fury because I thought my Commission had betrayed me; because I thought this matter was too simple to take parliamentary time on the floor. I thought this matter could have been resolved effectively and very easily by the Commission. But fortunately or unfortunately it came to this level and we are now going to dispose it.

In my culture, where I come from, we have a proverb that the disease that kills a very good dog starts by blocking its nose, killing its sense of smell or sense of detecting the problem. In this case, what I am implying is that when we allow small things to grow in big things, it will disorganize us. We should deal with problems young as they appear so that they don't grow into big problems. And if we do that, this Assembly will grow stronger.

Madam Speaker, I support the motion because in Kampala, this House sat and passed the budget. The Appropriations Act was passed by this House and that budget is a financial plan of our activities. This motion is seeking to ensure that this financial plan is implemented as well as passed.

I also know that we don't want to be party to a situation where we will fail to reprimand other organs of the Community because they have not implemented the budget as passed by this House. So, we are not going to be the first people to abrogate the Appropriations Act. And that is the purpose for which I strongly support this motion.

Madam Speaker, it has been mentioned here how the essence of rotation helps us to interact with the Bureau of Speakers, which you are a member. We go to Partner States and Speakers of the National Assemblies address us. They give us the impulse from our voters - the Parliaments that elected us. We meet the presidents – the members of the Summit- who give us policy directions five times in a financial year. This is a great thing that we cannot just let go like that.

Madam Speaker, most importantly, the cohesion of this House is very important. We must remain united representatives of the aspirations of East Africans as we have always been.

Having supported the motion the way I have moved, Madam Speaker, I have amendments to move to this motion, and I beg the indulgence of the mover and this House to take this amendment in good faith; this is a friendly amendment.

I propose to amend the prayers to go as follows:

- (1) Hold two sittings in Arusha at the headquarters of the EAC - (*Applause*) - and the sittings are the budget session, the review of audited accounts of the EAC.

Madam Speaker, as you may know, these are very important meetings.

- (2) The remaining sittings shall be rotational in all the five Partner States in the calendar year - (*Applause*).
- (3) The Commission shall determine the venue of the sittings on a rotational basis - (*Applause*).

Madam Speaker, I beg to move.

Ms. Dora Byamukama (Uganda): (*inaudible*)

The Speaker: No, that was to give chance to the mover to note it as an amendment to his motion. Ordinarily since it is a friendly motion, I expected it to have come to the Speaker, but I don't have a copy, neither does the Clerk. Those are the procedures of this House, and since we are moving according to the rules, we should respect them. Hon. Mathuki, you have amendments to your motion, can you comment?

Mr. Peter Mathuki (Kenya): Thank you, Madam Speaker for the opportunity. Before I get to the comments, allow me to congratulate my good friend, hon. Jacqueline Muhongayire.

I accept the amendments as proposed by hon. Kidega. I of course wish to thank hon. Members who made contributions to this motion, hon. Dr Ndahiro, hon. Mwinyi and of course hon. Kidega. (*Applause*)

Madam Speaker, I would want to make very brief remarks as follows: Madam Speaker, allow me to agree and you will agree with me that quite often, difficult decisions are not meant to divide members of the same family but rather to make the family come out of any situation stronger. Therefore, Madam Speaker, I can assure you coming out of the situation that we have

come out will make us stronger as an Assembly. As members of the same family, we have come out more educated and of course mindful that in future when making decisions, it will be easier.

I agree with hon. Kidega that when you see members in the same situation, all the time agreeing, there will be one misleading the other. Therefore, Madam Speaker, it is very health to disagree but agree at the end of the day while moving forward.

Of course the process, I must appreciate the initiatives that have been made by Members since yesterday up to when we have agreed on these amendments. So, I wouldn't want to belabor so much because I know the mood in the House is that I just agree to make a decision and I exactly do that. *(Applause)* I agree on the amendments.

Allow me to thank you very much, Madam Speaker for allowing us the time and opportunity to disagree and finally agree. Thank you very much. *(Applause)* With those remarks, Madam Speaker, I thank you.

The Speaker: Thank you very much, hon. Peter Mathuki. Hon. Members, the motion on the floor is that the resolution to decide on the issue of rotational sitting in the Partner States as the EAC by the whole House as amended be adopted.

(Question on motion put and agreed to.)

The Speaker: Hon. Members, before we move to the next item, I want to summon the Commission immediately after the sitting because the resolution you have just passed again gives you duty. So, Commission stands summoned.

BILL

SECOND READING

The East African Community Holidays Bill, 2013

The Speaker: The representative of hon. Zein? Proceed hon. Sebalu.

Mr. Mike Sebalu (Uganda): I beg to move that "A Bill for an Act to Make Provision for Holidays in the Community and to Provide for Other Related Matters" be read for the second time. I beg to move.

The Speaker: Seconded by hon. Taslima, hon. Ogle, hon. Makongoro and hon. Harelimana.

Mr. Sebalu: Madam Speaker, I would like to begin by congratulating our colleague, hon. Jacqueline Muhongayire upon her appointment as Minister in charge of East African Community Affairs for the Republic of Rwanda.

I worked with her in the Second Assembly; I know here capacity and ability. As EALA we are also proud to be giving technical assistance to the Council. *(Applause)* So, we are giving you one of our own to upscale you and definitely she will add value to the processes in the Council of Ministers. I congratulate you, hon. Jacqueline Muhongayire.

Madam, also allow me to congratulate you as the Speaker for the manner in which you have handled the session and the motion we have just gone through. Your leadership and counsel have been very helpful in getting a very good way forward. Madam Speaker, I want to register my compliments in this regard. *(Applause)*

Allow me also to congratulate the Members of this House for the mature manner in which they have resolved this issue - the mover and the amendments- it has been a win-win situation and we are all coming out of this as winners. So, thank you very much, hon. Members for being winners in a matter where we are all interested stakeholders. Thank you very much. *(Applause)*

That definitely brings the issue of enhancing democracy; you can't have democracy without democrats. So we have just exhibited that. Thank you very much.

Madam Speaker, we have a brief report from the Committee regarding the Bill under consideration and I would like to proceed as follows;

The Committee would like to thank the following institutions for supporting and facilitating the Committee:

- i. The Office of the Rt. Hon. Speaker for enabling the Committee to commence this important process of considering the Bill for adoption;
- ii. The Office of the Clerk for ensuring that all logistics were in order prior to the process of considering the Bill for adoption; and
- iii. The Office of the Counsel to the Community for providing the legal inputs on the Bill.

Introduction

In respect of Article 59 (1) of the Treaty for the Establishment of the East African Community (EAC) and in accordance with Rules 62 and 65 of the Rules of Procedure of the Assembly, I wish to submit the report of the Regional Affairs and Conflict Resolution Committee (RACR) on the East African Community Public Holidays Bill, 2013. The Bill was Read for the First time in April 2013 during EALA's Fifth Meeting of the First Session of the Third Assembly held in Kigali, Rwanda.

The Bill seeks to:

- (a) establish a legal framework for identifying and recognizing holidays within the Community;
- (b) identify and recognize what is currently considered as the Community Day but that has not been recognized in law, which is the 30th November of every year;
- (c) Establish a framework that would allow establishing awards and honours that will identify and celebrate East Africans who have contributed a great deal to the integration process and are champions for African renaissance and African Unity.

The Committee first considered the Bill in August 26, 2013 in Arusha Tanzania. During this meeting, the Committee prepared a report which is submitted before the House for consideration. The Committee's inputs from the Arusha sitting on August 26th, 2013 have been consolidated into a matrix of proposed amendments and are hereby attached as Annex I.

Methodology

In carrying out its mandate, the Committee employed various methods, which included the following:

- (a) Presentation of the Bill by the mover;
- (b) Consideration of the Bill;
- (c) Literature review of the Treaty and other relevant documents;
- (d) Amendments to the Bill by the Committee taking into account comments raised by the Members.

Background to the consideration of the Bill

Chronology of Events:-

1. During the Fourth Meeting of the First Session of the Third Assembly held in 17 February 2013 in Bujumbura, Burundi Hon. Abubakar Zein sought leave of the House and was granted to introduce a Private Member's Bill on East African Community Public Holidays, 2013.
2. The First Reading of the Bill was moved during the Fifth Meeting of the First Session of the Third Assembly held in Kigali, Rwanda on 17 April 2013 where it was referred to the Committee on Regional Affairs and Conflict Resolution for consideration.
3. In accordance with the Rules of Procedures of the Assembly, the Committee thoroughly scrutinized the Bill.
4. The sponsor presented the Bill to the Committee by sharing the challenges and remedy in its operationalisation.
5. The Committee considered the Bill and incorporated a number of views and proposals prior to producing a matrix of proposed amendments which is now before you for consideration and adoption.

Consideration of the Bill

The Committee analyzed the Bill, Clause by Clause, and noted certain gaps that were improved on by introducing proposed amendments. In the course of analyzing the Bill, the Committee developed a schedule of amendments which is attached to this report as Annex I.

Conclusion

As it has been stipulated in this report that the East African Community Public Holidays Bill, 2013 seeks to provide a legal basis for holidays in the Community. It is therefore the view of the Committee that this Assembly supports and passes this Bill so as to facilitate the integration process in accordance with Article 5 (1) of the Treaty for the Establishment of the East African Community.

Recommendations

Having analysed the Bill and got a number of emerging issues from the Members and stakeholders to enrich the Bill, the Committee henceforth recommends that this August House adopts the Bill with amendments annexed to it.

The Speaker: Hon. Members, debate is open. I will take hon. Hajabakiga.

Ms Patricia Hajabakiga (Rwanda): Thank you, Madam Speaker for giving me the floor. Before I begin this, I would like to congratulate hon. Muhongayire for having risen to the office of Minister of East African Community Affairs of Rwanda and a member of the Council of EAC Ministers.

I would like to say that I have been with the hon. Muhongayire right from 1995 in the Assembly of Rwanda as it was emerging out of genocide as a transitional Assembly and I can assure you that she is able and capable of moving EAC to another level along with her colleagues.

Rt. hon. Speaker, I would also like to congratulate the house and you in particular for the just concluded motion on the rotational sittings which had halted the work of this Assembly for the past two days.

I would wish to agree with all those who have spoken on the motion that we should first thank God and then ourselves that we have been able to rise above the sentiments which were shown in the House for the last two days. At last we have an agreement.

That said and done, let me say that hon. Zein had requested me to move the motion on his behalf and hon. Sebalu would have represented him as the Chair of the Committee. But it doesn't matter that the work has already been done. I would just want to say that I support the motion. I wish to request on behalf of the mover that you all support this Bill because it only legalizes what is already in existence. Most of the holidays which we see in Schedule 1 apart from the one which is in Schedule 2 have all been adopted by Council. Therefore, later on when they reach the Third Reading, I will be acting as a mover on behalf of hon. Zein. Thank you very much.

Ms Dora Byamukama (Uganda): Thank you very much, Madam Speaker. I also want to add my voice to those who have spoken before me to congratulate my sister, hon. Jacqueline Muhongayire. We are very happy to have you back; we know your professionalism and we are confident that you will add value in every way.

Madam Speaker, I have a few comments. First of all I would like to congratulate the mover of this Bill, hon. Abubakar Zein because this is a very creative achievement and I also want to thank your office for permitting him to move thus far.

I have a few comments; my first comment is in respect to the issue of an Act to make provision for holidays. When you look at the appendix, these holidays are already recognized. Maybe what we could be doing here is to further recognize or this to be an Act to actually recognize these holidays because, for example, when you look at the schedule and see New Year's Day, this is already celebrated internationally. So, we are not making provision, I think, we are recognizing and, therefore, affirming in some instances what already is.

Secondly, when you go further under Clause 3, you will find that we are saying, "*The days specified in the First Schedule are declared to be holidays.*" Again, we do not have the power to declare them; these are already holidays and we could again use the word "maybe recognize."

When you go further, you will find under Clause 4, which provides that: "*Where an employee attends or performs work for a full day on a holiday, that employee shall be entitled to be paid remuneration for a full day's work if that day had not been a holiday.*" Now, this is a little bit complicated because we have EAC staff regulations. Obviously when this comes into being, it will take precedence. But again in Partner States as we are all aware, Rt hon. Speaker, we have labour laws. And when you look at the whole issue of payment, the question is, is it enforceable? Because when you consider our brothers and sisters from the private sector, it may be a little bit complicated whereby they may have now to foot an extra expense because of this particular law. So, looking at the enforceability; looking at the labour laws, considering the private sector, I think this may have a few challenges and maybe we need to rethink it further.

Thirdly, the issue of Clause 5, with due respect, where in any year, it says, "*A holiday falls on a Sunday, the first succeeding day not being a holiday, shall be a holiday and the first mentioned day shall cease to be a holiday.*" This sometimes works, for example, we know when Christmas falls on a Friday, because Boxing Day, which actually happens to be my birthday, if it is on a Sunday, then automatically Monday becomes a holiday. So, we need to look at these more critically. Won't we have too many holidays? Let us think about it a bit critically.

I had discussed the issue of Clause 6 with hon. Nakawuki, I don't know whether she is around, but the point she wanted to make, which I believe with her because I like to give due respect, is that Second Schedule is actually the meat of what we want to do. Therefore, if you put this particular aspect of EAC Day in a schedule and it is not part of the main, you are actually relegating it to a second kind of citizen status - I don't know how to put it in another way. So, my proposal would be maybe if we had lifted it into the main body because it is a very important aspect and, therefore, it may make more sense.

Finally, again on the Second Schedule, which is talking about the EAC Day, I am in total agreement and I totally support it wholly. And I would like to say that when you look at the Second Schedule Clause 4, it says, "*The official celebrations shall be held in rotational order in the Partner States and the Partner State hosting it shall propose the theme of the celebrations for that year and involve other Partner States in the planning and organizing of the celebrations.*"

My proposal, Madam Speaker and hon. Members is that we should leave this proposal of the theme of the celebrations for that year to the EAC Secretariat. Why? Because when you look at the Treaty, the functions of the Secretariat under Article 71 are many. Apart from the many, I would like to point out that the Secretariat shall be responsible for: ...“(f) *The general promotion and dissemination of information on the Community to the stakeholders, the general public and the international community.*” We are aware that the function of the Secretariat is solely focused on the East African integration whereas the EAC ministries may be focused on how to integrate the different Partner States as an East African Community. So, in this respect, I think it would be more synchronized and more harmonious if we left this role of the theme to the EAC Secretariat because it has its hand on the pulse of the East African Community. With these few comments, I beg to support. (*Applause*)

The Speaker: Thank you very much. I now wonder whether these are to be taken on by hon. Hajabakiga or hon. Sebalu. But take note because these are critical observations.

Mr. Peter Mathuki (Kenya): Thank you very much once again, Madam Speaker. I stand to make my few remarks on this very important Bill. But I am sure that at a very appropriate time, the Counsel to the Community will be able to advise us on the implications of some of these holidays. When we have the EAC Day, for example, put in the First Schedule, of course aware that some Partner States like in the Kenyan Constitution, for example, we have a schedule of public holidays and are, therefore, very clear on the days that would be recognized by the Constitution as public holidays. Therefore, the implications of having some extra special days recognized would mean.

But also in the spirit of our regional block’s integration process, I am sure it is more of a trying to promote the economic political interests of this. Therefore, difficulties in terms of the implications of having some extra days observed as holidays, of course, realizing the financial implications of such, may not promote the spirit of the Community.

Madam Speaker, true, I agree when you see Clause 4, when you are talking of where an employee does work for a full day on a holiday, “*Where an employee attends or performs work for a full day on a holiday, that employee shall be entitled to be paid remuneration for a full day’s work if that day had not been a holiday.*” I am sure you are aware that we have labour laws in all the Partner States and they are very clear that if an employee or any worker works on a public holiday, then he is supposed to be paid double. That should be very clear in all the labour laws of all the Partner States. Therefore, my fear is that this may go to contradict Acts that are operating in the Partner States.

So, I felt a little bit heavy at heart talking about this as part of the Bill. I am not sure whether it is very timely and whether it is meaning well. But I am, sure we can also see whether we can celebrate the EAC Day in any other way which is not necessarily having a public holiday. We could, for example, declare a whole week where we observe the East African week where we can do very special things that are special to the Community and promote cohesion and enhance the integration process as opposed to declaring a particular day where we are all sleeping. I am sure we can find a way of doing it differently and I am sure that is why some Partner States like

Kenya where we had so many days but felt it wasn't necessary. It was suppressing the economy and that should be the spirit.

Madam we should find a way. We could even during that particular week say, instead of people reporting to work at, say at 8.00 a.m., let them report to work at 7.00 a.m. so that we work harder in remembrance of the week of the EAC so that we can increase the benefits and fruits of the Community.

For the record, Madam Speaker, please allow me, under very serious difficulties not to support this Bill in its current form because of the reasons I have given. I thank you. (*Applause*)

The Speaker: Thank you, hon. Mathuki. I think it is also important that we draw the attention of the Members on Article 8 (4) so that we are able to debate in that direction. I invite Dr Abdallah.

The Assistant Minister of EAC Cooperation Tanzania (Dr. Abdallah Saadalla) (Ex-Officio): Thank you, Madam Speaker. I thank you for giving me this chance of at least giving my few remarks on this special Bill.

Before I start, I would like to add my voice to my colleagues and congratulating hon. Jacqueline Muhongayire for being nominated as Minister for East African Affairs in the Republic of Rwanda. Congratulations, hon. Minister.

Personally I can even commit myself and say that even on behalf of the Council, we welcome you and promise our support as much as possible for the benefit of East Africans and more specifically for the benefit of the East African integration.

Madam Speaker, now let me come back to my contribution. In order to declare a public holiday, several factors must be considered. These factors are financial issues, economic and social implications of this decision of making a day a public holiday. So, in my view, Madam Speaker, a declaration of making the EAC Day as a public holiday should be left to the Partner States- same as what hon. Mathuki has recommended- because it is the Partner States which will give the importance of that particular day to either be a public holiday or not.

But secondly, again, how is that holiday especially East African public holiday going to be commemorated? We have many commemorations which are not holidays in our Partner States. And for the spirit of having an integrated East Africa, personally, I believe that we should not sit down and sleep and relax on this particular day. Together with commemorating, we have to show that we, East Africans are in need of uplifting the standards of our economy, our social activities, the general living standards of our people and not forgetting the environmental set up of East Africa. So, commemoration of this day should not be a public holiday; it should be a day which we encompass all the East African Community institutions to work hand to hand in uplifting the economic standards, social standards and political situation of our integrated East Africa.

Madam Speaker, secondly as I have said, the aim of celebration is commemoration and not relaxation. And I believe that with the same reasons of financial, social and economic reasons, I try to move around to three Partner States and I have noticed that once a holiday falls on Sunday,

then this day is not compensated on Monday- I don't know about the other two Partner States. So, I also suggest that the extension of a holiday to the next day is not in my favour.

Thirdly, Madam Speaker, I believe there are some issues in this Act, which as hon. Dora said, should not be included in the Bill. They have to be kept aside and be operationalised through the Staff Rules and Regulations simply like the issue of remuneration of employees who work on public holidays.

Madam Speaker, for the sake of saving time though there are a lot of other amendments, which are going to be put forward for consideration and with reservation of my amendments currently I remain seated without supporting or in agreement.

The Speaker: Thank you. Hon. Members, I am assuming that...Chair, Council, this is a very important Bill.

The Minister of State for EAC Affairs, Uganda and Chairperson EAC Council of Ministers (Mr. Shem Bageine)(Ex-Officio): Madam Speaker, before I comment on this Bill, let me also add my voice to those who have congratulated our dear sister, Jacqueline Muhongayire on her appointment as Minister of East African Community Affairs of the Republic of Rwanda. *(Applause)*

I want to agree with observations made by Members that hon. Jacqueline Muhongayire comes in with a lot of experience having been a Member of this august House and we as Council members look forward to benefitting from that experience. But I hasten to add that I hope the ordinary Members who spoke did not imply that Partner States should suck those who are not Members of the Assembly and replace them with Members from within. *(Laughter)* That is on a lighter touch.

Madam Speaker, I have listened to the debate on this Bill and of particular interest to me is the East African day, which is 30th November. Members including my colleague in Council, Dr Abdallah have suggested that the day should be used for hard work. I am not sure about that. But I think given our communities and their nature, some of whom are not opposed hard work, we would probably achieve better integration if they knew that they were on holiday on that day. *(Applause)* And indeed by meaning, connotation and implication, a holiday is a holiday and it should be treated at such. So, I would like to defer from those who think that the day should be spent on working very hard other than having a holiday.

I also agree with my colleague here that shifting a holiday because it has occurred on a particular day to the following day, in this case on Sunday and then shifting it to Monday and declaring Monday a public holiday is not absolutely accepted. I think it is wrong and should not be entertained at all because whereas I say a holiday is a holiday, if it comes on a Sunday, fine because that is the day when it becomes a holiday. There are people who work on Sundays and so they can take it off and go and rest.

Madam Speaker, I agree with my colleague who raised the issue of Partner States having certain laws in place relating to holidays. I do not know how we can synchronize this with the various varied laws in the Partner States and, therefore, I think it is a matter that needs to be looked at so

that we can harmonise our position and we don't pass a law that is contrary to existing laws in Partner States. Madam Speaker, with those few observations, I support the Bill. Thank you.

The Speaker: Now, I invite either hon. Sebalu or hon. Hajabakiga; you can decide who is going to reply.

Ms Patricia Hajabakiga: Thank you, Madam Speaker. I will try to fit in the shoes of the mover and where I can't, hon. Sebalu or members of the Committee of Regional Affairs may assist.

Rt. hon. Speaker, there are quite a number of proposals from hon. Dora Byamukama and some of them I thought are relevant but I have requested her that at an appropriate time be drafted and sent to the Clerk so that we can respond to them adequately. But I also agreed with her that we may recognize the holidays because they are already there but we shall have to have an amendment which draws in the EAC Day because that one did not exist. So, we will recognize those which are already in existence and which have been adopted by Council and then we shall have to make a provision for the EAC Day when we come to that. I hope hon. Dora is noting that.

On the aspect of the Second Schedule, Madam Speaker, I think as said by hon. Dora, we may move this schedule into the main body and amend certain areas as she was proposing and of course also there are a number I want to answer because the Chair, Council of Ministers and hon. Minister, Dr Abdallah also spoke about it. I would specifically wish to see certain amendments when we come to that point and then I will share it with members of the committee and be able to see which ones we can adopt.

Madam Speaker, on hon. Peter Mathuki, I would like to urge him to support this Bill especially taking into account if you look at Schedule One. Almost all of them are already public holidays in our Partner States and they have already been adopted by the Council apart from the EAC Day. The rest are already public holidays adopted by Council unless I am to be corrected. But they are already being observed.

I would like to also note Articles 2 and 3 of the Treaty where it says, "*Holidays means a holiday specified by this Clause specified in the First Schedule and declared to be holidays which are subject to this Act and shall in every year be kept and observed s holidays by organs and institutions the Community.*" Apart from the EAC Day, the rest are all binding to the organs and institutions of the Community and will not be binding to the Partner States where they are not relevant. Let me give you an example, it does not say that when the Republics of Rwanda and Burundi on 1st July when they observe their public holiday that Kenya will also have to observe it. But it is to give room to the staff and employees including you, hon. Members to participate in the public holiday of your own nation because EAC employs people from all the Partner States and some of the people would be part and parcel of the celebrations of those countries. So, that is what is intended. Otherwise it is not binding to all the countries to observe them. It is just organs and institutions save for the EAC Day.

Lastly, the aspect that we should remove a section where a holiday falls on another holiday and then we extend it to the following day, I agree that we need to reduce the days as much as

possible. I hope the committee will agree with me. We shall inform the Chair that there is a concern that we already have enough holidays and adding more would impact negatively on our work. Thank you very much, Rt. hon. Speaker. Hon. Sebalu would like to continue.

Mr. Mike Sebalu: Thank you very much Rt. hon. Speaker. I definitely do appreciate the concerns raised by the Members who have so far debated this Bill. And I would like to encourage those who feel strongly about the ideas that they need to be incorporated to move specific amendments for inclusion in the Bill.

I just want to give some responses to the issues raised more so on the issue of the EAC Day being a public holiday. I think we need to rise to a level where we do certain things as East African and we send a very clear strong message – same day - and everyone gets to know that there is a Community. When we get that opportunity, I want to see a day where President Museveni is in Kololo in Kampala giving a statement and giving direction to Ugandans about Community; at the same time in Nyayo Stadium or Uhuru Park, President Uhuru Kenyatta is giving a statement on the way forward on EAC; and in Dar es Salaam President Jakaya Kikwete is also giving a statement of the same to the Tanzanians; and in Kigali, President Paul Kagame is also talking to the Rwandese people about integration and in Bujumbura President Pierre Nkuruziza is also giving the same statement in the stadium. That is the day I would like to see - *(Applause)*.

The opportunity to having such a day is only through having the EAC Day so that even the global media is quoting news about Bujumbura it is EAC; when they are picking from Kampala, it is EAC; when they are picking from each and every capital, it is the same EAC. Why are shying away from doing such things? I just want one reason, not even two why you don't want such a thing to happen. We must rise up to that level and I think this is something we can do as a region and be able to show the East Africaness.

That is the more reason I would like to agree with hon. Dora Byamukama on the view of the theme being initiated by the EAC to avoid confusion. They may even be done at the same time so that there is a sequence of the themes logically connected and feeding into the themes and pillars of integration. That is something the EAC Secretariat is best positioned to do other than leaving at the Partner States level.

So, Madam Speaker, with that I am very strongly for a public holiday for the EAC celebrated across. If we have our districts like the case of Uganda, let us have district celebrations so that that message is even taken to the district. We have local governments in all our countries, let the local government leaders be speaking about EAC so that the multiplier effect of the message increases and when I am invited as guest of honour in one of them, I unleash the EAC - *(Applause)*.

That would be as good opportunity. So, I think we need to reconsider on that one.

We work hard and work hard for many days in a year. We have 365 days; one day is not demanding too much. Let bus work very hard in the rest of the days and celebrate EAC mission on just one day of the year - *(Applause)*.

The Speaker: Try to conclude.

Mr. Sebalu: I am concluding by agreeing with – if we have given the public holiday once in a year, then we shouldn't stretch it to the level that when it falls on a weekend, we compensate. That one I agree we don't compensate. If it is a Sunday let us use that Sunday and talk about the EAC. Thank you, Madam Speaker - *(Applause)*.

The Speaker: Thank you very much, hon. Sebalu and hon. Hajabakiga. Hon. Members, the motion on the floor is that the East African Community Holidays Bill, 2013 be read for the Second Time.

(Question on the Motion put and agreed to.)

THE ASSEMBLY IN COMMITTEE

(The Rt. Hon. Dr. Margaret Zziwa in the Chair)

BILLS

COMMITTEE STAGE

The East African Community Holidays Bill, 2013

Clause 1, agreed to.

Clause 2:

(Question proposed)

Mr. Kaahwa: Madam Chairperson, arising out of the debate that took place during the Second Reading and taking into account the views expressed in reply by the mover of the motion, I propose an amendment on Clause 2 that: "Holiday means a holiday recognized in the East African Community." I am basing myself on what arose out of the debate by various Members that some of these holidays mentioned in Schedule One are already declared holidays. For the time being I rest my proposal at that. But what we shall propose when we come to Clause 3 will also tie in with this proposed amendment. I thank you, Madam Chairperson.

Ms Bonaya: Madam Chair, I just want to add on "EAC Partner States" because there are different holidays for each EAC Partner State.

The Chairperson: Hon. Kaahwa, do you accept that amendment to your amendment? I hope that is the last according to our Rules of Procedure. Now, hon. Sebalu, do you want to accept?

Mr Sebalu: I do accept those amendments that have been moved and I would want to further introduce new amendments on behalf of the committee.

The Chairperson: Okay, proceed.

Mr. Sebalu: Madam Chair, Clause 2 is amended by inserting the following new definitions; “‘Assembly’ means the East African Legislative assembly established by Article 9 of the Treaty; ‘Council’ means the Council of Ministers of the Community established by Article 9 of the Treaty; and ‘Commemorative Day’ means a day of reflection identified by the Assembly under the relevant section.”

Ms Byamukama: Madam Speaker, I wholly support what the hon. Counsel to the Community has moved but I want to make a comment on what hon. Sebalu has said.

The Chairperson: These are the amendments on the schedule attached to the report.

Ms Byamukama: Yes, but interpretation is only made in cases where there is mention of, for example, the word “Assembly” and where there is the word “Council” so where there is no such a word, there is no need for interpretation. I actually thought that he was going to bring in the issue of the Secretariat because the EAC Secretariat was mentioned as part of the amendments which were proposed. Those are my comments.

The Chairperson: Hon. Sebalu, I think that is a very important comment, which you may as well comment on.

Mr. Sebalu: Thank you, Madam Speaker. That may not be the case but if you look ahead, we have amendments that have the effect of bringing in the Assembly and the Council, in which case we need to have them defined even before we get to those amendments.

The Chairperson: What about the Secretariat?

Mr. Sebalu: That is acceptable.

The Chairperson: Hon. Sebalu, on your amendment on commemorative day, meaning “*It is a day of reflection identified by the Assembly under Section...*,” what is that section? You could reflect on Section 6.

Mr. Sebalu: We shall look at it in Section 6 retrospectively.

The Chairperson: It is important to give it to me because we are going to put the question on the amendment. And I think it will not be fair to put it when it is blank.

Mr. Harelimana: Thank you, Madam Chair. It is Section 8 which is new to the Bill? If you read in Annex 1, after Clause 3 we are saying, “*The Bill is amended by adding the following Clauses after Clause 7; ... (8) Commemorative day,*” and then it continues. Thank you.

The Chairperson: So, it becomes Clause 8? Okay, I think as the Clauses are properly aligned, the drafts person can help the Bill to reflect the right number. With those amendments, I now put the question that Clause 2 as amended be part of the Bill.

(Question put and agreed to.)

(Clause 2, as amended, agreed to.)

Clause 3

(Question proposed)

The Counsel to the Community (Mr. Wilbert Kaahwa)(Ex-Officio): Madam Chairperson, regarding Clause 3. Allow me to take this august Committee to the debate that transpired during the Second Reading especially with regard to the submissions ably made by hon. Byamukama on the difference between recognizing a holiday and commemorating an already identified holiday.

Madam Chairperson, it emerged during the debate that the days in the First Schedule are either recognized under the National Constitutions of the five Partner States or under the EAC Staff Rules and Regulations. The only difference is that the staff rules and regulations relate to staff under Rule 69 and not to the rest of us. And taking into account the importance of some of these holidays, we need to reflect accordingly in this Act.

On Clause 3, therefore, I wish to propose an amendment. I am sorry I have not yet written it out but I will be very slow – I pray for your indulgence, Madam Chairperson - but it is not new because it reflects on what was debated. You will recall that I proposed an amendment to Clause 2, which was passed and it is related to what I am going to state.

The Chairperson: So, it is a subsequent amendment?

Mr. Kaahwa: No, it is related; it is actually 2, which will be subsequent to what I am going to state with regard to those three.

I propose three sub-Clauses; (1) which will be: “3(1) The Council of Ministers may recognize any day to be a holiday or a commemorative day.” I want to depart from the suggestion that it should be supplicated because the Council of Ministers is the policy organ and these are matters of policy.

Clause 3(2) of my proposals and taking into account the importance of creating awareness of the East African day and the real gist of this Bill and also borrowing from the Schedule of amendments of the Committee, I propose that it reads as follows: “Notwithstanding sub-section 1, the East African Community Day shall be a national commemorative day in all the Partner States.”

Clause 3(3); I am now borrowing from the Bill itself; I borrow the words in Clause 6: “Subject to the provisions of this Act, celebrations to commemorate the East African Community Day shall be in accordance with the provisions of the Schedule to this Act,” because when I proposed amendment Clause 2, it effectively reduced the need for the First Schedule mentioning those things. Those are my humble views.

The Chairperson: Are you taking cognizance of the fact that there is also a, would be, proposal to move the Second Schedule into the main body? I am just talking about it so that you can reflect on it as you draft out your amendments.

Mr. Kaahwa: Madam Chairperson, I am taking cognizance of it because it emerged during the Second Reading. But I thought that with my new proposed sub-Clause 3, the current Schedule 2 would just be amended accordingly.

The Chairperson: Okay. Perhaps let me amend and invite hon. Sebalu to come in first and then I will take hon. Kiangoi and then hon. Byamukama.

Mr. Sebalu: Thank you very much, Madam Chairperson. The spirit and import is appreciated but I just wanted to be clear with the mover with regard to the proposed amendment on 2 by the Committee, which states that: Notwithstanding Sub-section 1, the East African Community Day shall be a national public holiday in all the Partner States.” What is the problem with that? What is the difference because he is bringing in commemorative as opposed to public and yet we want the emphasis of having a public holiday across the region to be very clear? If he can satisfy me on that, I would be very peaceful.

The Chairperson: Can you justify, hon. Counsel to the Community?

Mr. Kaahwa: Madam Chairperson, I will endeavour to satisfy my honourable friend by re-amending what I had proposed to read as follows: “Notwithstanding sub-section 1, the East African Community Day shall be a public holiday commemorated in all the Partner States.” He looks satisfied.

Mr. Sebalu: Not to say that I have an insatiable taste for public holidays, but I just want to say that is very satisfying. It is very clear and it comes out very well. So, I accept the amendment.

Mr. Ombasa: Thank you, Madam Chairperson. What I am going to say is not drastically different from what the CTC has said. I am only putting it in a different way because I believe that it will bring out a different meaning which serves the same purpose. I was thinking that since the CTC has not yet drafted this amendment, we would have rearranged that amendment in Clause 3 to provide as follows: “Save as provided for in paragraph – whatever it will be, maybe paragraph 2, which will provide for the East African Community- of this Act, the days observed as public holidays in EAC Partner States shall for purposes of this Act be recognized as public holidays.

The Chairperson: Can you provide it so that I can follow?

Mr. Ombasa: Let me read it and then I will provide you with a copy. “Save as provided for in paragraph 6 of this Act, the days observed as public holidays in the EAC Partner States shall be recognized as public holidays for purposes of this Act.” The whole reasoning is that we don’t disturb the status quo as it is existent at the moment in Partner States so that it doesn’t disturb the currently observed public holidays.

I am going with hon. Byamukama’s submission and the hon. Sebalu’s submission that it should be a public holiday. So, if you agree with me, I am going to draft it and then get back. It will save us the problem of putting days in the Schedule because tomorrow Tanzania, for example, might change and declare another day a public holiday and then we have to bring it again into our Schedule if we think that it is important so that there is continuity. I thank you.

The Chairperson: Can you provide me with that draft so that I am able to establish what departs furthest because I now have a problem on the two amendments as provided by the CTC and that of hon. Sebalu. Let me take hon. Kaahwa to comment on that.

Mr. Kaahwa: I am sorry, Madam Chairperson. My hon. Learned Friend has sat down but I wanted to give him information.

The Chairperson: Give the information to the House.

Mr. Kaahwa: To take care of what he has just said, I had actually proposed that the Bill should not have the Schedule. That is why I proposed that in sub-Clause 1 of Clause 3 should state: “3(1) The Council of Ministers may recognize any day to be a holiday or a commemorative day.” Now that gives flexibility in case of any changes that may require to be recognized as holidays in any of the Partner States at any future moment rather than having them clearly stated in the Schedule and then you come to amend the Schedule all the time. I thank you, Madam Chairperson.

Mr. Ombasa: My submission actually excludes the Schedule. That is why I am saying that we remove the First Schedule completely and recognize the days that are observed as public holidays in Partner States.

The Chairperson: Hon. Hajabakiga, on behalf of the committee.

Ms. Hajabakiga: No, on behalf of the mover. I would take the amendment by the CTC and not that of hon. Kiangoi for one reason, not all public holidays recognized in our Partner States are being recognized by this Act. If you look at it, we have only taken like religious days plus only one public holiday from each Partner State and not all those which are recognized, for example, in Rwanda. So, if we take his amendment, it will disrupt the whole thing. I would prefer to have the amendment by the CTC since the Schedule may end up being amended several times. Let us leave it to the Council of Ministers.

The Chairperson: Okay, so he was just correcting you that he is the hon. Counsel to the Community. And I agree that he is the hon. Counsel to the Community.

Ms. Hajabakiga: Okay. *(Laughter)*

The Chairperson: Now, hon. Kiangoi you need to either concede to the mover’s direction or we have to put it to question.

Mr. Ombasa: The problem I have Madam Chairperson is that the various Constitutions of our respective Partner States have stated specifically that certain days shall be the only days to serve as public holidays. So, in order to align our Act to those Constitutions, the days in Kenya, may be different from the days in Rwanda, I agree. But we are only recognizing them. We are not going to commemorate them or we are not going to stop working on those days. We shall just recognize them.

The Chairperson: Okay, I have two difficulties; one, you had promised to bring your amendment.

Secondly, during the Second Reading, I had referred the hon. Members to Article 8(4) of the Treaty. I think that we should look at it critically because as we are moving in to enact some of these laws, we must see what we would like to attain and that should give us guidance. May I get hon. Kiangoi's motion so that I am able to take a definite decision?

Hon. Kiangoi, just for clarity, would you like to replace the whole 3 by this amendment? Now, hon. Members, as we put it on this Article, hon. Kiangoi is moving – hon. Dora, what is your amendment?

Ms Byamukama: Madam Chair, I have been standing up as you have seen but I have challenge with what has been proposed and yet we are moving forward. My first challenge is that the proposal made by the hon. CTC – I am in agreement with what was made in Clause 2 but when he says that he wants to bring in these other amendments under 3 and he says: “3(1) The Council of Ministers may recognize any day to be a holiday and commemorative day.”

The Chairperson: Hon. Byamukama that is why I wanted to first dispose of hon. Kiangoi's, and then I would invite you to make your contribution.

Hon. Kiangoi intends to replace Clause 3 as it stands in the Bill now with this new insertion saying, “Save as provided for in paragraph 6 ...” I think that should be Clause 6 of this Act; “The days observed as public holidays in the EAC Partner States shall be recognized as public holidays for purposes of this Act.” I now put the question.

(Question on the amendment put and negatived.)

Ms Byamukama: Thank you, Madam Chair. I want to go straight to that Clause 3 and say that the proposals made by the hon. CTC are very serious because the first proposal, which I wrote down very quickly and I don't have them written was that: “The Council of Ministers may recognize any day to be a holiday and commemorative day,” I believe. Now, if you give this power to only the Council of Ministers, it means that we are actually taking away our own powers, which are specified under Article 49 of the Treaty and that we should discuss all matters pertaining to the Community and make recommendations and most important make laws. We are the legislative organ and, therefore, this may become a bit complicated.

I would like to propose that maybe at some point we could say that the Schedule or the public holidays could be amended because we didn't want the Schedule but somehow we have got it back. Maybe the Council of Ministers can make proposals for amendment on the Schedule as and when there are other public holidays. This is very fundamental, Madam Chair. I think it becomes quite difficult for us to take it on.

Secondly, is the issue of his second Clause, “: “Notwithstanding sub-section 1, the East African Community day Day shall be a public holiday commemorated day in all the Partner States.” I have no problem with this substantively but the minute you start with the word

“Notwithstanding,” it means that it takes away from the main point. I would rather that 3 falls by the way side because 2 has already taken into account this particular issue.

When we interpreted the holiday, we took into account the holidays that are celebrated in the EAC Partner States. The new holiday, which is a substantive matter and a substantive issue in this particular Bill reading even form the Title, is that we should have a provision saying that the “EAC Day shall be commemorated in all Partner States,” and it should be a standalone and it should be sanctity. Those are my humble provisions and I beg to move. Thank you.

The Chairperson: Since you are moving an amendment on hon. Kaahwa’s amendments, I think I can call on him to respond to see whether he agrees to the amendments and then I will call on the owner of the Bill.

Mr. Kaahwa: Thank you, Madam Chairperson. To start with the easiest task, I entirely agree with hon. Dora Byamukama on her amendment of my amendment in sub-Clause 2 of Clause 3 for the deletion of the opening words “Notwithstanding,” and for the reasons she has stated.

But regarding the first paragraph, I was of the humble opinion that in order to ensure that there is an action part as far as implementation of this Act is concerned, the law tasks the Council of Ministers as a policy organ. That was my reason for tasking the Council of Ministers to recognize holidays and commemorative day.

The Chairperson: Her concern, if I captured it properly, is like you don’t want to recognize the other organs like EALA. So, how do you capture that?

Mr. Kaahwa: I would be the very last person not to recognize organs and institutions established by the Treaty because the Treaty is our guiding supreme law. I was only saying that even when you recognize them, all these institutions and organs including the Summit, which is not on a day to day operation like we are, there must be one organ which must be tasked with some work and that is the Council of Ministers as a policy organ.

Ms Hajabakiga: Thank you, Rt hon. Chairperson. As earlier said, I agree with the proposal by the hon. CTC and of course taking into consideration the first part as amended by hon. Dora, but to be sincere, I think that we agree that the Council of Ministers takes decisions as far as the public holidays that we want to bring are concerned and continuously review. If you look at the First Schedule, the ones we have already been proposed by the Council of Ministers. So, I would keep hon. Kaahwa’s but with the part amended by hon. Dora Byamukama.

The Chairperson: Hon Kaahwa, I need you to inform – either accept or advise on this amendment as you moved. Are maintaining the three as is or you are proposing a deletion?

Mr. Kaahwa: Madam Chairperson, when I made those proposed amendments, I was standing on very serious grounds, which I believe in. Maybe you put my amendments to the vote.

The Chairperson: Yeah, I want to put it on vote but I wanted to be sure because you didn’t recommend deleting 3 and then inserting something else; I want you to be clear.

Mr. Kaahwa: Madam Chairperson, I proposed three sub-Clauses for purposes of deleting the current Clause 3 and replacing it.

The Chairperson: That is what I wanted to hear because it is not even carried here. So, I wanted you to say, "Delete 3 and insert..."

Mr Kaahwa: Thank you for your guidance, Madam Chairperson.

The Chairperson: Now, hon. Members as far as I understood hon. Hajabakiga on behalf of the mover is comfortable with 1 and 2. Did I hear a comment about 3?

Ms Hajabakiga: Madam Chair, can they read them so that we can understand. We don't have copies with us. It will help us understand as well as be comfortable.

The Chairperson: Okay, for appreciation of the challenges, we may have to read them. Otherwise they should have been circulated.

Hon. Kaahwa is proposing a deletion of the current Clause 3 and is proposing insertion of three Clauses in the order of 3 (1); 3 (2); and 3 (3).

"3(1) The Council of Ministers may recognize any day to be a holiday or a commemorative day in the East African Partner States."

"3(2) The East African Community Day shall be a public holiday commemorated in all the Partner States." That is as amended by hon. Byamukama.

"3(3) Subject to the provisions of this Act, the celebrations to commemorate the East African Community Day shall be in accordance with the provisions of the Schedule"

Ms Hajabakiga: Madam Chair, I would like to know which Schedule because currently we have two schedules. Which one are we talking about? If you remember, hon. Dora had made an amendment asking that the Second Schedule be part of the Bill and remove that schedule as well. So, I would want to know exactly which schedule he is referring to.

The Chairperson: Hon. Byamukama has not moved amendment of the schedule yet. So, as far as the Bill is concerned, the schedule is still there and they had two schools of thought; hon. Kaahwa thought of amending the schedule – I don't know whether I got you right?

Mr. Kaahwa: Madam Chairperson, let me make myself very clear as far as the two schedules are concerned. When I moved the amendment for Clause 3, I indicated to this Committee that my amendment would do away with the First Schedule, that schedule which lists down public holidays.

When I talked about the Second Schedule; that was in regard to that proposed amendment, I didn't number them. I just said, the schedule, meaning that I bore in mind that the first one had been disposed of. And I said we would have only one schedule subject to amendment while taking into account what hon. Byamukama suggested during the First Reading. So, as far as I am

concerned, it will be one schedule on EAC Day to be amended. The first schedule listing the days will not be necessary if this Committee adopts my amendment of Clause 3. I thank you.

Ms Hajabakiga: Madam Chair, I accept those amendments.

The Chairperson: I want to put the question that Clause 3, as amended, be part of the Bill.

(Question of the amendment proposed)

(Question put and agreed to.)

(Clause 3, as amended, agreed to.)

Clause 4

(Question proposed)

Mr Kaahwa: Madam Chairperson, I seek your guidance and further direction on this one because maybe we shall have to rely on the mover of the motion because I thought that after the debate there was a proposal that Clause 4, which provides for remuneration for work on a holiday be expunged. So, is it still part of the Bill?

The Chairperson: I thought you were moving an amendment and if you are not happy with it that is when your amendment would be, "Let us expunge."

Mr. Kaahwa: Madam Chairperson, may I propose to this honourable Committee that Clause 4 of the Bill be expunged for the reasons that during the debate, the House recognized that there is no need for remunerating employees who work on holidays. You will recall that there was also reference to how difficult this may be to the private sector and this is a private sector driven integration process. I thank you, Chairperson.

Ms Hajabakiga: Madam Chair, I accept to expunge this Clause 4 after the explanation I received from hon. Kaahwa and hon. Dora specifically because EAC has its rules and regulations on financial matters and I am sure there is already something in those rules which gives right to those employees who work public holidays. So, there is no need of repeating this which is already covered by other laws. Thank you.

The Chairperson: Hon. Members, I now put the question that Clause 4 be deleted.

(Question of the amendment proposed)

(Question put and agreed to.)

(Clause 4 deleted)

Clause 5

(Question proposed)

Mr. Kaahwa: Madam Chairperson, I propose that Clause 5 be expunged for the reason that this august House was of the view that the question of compensating employees who work in respect

of a holiday that falls on a Sunday doesn't arise and is a long abandoned idea within the Partner States themselves.

Ms Hajabakiga: Thank you, Madam Chair. I agree with the amendment.

The Chairperson: Hon. Members, I now put the question that Clause 5 be deleted.

(Question of the amendment proposed)

(Question put and agreed to.)

(Clause 5 deleted)

Clause 6

(Question proposed)

Mr. Kaahwa: Madam Chairperson, I propose that this Clause be expunged for the reason that it has been taken care of by my amendment to Clause 3. It actually becomes 3(3) so when you leave it, it becomes an unnecessary repetition. When I proposed an amendment to Clause 3, I literally carried this provision in (3).

Ms Hajabakiga: Rt. hon. Chairperson, as said by hon. CTC, it has already been overtaken by events under the amendment of Clause 3 which has referred to the Schedule again. So we cannot refer to this Schedule twice.

The Chairperson: I now put the question that Clause 6 be deleted.

(Question of the amendment proposed)

(Question put and agreed to.)

(Clause 6 deleted)

Clause 7

(Question proposed)

Dr. Saadalla: Thank you, Madam Chairperson. I have sent my amendments there. Taking into consideration that this Bill deals with public holidays but Clause 7 talks about the Head of organs and Institutions of the Community to open offices or premises of the organ or Institutions and call employees during those holidays, I do not think this coincides with the real objective of the Bill. So I propose that it be deleted.

Ms Hajabakiga: Rt. hon. Chairperson, this clause is trying to deal with the exceptions where employees would say, I am on a public holiday I cannot work. Therefore it is calling upon in case of need that employees may even work on holidays.

The Chairperson: Then state it as such. Exceptions...you know in drafting...hon. Dora is out. Hon. Mwinyi, wouldn't we have this to be categorically stated as exceptions?

Mr. Mwinyi: Madam Speaker, I am actually aligned that this provision should not be in because I think it is a matter between employers. It is probably covered in the employment contract that stipulates how you work. So there are always exceptions where you are required to come in. I do not think I am aligned with hon. Dr Saadalla on this particular point.

Mr. Bageine: Madam Chairperson, I think we are probably writing too much into the Act. We have manuals dealing with employment and an employee is usually and always given a letter of appointment specifying the terms and within those letters, they talk about public holidays. So we do not have to write this into this Act. I support my colleague's suggestion that this be deleted.

Mr. Sebalu: Whereas I do appreciate the rationale given by Chair, Council, since this law is dealing with public holidays, I do not see any harm in stating this in terms of giving guidance even to the heads of Organs and Institutions.

Regarding the wording, I think it is also bringing out the message well because it is beginning by 'notwithstanding the provisions of this Act'. Definitely the provisions of the Act are to the effect that they are providing for public holidays but creating exceptions. I may not have very strong views either but I do not think it does any harm in my view.

The Chairperson: I remain with no option other than putting the question. I now propose the question that Clause 7 be deleted.

(Question of the amendment proposed)

(Question put and agreed to.)

(Clause 7 deleted)

Mr. Sebalu: Thank you, Madam Chairperson. We will deal with the realignment. This was going as per the original numbering but we have got an amendment to the effect that the Bill is amended by adding the following clauses after Clause originally 7 but we can deal with that, let us just carry the principle to insert "commemorative day". 'The Assembly may, by resolution, identify any day to be a commemorative day for the purposes of this Act'. Madam Chairperson, I beg to move this amendment.

The Chairperson: This now stands to be a proposed new (8). I now propose the question that the proposed new (8) be part of the Bill.

(Question of the amendment proposed)

(Question put and agreed to.)

(New Clause 8 agreed to)

New Clause 9

Mr. Sebalu: Thank you, Madam Chairperson. There has been debate around the Schedule. Essentially we had an amendment of the Schedules but in view of the amendments that we have had, I may seek the intervention of the Counsel to the Community in that regard.

Mr. Kaahwa: Madam Chairperson, regarding the proposed new Clause 9 that is what my honourable friend is referring to, on amendment of schedules and taking into account the proposal to expunge the First Schedule, this new amendment will read 'Amendment of Schedule' because we will have only one schedule in respect of the EAC day. So the intervention I can make is reference to schedules be reference to schedule both in the sub heading of the clause and in the substantive part of it.

Mr. Sebalu: Most obliged with that and I am comfortable with that.

The Chairperson: Can you move now?

Mr. Sebalu: I beg to move that we bring Clause 9; amendment of the schedule. 'The Council may amend the schedule.'

(Question of the amendment proposed)
(Question put and agreed to.)
(New Clause 9, agreed to)

New Clause 10

Mr. Sebalu: Thank you very much, Madam Chairperson. We are bringing (10); regulations. 'The Council may make regulations for the better carrying out into effect the provisions of this Act.' I beg to move.

Mr. Kaahwa: Madam Chairperson, to the extent that under the amended Clause 3, the Council has been tasked to play a role as far as implementing this Act is concerned, the proposed amendment is in order and it is in consonance with the way this august House has been enacting legislation where there is need for regulations and such subsidiary instruments for purposes of implementing the legislation. So it should be acceptable and I encourage the committee to accept.

(Question of the amendment proposed)
(Question put and agreed to.)
(New Clause 10 agreed to)

The First Schedule

Mr. Sebalu: Thank you very much, Madam Chairperson. In the spirit of the way we have been proceeding, the First Schedule has been expunged and we are consistent with what we have done so far.

The Chairperson: Can I understand you very well, hon. Sebalu? Can you move?

Mr. Sebalu: We had an amendment of amending the Schedule but it has been expunged so in that case we are comfortable and remain consistent with what we agreed before.

The Chairperson: Hon. Sebalu then you should move to expunge the schedule so that we expunge it. This is the time to expunge it or to delete it.

Mr. Sebalu: I take your advice; I thought it had been expunged already. So I oblige and move that the First Schedule be expunged from the Bill.

(Question of the amendment proposed)
(Question put and agreed to.)
(First Schedule deleted)

The Second Schedule

(Question proposed)

Mr. Sebalu: Thank you very much, Madam Speaker. We want to move an amendment on the Second Schedule to read as follows: 'The East African Community day shall be celebrated in all Partner States and shall be marked as a public holiday.'

The Chairperson: So you are amending by deleting the words 'the five' in the second line?

Mr. Sebalu: Yes, Madam Chair to avoid amending that when we increase the membership so that it can be standard whether we are ten, it suffices when you mention Partner States otherwise when you bring in the numbers, you will have to amend it every other time we get a new member. That is the rationale, Madam Chair.

Mr. Kaahwa: Madam Chairperson, I understand the amendment by my honourable friend but I personally I was going to propose expunging that first paragraph of the schedule for the reason that when we amended Clause 3 and provided a sub clause 2, we catered for what is provided for in sub clause 1 of the schedule because the new 3(3) as the chairperson read it out is to the effect that the East African Community day shall be a public holiday commemorated in all the Partner States. So I was going to propose that we delete this one as it is no longer necessary. The subject is already catered for in the Act itself.

The Chairperson: That departs furthest. I can now put a question on it. Do you have another amendment?

Mr. Kaahwa: On the schedule? Madam Chairperson, have you ruled on sub clause 1?

The Chairperson: Okay, Chair of the Committee?

Mr. Sebalu: Madam Chairperson, I have no objection. The rationale is acceptable.

The Chairperson: Thank you. Do you have another amendment? Hon. CTC.

Mr Kaahwa: Madam Chairperson, my other amendment is the deletion of what appears as Clause 3 of that Schedule for the same reasons as I advanced with regard to Clause 1. It is already catered for.

Mr. Sebalu: Maybe before he goes to Clause 3, there were other amendments in (b) and (c) before we go to (3) because we dealt with paragraph (1) but we were also bringing in (b).

The Chairperson: Proceed on (2) because in the amendments you have paragraph 2(b).

Mr. Sebalu: We were rephrasing paragraph 2(b) by replacing the words ‘objects of the Treaty’ with the words ‘objectives of the Community’.

Ms Hajabakiga: Rt. hon. Chairperson, in the amendment of deleting number 1 under the Second Schedule, it makes the other (2) not to be well understood. So I was wondering if hon. Kaahwa could not also help us. I suggest that we start the second clause by reading ‘The east African Community day shall be an opportunity to...’ because if we just start with ‘the day shall be’, one will wonder which day. So it is just to reword it to make it clearer.

The Chairperson: Can we first dispose of 2(b) so that if we agree, then we know that we are proceeding. Can you help with 2(b)?

Mr. Kaahwa: Madam Chairperson, I advise the committee that the proposed amendment to Clause 2(b) is fine because it will be in line with the provisions of the Treaty. The Treaty provides for objectives of the Community. Regarding the second proposed amendment, that one should also be acceptable to the committee so that it is very clear of the day we are referring to in this schedule. The East African Community day shall be an opportunity... as it follows.

The Chairperson: Now you moved under (3). Hon. CTC moved by proposing a deletion of (3) and the committee has no objection because it also has a similar amendment. Can we proceed to (4)? Hon. CTC, you had an amendment during the debate.

Mr. Kaahwa: I am sorry Madam Chairperson, I did not debate if my recollection serves me well, I think it was hon. Dora Byamukama.

The Chairperson: Okay. Hon. Dora, we are on Schedule 2 sub clause (4).

Ms Byamukama: Madam Chairperson, I had proposed that the sentence should read as follows: ‘The official celebrations shall be held in a rotational order in the Partner States and the EAC Secretariat shall propose the theme of the celebration for that year and involve other Partner States in the planning and organising of the celebrations.’

I am however quick to note that the honourable Counsel to the Community may prefer maybe the Council to propose the theme. I am not going to debate this but I believe that really the Secretariat should have a central role in this. So I do not want to make an amendment to my

amendment. My initial one is the EAC Secretariat not the Partner States should propose the theme. Thank you.

The Chairperson: Hon. Dora it was during the debate. You debated, you did not move so now this is the time when you have the opportunity to move so you can actually move to amend your fifth thinking after the advice. The Chair does not have any amendment.

Ms Byamukama: Okay, I had said something to the clerk.

The Chairperson: So can you phrase it?

Ms Byamukama: I beg to move, Madam Chair that Clause 4 of Schedule 2 be amended as follows: 'The official celebrations shall be held in rotational order in the Partner States and the EAC Secretariat shall propose the theme of the celebration for that year and involve other Partner States in the planning and organising of the celebrations.' I beg to move.

The Chairperson: Committee chair, can you write that amendment because what I have here is EAC Secretariat to propose the theme only and I think we need to have it properly worded.

Mr. Sebalu: What I have picked from her communication is okay with us. I think the Secretariat needs to play a central role. It is quite appreciated.

The Chairperson: Okay.

Mr. Bazivamo: Thank you, Rt. hon. Chair. The proposal from hon. Dora is correct but I would like to delete 'other Partner States' because the Secretariat is not a Partner State. So then it will read at the end 'the theme of the celebration follow that and year and involve Partner States in the planning' instead of involving 'other Partner States'. Thank you.

The Chairperson: Hon. Dora, that is an amendment to your amendment.

Ms Byamukama: Madam Chair, I have no objection to that. I think it is in order.

The Chairperson: Okay, I think we have gone through all the amendments of this schedule. Does it still stand as the Second Schedule? Chair of the committee?

Mr. Sebalu: Thank you very much, Madam Chair. We have an amendment on paragraph (6) by deleting the words 'parliamentary' and 'head of state' and replacing the word 'shall' with the word 'may'.

The Chairperson: How will it read? Can you read it please? You know when you did the amendment you did not recast it.

Mr. Sebalu: Madam Chairperson, we wish to delete 'parliamentary' and 'head of state'.

The Chairperson: I wanted you to read it so that we can get the gist.

Mr Sebalu: ‘The East African Community may award – I beg for technical assistance from my colleague here.

The Chairperson: To be given by hon. Hajabakiga? Proceed.

Ms Hajabakiga: Thank you, honourable Chair. I think the committee had intended to have it read like this. ‘The East African Community shall honour and award to selected deserving personalities on the eve of the day’. They are just removing those who will be giving those awards and leaving it to the Community to decide and in that case the Council of Ministers.

The Chairperson: Can you draft and send it over? Hon. Patricia, you can draft that and bring it to the Clerk because it looks like it is clumsy.

Ms Hajabakiga: Thank you Madam Chairperson. I wanted to say the words ‘honours and commendations’. I was just helping her but I also have an issue here. Maybe we need a highlight of that day and in my view I thought we would commemorate this day in a special way where the Summit Head of state is sitting for that rotation for that year and maybe that is where some of these awards can be given. That is where we also link the EAC Secretariat to make it a bit high profile. It is just a suggestion to make a provision for highlight of the celebration.

The Chairperson: Now you can move to say the heads of state not deleted because they were proposing a deletion. Now if you move in that direction, you are proposing that it should not be deleted. Dr Sezibera?

Dr. Sezibera: Thank you, Madam Chairperson. I associate myself with the Counsel to the Community as to the use of titles in the House; Dr, Mr and honourable.

The Chairperson: Hon. Dr Sezibera. Honour able Secretary General.

Dr. Sezibera: Thank you, Madam Chair. I think the amendment by the committee is wise except that when they were reading the phrase, they omitted an important amendment. They had said to replace the word ‘shall’ with the word ‘may’ and I think that is also very wise. It should come ‘the awards may be awarded’.

The Chairperson: Hon. Sebalu, you still need to draft the way this clause will look because I am seeing about three interpretations provided you give a position on what hon. Sarah Bonaya was proposing. She was proposing that you do not delete ‘heads of state’. What is your position on that so that we are able to deal with it?

Mr. Sebalu: We had a thorough discussion and we thought that we may do away with that so that we leave them as EAC honours and awards maybe given to selected deserving personalities on the eve of the day.

The Chairperson: Do you concede, hon. Sarah? Okay, can we get that draft?

Dr. Nyiramilimo: Thank you, Rt hon. Chairperson. I would like to as clarification on why the eve of the day? Maybe because I do not understand well what is the eve? I would understand that it is the evening before that day. Why on the eve? Why shouldn't it be done on the day itself during the celebrations? Thank you, Madam Chair.

Mr. Sebalu: I really do not have strong views on that. It could be on the day. I am comfortable with that although normally when some of these big days are being celebrated, it culminates into the climax and normally quite a number of important events take place on the eve. But as I indicated earlier, I do not have very strong views on that. The eve is quite an African thing. Before anything, you have that eve because the day may be packed with a lot of other activities. In some places you may have guests and the rest but I really do not have strong views on that. I can comfortably concede.

Mr. Bazivamo: Thank you, Rt hon. Chairperson. I intend to be precise that (b) should be clear. To avoid confusion I think it is important to be precise on who will give these awards. Here it could be the Head of State in the respective countries or the Secretariat. At the end if it is not done, there is no one who is accountable. Thank you.

Mr. Sebalu: Madam Chair, I think what we want to carry in the law is the principle. The details of operations remain issues of administration and we have a very competent Council of Ministers and Secretary General who cannot for any foreseeable reason, fail to make thorough arrangements for this to be done. To provide that in the law would be almost giving a vote of no confidence to those offices and I believe they are very competent to make those arrangements.

Mr. Kaahwa: Madam Chairperson, you recall that a short while ago, this honourable committee amended the Bill to provide for a clause; Clause 10 whereby the Council will make regulations for the better carrying into effect of the provisions of this Act. For matters like my honourable friend Bazivamo is referring to will be matters which will be contained in the regulations.

Dr. Nyiramilimo: Thank you, Madam Chairperson for that- the issue I had raised, I would like to bring this amendment and propose that the honours and awards be on the day not on the eve of the day because if we think of a big celebration at Nyayo stadium or wherever and having a big crowd of East Africans, I think that is where awards should be given not in hotel rooms or-

The Chairperson: The chair of the committee conceded to the deletion. Now this Schedule...I think it is no longer first or second but the Schedule. I now propose the question that the Schedule be part of the Bill. I put the question that the Schedule as amended be part of the Bill.

*(Question put and agreed to.)
(The Schedule, agreed to)*

The Title

(Question proposed)
(Question put and agreed to.)
(The Title, agreed to)

MOTION FOR THE HOUSE TO RESUME

Mr. Sebalu: Madam Chairperson, the Committee of the Whole House has considered-

The Chairperson: Move that we are able to resume to the House.

Mr. Sebalu: Madam Chair, I beg to move that the House do resume.

The Chairperson: I now put the question that the House do resume.

(Question put and agreed to.)

REPORT FROM THE COMMITTEE OF THE WHOLE HOUSE

Mr. Kaahwa: Madam Speaker, I am mindful of the precious time of this august House and I am not standing here to cause any undue interruption in the proceedings of the House but I am standing on the premises of Rule 71 to require a re-committal of the Bill to the Committee. The reason I am doing this, Madam Speaker is because I want to move-

The Speaker: Hon. Kaahwa, I am being advised that that clause will apply or suffice during the Third Reading.

Mr. Kaahwa: I stand guided.

Mr. Sebalu: Thank you, Rt. hon. Speaker. I beg to report that the Committee of the Whole House considered the Bill entitled the East African Community Holiday Bill, 2013 clause by clause and passed it with amendments. I beg to report.

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

Mr. Sebalu: Rt. hon. Speaker, I beg to move that the report of the Whole House be adopted.

The Speaker: I now put the question that the report of the Whole House be adopted.

(Question put and agreed to.)

**BILLS’
THIRD READING**

The East African Community Holidays Bill, 2013

Mr. Kaahwa: Madam Speaker, I am standing on the premises of Rule 71 of the Rules of Procedure with a desire that this Bill be recommitted to the committee of the whole House for the following reasons – (*Interruption*) -

The Speaker: Which specific area are you recommitting?

Mr. Kaahwa: Clause 2.

The Speaker: Proceed and give the justification although it is not written.

Mr. Kaahwa: Madam Speaker, I will not take much of your time. During the committee’s consideration of the Bill clause by clause, there are some new nomenclature that came up for example “secretariat’ and ‘the EAC day’ and it is desirable that these be defined through a re-committal of the Bill and I will be proposing the definitions for the EAC day and the Secretariat, terms which have been newly used, Madam Speaker.

The Speaker: I now put the question that the Bill be recommitted.

(Question put and agreed to.)

(Bill Recommended in respect of Clause 2)

THE ASSEMBLY IN COMMITTEE OF THE WHOLE HOUSE

**BILLS’
COMMITTEE STAGE**

The East African Community Holidays Bill, 2013

Clause 2

(Question proposed)

Mr. Kaahwa: Madam Chairperson, I propose that Clause 2 be amended to include the following definitions: East African Community day means 30th November of every year. Secretariat means the Secretariat of the Community established by Article 9 of the Treaty. I thank you, Madam Chairperson.

Mr. Sebalu: Thank you very much, Madam Chair. It is perfectly in order for us to proceed in the following manner.

(Question put and agreed to.)
(Clause 2 as Amended agreed to)

MOTION FOR THE HOUSE TO RESUME

Mr. Sebalu: Madam Chair, I beg to move that the House do now resume and the Committee of the Whole House do report thereto.

(Question put and agreed to.)

(The Assembly resumed, the Speaker Presiding)

BILLS REPORT STAGE

The East African Community Holidays Bill, 2013

Mr. Sebalu: Rt. hon. Speaker, I beg to report that the Committee of the Whole House has considered the Bill entitled *the East African Community Holidays Act, 2013*, and approved it with amendments. I beg to report.

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

Mr. Sebalu: I beg to move that the Committee of the Whole House as amended be adopted.

The Speaker: I now put the question that the report of the Committee of the Whole House be adopted.

(Question put and agreed to.)

BILL'S THIRD READING

The East African Community Holidays Bill, 2013

Mr. Sebalu: Rt. hon. Speaker, I beg to move that “A Bill for An Act to make provisions for Holidays in the Community and to provide for other related matters” be read for the Third Time and do pass.

Mr. Twaha Taslima (Tanzania): Seconded.

(Question proposed)
(Question put and agreed to.)
Bill read a Third Time.

The Speaker: I want to thank you, Members, for this Bill. We have successfully gone through it and I want to congratulate the mover. This I think is one of the first Private Members' Bills which has been passed by this august House and I want to salute the Member for that very elaborate input in this very important area for the people of East Africa.

BILLS SECOND READING

The East African Community Disaster Risk Reduction and Management Bill, 2013

Ms Patricia Hajabakiga (Rwanda): Thank you, Rt. hon. Speaker. I beg to move that the East African Community Disaster Risk Reduction and Disaster Management Bill, 2013 be read for the Second Time. I beg to move.

The Speaker: Secunder? Hon. Rwigema, hon. Mumbi, hon. Odette, hon. Ndahayo. Proceed.

Ms Hajabakiga: Thank you, Rt. hon. Speaker. The object of the East African Community disaster risk reduction and disaster management Bill, 2013 is to provide a legal framework for intervention and assistance for people affected by climate change and natural hazards related to disasters and to protect the natural environment through the comprehensive disaster management and integration of disaster risk reduction into development, planning and practices in the Community.

The Bill is an attempt to operationalise Article 112(1) (d) of the Treaty for the establishment of the East African Community in which the Partner States undertook to cooperate in the management of the environment and agreed to take necessary disaster preparedness, management, protection and mitigation measures especially for the control and natural and man-made disasters.

The Bill also tries to capture what is contained in Article 124(3) which calls on Partner States to evolve and establish a regional disaster management mechanism which shall harmonise training operations, technical cooperation and support in this area.

The Bill is based on the understanding that each Partner State bears the primary responsibility to reduce and manage disaster in its territory but the regional and international support and cooperation may sometimes be required to supplement the domestic effort.

The Bill delineates the role and responsibilities of Partner States and seeks to promote uniformity and disaster management and integration of disaster risk reduction into development policies, planning and practices.

Finally, the Bill seeks to create a regional mechanism which would not only enable a proactive long term approach to reducing disaster risk through risk sensitive development but also allows a timely intervention in disaster situations.

As we speak about hazards and disasters, it is important to note that our region is exposed to various natural hazards including severe tropical rainstorms, the Great Rift Valley geologically is active and including the volcanoes which are very active. The Great Lakes region has enhanced convective activities like lightning, diseases which are epidemics and so on.

We live in the Indian Ocean which is threatened by such issues as Tsunami and other marine disasters. We are in arid north midi latitude, we are on the Congo air mass, which has great moisture resources and we do have high peak mountains such as Kilimanjaro, Rwenzori and Elgon which sometimes affect how the disasters may come into our communities and in our countries.

Rt. hon. Speaker, apart from those which are natural and there is nothing we can do about them, we do have other common hazards in the region which include drought, food insecurity, floods, landslides, earth quakes, epidemics such as malaria, cholera, HIV/AIDS, Ebola, nodding syndromes and so many others.

Some are related to catchment degradation and encroachment of water, pollution and drilling resources, impacts of climate change, small scale disasters and so on. But Rt hon. Speaker, recently in this region, after the mover had introduced and sought leave for this particular Bill, we witnessed two fire disasters in our region in a period of less than eight month since January when we were in Bujumbura and today when we are in Arusha during this meeting.

Therefore, human made disasters are also very critical and especially in the present time as we continue to develop where you have a lot of technology, where you have electricity, where you have many other which might be a result of development or intentional disasters which may be caused by some people.

Rt. hon. Speaker, apart from fire we have witnessed in this region sinking of ships both in Lake Victoria and the Indian Ocean. We have witnessed collapsing of buildings and so many, which I do not need to dwell on because you all know what our people face on a daily basis.

While we have that as a problem, and while we know that the primary responsibility to protect citizens in the responsibility of Partner States, the region should recognise the importance of regional cooperation as spelt out in the Treaty.

However, it is also important to note that a little budget is set aside for disaster risk management and emergencies across the region. The level of public perception and awareness of risks is still... *(Inaudible)*... and yet it is very important for prevention purposes. The disaster risk management should be incorporated and should be a functional area of all Partner States to be incorporated in development plans and programs. There is also inadequate inter sector coordination.

As contained in Article 24 of the Treaty, the issue of inadequate public safety and emergency contingency plan for effective response at all levels are very low. We do have limited capacity in

terms of personnel, professionals and expertise in rescue operations. Therefore, the Bill tries to draw from the existing disaster risk reduction and management initiatives which have already been taken at EAC level including the EAC Treaty which is rich in various articles as mentioned earlier and the Council decisions at different levels starting from 2004 to date. We do have a Protocol on environment and natural resources although it is not yet ratified by all Partner States but it is a very important document.

The Protocol on peace and security which is also in the process of ratification, the fourth EAC development strategy, the climate change policy, the DRR conceptual framework for EAC, the first sectoral council on environment and natural resources, comprehensive review of the current status of disaster risk reduction and management in the region, the mapping and profiling of disaster in the region to identify hot spots, an assessment of the disaster risk reduction capacities for DRR both in terms of education, knowledge and human and institutional capacities.

Rt hon. Speaker, I can enumerate, there are so many things which so far have been done at EAC level including the establishment of the unit at the EAC Secretariat, the establishment of the EAC disaster risk reduction working group and EAC disaster risk reduction platforms both at regional level and at Partner State level.

However, if you look at it, we all have this work done but they are not contained in one framework in which we can support each other in case disaster happens.

In conclusion, Rt hon. Speaker, let me state this; that there is nothing natural about disasters. Hazards are natural and disasters can be avoided and their impacts can be minimised. Disasters can affect everyone and hence it is everybody's business. Disaster risk reduction should be part of everyday decision making from how people educate their children to how they plan their cities and each decision can make us either more vulnerable or more resilient.

Rt hon. Speaker, many causative factors of disasters such as climate change, rapid urbanisation, poverty, population and environmental degradation can actually be prevented or be minimised if we take care of this important area.

Therefore since disaster risk reduction is a conceptual framework to minimise disaster risks and reduce the degree of vulnerability and increasing resilience capacity and to avoid or limit the adverse impacts of natural hazards with a sustainable development approach, we need to look at it as an important aspect which needs legislation and we legislate at both national level and regional levels because it is a fundamental human right and dignity, acceleration of climate change adaptation, reactive to proactive DRR approach, budgetary provision for DRR programs, strict conformance to codes, rules, ethics, procedures and laws especially in the protection of vital eco-system, environmental protection and conservation, organised and well planned utilisation of trans boundary resources, the regional peace and security and minimising the conflict.

I can go on and on to the building codes, to many issues which are required in order to minimise or if possible to actually reduce disasters.

With that submission, Rt. hon. Speaker, I beg to request that the whole House support me in this motion and particularly to have this Bill for East Africans. I beg to move.

The Speaker: Thank you very much, hon. Patricia Hajabakiga. I now invite the Chairperson of the Committee on Agriculture, Tourism and Natural Resources, hon. Isabelle.

The Chairperson of the Committee on Agriculture, Tourism and Natural Resources (Ms Isabelle Ndahayo): Thank you, Madam Speaker for giving me this opportunity to present the report of the Committee on Agriculture, Tourism and Natural resources on the public hearings on the East African disaster Risk reduction and management Bill, 2013.

Madam Speaker, before I present this report, allow me to join my colleagues to congratulate hon. Muhongayire Jacqueline upon her appointment as Minister of EAC Affairs in the Republic of Rwanda. I am sure she will make it and I wish you all the best.

The public hearings on EAC disaster risk reduction and management Bill, 2013 was conducted in all the EAC Partner State capitals from June 26th up to July 3rd and July 29th up to 21st 2013.

Introduction of the report – (*Interruption*) -

The Speaker: Honourable, maybe I could advise that you move to page four with that preamble. I think we can move straight to the objectives of the public hearing so that we are able to save time.

Ms. Ndahayo: Thank you Madam Speaker.

Objectives of the Public Hearings:

The specific objectives of the Public Hearing workshops were:

- (i) To sensitize East African citizens on this important Bill which comes to protect their lives and properties;
- (ii) To explain to citizens of East Africa the content of the bill and request their inputs to make it exhaustive;
- (iii) To involve citizens in the legislative process as it might be as pre-procedure as the Assembly legislates for them;
- (iv) To witness disaster affected areas and areas vulnerable to disaster.

Methodology

The Committee formed two teams to meet stakeholders in their respective Partner States. Team I met stakeholders in the Republics of Burundi and the United Republic of Tanzania whereas team II undertook meetings in the Republics of Uganda and Rwanda, and both teams met in Nairobi and Dar es Salaam to meet stakeholders and thereafter consider all gathered views. *Annex I* attached to this report shows the composition of the teams.

In all Partner States, the Committee used various methodologies, which included the following:

- i. Briefing stakeholders on objectives of the Public Hearings and of the Bill;
- ii. Allow stakeholders time for feedback and possibility to express themselves in the languages they felt comfortable;
- iii. technical presentations by national Platform representatives on the status of Disaster Risk Reduction at national level;
- iv. technical presentations by experts from EAC secretariat on the status of Disaster Risk Reduction at regional level followed by presentation of the bill by the mover;
- v. Conduct a field visit where it was possible to witness the existence of disaster.

Participants to the Public Hearing workshops

Members interacted with Parliamentarians from relevant Committees, representatives of Government Ministries, National Platforms and Focal Points on Disaster Risk Reduction, the Academia; UN agencies; civil societies and Non-Governmental Organizations dealing with Disaster Risk Management. The list of participants is herewith attached as *Annex II*.

FINDINGS OF THE PUBLIC HEARINGS IN PARTNER STATES

Emerging Issues and Inputs from Stakeholders in the Republic of Burundi

From the meeting held with stakeholders in Bujumbura, the following issues and concerns emerged:

1. Burundi stakeholders were in total support of the bill and they proposed some amendments to it to make it exhaustive as per the objective of the activity. Thus, they raised the following proposals:
2. In the title of the Bill, they proposed insertion of the word "disaster" before "Management" and thus the Bill should read as follows: "the EAC Disaster Risk Reduction and Disaster Management Bill, 2013." They proposed to adjust throughout the Bill;
3. Stakeholders proposed that the word "management" be defined to capture the following concepts of "prevention, response and recovery";
4. Stakeholders proposed that the bill provide for prevention or early warning mechanism;
5. Stakeholders insisted on the need to include in the Bill the "emergency Fund" to facilitate quick intervention in cases of disasters;

6. Stakeholders proposed that the Bill includes "civil society" and "media" in the composition of the "Authority" mentioned in the Bill because their role is paramount in cases of disasters; the response from Committee Members was that although the role of the Civil Society is important, there is nothing of binding nature as they do not have any obligation to respond before citizens according to the Treaty.
7. Stakeholders were keen to know the relationships of this regional bill and other existing Disaster Risk Reduction bills at national level. As a response, they were informed by Committee Members that the bill builds on the laws of EAC Partner States and specifically on the disasters which may occur between two or more Partner States and which are beyond the capacity of national governments.
8. Stakeholders sought to know why the SG should be in both the Board and the Authority.
9. Stakeholders also sought to know differences/resemblances between the national strategy and the regional strategy on disaster Risk Reduction. The response by both technical and experts at national and regional level was that both refer to international Instruments on Disaster Risk Reduction such as the Hyogo Framework for Action;
10. Stakeholders proposed that collection of data base information and its dissemination to Partner States should fall under the responsibility of the DRR Unit housed in the EAC secretariat. They requested that this idea be captured in the Bill;
11. It came out that the bill should capture the idea of a prevention

Unit under Clause 25 of the Bill;

Subsequent to the field visit at the burned Bujumbura Central Market, stakeholders came up with two main conclusions and ideas:

- i. the need to establish an Emergency Fund to help victims of disaster;
- ii. the need to sensitize citizens to pay insurance for protection of their business.

These ideas were considered as important to be captured in the Bill.

Recommendations

Madam Speaker, Stakeholders commended the mover of the Bill and the EALA as a whole for bringing a bill of such importance since disasters are a concern of everybody and its management is beyond capacities of one partner State alone.

Participants further stressed the need:

- for countries to harmonize their national laws with this DRR Act;
- to create a regional network to assess the occurrence of earthquakes in the region;
- to implement the Regional DRRM Strategy followed by Monitoring and Evaluation to enhance resilience culture among Partner States Communities;
- to share experience/flow of information on Disaster Management among EAC Partner States;

- of case exercises on intervention in the event that disasters occur with a view to enhance prevention and mitigation as well as coordination of appropriate response;
- for specialized training for rescue and quick intervention;
- to create data base information at regional level for Disaster Prevention and Management; and
- for Development Partners to streamline DRRM in their development projects and programmes.

EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF KENYA

Madam Speaker, the specific comments on the bill include the following:

- 1) Implementation of the Bill will be the responsibility of Partner States. It is therefore crucial that the EAC Management Coordination Mechanism be anchored within the Bill with the coordination role of the secretariat highlighted and emphasized;
- 2) The establishment of the Fund should also be more explicit as well as the fact that it will also assist in building capacities already existing in the Partner States; sharing of information and experiences, best practices, surveillance among the relevant Partner State agencies is sine qua none;
- 3) the bill should be clear on the sources of the Funds and address accountability aspect of the Funds ; the Fund should be properly structured to enable it attract the required and necessary resources;
- 4) With regard to the Disaster Risk Reduction and Management Unit, there is need for it to be situated in the Secretariat and be given some powers so as to be able to function and perform minimal actions without having to always refer to the Council and the Summit, particularly in emergency situations. Establishment of Disaster Risk Reduction and Management Authorities can be at the Partner State levels;
- 5) A registry/ inventory /database of cyclical disasters and calamities should be prepared with documented interventions, and strategies for risk reduction and management as well as lessons learnt within the region;
- 6) There is too much emphasis on the area of human rights of victims in the bill which may overshadow the coordination role and may limit interventions by Partner States in fear of contravening the rights of the victims. Participation of affected persons should as much as practicable be included in planning and risk management;
- 7) With regard to naming of structures, it might be better to maintain 'Council' rather than 'Authority' whose connotation may be more applicable at the national level;
- 8) There is a need to invest in early warning systems and complementary technologies;
- 9) There is need for EALA to lobby the Summit well in advance so that implementation at the National level will be easier with relevant ministries (Cabinet Ministers/Secretaries) already on board ;
- 10) There is need for proactive rather than reactive attitude and general attitude change particularly at local government levels which should include eco friendly programs (like

- water harvesting of flood waters for future utilization should be addressed) in the bill. A sense of ownership is also essential for implementation to succeed;
- 11) Population growth should also be addressed as a contributory factor and form part of any strategy since it is a contributory factor to disasters;
 - 12) Corruption also needs to be addressed since land management issues for example cause disaster due to disregard to the existing laws as a result of corruption;
 - 13) There is need to mainstream DRR into all Ministries since it seems not to be anchored in any particular ministry or institution and yet it is crosscutting. This should be accompanied with the necessary human resources with capacity to intervene in situations of disaster;
 - 14) There is need for an accountability mechanism that goes hand in hand with the mobilisation and use of resources in the bill. With this provision, there should be sanctions and penalties for those acting against the law. (Leaders who through poor leadership also cause disasters in the name of conflict and all its ensuing consequences should also be sanctioned);
 - 15) There is the need for the bill to capture the cycle of disasters and responsibilities of each Partner State at each stage of the cycle ;
 - 16) There is need to show the relationship between the bill and all existing instruments within and outside the region for example, the movement of goods and services within the region. Thereafter strengths, and best practices making use of different instruments and mechanisms needs to be elaborated;
 - 17) Proposed amendment on Article 12, Clause 3 to read: "The designated evacuation centres or temporary shelter zones, where the....."
 - 18) Proposed amendment on Article 12, Clause 17 to read: "the rights to property (add "s" after right and "to" before property.

Additional comments included the following: -

On the Memorandum or Bill Supplement,

Paragraph 1 (objective of the bill) should be harmonised with Article on page 9 (Objective and scope of the Act). The Objective in Article 3 is response oriented; while the memorandum makes reference to climate change and protection of natural environment, the entire Bill stipulates the means for doing so.

Paragraph 3 of the memorandum on cover page (each partner bears the primary responsibility to reduce and manage disasters on its territory) seems to contradict Article 33 on page 21(" The Act shall take precedence over all other laws").

With regard to Institutional arrangements: -

On the East African Community DRR/M Authority and Board of the Authority:

1. Both the Authority and the Board are headed by the Chairperson. Article 19(3) and Article 22(3). It is important to separate the titles of the head of the authority and the head of the board.

2. The Secretary General is the member of both the Authority and the Board. Refer to Article 19(2) and Article 22(2b). This needs to be reconsidered.

On the Functions of the Authority (Article 20):

Function (e) (take such other measures for DRR/M is vague). Revise or delete as appropriate.

Function (f) "recommend the provision of fund" should be revised to read "mobilize and recommend"

Function (g), "establish a regional early warning mechanism): this is a technical function that cannot be carried out by the Authority composed of Ministers.

On Additional (proposed/suggested) functions of the Authority (to be included under Article 20):

- i. Resource mobilisation
- ii. Declaration of regional disaster
- iii. Report to the Council

On the composition and Functions of the Board:-

- i. Article 22(2) (a) make reference to Permanent Secretaries but other Partner States such as Kenya uses Principle Secretaries. This should be reflected accordingly.
- ii. Article 23 (2) (c) "prepare plans to be approved by the Authority" is vague. Need to specify the plan.
- iii. Function (f) plan and coordinate specialized training programmes is not a feasible function of the board.
- iv. Function (g)" Promote general education and awareness" is also not a feasible function of the Board.

On the East African Community Disaster Risk Reduction and Management Unit (Article 25): -

- i. Article 25 (2) "the Unit shall comprise technical experts in DRR/M appointed by the Council.
- ii. Additionally, there is a need to clearly special the number of experts, required qualifications, terms of office and functions.

On the East African Community DRR/M Framework (Article 26): -

- i. The criteria or characteristics or guiding principle for developing the Framework as stipulated in Article 26 (1) (a) to (f) are low level criteria and should be revisited.
- ii. Recommendations: the Framework should be guided by Hyogo Framework for Action, Africa Strategy and should integrate DRR/M with Climate Change Adaptation /Mitigation

On the EAC DRR /M Fund (Article 27), Article 27 (5) is the function of the Authority and should be shifted under Article 20.

On the Functions of the Secretary General (Article 28), Madam Speaker, there are other several functions of the SG scattered all through the document that should be listed systematically. For instance other functions of the SG are stipulated under Article 25 (4)

On Functions of the Council, the functions of the Council are scattered in various Articles in the Bill, for instance, Articles 25(2), 30(2) and 32. There is need to list these functions systematically.

Under Miscellaneous Provisions, miscellaneous provisions are in Part IV and not in Part VI as stipulated on page 19.

EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF RWANDA

Madam Speaker, the following are the inputs made by the stakeholders:

1. The title of the Bill should read: *“The East African Community Disaster Risk Reduction and Disaster Management Bill”* throughout the Bill;
2. In the Long Title, instead of the word *“intervention”* the proposal is to use a word that reflects all phases/components of disaster management;
3. In Clause 2, the definition of “Disaster Risk Reduction should read: *“refers to a comprehensive framework for reducing disaster risks and building resilience to disaster in countries and communities.”*

The framework provides clear guidance on how disaster risk can be reduced through political, social, technical development and humanitarian processes within a country or a community. The framework underlines that reducing disaster risk is every citizen’s responsibility and requires multi-stakeholder and multi-sector approach to secure knowledge and capacity required in reducing risks. The Framework also made it clear that hazard mapping and vulnerability assessment is the key to credible intervention in disaster risk management and disaster risk reduction

“Disaster management” means the organization and management of resources and responsibilities for dealing with humanitarian aspects of emergencies in particular preparedness, response and recovery in order to lessen the impact of disaster. [This replaces the definition of “management” in the Bill]

“In situ” Not necessarily to be defined since this is a Latin expression

Define “risk” and check if all other used concepts are well captured;

4. Clause 3: delete the word “national” as this framework concerns regional matters, It doesn’t provide therefore any national legal framework;

5. Rephrase “For timely intervention in disaster situations” in line 3 to also reflect prevention, mitigation and preparedness phases.
6. Clause 4 (1): Replace “from” by "before";
7. Clause 4 (2): Two amendments were proposed:
 - (a) In Clause 4(2) Insert “and in National development strategies and poverty reduction programs” between “disaster response” and “recovery”
 - (b) Clause 4 (2): The Partner States shall integrate disaster risk reduction into development planning and programmes to increase development resilience and reduce people’s vulnerability to disasters [delete disaster response and recovery];
8. Insert New Clause 4 (4) to read: The Community shall use disaster risk reduction as a tool for climate change adaptation at regional, national and local levels;
9. Clause 6: insert the word “with” between “disasters” and “human”. The reason is to link disasters and human dignity;
10. Clause 6(2): [Comment: Consider also the principle of the community to have the right to live in a decent environment];
11. Clause 9 (2) Line 4: insert the word “disaster” between “community” and “awareness”;
12. Insert new Clause 12 (5) to read: “The designated relocation site for the affected persons shall be safe, identified based on a thorough and evidence-based risk analysis and with access to basic social services, utilities and decent livelihoods so that relocated persons could start living in conditions of dignity and worth”;
13. Clause 17 (1): Insert “to” between “right” and “property”
14. Clause 18 (1) Request for clarification:
 - (a) Shall Partner States restore to “their” citizens?
 - (b) Will Partner States offer documents to non-citizens?
15. Clause 18(1): Rephrase Clause 18 to read: “Personal documentation for identification and other purposes like birth, marriage and death certificates, personal identification and travel documents, education, land titles, and health certificates that are lost or destroyed in a disaster shall be restored to affected persons by relevant authorities”;
16. Clause 18 (1): Request for clarification: What does “in their own names” mean?
17. Clause 20(1) (b): Reformulate to read: “Lay down policies, plans and guidelines for disaster risk reduction and management activities, including risk assessment, early warning and

monitoring, sharing and dissemination of regional risk information for ensuring timely and effective response to disaster;

18. Clause 20(1) insert new (h) to read: “Establish a regional mechanism for coordination of emergency response and humanitarian assistance with common and standard operational procedures”;
19. Clause 22 (b): Request for clarification:
 - (a) Will the Secretary General be part of “the Board” in person, or will he/she be represented by someone else from his office?
 - (b) The role of the SG in the Board is not clear;
20. Clause 23(3) (f): Replace “and coordinate” by “Promote”;
21. Insert new Clause 23(3)(i): to read: “Develop organizational structure, Terms of Reference and job responsibilities for the EAC DRR and M Unit”;
22. Clause 25(2): Request for clarification on “appointment by the Council”.
 - (c) Appointment should be subject to the term of office.
 - (d) Is this a competitive process?
 - (e) How is the Unit manned?
 - (f) How many experts? Are these permanent staff?
 - (g) Who will compose the secretariat of the Authority?
 - (h) Is it the Unit?

The response from the sub-committee on this was that within the EAC DRR Strategy the disaster risk reduction and management unit is clearly defined with functions and staff requirement. A copy of the strategy should be given to the stakeholders.

23. Clause 27 (2): Request for clarification:
 - a) What is the relation of the Climate Change Adaptation Fund already established by the Summit and the proposed disaster risk reduction and disaster management fund?
 - b) How the two funds can work together in order to avoid duplication
 - c) How can a Partner State access this fund?
24. Clause 27 (2) Comment: Disasters go beyond climate change but it is very necessary to harmonize the two instruments (DRR and CCA);
25. Clause 30(1) and (2): shift these sub-clauses and place them under the functions of the authority (Clause 20)

General Observations from Participants

- 1) The Bill should strengthen each country's existing DRR aspects and should not be seen as a competition or new agenda;
- 2) In Part III on the Institutional Framework, there is a need to define clearly the functions of the Secretary General in both the agency and the board;
- 3) The Law should address issues of duplication of legal instruments at the Partner State level and at regional level;
- 4) This Law should provide for Cross Boarder Disasters

EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE REPUBLIC OF UGANDA

Madam Speaker, the following are the observations made by the stakeholders from the Republic of Uganda:

1. Uganda has a Disaster Risk Management policy in place
2. A National Emergency Coordination Centre in the Office of the Prime Minister has been established for Disaster Preparedness and Response at national level;
3. There is need to tailor the EAC DRR/M Bill to the Hyogo Framework for Action and its Successors as recommended by the Fourth Session of the Global Platform for DRR;
4. The Memorandum of the Bill should capture both the legal and institutional framework;
5. There is need to emphasis both natural hazards and man-induced disasters;
6. In Clause 8(3) "Traditionally Marginalized" was defined as those marginalized by location, civilizations etc.
7. The Bill should make provision for preserving the cultural heritage of the communities to be relocated after a disaster for them to maintain a sense of belonging to their culture;
8. There is need for governments to sensitize the communities on why they need to be relocated after a disaster;
9. There is need for the governments to ensure that resources are availed for disaster risk management;
10. There is need for the Bill to make provision for oil related disasters given the prospects of commercial exploitation of oil in the region;
11. The Bill should include provisions to address trans-boundary disaster risks and emergency response mechanisms;

12. There is need for Partner States to develop a Standard Operating Procedures (SOPS) for disaster risk reduction management and for disaster response;
13. The composition of the EAC DRR/M authority should be reviewed to incorporate DRR technical officers (For example, the head of the disaster risk reduction and management office from each Partner State);
14. The EAC DRRM law should be seen as facilitation for local governments and local communities to make sure that disasters and hazards are well managed at the local level. We should not wait for outside help but rather build on our local strengths and develop our capacities nationally and locally to find solutions for disaster risks;
15. The Bill should address sustainability options with a prevention approach to build resilience of our populations and communities, so that we are not surprised by national hazards and wait for help to come;
16. The Composition of the EAC DRR Board should be reviewed to include DRR technical staff (for Example, the head of the DRRMU to be the Secretary to this board).

Recommendations:

- i. For purposes of soliciting comments from the wider stakeholders of the Bill, the Committee requested participants to make written sub-missions within two weeks after the Public Hearings; these will be forwarded to the Committee Clerk to be incorporated in the final report;
- ii. The participants requested the EALA legislators to carefully review the draft bill and ensure that their concerns are well captured and reflected in the Bill.

EMERGING ISSUES AND INPUTS FROM STAKEHOLDERS IN THE UNITED REPUBLIC OF TANZANIA

Madam Speaker, from the meeting held with stakeholders in the United Republic of Tanzania, the following came out:

A presentation was made by an officer from the Prime Minister's office. He informed the meeting that Disaster Management in the United Republic of Tanzania has been driven by occurrences of many hazards such as floods and droughts. The government saw that hazards are a major challenge and in 1990, the country adopted an Act which put in place a Disaster Coordination Department housed in the Prime Minister's office.

He informed participants on challenges faced by the country in the area of Disaster Management which include low funding and high vulnerability to disasters.

In Tanzania, there are disaster management committees headed by Permanent Secretaries. This was put in place to minimize the impact of hazards. In 2006, the Government adopted the Hyogo

Framework for Action and has since then developed a Policy to guide disaster management across the country. The government is now strengthening its laws on disaster risk reduction.

After the presentation, general observations came out mainly the following:

The Bill has been very well prepared and the content has been picked from the Treaty and from the Hyogo Framework for Action. The representative of the media also underscored the importance of this bill.

Specifically, the following observations on the bill were raised:

1. Operational procedures have focused more on evacuation and left out issues of guidelines to be followed such as Early warning system in order to share information before a disaster occurs.
2. The Need to put in place clear regional communication Strategy to share early warning information;
3. The need to define "national disaster" as it is difficult to know at what level does a disaster become national and who declares it.
4. Clause 11(2) (d): it is difficult to carry out an environmental Impact Assessment so the sub -clause should be reworded.
5. Long title: delete " to establish a fund "
6. Clause 13 (1): stakeholders were of the view that the bill should not refer to the Principles and guidelines but instead we should develop our own principles since some Partner States may not have ratified them.
The Committee clarified that we cannot run away from internationally negotiated and adopted instruments but can only build on them.
7. Suggestion to change the current definition of Man-made disasters to the UNISDR definition ;
8. Insert in the definition of "National disasters" – " as declared by competent national authority"
9. clause (3):delete the term " national" since the bill is regional;
10. Clause (3) : delete " the natural environment affected by disasters";
11. Clause 4 : reference to Hyogo Framework for Action which is coming to an end (HFA to be included as a schedule to the law) : this was clarified that the HFA will continue to exist even after 2015;the consultations towards Hyogo Framework for Action₂ are building on lessons learnt from HFA and will be a complement and be more action oriented. Technical advisor from UNISDR as well as the Members suggested keeping the HFA because it is a very comprehensive framework to address disaster risk.
12. Clause 8 (3):"Traditionally Marginalized people" should be defined because it has different meaning in different EAC Partner States.
13. Clause (9)(1) Insert the word " mental" between "integrity" and "health"
14. Clause 10 (3) –add at the end of (a) and (b) the word "or" to show that there is the idea of alternative;

15. Clause 20 (b): it is a matter of Treaty and therefore should be deleted.;
16. 13 (2) : add at the end " in accordance with international and national laws"
17. Clause 19 (1) delete to avoid duplication as the Authority has the same mandate as the sectoral council; the response to this by Members was that disasters require rapid mobilization and response and hence cannot wait for the lengthy bureaucratic procedures of a sectoral council;
18. Clause 25 (DRMU) Delete it as this is an internal function of the SG to create functional institutions or units as he deems necessary; The response by Members was that the DRRM Unit is already in place and was adopted by the 1st Sectoral Council on Environment and Natural Resources; it is also in the EAC DRRM Strategy which has also been adopted by the second Sectoral council and the bill aims at legalizing this unit in view of rapid decision making and implementation during disaster emergencies. Moreover, the Disaster Risk Reduction Management Unit was established and placed under the direct supervision of the Secretary General. Therefore, there is no contradiction.
19. Clause 27: stakeholders challenged the establishment of the Fund for the following reasons :
 - i. There are so many funds being established at the EAC.
 - ii. There would be a competition in mobilization of resources from the same donors between Partner States and EAC.
 - iii. The issue of equity and transparency in the management of this Fund.

However, the representative of Tanzania Red-cross was of the view that this fund is critical for response to disaster.

The Committee clarified that the fund is needed for emergency response. A technical advisor complemented the members by saying that EAC Partner States are on a right development path and we should not shy away from creating such a fund in view of heavy economic losses associated with disasters.

20. Clause 28 (a) delete it as this is not a responsibility for the Secretary general but rather the mandate of the Partner States;
21. Clause 28(b) delete it cause it is not a function of SG as this is the power of the council;
22. Clause 30 (1) : delete it as this is a function of the Secretariat ;
23. Clause 33: reword it as it is obvious that regional laws override the national laws.
24. On the issue of the mandate of EALA to initiate this bill, stakeholders were of the view that articles 112 and 124 of the Treaty for the Establishment of the East African Community contradict article 59 of the said Treaty. The response was that, before a bill goes to Public Hearings, the East African Legislative Assembly follows a procedure which takes into account provisions of the Treaty. Moreover, Members of the

Committee were of the view that we have to know that aspiring to good principles is good for leaders of this region. They also underscored the need to ensure moving together to push the integration agenda. What this bill is raising are true realities. The spirit of this law is to intervene in situations of emergencies. Therefore, stakeholders were invited to focus more on good intentions and good principles aimed at reducing suffering of our people. Moreover, there is no single country in the world which can stand alone a disaster without intervention from other partners.

COMMITTEE CONSIDERATION OF EMERGING ISSUES AND INPUTS OF STAKEHOLDERS

General Observations

1. There was a general enthusiasm of all stakeholders on the Bill and have provided inputs to enrich it.
2. Disasters respect no boundaries and are everybody's business and in view of increased frequency in occurrence of extreme weather and severe climate Change impacts it is high time for the region to pro-actively collaborate to address this situation.
3. The East African Community Secretariat need to implement the Regional Disaster Risk Reduction and Management Strategy followed by Monitoring and Evaluation to enhance resilience culture among Partner States Communities;
4. In all Partner States, stakeholders were of the common view that the bill is needed as disasters are a real threat to Human lives, property and the environment and sometimes it's management is beyond one country's capacities. They therefore, recommended EALA to enact the East African Community Disaster Risk Reduction and Management Bill as soon as possible while at the same time taking into account the views they raised.
5. Stakeholders were of the view that the Bill should build upon and strengthen each country's existing Disaster Risk Reduction mechanism and should not be seen as a competition or new agenda.
6. After an interactive session with the Council, the Committee learnt about the existence of a protocol on Peace and Security which has some provisions related to Disaster Risk Reduction and Disaster Management. Presently the Protocol have been signed by all partner States and it is in the process of ratification.

Specific Observations

The Committee sat twice to consider emerging issues and inputs from stakeholders in all EAC Partner States and came up with a schedule of proposed amendments attached to this report as *Annex III*

Recommendations

From the main concerns raised by stakeholders and the general observations, the Committee recommends the following:

1. Mainstreaming of Disaster risk Reduction and Disaster Management in all Policies and Programs at Partner State and Regional Level.
2. Sensitize and create awareness raising of the citizens on the risks and dangers of disasters and provide them with knowledge on early warning, mechanisms available for disaster preparedness, response and disaster management.
3. Urge East African Partner States to dedicate a National Body to be in charge of Disaster Risk Reduction and Disaster Management and provide the same at the Community level.
4. Urge the Council of Ministers to develop a Regional Mechanism for the Early Warning and establish a clear Regional Strategies for communication and for sharing the data.
5. Urge council of Ministers and Partner States to conduct a mapping study on Risk prone areas and other Disaster causes in the Region and to establish a data base for the same.
6. In the meantime, the East African Community Secretariat should put in place a clear regional communication Strategy to share early warning information between Partner States and constitute data base information related to disaster risk reduction and disaster management.
7. Request the EAC and Partner States to develop specialized training programs for rescue and quick intervention in case of Disasters and to establish the data base on what is available in the region and beyond;
8. Urge Partner States to harmonize their national laws on disaster risk reduction and management with the proposed Bill once it comes into force.
9. The committee urge the house to support the motion and to pass the East African Community Disaster Risk Reduction and Disaster Management Bill along with the amendments the committee will wish to move when we reach the committee stage.

CONCLUSION AND WAY FORWARD

The Committee appreciates the enthusiasm with which stakeholders interacted with Members during the Public Hearings on the East African Community Disaster Risk Reduction and Management Bill, 2013 and expresses its gratitude to them for their rich inputs.

This activity was very tasking but very enriching as far as knowledge in the sector of Disaster Risk Reduction and Management is concerned. The Committee recognizes the challenges of

getting all Partner States on board at once namely when it comes to issues linked with legislating.

Acknowledgements

The Committee would like to:

- Thank you Rt.Hon. Speaker and the office of the Clerk for facilitating the committee to carry out this activity;
- Thank all the stakeholders met during the Public Hearings for having responded positively and in good numbers to the invitation and for their inputs in the EAC Disaster Risk Reduction and Management Bill 2013;
- Commend the Ministries of East African Community Affairs of Partner States for mobilization of stakeholders, warm welcome and all courtesies accorded to Committee Members during their stay in Partner States;
- Thank the office UNISDR in Geneva for both the technical and financial support that facilitated us in carrying out this activity;
- Finally, I wish to commend my colleagues, the members of the Committee, the Mover of the Bill and the EAC Secretariat for their tireless effort in making this Bill to come to the floor of the house today and sincerely thank all those who have made this activity a reality.

I thank you Madam Speaker. (*Applause*)

The Speaker: Hon. Isabelle, thank you very much for that very good report. Considering that Rule 12 may not be on my side, I want to invite the Chair, Council and considering one or two comments made by the Chairperson of the Committee of Agriculture, I wish to invite the Chair, Council to present his report.

The Minister of State for EAC Affairs, Uganda, and Chairperson EAC Council of Ministers (Mr. Shem Bageine) (Ex-Officio): Madam Speaker, I thank you. Pursuant to Rules 15 and 31 (c) of the Rules of Procedure of this august House, I stand to move a motion that debate of this motion be adjourned. Madam Speaker, I beg to move.

The Speaker: Secunder? Hon. Leontine, hon. Dr Abdullah. Proceed, Chair, Council.

Mr. Bageine: Madam Speaker, first I thank hon. Patricia Hajabakiga for introducing this important and timely Bill. The importance of this Bill is derived from the following considerations, among others.

- (a) The East African and Great Lakes region is geomographically prone to earthquakes, floods, land slide and other natural calamities and
- (b) In the recent past, the East African Community Partner States have experienced disasters like the Bujumbura market fire, the recent fire at Jomo Kenyatta International airport, the destructive floods in Western and Central Kenya and the Rift valley, the sinking of boats

and other vessels especially on Lake Victoria, the sinking of ferries in Mombasa, earth tremors and the floods and landslides in Bududa, Eastern Uganda.

The Council of Ministers decries such disruptions of the functioning of our communities. This is because such calamities cause wide spread human, material, economic and environmental impacts and losses.

Accordingly, a law to provide a regional legal framework to manage and coordinate interventions in disasters is crucial. The Council of Ministers therefore lends credence to hon. Patricia Hajabakiga and the committee on this score.

Madam Speaker, the members of the Council of Ministers have read and understood the objects and contents of this Bill. The provisions of the Bill on operational principles and guidelines for disaster risk reduction and management as reflected under Clauses 4 to 18 of the Bill are understood and appreciated. The Council appreciates the fact that the passing of the Bill would assist in actualising the Partner States obligations as stated in chapter 19 of the Treaty for the establishment of the East African Community and part 4(3) of the East African Development Strategy 2011/2012 to 2016/2017.

Madam Speaker, the other substantive part of the Bill under Clauses 19-28 provides for institutional arrangements for coordination and management of disaster mitigation and reduction. Under these provisions, the Bill seeks to establish the East African Community Disaster Risk Reduction Authority, the East African Community Disaster Risk Reduction Management Board, the East African Community Disaster Risk Reduction and Management Unit, among other institutional arrangements with the attendant financial implications.

This is a matter in respect of which further consultations and situations analysis further consultations and situational analysis are necessary at the level of the Council of Ministers as a policy organ. In this regard, I wish to inform this august House that the Partner States have, pursuant to Articles 124 of 151 of the Treaty for the establishment of the East African Community concluded a Protocol on peace and security. This protocol whose scope includes under Article 2(1) cooperation in disaster risk reduction management and crisis response was signed on the 16th February 2013.

Madam Speaker, the Partner States are required to ratify this protocol by 16th February 2014. I am of the view that the pursuit of the implementation of this protocol will be a shot in the arm for the enactment of this Bill. This is because the matters provided for in the Protocol are in agreement with the object and principles set out in the Bill.

Madam Speaker, in view of this development and the need for all Organs of the Community to act in unison on a matter like this Bill, the Council of Ministers will subject to interventions with the mover of the motion and Committee on Agriculture, Tourism and Natural resources, seek to take over the Bill so that it becomes a Council Bill.

In doing so, the Council will not only take into account the already incorporated substantive objects and principles of the Bill but will, on the basis of Article 15 of the protocol, address the necessary institutional arrangements under the Bill from a policy point of view.

Madam Speaker, the Council undertakes to reintroduce the Bill with such changes as may be necessary as soon as ratification of the Protocol on Peace and security is accomplished.

Madam Speaker, the Council, taking into account different ratification procedures, has urged the Partner States to expedite the process. As a result, the Partner States have already embarked on this process. Therefore, the Council of Ministers is aiming at introducing a revised Bill early next year.

Madam Speaker, it is on the basis of the above considerations that I move that pursuant to Rules 15 and 31 (c) of the Rules of Procedure, debate of this motion be adjourned. Madam Speaker, I beg to move. *(Applause)*

The Speaker: I would perhaps call on hon. Patricia to make a response on this very important motion of adjournment and the chair of the committee so that we are able to be within time according to Rule 12(1) of our Rules of Procedure.

Ms Hajabakiga: Thank you, hon. Speaker and thank you, Chair, Council and thank you, hon. Members. It is true that we did have an interaction with Council of Ministers on this particular issue and we thought it was important still although they requested us to withdraw the Bill but we thought it is better that this Bill is put on record as far as the House is concerned and instead of withdrawing, let us adjourn the debate. It is not the first time that this House adjourns debate on a particular motion, while waiting for the Council to reintroduce a new Bill.

At this particular point if the House so wishes, then we can withdraw this Bill at that opportune time. The only concern which I want to put forward to the House is that in the past, we were promised that certain Bills are going to come forth. Some have taken up to five years and they have never come back to the floor of this House. The issue of time frame as far as the aspect of human rights as already explained in my submission is very critical and we need to work harder and make sure that we save lives.

I want to say that I respect the Council. I commend the work which so far has been done under the chairmanship of the present Chair, Council and believe that the promises that he is giving to this House are going to be as promised. Therefore as a mover, I have no objection on the adjournment of the debate of this Bill. Thank you, Rt. hon. Speaker.

Ms Ndahayo: Thank you, Madam Speaker. As the mover of the Bill has no objection, and also taking into consideration what the Chair of Council has said, we hope that we are going to have this Bill.

I would like to say that we have experience of having so many Bills being adopted by this House but which have never been ratified. We do not know why, we do not know the reasons but we hope that this will follow the whole procedure up to the end; the last stage.

I would like to say that taking into consideration all resources used by the committee and also by the mover up to today, we would like to consider what we have done and also to consider all these resources including human resources, financial and also time. *(Applause)*

I would like to say also that by February next year, I will start reminding the Council of the Bill. Please we need this Bill as soon as possible. Thank you.

The Speaker: I am happy that a time frame has been given both by the Chair Council and the Chairperson of the Committee on Agriculture so in the process of our procedures, the Committee on Government Assurances will be reminding the Chair, Council to ensure that this Bill finds its way back on the floor of this House.

Considering that this is a very important motion, I now put the question that debate on this very important Bill be adjourned as moved by the Chair, Council.

*(Question put and agreed to.)
(Debate on Motion adjourned)*

ADJOURNMENT

The Speaker: Hon. Members, we have come to the end of today's sitting and I want to thank you for being able to dispense of today's business as enlisted on the order Paper. Before we adjourn, I want to inform the august House that tomorrow Friday 30th August, there is going to be a launch of online EAC brand survey and this is going to take place at the EAC main conference hall on ground floor at our building here starting at 8.30 in the morning.

The Secretary General wishes to invite the chairpersons of the respective committees. 8.30 in the morning, all chairpersons of the committees are invited to this very important milestone so chairpersons,, kindly take note on your diary. The time is very early 8.30 in the morning and by 9.00 or 9.30, the function will be concluded so try to keep time.

Secondly, I wish again to remind the members of the Commission that the Commission is going to sit immediately. With those very important announcements, I wish to adjourn the House *sine die*.

(The House rose at 6:15 p. m and adjourned sine die.)