



**EAST AFRICAN COMMUNITY**

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

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

**THIRD ASSEMBLY: FOURTH MEETING - SECOND SESSION**

**Wednesday, 29<sup>th</sup> January 2014**

*(The East African Legislative Assembly met at 2.30 p.m. in the  
Chamber of the Parliament of Uganda, Kampala, Uganda.)*

**PRAYER**

*(The Speaker, Ms Margaret Nantongo Zziwa, in the Chair)*

*(The Assembly was called to order)*

COMMUNICATION FROM THE CHAIR

**The Speaker:** Hon. Members, I wish to welcome you to today's sitting. I want to inform you that the Commission had a meeting this morning and the discussions will be communicated to you in a circular accordingly.

LAYING OF PAPERS

(I)

**Mr. Charles Makongoro (Tanzania):** Thank you, Madam Speaker. I would like to regret that I am caught unawares. I did not know about this and in this case, I am sorry there is nothing I can do to help at the moment.

**The Speaker:** Thank you. That is unfortunate because I thought this is the report of the tour of the EAC Organs and

institutions in which you and I participated in but I cannot lay the report as the Speaker. As one of the members who actually completed the whole oversight activity, that is why you were chosen and I thought that the Clerk responsible should have got in touch with you to arrange with you to lay this on the table. If you are not aware then I cannot do much. Otherwise this is an activity in which you and I took part in and it ended in Soroti, just to remind you. I remember you moved a vote of thanks in Soroti. Whilst many members took an opportunity, you were recognised as one of those so if the clerk did not do that, it would be unfortunate that such an important report will fail to have its entry into Parliament. Procedure. Hon. Makongoro, you can give him way.

**Mr. Zein Abubakar (Kenya):** Thank you, Rt hon. Speaker. That report is not available to anyone; not to Charles-

**The Speaker:** That is a different matter because normally when the report is laid on the table, eventually it is circulated to all. So that is a different procedure.

**Mr. Makongoro:** Madam Speaker, thank you very much. As you were giving your very important explanations, I think I am ready now to lay the report.

Madam Speaker, may I lay the report of the tour of the East African Community Organs and institutions and other organisations. I beg to move.

**The Speaker:** Thank you very much, hon. Makongoro. The clerk, please could you make sure that this report is availed to the members so that they look at it. It is their report, they read it, they participated in these activities so that is what is required. Any other member may refer to it so we did not want to lose this information. Proceed.

(II)

**Ms Sarah Bonaya (Kenya):** Thank you, Madam Speaker. May I lay on table a report on the EALA delegation to the 129<sup>th</sup> IPU conference that took place in Geneva, Switzerland. I beg to lay.

**The Speaker:** Thank you very much, hon. Sarah Bonaya. I also call upon members. This report is going to be circulated to you. We are members of the IPU and sometimes there are very significant and important resolutions and recommendations which are taken there so when the report is circulated to you, you can take off time to refer to it even during your own debates on the floor of the House.

(III)

**Mr. Christophe Bazivamo (Rwanda):** Rt hon. Speaker, I beg to lay on table the report of EALA election observer mission in Kenya done in March 2013. I beg to lay. Copies will be available later.

**The Speaker:** Thank you very much, hon. Christophe Bazivamo. Mr Clerk, kindly avail the reports to the members. I want to say that this was also another activity which was undertaken by EAC and EALA and I think it is good that members are informed of what transpired. So get it and read it and also refer to it as and when you feel it is necessary.

I can see hon. Dora Byamukama is now in the House. Since we have not gone to the next item, I can call her to lay her report on table. Hon. Dora Byamukama.

**Ms Dora Byamukama (Uganda):** Madam Speaker and hon. Members, I thank you for your indulgence. I was actually following up and making sure that the report is printed and I am glad to report that it is being circulated right now in the House. Thank you again.

With your permission, I would like to lay on table a report on the Committee on Legal, Rules and Privileges on the assessment of adherence to good governance in the EAC and the status of the EAC Political Federation.

This is a report of a workshop that took place from the 2<sup>nd</sup> to 6<sup>th</sup> September 2013 in Kampala, Uganda. I beg to lay.

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

SUPPLEMENTARY BUDGET ESTIMATES FOR THE EAC FOR FINANCIAL YEAR  
2013-2014 BY WAY OF MOTION

**The Acting Chairperson, Council of Ministers (Mr. Shem Bageine):**

Madam Speaker, I wish to move that this Assembly do resolve itself into a Committee of Ways and Means and a Committee of Supply to consider and approve a supplementary budget in the sum of US\$ 2,143,960 to the budget of East African Community for the Financial Year 2013-2014. I beg to move.

**The Speaker:** Secunder? Hon. Leontine. I think I now commit this is to the Committee on General Purpose. Chair, Council, can you justify your motion?

**Mr. Bageine:** Madam Speaker, I wish to draw the attention of this august House to the financial statement for the supplementary budget for the Financial Year 2013-2014 and the estimates of expenditure for the supplementary budget for the Financial Year 2013-2014 that I laid on the table on Tuesday 28<sup>th</sup> January 2014.

Madam Speaker, in accordance with Rule 73, 74, 75 and 76 of the same Rules of procedure and Articles 49, 132 and 133 of the

Treaty for the establishment of the East African Community, I beg to move that this esteemed Legislative Assembly, resolve into a House Committee to debate and approve the proposal by the Council of Ministers for supplementary budget of East African Community for the Financial Year 2013-2014.

Madam Speaker, you may recall that the theme of this year's budget is 'Consolidating the EAC Common Market and moving towards the Monetary Union'.

On 30<sup>th</sup> May 2013, this august House approved the budget for the EAC amounting to US\$ 130,429,394 broken down as follows:

The Secretariat US\$ 69,787,824

The East African Legislative Assembly US\$ 13,089,982

The East African Court of Justice US\$ 4,279,489

The Lake Victoria Basin Commission US\$ 30,376,272

The Inter University Council for East Africa US\$ 9,692,785

The Lake Victoria Fisheries Organisation US\$ 3,203,042

The budget was allocated to the following key priority areas over the next three years:

- (a) Establishment of a single Customs territory

- (b) Progressive implementation of the Common Market Protocol
- (c) Implementation of the EAC Monetary Union Protocol
- (d) Establishment of the Free Trade Area under the tripartite EAC/COMESA/SADC initiatives
- (e) Development of cross border infrastructure through implementation of on-going programs and projects in the respective sub sectors
- (f) Implementation of the EAC food security and climate change master plan and EAC industrialisation strategy and
- (g) Implementation of the critical activities of Lake Victoria Basin Commission.

Madam Speaker, after the budget for the Financial Year 2013-2014 was appropriated by this august House, in May 2013, the EAC Secretariat continued sourcing funds for priority activities which were not funded due to shortage of resources. Consequently, the East African Community has received additional funds from the development partners totalling US\$ 2,143,960 to implement various activities under the following projects:



1. Assistance agreement for comprehensive regional development  
USAID funded projects worth US\$ 1,142,763.

Madam Speaker, the United States Government has a long history of partnership with East African Community. The assistance agreement between USA and EAC was signed on 23<sup>rd</sup> September 2009. The agreement has been amended six times. The current amendment of the agreement between the United States government and EAC is the sixth and was signed on 12<sup>th</sup> November 2013.

The agreement provides EAC with a total amount of US\$ 2,206,000. Currently, the United States government, through the United States Agency for International Development (USAID) supports the EAC in implementation of medium term development strategy 2011-2015 as well as realisation of the mission and vision statements of deepening political and economic integration while improving the wellbeing of citizens.

United States of America support cuts across six EAC sectors namely: customs and trade, energy, agriculture, environment, health and EAC institutions.

Madam Speaker, the US\$ 1,142,763 supplementary budget under USAID support that is being sought includes agriculture sector, developing strategy for implementing EAC food security and nutrition policy document at US\$ 74,800 and developing regional

animal resources data base at EAC at US\$ 58,900 totalling US\$ 133,700.

(b) Trade. Conducting national consultations on the draft study on the EAC Common Trade Policy and Strategy at US\$ 75,250.

- Developing EAC competition authority internal rules of Procedure and user guidelines at US\$ 34,750.

- Conducting a regional assessment study on EAC implementation on AGOA framework in all the Partner States and validating the study at US\$ 100,500.

- Coordinating the implementation of commitments on trade in services at US\$ 62,300.

- Developing EAC AGOA policy and strategy at US\$ 7,400.

- Validation workshops on EAC AGOA policy and strategy at US\$ 21,950.

- Preparing strategies for promoting exports to European and emerging markets at US\$ 22,000 and

- Participating in the AGOA fora at US\$ 17,000.

This all totals US\$ 341,150.

(c) Development of a mechanism for the operationalization of a single Customs territory for the EAC Customs Union at US\$ 56,400.

- Development of a regional policy and implementation strategy on coordinated border management at US\$ 63,900.

- Development of a regional framework on single window systems at US\$ 64,200.

- Institutionalising the use of Revenue Authorities Digital Data Exchange (RADDEX) at US\$ 77,550.

- Rolling out of the trade release studies to all major EAC corridors following completion of the pilot of the Northern Corridor at US\$ 96,675.

- Operationalization of the Customs Information Technology regulations at US\$ 47,650.

This all totals US\$ 406,325.

(d) Institutional strengthening. Institutional strengthening, salaries, administrative costs totalling US\$ 261,588.

The EAC World Bank public financial management harmonisation project.

Madam Speaker, as the East African Community moves towards the achievement of the third pillar of integration; the Monetary Union, there is need for the harmonisation of procurement, accounting and oversight functions and practices across the EAC region while observing the international standards and best practices.

In this regard, the sectoral council on finance and economic affairs at its second meeting held in September 2013 directed the Secretariat to explore modalities for supporting Partner States in the following areas:

1. Implementation of international public sector accounting standards.
2. Compliance with best practices of Institute of Internal Auditors.
3. Budgeting systems to harmonise budget classification, budget reporting and the measurement of budget deficits.
4. Approximation of legal and institutional requirements, procurement processes and the capacity development requirements.

5. Application of international organisation of supreme audit institutions auditing standards by the Auditors General offices.
6. Parliamentary public accounts committees in collaboration with East African Association of Public Accounts Committees.
7. Capacity building for public accountants in public administration and management.

In this regard, the EAC Secretariat has mobilised and received funds amounting to US\$ 1,000,000 from the World Bank through an International Development Fund grant for the public financial management coordination and harmonisation in East African Community Partner States to support the coordination and harmonisation projects in the above areas.

The Secretariat has proposed the following use of the funds for the period January to June 2014 for Financial year 2013-2014 US\$ 494,700 and for the period July 2014 to June 2014 or the Financial year 2014-2015 US\$ 505,300.

The Council of Ministers is therefore seeking approval of a supplementary budget amounting to US\$ 494,700 to be able to utilise the first batch of funds for the period January to June

2014 towards implementation of EAC public financial management coordination and harmonisation activities.

2. EU funded East and Southern Africa, African Ocean maritime security project.

Madam Speaker, following the adoption of East and Southern Africa Maritime Security Strategy and Action Plan by regional ministers at a ministerial meeting held in Mauritius in October 2010, the European Union offered to facilitate send funding to support the implementation of the then strategy and action plan in light of the then serious problem related to Somalia piracy in the Indian Ocean.

A technical team drawn from East and Southern Africa, Indian Ocean regional economic committees therefore commenced on a project development exercise which culminated into the signing of a financing agreement for the East African Southern Africa Indian Ocean Maritime Security Project with an overall EU commitment of the European Euro 37,500,000.

The overall objective of the project is to enhance maritime security in East and Southern Africa Indian Ocean region and therefore contribute to the global security and create a favourable environment for the development of the East and Southern Africa Indian Ocean region and beyond.

The specific objective of the project is to strengthen the capacity of East and Southern Africa Indian Ocean region in the implementation of the region strategy and action plan against piracy and for maritime security.

Three responsibilities were distributed out on the various result areas as follows:

- (a) Result area one: Inter Governmental authority n development implementation of the Somali Inland Action Plan.
- (b) Development, strengthen national, regional legal, legislative and infrastructural capability for arrest, transfer, detention and prosecution of pirates.
- (c) Strengthen regional capacity to disrupt the financial networks of pirate leaders and their financiers while also addressing structural vulnerability factors and minimise the economic impact of piracy.
- (d) Enhance national and regional capacity for maritime tasks and support functions.
- (e) Improve regional coordination and information exchange.

Commencements with respect to these interventions must be concluded not later than 12<sup>th</sup> June 2016. The project life covers five years.

Madam Speaker, the EAC component will focus on the following interventions:

- (a) Continuation of existing support to trials of suspected pirates in the region.
- (b) Agreement on harmonised legal framework for maritime law enforcement with the possibility to allow for national adjustments of laws and regulations.
- (c) Development training and monitoring programs as well as provision for equipment for Police, prosecutors and courts staff on a variety of maritime law enforcement angles including human resource development, including support to the Kampala based regional forensic referral centre.
- (d) Development of training and mentoring for prison staff including attention for human rights and the development of staff living conditions and human resources.
- (e) Support for the implementation of prisons reform programs.



(f) Project management

(g) Support for the training of the judiciaries and prosecutors.

Intervention (a) above will be undertaken by the UN office for drugs and crime. The other interventions will be implemented through program estimates concluded by the EAC and EU delegation in Dar es Salaam guided by the EDF 10 procedures and regulations.

The implementation of the EAC component is set to commence on 1<sup>st</sup> February 2014 upon approval of supplementary estimates of US\$ 506,497 covering February to June 2014 to implement the following activities:

(a) Development of a strategic plan for the regional forensic referral centre US\$ 146,231

(b) Foundation intervention for prisons reforms US\$ 150,950

(c) Validation of training curriculum for prosecutors and judicial officers at US\$ 77,460

(d) Recruitment and remuneration of project staff at US\$ 33,600

- (e) Procurement of project equipment and vehicle at US\$ 73,000
- (f) Training and project running costs at US\$ 46,325
- (g) Consultancies at US\$ 14,000.

Madam Speaker, by considering the additional funds, the overall budget will now increase from US\$ 130,429,394 to US\$ 132,573,364 for this financial year.

Madam Speaker, before concluding my statement, I would like to take this opportunity to thank our development partners for the continued support they extend to the Community. In particular, I would like to recognise the following: the United States of America, the World Bank and the European Union.

Madam Speaker, I beg to move. Thank you.

**The Speaker:** Thank you very much, Chair, Council. The Chairperson of the Committee on General Purpose and members of the General Purpose committee, as you are aware, this Bill was committed to you and the minister has now brought the justification for these amounts of money. This report along with the Bill is committed to your committee for consideration and reporting back to the House.

REPORT OF THE COMMITTEE ON LEGAL, RULES AND PRIVILEGES ON THE  
ASSESSMENT OF ADHERENCE TO GOOD GOVERNANCE IN THE EAC BY WAY OF  
MOTION

**Ms Dora Byamukama (Uganda):** Madam Speaker and hon. Members, I would like to move that a report on the Committee on Legal, Rules and Privileges on assessment of adherence to good governance in the EAC and the status of the EAC Political Federation be adopted. I beg to move.

**The Speaker:** Secunder? Hon. Ussi, hon. Pareno, hon. Taslima, hon. Patricia, hon. Frederic and hon. Kiangoi. Proceed, hon. Dora.

**Ms Byamukama:** Madam Speaker and hon. Members, the report reads as follows and I will try to make an abridged version since members have the report.

I would like to move on to the last paragraph on page three which notes that under Article 49 of the Treaty, EALA is vested with powers to establish committees for the purpose of carrying out its functions.

As such, the Legal Rules and Privileges Committee, which was established as a standing committee has the mandate to, inter alia, assess and evaluate activities of the Community and ensure

adherence to the provisions of the Treaty and in particular good governance.

Madam Speaker and hon. Member, the specific objectives of this activity are enumerated on page four and these are as follows:

1. To assess the status of the EAC Good Governance Draft Protocol
2. To assess the status of the EAC Political Federation
3. To discuss and make recommendations on the EAC model of structure of the East African Political Federation
4. To make recommendations necessary for the implementation of the Treaty in respect to good governance and Political Federation.

In executing its work, the committee utilised the following methodologies: review of documents, receipt of briefs, participation in a question and answer session and work shop discussions.

Madam Speaker and hon. Members, according to the EAC Good Governance Draft Protocol, good governance is defined as a process whereby public and private institutions manage resources in a manner that promotes development, human rights, justice,

peace, accountability, responsiveness, inclusiveness, democracy and adherence to the rule of law.

The findings of the committee were as follows:

The EAC Good Governance Protocol was initiated as a good governance framework by the East African Community. Partner States supported this good governance framework and recommended that it be upgraded to a good governance protocol. The EAC went ahead to draft a Good Governance Protocol that incorporated the following key pillars; human rights and promotion of equal opportunities, transparency, accountability through economic governance, access to justice, equality and equal opportunities, democracy and democratisation and adherence to the rule of law, constitutionalism and access to justice.

In 2012, some Partner States raised issues on the draft Protocol on Good Governance in relation to economic and corporate governance and whether good governance is an area of cooperation that warrants conclusion of a protocol.

The revised Good Governance Protocol is marked as annex one. This protocol has been sent to the sectoral Committee on Legal and Judicial Affairs for an advisory opinion on the issues raised. Discussions on the good governance draft protocol are still on going to date.

## 2.2 Observations.

1. The committee observed that adherence to universally accepted principles of good governance is a condition precedent for any country to become a member of, be associated with, or participate in any activities of the Community under Article 3 (b) of the Treaty.
2. The committee further noted that the principle of good governance is one of the fundamental and operational principles of the Community as provided for under Articles 6 and 7 of the Treaty respectively.
3. The committee noted that the principle of good governance underpins the objectives of the Community and includes adherence to principles of democracy, the rule of law, accountability, transparency, social justice, equal opportunities, gender equality, as well as recognition, promotion and protection of human and peoples' rights in accordance with the provisions of the African Charter on Human and Peoples' rights.
4. The committee further noted the need to take into account Partner States constitutions while considering the good governance principle and the need for clarity on areas of cooperation under the Treaty.

5. The EAC Good Governance Draft Protocol provides clarity on the definition of good governance and sets benchmarks to which all EAC Partner States and those that aspire to join the EAC are expected to adhere to.

### 2.3 Recommendations

1. Noting the need for a clear definition and benchmarks for the good governance principle in respect of Article 3 (b) of the Treaty and Articles 6 and 7, the process of concluding on the EAC good governance protocol which stalled should be expeditiously concluded.

2. The EAC should establish and enhance institutional mechanisms to monitor and establish adherence to the good governance principles in the Community.

3. The EAC Council of Ministers should update the Assembly on the current status of the Good Governance Protocol.

Madam Speaker and hon. Members, I would like to move on to 3 which is on assessment of the status of Political Federations.

### 3.1 FINDINGS

Whereas other areas of the EAC integration are elaborated upon to some extent in the Treaty, the ultimate goal - Political Federation has scanty information on how Political Federation is to be attained.

Chapter 23 of the Treaty provides for cooperation in political matters, and in particular Article 123 (1) of the Treaty provides for the establishment of common foreign and security policies particularly with respect to the eventual establishment of a Political Federation.

The Treaty is not explicit on Political Federation time lines which prompted the Summit, in accordance with Article 123 (6) to direct the Wako Committee to make recommendations on Political Federation.

The Wako Committee report recommended for an overlapping achievement of integration stages and the fast tracking of Political Federation.



The Partner States did a referendum on whether the people supported EAC Political Federation. The findings in all Partner States supported the EAC integration however; fast tracking Political Federation was not fully embraced by all the Partner States.

During the referendum, Partner States raised fears, concerns and challenges others known as FCCC and some of these include: loss of sovereignty, lack of clarity on the Mode of Federation, disparities in governance, the effect of Political Federation on existing national, foreign and defence policies, unique challenges affecting some Partner States, economic imbalances, labour and competitiveness, loss of land and disparities in land tenure system, increased costs / sharing of benefits of integration, loss of social cohesion and national identity, erosion of cultural and traditional norms and values, lack of identification documents, erosion of National Affirmative Action policies, disparities in Partner States' social protection systems and spread of epidemics as a result of free movement. The detailed report of the team of experts on addressing the fears, concerns and challenges of the East African Federation are attached as Annex II.

The Summit directed that a committee of experts makes recommendations on how to address the fears, concerns and challenges which were raised in the referendum.

Recommendations on fears, concerns and challenges were noted by the Summit, which thereafter directed the Secretariat to develop a model of the Political Federation structure and action plan.

In response to the Summit directive, the Secretariat presented an action plan attached to this report as Annex III and a draft model of the structure of the EAC Political Federation attached as Annex IV to the Summit in November 2012. The Summit referred the action plan and the EAC Model of Political Federation structure to the Partner States for comments.

The action plan for the attainment of Political Federation encompasses:-

- o Milestones
- o Activities
- o Timeframe
- o Responsible center and
- o Output.

3.2 is on the draft model of the structure of the East African Political Federation and this encompasses:

1. The rationale for Political Federation;
2. The purpose of the Political Federation;
3. The establishment of the federation;
4. The principles, values and objectives of the federation;
5. The model of the federation;
6. The structure and composition of the federation organs;
7. The powers and functions of the federal government;
8. The powers and functions of the constituent states;
9. Concurrent roles and responsibilities;
10. Federation institutions and assets;
11. Federal budget, capital and anthem; and
12. Transitional arrangements.

Deliberations on the status of Political Federation highlighted the following aspects covered in the draft model structure of the EAC federation.

(a)(i) The rationale for the East African Federation has a foundation in the shared common history of the people of East

Africa and the need to safeguard it and pursue a common destiny in order to survive in the challenging global arena.

ii) The people of East Africa have enjoyed close historical, political, social, economic, cultural, lingual and other ties for generations and acknowledge the necessity to move beyond economic integration to deeper integration driven by a Political Federation. It is significant to note that prior to 1997, the defunct East African Community had succeeded in establishing the supranational institutions such as the East African High Commission, the East African Common Services Organisation as successive joint organizations for the said countries to control and administer certain matters of common interest and to regulate the commercial and industrial relations and transactions between the Partner States. This was to be by means of a central legislature which would also act on behalf of the said countries laws relevant to the purposes of the said joint organisations.

iii) In 1999, the Partner States, through the Treaty for the Establishment of East African Community committed themselves to attain their integration successively through establishment of a Customs Union, a Common Market, a Monetary Union and ultimately

a Political Federation. Irrespective of their individual national identities, history and diversity, the people of East Africa realize that deeper integration would promote a common identity and deepen the spirit of *eastafricanness* and offer the best chance of pursuing a common destiny and survival for future generations.

iv) The draft model structure of the EAC Political Federation notes that the current pace of economic integration calls for a robust and dynamic political commitment. Such commitment would enhance the upholding of the universal values of democracy, freedom, equality and respect for the rule of law within the region. The establishment of a Political Federation entails the pooling of sovereignty into a single stronger political entity that would enhance the capacity of the region to better manage its resources, safeguard the economic, social and political gains as well as participate effectively in regional and global affairs.

v) A Political Federation would facilitate regional peace, security, stability, good neighbourliness and peaceful settlement of disputes. The establishment of a Political Federation will advance the dignity of the African people and

the attainment of the Pan-Africanist ideals, goals, objectives and principles contained in continental declarations and instruments including the 1980 Lagos Plan of Action, the Final Act of Lagos, the 1991 Treaty establishing the African Economic Community, (Abuja Treaty) and the Constitutive Act of the African Union, all on Economic Development of Africa.

Madam Speaker and hon. Members, the purpose of the Political Federation under (b) is that it will unite the Partner States into a Federal State with a unified and coordinated political authority, capable of coordinating its policies in order to pursue common political, security, social and economic interests for sustainable growth and economic transformation in the socio-cultural, technological and political fields.

(c) The establishment of the Federation

In accordance with the Draft Model of the Structure of the East African Political Federation, it is proposed that the Partner States of the East African Community that come together first will be the founding members of the Federation. It is further proposed that Federation could pick a name from the following proposed names:

- i) Shirikisho la Afrika Mashariki;*
- ii) Federation of East African States;*
- iii) The Federal Republic of East Africa;*
- iv) The Federation of East Africa; and*
- v) The United States of East Africa*

It is proposed that the agreed form of the Federation will be governed by a Federal Constitution that will be negotiated and subjected to a referendum by the peoples of the Partner States.

It is also proposed that, at an appropriate time, a Treaty for establishing the East African Political Federation will be developed and negotiated by the EAC Partner States.

Further, there should be a mechanism and criteria for admission of new states into the Federation.

Madam Speaker and hon. Members, I would like to move to (d) on principles, values and objectives of the Federation. It is proposed that the Federation should be founded on and be guided by defined fundamental principles, operational principles and clear objectives. The fundamental principles on which the

Federation should be anchored include the sovereignty of the people and the Federation.

Among the key operational principles are the supremacy of the Federal organ, the principles of subsidiarity and equitability. The key objectives of the Federation include the establishment of a central authority over the Federal territory, and the consolidation of the gains and benefits so far realized from the current level of integration.

(d) The model of the Political Federation

It is proposed that the Federal State shall be constituted by a two-tier structure composed of the Federal and Constituent States. The Federal State will be responsible for defined Federal matters, while the Constituent States will remain autonomous on matters that do not fall within the Federal competence.

It is further proposed that the division of powers and functions should be informed by the overriding need to avoid conflict of powers. It is proposed that the Federal State be composed of a Federal Executive, Federal Legislature and a Federal Judiciary,



with functions based on the principle of separation of powers between the three Organs.

More information on the proposed Legislature, Executive and Judiciary is provided in the report. I would like to move on to page 11 on the issue of powers and functions of the Federal Government.

It is noted that the powers and functions proposed for the Federal Government are informed by international practice. These include defence and security, foreign affairs and international trade, immigration, infrastructure development, and the Federal public service, among others.

(g) The Powers and functions of the Constituent States

It is proposed that the Constituent States will be expected to implement Federal laws and policies and remain responsible for and autonomous in all non-federal matters. These will include land, local government, matters of personal law, domestic trade amongst others.

(h) The draft model of the structure of the East African Political Federation appreciates that in some areas where there

will be concurrent competencies between the Federal and Constituent States, these may include areas such as citizenship, statistics, census, justice and constitutional affairs, education, health and agriculture, amongst others. Provisions have been made on how the concurrent competences will be exercised.

(i) Federal Institutions and Assets

A number of Federal institutions will need to be established including the Federal Central Bank, Federal Electoral Commission and a Federal Service Commission, amongst others. The Federal assets will be sacrosanct.

(j) Federal budget, capital and anthem

It is proposed that there will be a Federal Budget, Capital and Anthem.

(k) Transitional arrangements

It is proposed that the Federal Constitution will need to make deliberate provisions on transitional arrangements that will be necessary to ensure smooth and effective transition.

A report on comments from the Partner States on the action plan and model structure of the EAC Political Federation was to be tabled before the Summit in November 2013.

Madam Speaker and hon. Members, I would like to move on to observations of the committee which are on page 12.

- 1) Studies on Political Federation have been undertaken in the past such as the Munanka Report which respond to the slow pace of EAC's integration continues to inform the process.
- 2) The rationale and vision of the EAC political integration needs to be articulated afresh bearing in mind that historical ties and sharing of cultures may no longer be the only compelling reasons for a Political federation.
- 3) It is noted that Political Federation has in the past and in different contexts taken on different forms which include:-
  - i) Coming together like in the USA and Switzerland;
  - ii) Holding together like Belgium and Nigeria;

- iii) Putting together - imposed from the centre like the former Ethiopia;
  - iv) Confederation where the centre is subjected to the will of the constituent states;
  - v) The union of states like the European Union; and
  - vi) The Union *sui generis* which is uniquely modelled to suit a specific political union.
- 4) The committee observed that the union *sui generis* model of political integration may best suit the East African Community Political Federation.

#### 3.4 Recommendations on the proposed EAC Political Federation

1. There is need to amend the constitutions of the EAC Partner States to allow for Political Federation.
2. There is also need to coordinate on Political Federation and use terminology that emphasizes the positive aspects, for example ceding of power may not be as palatable or constructive as pooling of resources.
3. There is need for the establishment of a structure that continuously sensitises the people of East Africa on the integration process in order to eventually achieve a

Political Federation that is considered legitimate and people centred.

4. There is need to continuously address fears, concerns and challenges since new ones keep emerging.
5. A budget line needs to be in place for EALA to carry out sensitization programmes.
6. EAC should also involve EALA at the Partner State level in the sensitization programmes to bring citizens on board. An institutional framework to discuss the establishment of the East African Political Federation should be established.
7. Given the fact that Political Federation is the ultimate goal of EAC integration, there is need for a coordinated approach to involve all stakeholders including EALA in the systematic steps towards this end.

Madam Speaker and hon. Members, the proposals on the EAC model structure of the EAC Political Federation have been covered earlier on in the report. Allow me to go to the recommendations which are akin to what I have been reading out on page 14 and the recommendations are under 4.2. These are in respect of the EAC model structure on the EAC Political Federation.

1. It could be better to begin with a few areas of federal matters and to give a time frame for the remaining ones.
2. The committee notes that the East African Court of Justice should be given extended jurisdiction to handle matters of a federal nature.
3. A comprehensive evaluation of achievements and challenges of the three pillars of integration should be done in order to build on to what has already been achieved and address that which has not been addressed.
4. The committee proposes that implementation of protocols and decisions taken at the Community level should be fast tracked to feed the integration process towards a Political Federation.

Madam Speaker and hon. Members, I would like to move on to 5 which is on the conclusion. The Good Governance principle is internationally recognized. It is a condition precedent to any country joining the EAC. Good Governance is a fundamental and operational principle which should be clearly articulated and binding on all EAC Partner States.

Political Federation is the ultimate goal of the EAC integration. As the EAC works towards this ultimate goal, there

is need to continuously ensure that other stages of integration are realized because these are building blocks of integration. The EAC should learn from other integration models in order to adopt that which best suits its people and circumstances.

Madam Speaker, I would like to conclude by acknowledging your office and expressing the committee's appreciation for the support that you gave it and that of the Clerk for granting it space and resources to undertake an assessment of adherence to good governance in the EAC and the status of the EAC Political Federation.

Special thanks go to the hon. Shem Bageine, the Minister for East African Community Affairs. At that time he was Chair, Council of Ministers and the Deputy Secretary General on Political Federation of the East African Community who graciously attended the meeting and provided staff to facilitate.

We would also like to thank the EAC ministry staff for taking off time and for assisting us organise for the meeting.

The committee also appreciates the work of the staff of EALA and in particular the Clerk who facilitated this activity. I thank you and I beg to move.

**The Speaker:** Thank you very much, hon. Dora Byamukama for that very important report. Hon. Members, the motion on the floor is that the report of the Committee on Legal, Rules and Privileges on assessment of adherence to good governance in the East African Community and the status of the East African Community Political Federation be adopted. Debate is open.

**Mr. Leonce Ndarubagiye (Burundi):** Thank you very much, Rt hon. Speaker for giving me the floor. I support the report and I commend the committee that prepared this report. They have given examples of other federations in the world and I have not seen the example of our Partner Tanzania which has become a Union in one single day and we are being late to realise this critical federation. Anyway, even if it comes, let us hope that it will happen one day.

I do not believe that there is need to reinvent the wheel and what kind of federation we wish to have. They proposed a very good name that I support very much; the Federal Republic of East



Africa. Others may also prefer another name but definitely it will go through a referendum and the people of East Africa will decide.

I stand here to say my total support of this motion because I believe that each small country alone in the world of today has no future. In the case of Rwanda, Burundi and Uganda as land locked countries is a situation that should end tomorrow if it was possible.

Furthermore, not having a big coast like Kenya and Tanzania have is a very big handicap in international trade. Many people ask themselves, why did China succeed when Russia did not when they moved away from the system that was in place before 1990? The very simple reason is that Russia has no coast yet China has a very big coast that gives it a straight road to the world market. That is one of the reasons.

The second reason is that China has no debt while Russia had a lot of debt. Unfortunately, we also happen to have a lot of debts that we shall get rid of or just write them off if possible.

Anyway, I stand up again to support a Political Federation. The committee however has not suggested ways of hastening that federation. Thank you very much and I support the federation.

The Speaker: Thank you very much.

**Ms Nancy Abisai (Kenya):** Thank you, Madam Speaker. I would like to thank the Chair of the committee for a very good report. I think it is very comprehensive and has given us a lot of information. I would like to also say that the committee did a very good job in terms of coming up with and giving us various observations, recommendations and also the annexes that are attached to the report are very important because it helps us to be able to understand and when we interrogate these issues, we talk from a point of information and knowledge.

Having said that Madam Speaker, I think I want to support this report and say that I want to look at this in three aspects: one in principle, two in perspective and three in practice.

One,. I would like to say that in principle it is true that the principle of good governance is internationally recognised and I think within Africa, there have been efforts to make sure that many states are adhering to principles of good governance. What

then is practised in these countries and what is written is normally not in tandem.

The aspects of the rule of law, human rights, issues of social justice which all of us know that many countries in Africa are suffering from and of course East Africa is not an exception and the aspect of good governance and the fact that it is not an option but actually a fundamental and operational principle as the report quite rightly puts it.

So the adherence of the principles of good governance must be re-emphasised in all our documents and anything that we put up especially when we are talking about Political Federation.

Also in principle, I want to look at the principle of subsidiarity and equitability. This is very important if we have got to ensure fairness in terms of how the federation is being discussed and what model is being drafted. I have had an opportunity to go through the model and I think there are so many aspects that would need a lot of people coming together and understanding.

We have not even finished the Monetary Union which of course has its own challenges and I think when we move towards Political Federation, it is good that the Partner States also look at what unites the Partner States in terms of the principle of subsidiarity and equitability which I think is a very important principle when we are thinking about the draft model.

In perspective, I would like to look at the aspect of the constitution. I know that this is an issue that is not easy to be discussed but a constitution for federal- for the Partner States- I am already calling it federal I do not know. Maybe it is because it was mentioned here but this constitution is important because it is going to come out with values, principles and as Partner States what we stand for.

It is also going to spell out a lot of issues. I have seen what is anticipated and envisaged but I think we need to begin to think about the constitution and not wait at that time when we have finished the other aspects. So I think the aspect of constitution especially in perspective of looking at the Political federation is a key aspect to look at.

Thirdly Madam Speaker, it is in practice. The report has quite clearly emphasised the need for sensitisation. In practice, I think if the citizens of East Africa do not understand Political Federation then achieving it is not going to be very easy. The report has spelt out clearly that there is need to coordinate action on Political Federation and use of terminology of course in terms of pulling resources other than other things.

I think if let us say EALA is involved- I support the idea that EALA must be involved in sensitisation programs in terms of Political Federation because at the end of the day when we talk about referendum, who are we discussing? We are discussing the ordinary citizens and if they are not involved then it is not easy for us to achieve.

So Madam Speaker, I want to support this report because it talks about the Political Federation and principles of good governance and it has looked at it in the three aspects; in principle, in perspective and in practice.

With that Madam Speaker, I support the report, thank you.

**Dr. James Ndahiro (Rwanda):** Thank you, Rt hon. Speaker. Let me also take this opportunity to thank the people and government of Uganda for the hospitality accorded to all of us since we came. Thank you, Uganda.

Rt hon. Speaker, I am not a member of this committee and actually I have some clarifications which I want the Chair or the committee members to at least explain. One, on page nine where she was reading about the formation of the federation, I heard her reading that the three founding states will be the founding members of the federation. I just want clarification on what this means.

Secondly, I do not know whether it is possible for us to be given more time to look at this report because some of us have just heard it from this Chamber now. If we could have more time, go through the report and probably when we are debating next time, we can have input that can improve the report.

One of my concerns is about ideology. You cannot talk about Political Federation or coming up with a model of federated states without mentioning or without debating the issue of ideology. This is because you cannot talk about good governance,

you cannot talk about all those Articles in the Treaty without mention of ideology. We need a debate on this, we need consultations on this and people must be clear about the federation that they are joining.

I suspect that that was one of the questions that East Africans paused. What is it? What kind of federation? What political system are we going to follow? We must be able as leaders and politicians to explain. We can only explain after we have understood.

As a Parliament, we need to understand not only the process but even the ideology of this Community. Are we going to adopt the scale that we see in the world? When I say the scale, I want to refer to the measurement of political ideologies out there. You hear in European Union when people say there is a movement towards the right and that is a concern to some people. Or there is a movement towards the left or there are politicians emerging now who are centre right or centre left. You hear that in their federation. What are we hearing now in our own federation?

I think there are so many issues that we need to understand so as to make others understand.

Rt hon. Speaker, my last request is to the Chairperson of this committee. I wanted to move two friendly amendments. One, that the Council of Ministers prepare a comprehensive report and table it to this House on Political Federation issues.

Two, that the Committee of Legal and the Committee of Regional Affairs together engage with the technical groups in our Partner states so as to understand fully some of these issues that are forming their positions or opinions so that they can make this House understand the details before we go out there to respond to the questions of our people. Thank you, Rt hon. Speaker.

**The Speaker:** Thank you, hon. Ndahiro. I think you will be assisted by hon. Ogle or any other member to have those amendments written and forwarded so that the Chairperson of the committee can see whether she will be able to take them on.

**The Counsel to the Community (Mr. Wilbert Kaahwa):** Madam Speaker, it behoves me to first of all live to the important ritual established in this House of expressing appreciation to all those parties who enable the House to sit wherever it sits.



On that score, let me join issue with my honourable friends who have deemed it fit and appropriately so, to thank you, the Rt hon. Speaker of the Parliament of Uganda, the Parliament of Uganda, the government of Uganda and the people of Uganda for enabling us hold the Fourth Meeting of our Second Session in Kampala.

To those of us who may be appearing in Kampala for the first or second time, the ambience which has been extended to us is quite remarkable.

Madam Speaker, I also join issue with my honourable colleagues in congratulating you upon the solid achievements which this august House was able to attain during the year 2013 and to wish the House success and God's abundant blessings in the year 2014.

Lastly I join them in expressing appreciation to His Excellency Yoweri Kaguta Museveni, the President of the Republic of Uganda for the elaborate and far sighted speech he made before this House on 21<sup>st</sup> January 2014.

Madam Speaker, let me indicate at the outset that as a co-opted member of the Committee on Legal, Rules and Privileges, I

support the motion and in the spirit of enabling other members who are not members of our committee and who may not be exactly privy to what is contained in the report, I will not be saying much on the report apart from proposing a few slight amendments which hon. Dora Byamukama will be bold enough to accept, I imagine for purpose of improving on the text.

Before I proceed, Madam Speaker, let me use this opportunity to formally inform the House on the outcome of some litigation which was hanging on this House like Damocles sword throughout the year 2012 and 2013 and which I am proud to say was finally resolved in favour of hon. members of this House whose election and continued stay in this House had been impugned.

Madam Speaker, allow me to indicate to you that a very good friend of mine, hon. Abdu Katuntu, the shadow Attorney General in the Parliament of Uganda instituted a reference in the East African Court of Justice where he challenged the election of nine members of the Assembly from the Republic of Uganda; the entire membership from the Republic of Uganda and sought to have those elections set aside and sought an order blaming the Secretary General for recognising you as members of this august House.

Hon. Katuntu sought orders to have your membership impugned and in a similar reference, another enthusiastic East African of Ugandan origin; Among Amooti Anita who happens to be the treasurer of one of the biggest political parties; the Forum for Democratic Change instituted another reference challenging the legality of the Rules of Procedure by which the Parliament of the Republic of Uganda elected Uganda's representatives to the East African Legislative Assembly and sought declarative orders *inter alia* that the nomination and subsequent election of the members contravened Article 50 of the Treaty and sought an order constraining the Secretary General to cease to recognise the nine members as duly elected members of this august House.

Another order for fresh nominations and elections of the EALA members from Uganda to be conducted under what she called proper rules of procedure.

Madam Speaker, at this point in time, because both pieces of litigation have been resolved in our favour, we can laugh and smile but I wish to point out to you that if these references had been decided in favour of the two applicants, the efficient running of this Assembly, the efficient discharge of its

obligations and responsibilities as provided under the Treaty would have been adversely affected. This is because the House would not be properly constituted when one of the Partner States is not represented.

So had they succeeded in their prayers for declarations that EALA members were not properly and lawfully elected, those from Uganda and subject to appeal by the respondents and the outcome of those appeals, there would have been withdrawal of membership of your good self and your eight colleagues, with dire consequences on the entire EALA membership and functioning of the Assembly.

Madam Speaker, it is therefore important to appreciate that in both pieces of litigation in respect of which the nine members affected were interveners, the court decided in our favour.

On a light note Madam Speaker, you cannot imagine this august House without the astute, firm and effective guidance of the Rt hon. Dr Margaret Nantongo Zziwa. You cannot imagine this House meeting without the professional and procedural articulation of issues from a legal point of view of hon. Opoka, Nakawuki, Byamukama and Mukasa Mbidde. You cannot imagine how we would

have missed the calm and composed demeanour of hon. Tiperu and hon. Mulengani. You cannot imagine what we would have missed in the lively, highly spirited and often persuasive debating stances of hon. Sebalu and hon. Kidega. Lastly, you cannot imagine what we would have missed if the judgement had gone against us. We would have missed the unfathomable and incisive humour normally exhibited by hon. Susan Nakawuki.

Madam Speaker, I have had experience on the outcome of such litigation. A few years ago when hon. Dr Anyang Nyongo and my sister hon. Mumbi Ng'aru and eight others instituted similar references. The House was disabled from sitting and discharging its obligations to the disadvantage of hon. Sarah Bonaya and the rest of the East African people.

Hon. Speaker, having said that much, allow me to go to the report and as I indicated earlier, I do not intend to say much. I have been party to what has been conducted by the committee in coming up with this report. I subscribe to the recommendations and also to the observations.

Amdam Speaker, all I want to do is to propose a few amendments for purposes of ensuring that the Hansard has got a correct text

of what the committee intends to bring to the attention of this august House.

Sorry for taking your time, Madam Speaker I am looking for my document. I have now got it. The first correction I want to propose is on page four of the report. The first paragraph reads as follows, "Accordingly, the committee undertook an assessment of adherence to good governance in the EAC and acquainted itself with the status of the Political Federation."

The committee could not have acquainted itself with the status of the Political Federation because the Political Federation is futuristic, we do not have it. What we did was to acquaint ourselves with a status of on-going steps towards the establishment of the Political Federation.

I am therefore proposing the addition of the words 'on going steps towards the establishment of the' between the words 'the' and 'political' in the second line of that paragraph.

Madam Speaker, the other proposed amendment I have on the report is with regard to what appears on page eight under item numbered roman II. The paragraph reads, "The people of East Africa have

enjoyed close historical, political, social, economic, cultural, lingual and other ties for generations and acknowledge the necessity to move beyond economic integration to deeper integration driven by a Political Federation.”

It is the sentence which follows where there is what I feel a mistake and it could be corrected. It reads, “It is significant to note that prior to 1977, the defunct East African Community had succeeded in establishing the...” then it goes on to indicate what was established. Historically, the defunct East African Community which was established in 1977 could not have established the East African High Commission or the East African Common Services Organisation because those are institutions which preceded the East African Community of 1967-1977.

I therefore propose that the committee, through the chairperson, feels obliged to delete the words ‘the defunct East African Community had succeeded in establishing’ and substitute therefore the words ‘there had been established’. It will now read ‘prior to 1977, there had been established the East African High Commission, the East African Common Services Organisation’ because factually that is the correct position.

Madam Speaker, the other proposed amendment I have is with regard to the recommendations which appear in part 4 (2) of the report and specifically with regard to the second recommendation. The second recommendation page 14 paragraph 4 (2) reads, "The East African Court of Justice should be given extended jurisdiction to handle matters of a federal nature."

Matters of a federal nature are more or less reflected in Article 27 paragraph 2 of the Treaty. Matters of a federal nature and taking cue from the defunct Court of Appeal for East Africa which existed before 1977, are matters like appellate jurisdiction, human race jurisdiction and original jurisdiction. It would be more informative and more complete if we borrowed the wording of Article 27 (2) and incorporated it in this recommendation so that those who are reading the recommendations would understand exactly what the committee has in mind as far as providing and ensuring jurisdiction of a federal nature is concerned.

Madam Speaker, the other contribution I have is by way of a comment and this is in regard to what appears on page 5 in paragraph two of the report. The second paragraph reads that, 'In 2012, some Partner States raised several issues on the draft



Protocol on good Governance in relation to economic and corporate governance and whether good governance is an area of cooperation that warrants conclusion of a protocol.'

Madam Speaker, the issue of what areas should be covered in protocols concluded under Article 151 of the Treaty has been a moot point. Some of us have argued that the Council of Ministers can conclude protocols on any area of cooperation especially in respect of those fields which under Article 131 are not articulated under the Treaty.

Some other schools of thought have thought otherwise that a protocol must be on a definite and clearly provided for area of cooperation but I would like to inform this august House that in a reference instituted by one Timothy Kahoho against the Secretary General, the East African Court of Justice has ruled that the protocols can be concluded on all areas of cooperation whether mentioned or not succinctly mentioned in the Treaty because that is the only way Partner States can reflect their ideals and aspirations in matters which are not clearly articulated under the Treaty.

The other comment I would like to make and much as this would be commented upon by the Chairperson of the committee is with regard to the matter which Dr Ndahiro brought forth in his contribution because he was of the view that the chairperson or any other member of the committee can clarify. This is with regard to Partner States which will be the founding members of the federation.

The chairperson clearly indicated and the report clearly states so that in accordance with the draft model of the structure of the East African Political Federation, the Partner States of the East African Community that come together will be the founding members of the federation. She did not mention and the report does not, that the founding members of the Community will be the founding members of the federation. It is the Partner States which come together like the five which have come together so far which will be the founding members of the federation.

Madam Speaker lastly, allow me to inform this august House that with regard to this matter, at the 15<sup>th</sup> Summit of Heads of States held in November last year, the Heads of States directed the Council of Ministers to present a report on the outcome of

consultations on the model structure of the political federation to the 12<sup>th</sup> extra ordinary summit which is slated for April 2014.

Madam Speaker, with that contribution, I support the motion and I thank you.

**The Speaker:** Thank you very much, hon. CTC. I want to note with appreciation that the CTC was able to join the team of those distinguished legal brains and was able to save the axe which was hanging over the head of the Speaker along with her other colleagues from the Uganda chapter so thank you very much and I want this to go on the *Hansard* for our appreciation.

**Mr. Kaahwa:** I am sorry, Madam Speaker. At the risk of you blaming me for acting in a manner which is unprocedural, you have prompted me to say something more to complete what I said because you are thanking those legal minds who assisted in ensuring that the reference was decided in the favour of the Community and the interveners.

May I mention the names for the purpose of the journal? The name of the counsel who appeared?

**The Speaker:** Go ahead since this is a subject for the whole House.

**Mr. Kaahwa:** Madam Speaker, while I appeared for the East African Community for the Secretary General, my learned colleague Justine Semuyaba appeared for the interveners who are the nine members of this House elected from the republic of Uganda. Appearing or the First respondent who was the Attorney General of Uganda and therefore representing the Parliament of Uganda, in both references were Mrs Robinah Rwakoojo, Mr Phillip Mwaka, Mr Elisha Wafirawala, Miss Maureen Ejang, Miss Eva Kabundu and Mr Abdallah Kasozi.

It behoves me to also mention that hon. Abdu Katuntu was represented by my learned colleague Mr Laudislas Rwakafuzi and Anita Among Amooti was represented by my learned colleagues Joseph Kyazze and Simon Kizza.

My three colleagues who represented the appellants may not have succeeded but their contribution together with ours enabled the East African Court of Justice ensure the application of law in interpreting the Treaty and specifically Articles 50 and 52 of the Treaty. I therefore owe them some gratitude also and their

contribution together with the contribution of the counsel for the respondents served in enhancing the establishment of a common regional jurisprudence which we are all yearning for as we implement Article 126 of the Treaty for the establishment of the East African Community. I thank you, Madam Speaker.

**The Speaker:** Thank you very much for the information and I still maintain my appreciation and the appreciation of the members of the Uganda chapter first and foremost to the counsels who represented both ourselves and those respondents who you mentioned in the case. Also as you have made the case appear as it was, we also appreciate those who gave chance to the East African Court of Justice to do its jurisdiction of interpreting the Treaty and coming up with the decision it came up with. So congratulations to hon. members of the EALA Uganda chapter.

**Mr. Abdullah Mwinyi (Tanzania):** thank you very much, hon. Speaker. I would like to join my colleagues in thanking the people, the government and Parliament of Uganda for having been very hospitable hosts.

Madam Speaker, I have four points to make, one of which is general and three are specific to the report that was read very ably by my Chair.

The first general point is on the format of reporting. Unfortunately in our Parliament we have a challenge of time and bearing in mind how we work, time will always be a challenge. We tend to get reports very close to the plenary or during plenary and based on the structures and days, at most we can do a day before and even that would still be a challenge.

So it becomes critical that the format and structure of the report is such that it make it clear and easy for members of this august Assembly to digest since not much time has been availed.

I would like to commend my Chair and to also recommend to other Chairs of other standing committees and maybe the House to come up with a format of reporting that is structured, clear and to assist us in digesting the report and hopefully contributing effectively before this august House.

Second, the report has been divided into two main areas. The first is on matters of good governance and the second on Political Federation. I will start with good governance. In order for any country to become a member of the East African Community, there are three aspects that must be adhered to and all those who wish to apply to the Community will be given these three aspects and the Secretariat through the structures would actually go and see if they adhere to these fundamental principles for them to come and be part of the Community.

The importance of good governance to this Community makes it one of those fundamental questions. There are three things. One, a country must border at least one member state. Two, a country must adhere to a free market economy. Three, the principles of good governance, rule of law and democratisation must be entrenched in that country.

I mention these three things specifically because they are intertwined with my honourable friend Dr James Ndahiro's intervention. He raised a very important matter of ideology.

In our global world today, the deep divisions of ideology that existed only a few years ago are no longer there. The far right

and far left do not exist- maybe with the exception of Cuba which is slowly reforming, even China is not the China of 30 or 40 years ago. It is a very different place.

So the sphere of ideological divergences has narrowed and those three things that we are talking about; that first one must border a Partner State, two you must have a free market economy. So a country with a command economy, with far left leanings can never be a member of the East African Community.

A country that does not subscribe in its own Partner State to the fundamental and operational principles of good governance, rule of law and democratisation cannot be members. So the common denominator for us in this Community is those two things; free market economy and adherence to these very important principles.

That narrows the ideological divide. You can have centre lefts, centre rights by whatever means you say the ideological difference is very narrow and our issues in the Community in terms of development are very similar.

So I would like to put it to my friends that the ideological aspect of it actually has been dealt with under the original



Treaty and the sphere of divergences is very limited. These three principles are actually measured before a country comes into the Community. It was the case with the republic of Rwanda and the republic of Burundi.

If you look at the Treaty, it is very clear that these are not just entry requirements. They have to be sustained. You cannot adhere to the principles of good governance, rule of law and democratisation at inception and once you are in, do what you want.

So I would like to urge the Council of Ministers to do what they can in order to finalise the protocol on Good Governance since this is a very principle aspect of our integration process.

The third point I would like to talk about is Political Federation and I would like to use a reference of the United republic of Tanzania; the so called reluctant partner.

The United Republic of Tanzania is very progressive, very East African in nature and very pro-integration and Political Federation as the Wako report would testify. In fact, there were more people from the United Republic of Tanzania that agreed to

a Political Federation than in any Partner State in terms of percentages. It is not just the numbers because we have a large population.

We have a unique challenge, we are a united republic. It is a union between Tanganyika and Zanzibar and there is a union between the two countries that must be taken into consideration. It is a union that only a month ago that we celebrated. Actually it was earlier this month that we celebrated 50 years. It is something that we wish to preserve and we also on both sides of the union are very East African and wish to participate at the final stage of our journey; at the Political Federation stage.

With this in mind, we have been very careful in looking into this and I have good news in that after the completion of the draft Political Federation format by the Secretariat and it was sent out to the Partner States for their views, only the United Republic of Tanzania came with a comprehensive view and structure as to how the Political Federation should be. It is a very interesting structure and I would urge my colleagues to take a look at it. It is a federal structure that reconciles the union between Tanganyika and Zanzibar as well as the federal structure of East Africa.

Finally Madam Speaker, a word on the sectoral Council on Judicial and Legal Affairs. As was mentioned in the report, like most things that are happening in the East African Community. All proposed legislation seems to be heading into the cess pit that is the sectoral Council on Legal and Judicial Affairs. I have been reliably informed that there are 12 legislations by the Council to be brought to this august House that are actually sitting and has been sitting there for a while.

Our protocol, a very fundamental protocol as I have just mentioned in my submission is still lying there for I do not know how long. I would urge the Chair of Council to bring to the attention of this sectoral Council on Legal and Judicial Affairs on that negative impact that it is causing to the integration process. It is about time we speak about it, about time we put more pressure on this very sectoral council to ensure that we attain what we all signed up for.

With those remarks, Madam Speaker, I beg to submit and to support the report. I thank you.

**Ms Maryam Ussi Yahya (Tanzania):** Thank you very much, Madam Speaker. Before I go to the report, because it was mentioned by my colleague who has just spoken. Zanzibar will be part of the federation and I would like to take this opportunity to congratulate Zanzibar which is part of Tanzania for celebrating 50 years of revolution which His Excellency Yoweri Museveni attended and I was very happy to see him.

Madam Speaker, let me declare that I am a member of this committee and I support this report. I would like to congratulate hon. Dora Byamukama our chair for the good work she has put in this report.

Madam Speaker, as a member I would just like to comment a little but because I have seen this report, we have discussed it as a committee so there is not much I want to put.

My humble prayer is for the Council of Ministers especially what has been mentioned on page eight sub section 3 that in 1999, the Partner States through the Treaty for the establishment of East African Community committed themselves to attain their integration successfully through the establishment of the Common Market, . Monetary Union and ultimately Political Federation.

Madam Speaker, I want members to look at this 'successfully' in bold and maybe 18 font size. This is because as a member of General Purpose Committee, we always look at the budget and the sensitisation activities. They are the ones who receive least money and on page 13 (5) of our recommendations, we said that a budget line needs to be in place for EALA to carry out sensitisation programs and EAC should also involve EALA at the Partner State level in sensitisation programs to bring citizens on board.

Madam Speaker, I have been singing about sensitisation so many times when I stand here. We have already been on the Common Market, on other stages of integration. We have now signed the Monetary Union and later on we will go to Political Federation.

As EALA, are we doing enough today to sensitise our citizens? In our program as EALA, do they allow us to reach our goals? Do our activities really reflect the hunger for us to get to Political Federation?

I would like to put my humble prayers for the Council of Ministers to consider this recommendation seriously because we

need to look back at the stages we passed through before we get to Political Federation. We cannot get to Political Federation and some aspects of the Common Market and other areas are hanging around. It will be very difficult to get our people in line with Political federation if we have not assessed ourselves on what stages we have passed through, what stages we are in.

On the last note, I would like to talk about the fears that have been mentioned and that are included in this report in annexure two. We need to do something so that these fears are taken care of before we move to Political Federation otherwise we will get to Political Federation and still our people will not know anything about where we come from and where we are going. We need to assess ourselves.

The Council of Ministers and I am happy today the DSG (F&A) was here. We need to put more money on sensitisation. Thank you, Madam Speaker and I support the report.

**The Speaker:** Thank you very much. I think the last on this would be hon. Shy-Rise and hon. Taslima and then I will invite Chair Council to make his comments also.

**Ms Shy-Rose Bhanji (Tanzania):** Thank you, Madam Speaker for giving me the opportunity to also give my contribution on this report which has been very well presented by *mheshimiwa* Dora Byamukama, the Chair of the Legal Committee.

Madam Speaker, today I am going to be very brief. I want to talk specifically about the draft model of the structure on the East African Political Federation. Specifically on page 10 on the structure and composition of the federal organs. If we can all have a look at this page, sub section one on legislature.

Madam Speaker, it says that the federal legislature is proposed to be bi camera. The proposed senate will be composed of equal representation from the constituent states. The key functions of the Senate will be to safeguard, promote and enhance interests of the federation and to represent the interests of the constituent states. The House of Representatives will be composed of members elected on the basis of proportional representation of the population. My question is, if East African Community's budget is donor dependent, we all know that over 70 percent of EAC budget is dependent on donors. So where are we going to get the funds to run the Senate and House of Representatives? Where is the funding going to come from?

I would like to be enlightened on this so that we are all on the same page. Thank you.

**Mr. Twaha Taslima (Tanzania):** I thank you very much, Rt hon. Speaker. Madam Speaker, I have to declare that I am one of those in the committee and I would like to add on what has been said by my colleagues here.

I would like to start by quoting what *Mwalimu* Julius Nyerere said. He said, "the developed or rich world is uniting to enhance their economic interests against our economic interests." In short, they are uniting against us. This means he was emphasising the need for us to unite and come together not only economically but also politically.

Of recent, I have had similar contentions from His Excellency president Yoweri Museveni of Uganda. I have heard similar contentions from His Excellency President Kagame of Rwanda. They said in principle what *Mwalimu* had said. Now here we are. Who are we not to unite politically and economically? Really united we should, there is no way we can go out of it. There is a



Kiswahili saying that *umoja ninguvu utengano leugaishi*. This means that unity is strength but disunity is weakness.

The East Africans can certainly not choose weakness, they must go for strength in which case they must unite and here is a proposal for us to accept this Political Federation as a way of uniting and as a way of becoming stronger.

Madam Speaker, what entails Political Federation? I am not going to read this report but I just want to point out, Madam Speaker with your indulgence page nine. What entails Political Federation? The first paragraph and I would like to read this sentence only at the top. It says, "The establishment of a Political federation entails the pooling of sovereignty into a single stronger political entity that will enhance the capacity of the region to better manage its resources, safe guard the economic, social and political gains as well as participate effectively in regional and global affairs."

I think these are the things that all East Africans are asked and they are going to say yes to. What is the purpose? The purpose is on page nine under (b) where it says, with your permission, Madam Speaker, "the purpose of the Political

Federation will be to unite the Partner States into a federal state with a unified and coordinated political authority capable of coordinating its policies in order to pursue common political, security, social and economic interests for the sustainable growth and economic transformation in the social, cultural, technological and political fields.”

All these are the goods that we can reap from the Political Federation. Much has been said about some quarters saying they are afraid that some of their strength would go down because they are losing some sovereignty, some economic reaping but I can say just as His Excellency Yoweri Museveni said the other time, that we are talking about dwarfs; talking about which dwarf is taller than the other dwarf is just wasting time.

Therefore let the dwarfs unite. Let us pool our resources together and we shall be stronger and that is the end result of our aspirations of this union.

Madam Speaker, I thank you and I beg to support the motion.

**The Speaker:** Thank you, hon. Taslima. Hon. Shem Bageine.

**The Acting Chairperson, Council of Ministers (Mr. Shem Bageine):**

Thank you very much, Madam Speaker. I would like to take this opportunity to thank the chairperson of the committee that presented this report to this august House.

Madam Speaker, I have listened to the chairperson's explanations while presenting the report and I have also listened to views expressed by various members who took the floor.

Madam Speaker, this report comes at an appropriate time when we have been in the process of discussing Political federation in East Africa. As the Counsel to the Community said, the Summit received a report of the Council of Ministers on this very subject. Following the request by the Secretariat through a document sent to the partner States on the proposed federal structure, on the road map and action plan, we received comments from four Partner States in which they expressed their views on these subjects we sent papers on.

One Partner State has yet to produce its comments and we hope that the Partner State in question will do so, so that we present a report to the extra ordinary Summit of heads of State scheduled for April this year.

Madam Speaker, I do not know whether members of the committee cited these responses but they are varied, very interesting to read but above all, none of them is opposed to Political Federation. They are varied in the manner in which we will proceed to achieve the Political federation, the timing, the naming of the federation, the structures relating to the bi-camera parliaments and so on.

Madam Speaker, I believe that by the time we present our report to the Summit, we will have looked at the contents of this report from this committee which will provide us with valuable information that we will incorporate in our report and recommendations to the Summit to take the next step.

Of particular interest to me is a point raised by one of the members about sensitisation and awareness creation. Madam Speaker, it is important that the population of East Africa is fully engaged in the process of determining the future of our region particularly in terms of Political Federation.

We state in the Treaty establishing the East African Community that our Community will be people centred and indeed that should

be the basis on which we should move. I want to believe that once the people of East Africa have been sensitised and are aware of the Community and what it stands for, have benefitted from implementation of the integration process particularly in the field of economics, infrastructure development, the Common Market protocol and free movement of peoples in the region, it will be easy for them to take a decision.

But ultimately, it is the people who will take the decision. This will call for a referendum by the people of East Africa to determine the future of this region in terms of Political Federation. As I said, the comments are varied, we are studying them and perhaps it might be useful if at an appropriate time, we link up with the committee so that we prepare together a report that we will be submitted.

Madam Speaker, I want to thank again the committee. This subject is important to us as East Africans. Some people have asked questions as to what should come first; whether Political federation or implementation of the other pillars. There are varied views again on this. We find ourselves almost in the situation of chicken and egg because if I remember looking at one of the reports of the senior experts, they were talking

about lack of power at the centre to be able to drive things forward.

I want to believe that it is important we go step by step, we integrate through the process of implementation of the areas we have already agreed upon while we move on to the ultimate Political Federation of the people of East Africa.

Madam Speaker, I thank you.

**The Speaker:** thank you, Chair Council. Hon. Dora, you can wind up debate. I recognise that hon. D Ndahiro wishes that debate could be adjourned but you know that under our rules, there is a stipulated procedure by which debate is adjourned so since you did not move in that direction, I will call hon. Dora to wind up debate.

**Ms Byamukama:** Thank you, Madam Speaker. I would like to thank you for this opportunity and to thank the hon. Members and hon. Bageine for Council of Ministers as well as the honourable CTC for all your valuable comments. The fact that hon. Ndahiro wished the debate to be adjourned clearly shows that we have stirred your interest in this subject matter and therefore I

would like to start by requesting that you kindly, Madam Speaker enable us link up with the Council of Ministers so that we can do the linkage that hon. Bageine talked about so that we can work in harmony because as hon. Taslima said *umoja ninguvu*. Thank you very much.

I will not brush through what people have said because I think they are very valid points. I may not give concrete answers but let me endeavour to highlight some of the issues so that the record captures them succinctly for further discussion.

Hon. Leonce, thank you very much for your wisdom and highlighting the fact that we did not give the example of the United Republic of Tanzania. I think you were spot on, we should have included it but tactfully we did not and I am glad that it has come up through the presentation of hon. Mwinyi because we had other issues which came up from this as well as for example the Buganda question and when I saw hon. Nakawukli wearing the beautiful traditional dress, I remembered that some of the fears and concerns are that people will lose on their cultural identity and other identities that they may have.

I would like to say from the offset that as hon. Ussi Yahya said, these fears and concerns yes should be addressed but on the other hand, we also note as a committee that they are not static and we may never exhaust them. New ones come up in different forms and therefore we need a mechanism to continuously address these fears and concerns so that people look at it as pooling of sovereignty and therefore strengthening our own existence.

Madam Speaker, hon. Leonce talked much more about the issue and asked why the committee did not suggest ways of hastening Political Federation. I would like to answer you in your very own words using the United Republic of Tanzania which was able to achieve federation at that time it was Tanganyika and Zanzibar in a matter of a few months, if I am correct; 24 hours to be specific. Thank you. This was based precisely on political will and you and I know it very well.

On the other hand, I would like to say that in certain instances, political will may not be enough and therefore we have to work from a bottom up in order to expedite the issue of Political Federation but I thank you for challenging us and I think the committee will take it in its stride to suggest ways



of hastening Political Federation since we are amongst the politicians who should also be cultivating this political will.

Hon. Nancy, thank you very much for your organised and logical intervention I really do not have much to add. The issue of principle, perspective and practice and I would like to say that we shall take on your contribution.

Hon. Ndahiro had very salient points he raised and this really challenged our thinking and I believe that much as hon. Mwinyi tried to respond to the issue of ideology, what hon. Mwinyi mentioned in terms of free market economy, the issue of good governance and the issue of geographical neighbourliness are components of the ideology. The ideology is deeper and actually has some aspects of good governance and elements of values.

Therefore, I believe like was said before by hon. Leonce, much as we might not be social democrats or whatever, we need to be very clear on our ideology lest anybody can come and take us either centre left or centre right or right right. I do not know which way so basically I would like to implore the honourable Chair, Council of Ministers that we should give some time to this issue of ideology because as His Excellency President

Museveni has said, when you go wrong on the issue of ideology then you may actually have started in the wrong footing and therefore our own existence and our own federation may not stand the test of time.

Hon. Ndahiro was requesting for more time. I believe this has been taken on by the Rt hon. Speaker. It shows that we actually have to do much more. He has also proposed recommendations as you rightly highlighted that the Committees on Legal and Regional Affairs should engage together on these issues. I wholeheartedly agree to this idea and Madam Speaker and hon. Members, I think at this point in time, it would also be very good if the whole House was brought on board on the issue of Political Federation. We need to share this information and I would like to pledge that the Legal, Rules and Privileges Secretariat has said that it will send you a soft copy of fears, concerns and challenges, a soft copy of the Wako report and another copy of the Munaka report so that we are all on the same page on this matter.

Maybe for the record, I will read the amendments of hon. Ndahiro and I would like to take these on, on behalf of the committee. He says one, the Council should table a comprehensive report to

the House on Political Federation. Two, the Committee of Legal, Rules and Privileges and the Committee of Regional Affairs and Conflict resolution should engage with technical teams from Partner States to get more explanation on the merits and justification for their proposals. These are the two proposals and I would like to say that these two committees actually do share certain portfolio and therefore I am comfortable with this and I think it would help us expedite this whole process and our intervention as soon as possible so that the Summit can take it into account.

Madam Speaker, the honourable Counsel to the Community who is a member of our committee made some pertinent remarks and I would like to congratulate him and members of EALA from Uganda on winning the case. Some of us felt that the case had no legs and we were very scared that the judges may have ruled that it was merely an academic exercise as was done in some other case but we are glad that this has come to pass and that we are here and will continue to enjoy our different attributes.

I would like to take on the comments made by the honourable counsel to the Community. I really have nothing useful to add because partly he is also the Attorney General and if I meant to

differ, it means I would have to go to court and I am not ready to go to court at this point in time. So I thank you for your contribution and thank you for being a very active member of the Community.

The honourable Counsel to the Community made some mention of the first countries who will be the founding members of the Political Federation and I believe this was also brought out by hon. Ndahiro. Let me read it for clarity because it seems to be raising a few questions. "In accordance with the draft model of the structure of the East African Political Federation, the Partner States of the East African Community that come together first will be the founding members of the federation."

So I would like to ask that maybe we need to make this very clear because when you talk about the East African Community states that come together first, I think what comes to members' minds is that three founding members. I do not know if this is the case but I think the hon. Counsel to the Community, as I said before has given clarification and therefore I think this will be the guiding principle on this very point.

I would like to move on very quickly to the issue of hon. Mwinyi. I really do not have much more to say. I think he has covered very important aspects on the format, on the issue of ideology and I think he also gave us some more insight on the issue of the United Republic of Tanzania which encompasses Tanganyika and Zanzibar.

I just want to say that the sectoral Committee on Legal and Judicial Affairs has become synonymous with delays and I would like to add my voice to his which is imploring the Chair, Council of Ministers to make it known to them that we would not like to name and shame them but we are duly informing them that we are concerned about the pace of work and we would be glad for expeditious response.

Hon. Maryam Ussi Yahya, thank you very much. I think I did mention some aspect of what you said on the issue of fears and concerns. I would like to congratulate you as originating from the United Republic of Tanzania and in particular Zanzibar on celebrating 50 years of the revolution. I would like to recall that we had early interaction with Zanzibar in that the son of this very soil of Uganda Field Marshall John Okello had a hand

in this revolution. So as early as 50 years ago, we had already started exporting revolution in the East African Community.

Hon. Shy-Rose, thank you very much for your comments and these go to the issue for example of financing mechanisms. I would like to confess here that the questions which I have been raising on the floor of the House have not been personal questions. These questions were generated by the Committee on Legal, Rules and Privileges. I am just a mouthpiece. I have been privileged to present them in the House and I thank you for giving us the space.

As you can recall, one of the questions we raised was on alternative funding mechanisms. So here it is again and I am glad the honourable Chair, Council of Ministers is here. We cannot claim to be politically federated and therefore independent at that level if we continue to depend on our partners for 70 percent funding. It is a critical issue and we would like to put it to you that having funding mechanisms in place which show that the East African Community is a priority amongst priorities is key to building confidence that we can politically federate.

Hon. Taslima, I will not endeavour to try the Swahili again. Indeed unity is strength and I believe that when the drafts get together, we shall be taller.

Hon. Shem Bageine, we thank you very much for your comments and as they say, timing is everything. He mentioned that the report will be tabled by the Council of Ministers on Political Federation in April this year. This is January, actually we have almost concluded January so we implore your good offices, Rt hon. Speaker to find some space for us in either February or March so that we are able to interrogate this issue further.

The Committee on Legal, Rules and Privileges actually has an activity on 16<sup>th</sup> March but since we are combining with regional Affairs and you may choose to have the whole House, we implore you to find some space so that we can take into account the response that has already been gotten from the Partner States on this very issue.

Madam Speaker, I do not have any other comments to make but to state very clearly that the committee is ready to link up with the Council of Ministers and all the members of this House so

that we can have your input taken into account when the Summit meets in April 2014.

With these few comments, I beg to move that the report on assessment of adherence to good governance in the EAC and the status of EAC Political federation be adopted. I beg to move.

**The Speaker:** Thank you very much, hon. Dora Byamukama for the good winding up. I acknowledge that you have requested specifically that sometime be arranged for the Committee of Legal, Rules and Privileges and the Committee of regional Affairs to interface on this issue. In the event that we do not have government assurances, I think the Clerk or yourself could drop a little note to the Speaker to make sure that there is harmonisation of some of these committee activities so that this specific request is taken into consideration.

I want also to put on record our congratulations to the people of the United Republic of Tanzania but more specifically the people of Zanzibar *umbuja* people upon 50 years of revolution. Congratulations once again.



Hon. Members, the motion on the floor is that the report of the Committee on Legal, Rules and privileges on assessment of the adherence to good governance in the East African Community and the status of the East African Community Political federation be adopted. I now put the question.

*(Question put and agreed to.)*

**The Speaker:** Thank you very much, Chairperson, Committee on Legal and also the members of the committee. Hon. Members, we have come to the end of today's sitting. I want to thank you for the committment you have shown. Before we adjourn I have one announcement. I wish to inform you of the invitation from the Minister of State for East African Community Affairs, our own hon. Shem Bageine. He is inviting us for a cocktail which I scheduled to take place tomorrow Thursday 30<sup>th</sup> January 2014 at Imperial Royale Kampala. Time is 6.00 p.m. He is inviting us members of EALA and members of staff. Kindly spare that evening for that very important occasion. Thank you very much, hon. Bageine.

With that announcement, hon. members we have come to the end of today's sitting. House is adjourned to tomorrow 2.30 p.m. House stands adjourned.

*(The House rose at 17:27 p.m. and adjourned until Thursday 30  
January 2014 at 2.30 p.m.)*